

PLANNING COMMITTEE
Council of the County of Maui

M I N U T E S

Council Chamber

August 30, 2016

CONVENE: 9:01 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 (left at 9:13 a.m.)
Councilmember Michael P. Victorino (arrived at 9:04 a.m.)
Councilmember Mike White (arrived at 9:07 a.m.)

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)

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

ADMIN.: Michael J. Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel
William Spence, Director, Department of Planning
Erin Wade, Planner, Department of Planning

OTHERS: Rosemary Robbins

PRESS: *Akaku Maui Community Television, Inc.*

PC-33 COUNTRY TOWN DESIGN GUIDELINES FOR THE MAKAWAO-PUKALANI-KULA AREA (C.C. 15-253)

CHAIR COUCH: . . . *(gavel)* . . . Will the Planning Committee meeting of August 30, 2016, please come to order? It is now 9:02. My name is Don Couch. I'm the Chairman of the Committee. First things first, let's turn off all noisemaking devices, cell phones on stun, please. Okay, joining us today is the Committee Vice-Chair, Robert Carroll.

VICE-CHAIR CARROLL: Good morning, Chair.

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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.

CHAIR COUCH: Aloha, good morning. Councilmember Don...or Vice-Chair Don Guzman.

COUNCILMEMBER GUZMAN: Good morning, Chair.

CHAIR COUCH: Good morning. Coming in, in a few minutes, will be Councilmember Victorino and Mr. White. Council Chair White will be coming in a few minutes as well. Neither of our non-voting Members are here. From the Administration, we have Will Spence, the Director of the Planning Department.

MR. SPENCE: Good morning, Chair.

CHAIR COUCH: Good morning. And Erin Wade, Planner of the, small town Planner, I guess.

MS. WADE: Good morning.

CHAIR COUCH: Good morning. And we have Deputy Corporation Counsel, Michael Hopper.

MR. HOPPER: Good morning.

CHAIR COUCH: Good morning. And Legislative Attorney, Greg Garneau.

MR. GARNEAU: Good morning, Chair.

CHAIR COUCH: Good morning. Committee Secretary, Pauline Martins. Good morning. And from the Hana District Office, we have Dawn Lono. Good morning.

MS. LONO: . . .*(inaudible)*. . . office is here.

CHAIR COUCH: 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, good morning. And from the Molokai District Office, we have Ella Alcon.

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

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CHAIR COUCH: Good morning. Members, we have one item on the agenda today, it's PC-33, Country Town Design Guidelines for the Makawao-Pukalani-Kula Area. First, we're going to open public testimony, and anybody testifying in the Chamber, please sign up at the desk outside the Chamber door. If testifying from the remote sites, please sign up with the District Office Staff. Testimony will be limited to the item listed on the agenda today. And pursuant to the Rules of Council, you'll be allowed three minutes to testify and one minute to conclude. We'll be using the lighting system. The green light will be on for three minutes. Then the yellow light will be on for one minute asking you to start wrapping up your comments. And then the red light will be on, and we would like you to stop your comments 'cause that's four minutes. When testifying, please state your name and any organization you may be representing. Members, without objection, we'll open public testimony.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR COUCH: Okay, first and only person to sign up to testify in the Chambers is Rosemary Robbins. And while she's coming down, we want to welcome Member Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. Good morning.

CHAIR COUCH: Good morning. Okay, Ms. Robbins.

. . . BEGIN PUBLIC TESTIMONY . . .

MS. ROBBINS: Good morning, everybody. Feel better, Mike? First of all, I'd just like to say thank you so much to the folks on the 7th floor, the Council Services Staff yesterday, who were just wonderful in helping me to get to where I needed to call. Did make the calls. They're identified on the phone. Did not get any response so let's see how this is gonna go. The first thing and the only thing that we have on our agenda this morning is the County Communication No. 15-253, and its purpose is to be able to adopt County...Country, excuse me, Town Design Guidelines for the Makawao-Pukalani-Kula Area. I drove down from there this morning and there was a double rainbow. Did you see that? Just gorgeous. Thank you, God. And the status of this situation now is that you could adopt this without further revisions. My comment to that would just be in a nutshell, God help us.

CHAIR COUCH: Ms. Robbins, could you state your name, please, for the record.

MS. ROBBINS: Oh, that's it, you got it. Rosemary Robbins, concerned citizen. This morning the agenda identifies County Communication 15-253, so I got a hold of that yesterday on the 7th floor. It's a communication from the Director of Planning. Okay. And it says in here that even though in 1992, there were never circulated names for the signators for this to have had a get go to begin with. So, over a quarter century ago. And they just now have come up with this. This is dated year 2015 in September. I

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got a hold of the identification of the folks who dealt with that, but never signed off on it, prepared for County of Maui, by PBR, whoever they are and also consultants, Spencer Mason Architects, Warren Unemori Engineering, Inc. So, I tried yesterday to get a hold of the minutes of the meetings or any of that would have been relevant. And I called over to Director's telephone and talked with a couple of ladies, both of whom hung up and gave no information, not a good deal. So, in talking about this resolution today it does identify that since 1992 nobody has picked up on this and they would like that to go through in a quick hurry. I did go through those materials yesterday, and it talks about a current update for the outfits that are up in Kula. In this morning's newspaper said that the hospital under Kaiser's name will be going through next July, so time on our hands to work on this. After what we went through with Lanai and people having been told about what they can and can't do based on decisions that were not from them. We're facing the same thing. So, please don't let this go through today without having due diligence done to get that done. Thank you.

CHAIR COUCH: Thank you, Ms. Robbins. Any questions to the testifier? Seeing none, thank you.

MS. ROBBINS: You're welcome.

CHAIR COUCH: And I wanna welcome Council Chair Mike White. Good morning.

COUNCILMEMBER WHITE: Good morning, Chair.

CHAIR COUCH: All right, let's go to the District Offices. Hana, do you have anybody testifying?

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

CHAIR COUCH: Okay. Molokai?

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

CHAIR COUCH: And Lanai?

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

CHAIR COUCH: Okay, Members, seeing no one here in the Chambers other than Ms. Robbins who did testify, without objections, we'll close public testimony.

COUNCILMEMBERS VOICED NO OBJECTIONS.

. . . END OF PUBLIC TESTIMONY . . .

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CHAIR COUCH: Okay, public testimony is closed. Thank you, Ladies. All right, Members, this is a County Communication from Planning Director requesting that the Council adopt by resolution the design guidelines for the Makawao-Pukalani-Kula area that were reviewed by the Maui Planning Commission in 1992, but never finalized. The Department also requested that the five reference maps in Volume 1, Exhibit A, to the resolution be updated to show the properties that are now zoned B-CT, which is Country Town Business District, in Chapter 19.15, Maui County Code. According to the Planning Director, there were two sets of updated maps for the Committee to choose from. The first set shows the BC-T properties only, while the second set shows both the BC-T properties as well as properties with other business zoning. The Department also mentioned that they are preparing significant changes to Chapter 19.15, Maui County Code, and will later be seeking to amend all of the design guidelines for small towns. It's also important to note that pursuant to Ordinance No. 3417, in 2006, the Council imposed a requirement that design guidelines and standards be adopted by resolution of the Council. Prior to 2006, design guidelines were adopted as rules by the respective Planning Commissions. The code in effect when the guidelines were reviewed by the Planning Commissions in 1992 required: (1) review and comment by the Urban Design Review Board; and (2) review by the Commission at an advertised public meeting in the current country town and public hearing in the Community Plan District. Current law, Maui County Code, Section 19.510.110(B), similarly requires: (1) review and comment by the Urban Design Review Board; and (2) an advertised public meeting in the respective country town and a public hearing by the appropriate Planning Commission. The main differences I see between the requirements in 1992 and today is that the design guidelines were previously adopted by rules and now a Council resolution is required. Members, I would first like to ask the Department to explain, based upon their review of the records, the steps undertaken by the Urban Design Review Board and the Planning Commission to review the design guidelines. I would like to confirm that the requirements for review and comment by the Urban Design Review Board, and a Planning Commission public meeting Upcountry, and a public hearing before the Planning Commission were all satisfied. I would then like to confirm with the Deputy Corporation Counsel that the review process used in 1992 meets the requirements of the current Code, and that there are no legal impediments to the Committee making a recommendation today. First off, Mr. Spence, comments?

MR. SPENCE: Thank you, Mr. Chairman.

CHAIR COUCH: You got to turn on...there you go.

MR. SPENCE: Hold on. Thank you, Mr. Chairman. We consider this a housekeeping matter. This is something...these design guidelines have been in use since 1992. We...all the business owners that we've encountered that at least that I'm aware of have sought to comply with these. Everybody has a vested interest in keeping their country towns, you know, in that character. So, the...this was something that, oh gosh, I forget when we discovered that it was never formally adopted. It was several years ago. So, we're just seeking to correct that omission and have them formally

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adopted by Council. My understanding, the Deputy Director was in charge of this project, and my understanding is these absolutely were reviewed by the Urban Design Review Board at that time as well as the Planning Commission, and we're working on confirming those exact dates for you.

CHAIR COUCH: When you say the Deputy Director, is that in 1992 or the current Deputy Director?

MR. SPENCE: The current Deputy Director. This was her project.

CHAIR COUCH: Oh, okay.

COUNCILMEMBER VICTORINO: Chair?

CHAIR COUCH: Mr. Hopper, I wrote a letter on June 14, 2016, with questions relating to the amount of time that passed since the guidelines were reviewed by the Planning Commission, and the proposal to include the reference maps. My understanding is that you don't see a problem with adopting the guidelines now or including the maps, even though that they're not same maps as, that the UDRB and the Planning Commission reviewed. Can you expand upon that please?

MR. HOPPER: Well, Mr. Chair, the Code doesn't have a date...well currently the requirement is that the Urban Design Review Board and the Planning Commission review prior to Council approval. At the time they were actually reviewed, the only requirement was Urban Design Review Board, and Council...or and Commission adoption, and not Council approval. To meet today's requirements, the requirements are Urban Design Review Board review, Planning Commission review, and then Council adoption. The Code doesn't specify a period of time between the Planning Commission review and the Council review. It is fully within the Council's authority if it would like, based on the time passed, to request that the Planning Commission provide its review and comments. That's an option. If the Council believes that that review in the past was adequate at this time, and that the guidelines are adequate, it does have the ability to pass the guidelines by resolution. It could amend the guidelines or add to them as well at this point. And, I think, that's where the maps would come in if the Council wants to make amendments to these maps, which I understand were...are basically reference maps, and not actually regulatory maps, and perhaps the Department can confirm that. Then that's not a problem. I mean, the Council does amend ordinances frequently when it gets them from the Planning Commission prior to adoption and has the ability to do that with these, which are adopted by resolution if it would like. Again, this is at the Council's option, but I would not see it a strictly legal failing based solely on the time passed between the Commission review and the Council's review. Whether that's a policy issue is up to the Council though.

CHAIR COUCH: Okay. Just wanted to confirm that everything because there's no requirement in the Code that we do it, that they would've had to do the signatures right away in 1992, and since the Code changed in 2006, now that we have to do a

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resolution. The guidelines haven't changed. The County is already using those guidelines and people who are doing any kind of building in those districts are using those guidelines and nothing has changed between now and then, except for the maps because if you look at some of the old businesses they're not there anymore but other businesses are in their place. Is that correct, Mr. Spence or Mr. Hopper?

MR. SPENCE: That's correct.

CHAIR COUCH: Okay.

COUNCILMEMBER VICTORINO: Chair?

CHAIR COUCH: Yes, Mr. Victorino?

COUNCILMEMBER VICTORINO: You know, and, thank you, and I appreciate getting this cleared up and finalized. And since 1992, I don't know how that slipped under the radar, but it did. Well, Mr. Spence, the only question I have for you is I understand that, you know, basically no major changes. These are pretty much the guidelines you folks use. However, is it prudent that because we have made other changes in other districts as far as the way we conduct changes in those little...in those towns like Wailuku and all that. And Wailuku is not a country town although if you really think about it, it was the original country town if you go back in time. But, you know, I see the map. I understand. But would it be prudent to make sure that, and again, I hate to say go back to the Planning Commission but to have them review to make sure that these guidelines that you're presently, and the changes that have occurred are appropriate? I don't know. I understand it's housekeeping. I got that. But I just think that maybe, maybe we ought to have a review by them so that there will be no conflict. There will be no challenge. Someone can't say well it took you nearly 30 some odd years or 20 some odd years, almost 30, going close to 30, to get this finally signed off on. In the meantime, I challenge that in court 'cause it may be illegal. I don't know. I don't know. And Mr. Hopper probably could answer that on the legal issue. But that's my question. Would it not have, and again, I know, the Planning Commission is busy. I realize that they don't...they have just nothing and absolutely nothing on their table at this time. But would not that be more prudent? But that's my question to you.

CHAIR COUCH: Mr. Spence?

MS. WADE: This is Erin Wade.

CHAIR COUCH: Thank you, Ms. Wade.

MS. WADE: Sure. To me, the design guidelines because there are...there is no change to the text in any way, in fact we have discussed a series of text changes that probably should be made moving forward. But as Chair Couch explained we wanna bring those forward in a really methodical manner --

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COUNCILMEMBER VICTORINO: Right.

MS. WADE: --and follow the appropriate process and things. But because these have been in place, and as you know, I administer these daily essentially now in these districts, and have been since I started. And since frankly these went to the Planning Commission these have been used exactly as they are written now and as we've brought them to you. The only new piece being the maps. The maps today aren't accurate in that the businesses have changed and there wasn't Geographic Information Systems at the time so there are a couple of properties that are identified as Country Town Business in the maps that actually aren't Country Town Business. They're either B-1 or B-2. So that is cleared up in the new revised maps just to indicate, you know, a couple of these were inaccurately identified. That's really the only change right now. In terms of an operational perspective, it assists staff to formalize these now because otherwise we essentially have no design guidelines for Pukalani, Kula, and Makawao, and the smaller sub-districts within them. So, you'd be relying solely on staff discretion without the design guidelines to identify what's appropriate for those districts as it refers to in 19.15. Having these as guidance provides some level of expectation for both the community and the Planning staff.

COUNCILMEMBER VICTORINO: Thank you, Ms. Wade. I guess, then I go and forward my question on to you, Mr. Hopper. I heard what you said earlier. Is there a possibility of challenges? Because now we've waited so many years and somebody saying, hey, you know, I got a problem, but you waited 20 some odd years to get to me. I'm asking that question in particular, Mr. Hopper.

CHAIR COUCH: Mr. Hopper?

MR. HOPPER: If we're going to get into specific potential legal challenges, I think, that's something I would need to discuss in executive session with the Committee.

COUNCILMEMBER VICTORINO: Well, I'm talking broad stroke. Do you believe that could be a problem now that "the cat's out of the bag" and could that be a problem? And that's all I'm asking.

MR. HOPPER: Well, again, I still think that's trying to evaluate even in the broad, a broad sense --

COUNCILMEMBER VICTORINO: Yeah.

MR. HOPPER: --a potential legal claim against the County and my assessment of that claim. I don't want to make that on the record --

COUNCILMEMBER VICTORINO: Okay.

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MR. HOPPER: --at this point. I mean, there's, generally speaking, there's always a possibility of claim in every case, and you know that. Whether it would be successful or not, I think, I would wanna evaluate that in executive session and give into more details.

COUNCILMEMBER VICTORINO: Okay, fair enough, Mr. Chair. I least, you know, my mind's comfortable with that aspect and I feel like, you know, with those answers I can be comfortable in moving this along. I just, and then the other question is you found it years ago, how many years ago did you find it, Mr. Spence?

MR. SPENCE: I believe, this came to our awareness, I would think about three years ago.

COUNCILMEMBER VICTORINO: Then my other question is why did it take you so long to get back to us here?

MR. SPENCE: 'Cause we got plenty to do.

COUNCILMEMBER VICTORINO: Okay, just so that everybody knows that. Okay, thank you, Mr. Spence. I appreciate that. Thank you, Chair.

CHAIR COUCH: Go ahead, Mr. Spence.

MR. SPENCE: I think, the intent is at some point, you know, these are dated 1992, and, I think, all of our country town design guidelines deserve attention and updating. Until...hopefully it doesn't take as long as these have to get to you, but in the meantime this gives us some authority in which to act as Erin said. She said and then it's not just the discretionary opinion of the staff. We'd like to, in stuff like this, we would like to eliminate some of our discretion and actually have guidelines we can fall back on, and say oh no, Mr. Business Owner, you really do have to follow these. As I recall not up in Upcountry, Makawao, Pukalani, Kula area, but Paia, Haiku, someone did say well hey I don't, you know, I'm not zoned Business Country Town. I don't have to follow these. And we're like, yeah, true, but you're also in the SMA. So, I mean, so, you know, there are times when people question whether they have to follow them or not, and the more authority that we have with adopted guidelines, you know, the better. As noted, there are some businesses...some properties that are not zoned Business Country Town. They formally don't have to follow these guidelines, but we certainly encourage all property owners in our Country Towns to do so. At some point, we would like to see even those B-1, B-2 businesses be Business Country Town.

COUNCILMEMBER VICTORINO: Okay, Mr. Spence, thank you. I'm satisfied, Mr. Chair, and I'll let others ask questions. But I'm glad that we could clarify that and make sure that everybody understands that this was one of those oversight's that we are now clearing up and making sure it doesn't occur again. Thank you, Chair.

CHAIR COUCH: Thank you, Mr. Victorino. I'll note that in 1992 that's when they were first starting the community plans for Kihei-Makena and there was another one that was

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going on at the same time. So, I can imagine that the Department was a little bit busy at that time. Members, anybody else have any questions or comments? Ms. Baisa, then Ms. Cochran, and then Chair White.

COUNCILMEMBER BAISA: I am happy to see that we're addressing this. I think, it's very important that we adopt them. I want to get that done. And, of course, I'm more interested in the changes that you're going to propose 'cause I'm sure that those have been well worked on, and you're ready to propose something that will be helpful, and may correct if there's any problems with these guidelines. I'm sure that's where you're going. And so, for me, I'd like to make it formal, get it done, so that you have a legal basis for what you're doing and it is what you're doing. So, I think, it's important that we have a standing for those. And then I'll anxiously await, maybe I'll still be around by the time those proposed changes come. And if not, I can still come and participate.

MR. SPENCE: Right on.

COUNCILMEMBER BAISA: Thank you.

CHAIR COUCH: Thank you, Ms. Baisa. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And thank you, Department, for bringing this forward after all this time. But there were certain areas that, I think...so first off we need to accept this officially in order for you to make changes? As you're saying, Ms. Wade, the methodical changes that you folks are looking to do. We have to first accept as is and then you can make changes to it?

MR. SPENCE: I would say you don't have to accept it right now as is. I mean, we could wait till we go through the whole revision process and bring it forward again. But that's gonna be a couple years away. We would rather have something for staff to hang their hats on right now. And then...because these go a long way towards what we're trying to accomplish anyway. Delaying it would just take that much more time. Staff would be using their discretion where we would much rather have these to fall back on officially.

COUNCILMEMBER COCHRAN: Okay, yeah, I understand that. There's just some key things though that I know we've done within my term here as in the lighting section. Uplighting, people are freaking out of us doing LED street lamps down here in Kahului-Wailuku. You're right...the astronomers on Haleakala, so you're way closer to that and you folks are, you know, accepting to do uplighting, which I don't see how people would be accepting of that nowadays. And the lighting types. I'm wondering because we did insert LEDs now into our street lighting and outdoor lighting. There is a bullet point in that section that says lamps as energy efficient design recommended. So perhaps just that simple general verbiage will include LEDs as the different types of lightings that we have implemented. And then the landscaping plan. There's a lot of really horrible invasive in there, which today we are fighting tooth and nail to get rid of 'em, such as the strawberry guava, the African tulip, the Formosa koa. So, I mean,

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there's a laundry list of things in this existing document that, I think, would deem some changes now but, you know, so these are just things that jumped out at me out of the 233 pages I browsed through. And also, on Page 26, second to the last bullet point. And I was just up in Pukalani, so I noticed the reverse into Makawao Ave from Pukalani Superette. And that's really dangerous 'cause I was trying to navigate out, going whoa, and it does have a recommendation in there back from 24 years ago to change that --

MR. SPENCE: Right.

COUNCILMEMBER COCHRAN: --to make it diagonal and that has not occurred. So, I mean, there's things in here that have recommendations that, I think, should have and ought to be already implemented in that aspect because it's safety issue.

MR. SPENCE: Sure.

COUNCILMEMBER COCHRAN: Traffic concern. So that's my points, Chair, just browsing through this document. So, hopefully, I mean, if we are to accept it, great. But I just see glaring things that I would like changed now. But those are my comments.

CHAIR COUCH: Mr. Spence?

MR. SPENCE: Yes. And I really appreciate those comments, Councilmember Cochran. And I agree with them. There are definitely places that these guidelines need to be changed. With things like the parking at Pukalani Superette, they've been there since probably before I was born and, you know, when it was basically a cart trail, I'm guessing, so that parking there is grandfathered in. If they were to do improvements, if they were to expand or something that, it's at that time they would have to come into conformance.

COUNCILMEMBER COCHRAN: Okay. Yeah, all right. But anyhow, Chair, that's just my overall, you know, thoughts --

CHAIR COUCH: Okay.

COUNCILMEMBER COCHRAN: --on the matter. Thank you very much.

CHAIR COUCH: And if you have any, especially with the invasive species and the uplighting, if you have any proposed changes, I'd be open to take a look at 'em and inserting them.

MR. SPENCE: We will take those comments definitely with us as we go forward with the proposed changes.

CHAIR COUCH: Okay. Ms. Baisa wants to make a comment, but I see Ms. Wade, do you wanna follow up with Ms. Cochran first?

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MS. WADE: Just briefly, yes. So there's things like lantana and other plant products that aren't listed in here. So, if it's prohibited in another document, but it's encouraged in this document we always go with the more conservative. So, we do review the plant specs and if someone does include lantana, even if it's in Pukalani country town, we don't allow it because it's been prohibited in the invasive species. So, just so you know, we are double-checking. The same thing with the uplighting. We went through that in Lahaina, even though it's not a Country Town Business District, but they had those open glass fixtures before, and we had to change them to a down lighting...a downward shield. And we just worked back and forth with MECO and the Cultural Resource Commission at the time to identify the appropriate fixture. So, if there is ever a conflict we'll work through it.

COUNCILMEMBER COCHRAN: And thank you very much for, you know, using common sense in a way., Even though it's in black and white you folks are well aware of the concerns and issues with certain items that people might be asking for. So, thank you very much, Ms. Wade. Thank you, Chair.

CHAIR COUCH: Thank you, Ms. Cochran. Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. I wanted to follow up with some comments on the Pukalani Superette parking because I have spent many, many hours on that parking problem there. And I've had people complain and say how dangerous it is. And, myself, I complain because people park on the side of the road instead of in the parking lot. And it's hard enough you've got cars backing up but then you got people parked outside of the parking lot on the side of the road. And then they're parking across the road and there's a fire hydrant there that was hidden in the weeds. And so, I have had Public Works there. I've had the police there. I've had the Mayor there. I mean, we've had a whole thing here. And it essentially comes down to what Director Spence shared with us. And we did get the fire hydrant cleared out. And now the Superette installed no parking signs in that area outside of the parking lot, but people continue to park there because they have for centuries, and they're not about to stop it. And we'd have to have a full-time policeman there to make sure that they get ticketed and get 'em out of there. But it is something that, you know, has not been ignored. It's been the subject of a lot of community conversation. But people seem to like Pukalani Superette in the way it is. It's one of those icons in the community. And this past weekend, of course, the road was closed to Pukalani Superette 'cause there's some construction going on and the whole community was up in arms 'cause when you can't get to Puk Sup your weekend is ruined 'cause no chow fun and sushi. So, you know, it is what it is. But I want everybody to know it has not been ignored. And it is legal as it exists. It's the people that park, they park wrong. Thank you.

CHAIR COUCH: Okay, thank you, Ms. Baisa. Anybody else have any comments? I have a couple questions too. Mr. Spence, if you take a look, I don't know if you have the document in front of you, but if you take a look at the Pulehu Inventory and Analysis

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Map No. II D-11. And, Members, I'm not sure what exact page number it is in the consecutive document, but it's II D-11. You have to compare the old with the new.

MR. SPENCE: Sure.

CHAIR COUCH: If you notice that first of all it has the Kula True Value and the section there. And then across the street it has what is now, I believe, Pacific Automotive [sic].

MR. SPENCE: Correct.

CHAIR COUCH: Okay. And if you go to the map that has both the Business zoning and other business zoning on it and it's, again, II D-11, it did expand on your map now. It did expand where Kula True Value is. Still want to call it Kula Ace, but it also expanded to the appraiser's place and the restaurant that's there. But I noticed it took out any kind of zoning for that Pacific Automotive [sic]. Is that not zoned Business anymore or is that just an error? I just wanna double-check because that's the only differences I saw in all the maps.

MR. SPENCE: Okay, Mr. Chairman, the maps that are in these 1992 guidelines, they identify the business properties. They do not identify Business-zoned properties necessarily.

CHAIR COUCH: Gotcha. Okay.

MR. SPENCE: So, if you recall, I think, it was like 1998, the Council went through a process of zoning within the Urban District, all those Interim-zoned properties that were identified as Business.

CHAIR COUCH: Okay.

MR. SPENCE: So, if it had existing zoning on it, we didn't touch it. Only if it was Interim, and it was identified in the Community Plan as Business, we proposed zoning, Business Country Town zoning for those properties. In this particular case, Kula Ace, I think, was already zoned Business. The café and where the...Mr. Parker's appraisal business used to be anyway --

CHAIR COUCH: Right.

MR. SPENCE: --those were identified on the community plan so we went ahead and zoned them and that's why it's identified as Business on the more updated plan or --

CHAIR COUCH: Okay.

MR. SPENCE: --updated map.

CHAIR COUCH: And the business across the street is not zoned Business?

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MR. SPENCE: Yeah, and I'd have to look into the specifics of that. I'm not sure why.

CHAIR COUCH: Okay.

MR. SPENCE: But I know it's been there a long time.

CHAIR COUCH: Yeah, yeah. It's been there forever. It was a gas station apparently according to the '92. All right, Members, if you don't have any more questions, I don't see any issue with sending this out unless, Ms. Cochran, you have some concerns that...but they're talking that they take care of the invasive species and the uplighting via other ordinances so they're good with that.

COUNCILMEMBER COCHRAN: Right. And thank you for the acknowledgement on that. Those are my points and then I heard from Ms. Wade and Director to satisfy, you know, my concerns --

CHAIR COUCH: Okay.

COUNCILMEMBER COCHRAN: --and I understand that it's a work in progress.

CHAIR COUCH: Right, in a couple more years it's --

COUNCILMEMBER COCHRAN: And they'll be doing changes.

CHAIR COUCH: Yeah.

COUNCILMEMBER COCHRAN: Yeah. So, I hear they're well aware of the concerns that I brought out.

CHAIR COUCH: Okay.

COUNCILMEMBER COCHRAN: So, I'm okay at this time.

CHAIR COUCH: Wonderful. All right, so, in a couple years there's major changes gonna be in 19.15, is that correct? Or all the guidelines?

MR. SPENCE: Yeah, to the guidelines.

CHAIR COUCH: Okay, to the guidelines. All right, so, Members, unless there's any objection, I'd like to make my recommendation.

COUNCILMEMBERS: Recommendation.

CHAIR COUCH: All right, the Chair will entertain a motion to recommend the adoption of the proposed resolution entitled Adopting Country Town Design Guidelines for the

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Makawao-Pukalani-Kula Area; incorporating the updated maps, and we will discuss which ones into Exhibit "A" to the proposed resolution; and file the County Communication.

COUNCILMEMBER BAISA: So moved, Mr. Chair.

COUNCILMEMBER VICTORINO: Second, Mr. Chair.

CHAIR COUCH: It's been moved by Member Baisa and seconded by Member Victorino. Members, in Exhibit "A," there's two sets of maps. And they're the colored maps at the beginning of the communication. One that has just the B-CT zoning and another set that has B-CT zoning as well as other business zonings. It's the Chair's recommendation to use the second set to show just what other business relationships are around unless anybody has any objection to that?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR COUCH: Okay, and there was some concern of testimony about, you know, public input. Public input was had when this was created a long time ago, several meetings. It was confirmed by the Department and nothing has changed since then. And there are new changes coming about and then we'll have ample public meeting, public hearings, both at the Commission level, prior to that UDRB level, and a few other levels. So, I'm fine with passing this out right now and would request that everybody consider that in their deliberations or in their thoughts. So, any other comments? I wanna thank the Department for finally getting this to us. All right, that being said, all those in favor, please say "aye".

COUNCILMEMBERS VOICED AYE.

CHAIR COUCH: Opposed? Let the record show that there are six "ayes," zero "noes," and one excused, Member Guzman. The motion passes.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Guzman.

MOTION CARRIED.

**ACTION: ADOPTION OF REVISED RESOLUTION AND FILING OF
COMMUNICATION.**

CHAIR COUCH: That being said, thank you, Members. This, as he said, was a housekeeping matter and wasn't sure if we were gonna have long discussions on the guidelines or not. So, I only had this one item. So as, this is very unusual that we're ending this Planning Committee meeting before 10 o'clock. This meeting is adjourned. . . .(gavel). . .

ADJOURN: 9:42 a.m.

APPROVED BY:



DON COUCH, Chair
Planning Committee

pc:min:160830:df

Transcribed by: Delfey Fernandez

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CERTIFICATE

I, Delfey Fernandez, 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 19th day of September 2016, in Wailuku, Hawaii.


Delfey Fernandez