

# **PLANNING COMMITTEE**

**Council of the County of Maui**

## **MINUTES**

**July 25, 2018**

**Council Chamber, 8<sup>th</sup> Floor**

**CONVENE:** 1:31 p.m.

**PRESENT:** Councilmember Kelly T. King, Chair  
Councilmember Yuki Lei K. Sugimura, Vice-Chair  
Councilmember Elle Cochran  
Councilmember Stacy Crivello  
Councilmember Riki Hokama (in 1:40 p.m.)  
Councilmember Mike White (in 1:35 p.m.)

**EXCUSED:** Councilmember Don Guzman

**STAFF:** Traci Fujita, Legislative Attorney  
Raynette Yap, 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.:** Michele Chouteau McLean, Planning Director, Department of Planning  
Joseph Alueta, Deputy Planning Director, Department of Planning  
Pam Eaton, Planning Program Administrator, Department of Planning  
Jennifer Maydan, Planner VI, Department of Planning  
Michael J. Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel

**OTHERS:** Yama Kaholoaa, Molokai Council Office (via telephone conference bridge) (PC-2)  
Judy Caparida, Molokai Council Office (via telephone conference bridge) (PC-2)  
Irene Kaahanui, Molokai Council Office (via telephone conference bridge) (PC-2)  
Liko Wallace, Molokai Council Office (via telephone conference bridge)  
Godfrey Akaka, Jr., Molokai Council Office (via telephone conference bridge) (PC-2)  
Bridget Mowat, Molokai Council Office (via telephone conference bridge) (PC-2)

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Mark Hyde, President, South Maui Citizens for Responsible Growth (PC-2)  
Cora Caparida-Schnackenberg, Molokai Community Member (PC-2)  
Dick Mayer (PC-2)  
Greg Jenkins (PC-2)  
Lawrence Carnicelli (PC-2)  
Keani Rawlins-Fernandez, Molokai Council Office (via telephone conference bridge) (PC-2)  
Rob Stephenson, Molokai Council Office (via telephone conference bridge) (PC-2)  
Sybil Lopez, Molokai Council Office (via telephone conference bridge) (PC-2)

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

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CHAIR KING: . . . *(gavel)*. . . Good morning, good morning, Maui. This is the . . .

UNIDENTIFIED SPEAKER: Afternoon.

CHAIR KING: Oh, good afternoon. I'm so used to starting at 9 o'clock in the morning. Okay. It's 1:35 on July 25<sup>th</sup> and this is the Maui County Council Planning Committee. This is the special meeting that was called. We didn't have quorum for the regular scheduled meeting; so, thank you for showing up, Members. We do have a quorum in the house. Today, we have . . . oh, let me just ask everyone to silence their noise makers. Today, in the Council, we have Councilmembers Vice-Chair Yuki Lei Sugimura.

VICE-CHAIR SUGIMURA: Good afternoon.

CHAIR KING: Good afternoon. We have Stacy Crivello, Member Stacy Crivello from Molokai.

COUNCILMEMBER CRIVELLO: Aloha, Chair.

CHAIR KING: Good afternoon. And Member Elle Cochran from West Maui.

COUNCILMEMBER COCHRAN: Aloha, good afternoon, Chair.

CHAIR KING: Aloha. Thank you for being here. I guess we seem to be expecting Member Hokama and Member White, but Mr. Guzman is excused. And we have no non-voting Members. Our Administration today is Michele McLean, who . . . even though it says in my notes, she is no longer . . . well, I guess you're still Acting Director until you get confirmed by the Council. Okay. But she's made it part way through the process. Pam Eaton, Planning Program Administrator.

MS. EATON: . . . *(Inaudible)*. . .

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CHAIR KING: Good afternoon. See, we're all thinking it's morning. And Jen Maydan, Planner VI.

MS. MAYDAN: Good morning [sic], Chair.

CHAIR KING: Good afternoon. Michael Hopper is our Deputy Corporate [sic] Counsel.

MR. HOPPER: Good afternoon, Chair.

CHAIR KING: Good afternoon. And we have Committee Staff - Rayna Yap and Traci Fujita. Good afternoon. Okay. So, Members, we're going to go to public testimony first, but I just wanted to mention for the testifiers that we're on PC-2 today. This is our only item, Molokai Community Plan Update. The goal is to finish the last three items that we have outstanding in this plan and, hopefully, approve this plan and send it out of Committee today, and we'll see if we can get there. We do have testifiers on Molokai. And so, I wanted to let them know that the three items that we will be addressing are Chapter 12, the Appendices that were formerly labeled 6.1 and 6.2, and the CBSFA. So those are the three items. And it would be helpful if you could restrict your testimony to no more than three minutes because we do want to get through testimony. If you've testified before, and then you can make your point more briefly than that, that would be appreciated. And, right now, we will go first to our District Office on Molokai. Ella Alcon? We have her online? Could we check?

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

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

CHAIR KING: Good afternoon.

MS. ALCON: --and our first testifier is Yama Kaholoaa.

CHAIR KING: Good morning, I mean, good afternoon.

MR. KAHOLOAA: Yes, aloha Council [sic] King and to all the board members of the Maui Committee Council [sic]. My name is Yama Kaholoaa, and I'm here to testify on the basis of all that proposals that have been made on the CBSFA proposal and also for the Molokai Community Plan. I do not support those proposals based on that my family and I did not have a voice in 'em, but I would like to make a recommendation. I think the County Council would look into a way where we, as Molokai community, take all these Molokai issues at Mo'omomi and on the North side of Molokai if those meetings can be held on Molokai where the community be able to voice their mana`o. I would like to ask if the County Council can help us start a process in bringing back those proposals to Molokai and having meetings with the community, having a facilitator at the meetings where both sides of the issue be able to feel each other's opinion and views of this proposal. I would very much be grateful if someone even here in our community that would be able to come together and bring our Molokai community together because

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I believe—and I love the people on Molokai—that the Molokai people can come together. And we'd like for the County Council or any government agency to help assist us instead of them trying to implement rules and regulations or laws that will infringe on our rights not only at native Hawaiian but at people, the community of Molokai. And I appreciate the time that I have to be here this day to testify also but don't really appreciate it that I have to talk on the phone. I rather it in person. And I'm sure the Molokai community would like to have that also . . . be done here on Molokai. So, mahalo, and hope you make a good choice. I hope our County Council on Molokai, our representative, would come to the community. I've never ever had the opportunity to meet with her and be able to sit down to talk with her. So, maybe our Maui, I mean, our Molokai Council, County Council can bring us together as a community instead of us trying to fight each other and do things which the law or the government or the Maui County Council or the State wants us the way it should be. So, thank you very much for your time and aloha.

CHAIR KING: Aloha. Thank you very much for testifying. Any questions, Members? None. Okay. Thank you very much. Ms. Alcon?

MS. ALCON: Our next testifier is Judy Caparida.

MS. JUDY CAPARIDA: Aloha. Aloha, Ms. King --

CHAIR KING: Aloha.

MS. JUDY CAPARIDA: --and to all of you. My name is Judy Caparida. I'm a kupuna and I was, from the beginning, I know everything about Molokai. My sister and I used to go to all meetings, my sister Ruth Manu and me, Judy Caparida. So, I know the needs, I live the life, and if you don't live the life you don't know how to solve the problem. I'm over here it's an update meeting. We have an agenda. It's the one to seven. Now, I hear you say it's only what . . . three, three things. I say I want to read the whole seven, so you guys can know where I'm coming from. Okay. No. 1 of 6.1, 6.2 – I recommend that a public hearing be heard with all CPAC and MoPC and our community over here on Molokai. That's number one. Number two, is that – remove all `Aha Kiole o Molokai from all action items. Then you guys know already always from because it's on your agenda. Okay, traditional land...overlay district. We need our community to get involved, not some, all. Remove, omit legal from framework. Okay. No. 6 – Appendix I and IV, omit legal. Okay, No. 7 is 3-2 and 3-3, consideration of communities together with CPAC and Molokai Planning Commission group. I mean, this is a headache reading all this half-ass stuff. CPAC said to bring these back to community. It's about zoning. It was never brought back to our community that I know of. You guys took it into your own hands and made a big mess out of it. Kupunas can never understand what you guys are doing. It's so confusing. Our life is so simple and yet you guys are jamming up the whole damn plan. They made a policy for us on Molokai. Why? Because it's simple our life. Our life has nothing to do with all those things out there. Hanauma Bay – I heard something about Hanauma Bay. Hey, it's not a aquarium over here; it's our lifestyle. It's our livelihood. We eat the fish, we don't look at it. I need to let you know, Mrs. King, because man this thing is going go higher. Believe me. That's all I wanted to tell you guys. Aloha.

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CHAIR KING: Aloha. Thank you for your testimony. Questions? No questions. Chair recognizes Member White and Member Hokama. Thank you for joining us, gentlemen. Next testifier?

MS. ALCON: Next testifier is Irene Kaahanui.

MS. KAAHANUI: Anyway, my name is Irene Kaahanui and I'm here \_\_\_\_\_ to number one, the 2017 community plan meeting . . . *(inaudible)* . . . what other members of the community besides you, Ms. Kelly, and maybe Malia and Walter were present? Number two, the Governor has a hold of the CBSFA at a State level. With the County of Maui voting, does this mean that you are trying to pass today by overriding the State? Does the County of Maui have more powers than the State? This is a major putting the cart before the horse syndrome. I'm a taxpayer and community contributor. I, myself, and many, many others was not allowed to vote with anything to do with CBSFA. And until the community is involved, please carry the CBSFA over to the next fiscal year. Right now, we envision another Hanauma Bay at Mo`omomi and that's `a`ole. Mahalo.

CHAIR KING: Thank you. Any questions, Committee? No questions. Thank you very much for your testimony. Next testifier?

MS. ALCON: Our next testifier is Liko Wallace.

MS. WALLACE: Aloha, Chair King and Planning Committee members. Mahalo for this opportunity to provide my testimony on PC-2, the Molokai Community Plan. I would like to testify today in support of the newly proposed Appendix 6, details and testimony previously submitted by Malia Akutagawa. The proposed language of primary uses and requiring secondary uses to complement the primary use will better achieve the purpose of planning and zoning. We have seen the consequences of including language that is too broad, allowing uses that was not intended for areas. I also support including the language recognizing the traditional land use overlay recommended in the plan as an action item. I support the prioritization of the action items. Members from the Molokai community asked this Committee to explore a method that would better inform the County of which action items in the community plan should be addressed in the order that the community saw as most appropriate. Mahalo to Chair King to following through on this request. I support the results that came out of the prioritization process and support keeping in the action items that CPAC prioritize as priority too. I also support keeping in the Mo`omomi CBSFA language in our plan because it underscores the importance of subsistence on Molokai. The reason it's referenced is being objected to by the Planning Department is because the proposal is still in the Chapter 91 rule-making process, and that the final proposal could be different from the current version. We recommend striking the date and inserting the final copy out. It should read – The State of Hawaii Department of Land and Natural Resources Division of Aquatic Resources produced the final copy of the Mo`omomi North Coast of Molokai community safe fishing, subsistence fishing area proposal and management plan line out dated March 2017 to establish a community-based subsistence fishing area. Thank you for giving me this opportunity to testify. Mahalo.

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CHAIR KING: Thank you, Ms. Wallace. Can I just ask you to clarify that? So, your suggestion was to line out March 2017?

MS. WALLACE: March . . . yes, 2017.

CHAIR KING: And was there a date you wanted to . . . a different date you wanted to set in there or you just wanted to take the date out?

MS. WALLACE: Insert a final copy of . . . oh, okay. So, instead of the date, insert the final copy of. It to read – the final copy of. So, let me back up . . . so, it wouldn't say the date. It would say, proposal and management plan the final copy of to establish a community-based subsistence fishing area.

CHAIR KING: Okay. Because you don't feel that date is accurate?

MS. WALLACE: No.

CHAIR KING: All right. Thank you. Any other questions? Okay. Thank you, Ms. Wallace.

MS. WALLACE: Thank you.

MS. ALCON: Our next testifier is Godfrey Akaka, Jr.

MR. AKAKA: Aloha, everybody. Okay. I got the memo – three minutes. So, I represent . . . my name is Godfrey Akaka, Jr., I represent a new association – the Native Hawaiian Gathering Rights Association. And our mission is to maintain, perpetuate, educate, protect and advocate for our cultural practices and native Hawaiian gathering rights. I am a homesteader in Hoolehua. The direct impact of this CBSFA impacts our family. Our family opposes it. We were met with . . . by the State. They came to us, we told them that we don't like the plan. There were some changes that we requested; they denied it, and so we told them we don't support the plan. We already are prepared to work with communities and other organizations to come up with our plan. The major problem with this plan is that it comes from the State straight down our throat, and they're trying to push it through without us even coming together as a community. And so, that there are other options and number one, there is plentiful of fish, we're not running out of fish; and number two, stopping the boats, creating more laws and rules is not going to stop boats. It's going to be infringing more on our own people gathering from down there; and so, there's a lot of flaws in this. And, also, the CBSFA being integrated into this as an ordinance in the County, it shouldn't even be discussed yet until it's passed through the State. I don't understand the rush. There's been a lot of back door things been happening with this. Our community truly hasn't been heard. I would say that. There's a lot of our . . . and when I say community, I'm talking about only Hoolehua homesteaders. For some reason, there's a lot of people that support it but all we ask is try and listen to our people and try and understand why we don't support it. And also, how it's going to affect everybody else 'cause it is. Thank you for your time. So, I oppose the CBSFA. I'm asking for it to be removed from anything inside

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here. The language is lawyer terms, so I don't speak that language but I'm asking for it to be removed. Mahalo.

CHAIR KING: Thank you. Any questions, Committee Members, no questions? Thank you for your testimony, Mr. Akaka. Next testifier?

MS. ALCON: Our next testifier is Bridget Mowat.

MS. MOWAT: Good afternoon, Kelly King, and Stacy, and the rest of the Councilmembers. Thank you for, again, allowing the Molokai people the opportunity to chime in on this - the Molokai Plan. I wanted to especially thank all of those who work so, so hard in getting this done. I, you know, I have a prepared testimony, but I did have a chance to read Malia's current or her latest testimony and I support her 100 percent. I especially want to . . . let's see, I'm kind of . . . I support the Mo`omomi CBSFA language in the plan because it has data that supports our subsistence lifestyle, and this is so important. And our aina and the ocean that surrounds us have not been put through all the things that the other islands have. There isn't that much depletion. We're trying to protect, and this helps us protect. It also gives us opportunity to study, to even grow more ocean life that will provide us subsistence. And it's really sad for me that the community there is, you know, somewhat split because of something that they are not going to be able to . . . they're going to lose their fishing rights and their gathering rights, but I really don't think so. I think this whole thing is going to help to protect us and it keeps Molokai-Molokai and it helps Molokai to teach the other islands and maybe even the world how to continue protecting and living off of the land. So, if you can just put me down as another supporter of Malia's testimony. I think she and Harmony has done a wonderful job and has spent so much time, and I think you will find that a lot of the Molokai people are in agreement with this. I thank you so much. Aloha and have a good day.

CHAIR KING: Thank you for your testimony, Ms. Mowat. Any questions, Committee? No. No questions. All right. Thank you for your testimony, and I just wanted to ask you one question. Do you think the folks are understanding that the language that's in the community plan regarding the CBSFA is basically supportive of a plan? It's not . . . we're not prescribing any details of a plan, but it was put in there to support the idea of subsistence.

MS. MOWAT: Well, I . . . yeah, yes, I believe they understand but there just may be a small faction that are going beyond that, they're not focusing. I think they have a set mind on what their journey is and they're not looking at any of the . . . or stopping to smell the flowers or whatever. But, you know, I think it is clear, to me.

CHAIR KING: Thank you.

MS. MOWAT: Did that help?

CHAIR KING: Yeah, that helps. Thank you. Ms. Alcon, next testifier?

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MS. ALCON: I have another testifier that is on her way. Is there testifiers in the Chamber?

CHAIR KING: There are. We can go to the Chambers.

MS. ALCON: Okay. And then come back for me after.

CHAIR KING: Okay, thanks, Ella.

MS. ALCON: Thank you.

CHAIR KING: Okay, let's go to Hana. Hana, do you have any testifiers?

MS. LONO: Good afternoon, Chair. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

CHAIR KING: Okay. Thank you, Ms. Lono. And Denise Fernandez on Lanai?

MS. FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

CHAIR KING: Okay. Thank you. So, we'll go to the Chambers. Traci, do we have any testifiers in the Chambers?

MS. FUJITA: Yes. Our first testifier is Mark Hyde testifying on PC-2, followed by Albert Perez.

MR. HYDE: Thank you and good afternoon.

CHAIR KING: Good afternoon.

MR. HYDE: Mr. Perez had to leave so he won't be following me. I'm here on behalf of South Maui Citizens for Responsible Growth, and I'm speaking to PC-2, sub 5, which is alternative language, two attachments - Appendix 6.1 and 6.2. There is a huge mismatch between the crisp language in our community plans that define land uses that are to be developed and the zoning codes which, quite frankly, are antithetical to development of our communities in line with the community plans and in line with the Countywide Policy Plan, which supports smart growth, for instance, and excuse sprawl but for instance looking at light industrial codes, zoning codes, I mean, they're promotive of sprawl. So, this is problematic. Now, I know that the Planning Department intends to pursue a complete rewrite of our zoning codes, which we totally support. But, unfortunately, that process is going to take years - five years, eight years, I don't know. So, what do we do in the Interim particularly when this is a flash point in development of community plans whether it's Lanai or Molokai, and the reason that I'm here on behalf of South Maui citizens is I know that these things were cascade on through all the different community plans. So, are we going to go through this again? Are we going to resort to litigation to try to bridge these gaps in the meantime? Now, I'd like to find some solution. I think the Item 5 is a good solution because what it does is it gives, it says that the community wants to develop the land consistent with the definitions that

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are attached. And I think that's logical for people to say, okay, this land is designed to be light industrial. We expect it to be, for instance, maybe a light industrial park. But then what we find in our communities is you wake up one day and read that big box shopping centers are going to be developed there, and that's when people get upset and hire lawyers and all that. So, how do we address this between now and then? And I think that does that because it says that the land use definitions are to be regulatory and they can be enforced but it provides a modicum of flexibility underneath that, which says that you can have secondary uses, but they have to be conventional, they have to be complementary to what the definitions are in the plan. Also, providing for the grandfathering in of all existing situations. So, I think you should give this some thought. I think it might clear the way for you in additional plans coming forward and I thank you for your time.

CHAIR KING: Thank you. Committee members, any questions? Mr. Hyde? Ms. Crivello?

COUNCILMEMBER CRIVELLO: Aloha. Thank you for being here, Mr. Hyde. So, your concerns for Molokai is the attempt to identify light industrial as part of the matrix that's on there. So, your concern is for our island.

MR. HYDE: Oh, absolutely.

COUNCILMEMBER CRIVELLO: Have you been there?

MR. HYDE: Yes, I have.

COUNCILMEMBER CRIVELLO: Okay. So, how does this impact actually your concerns for your area?

MR. HYDE: Well, because what happens is that as each plan rolls forward whether, you know, West Maui is going to be the next one and then South Maui will be the next one after that. And to the extent that this Council develops a pattern on how you're going to address this mismatch between the two it's going to spill on down the line. I mean, we could have this argument, you know, with every plan that comes forward that we could try to get it right now and that's why it's important right now. Absolutely, I care about your island and I think that's an unfair question quite frankly.

COUNCILMEMBER CRIVELLO: No.

MR. HYDE: I don't know where you're coming from on that.

COUNCILMEMBER CRIVELLO: No, I did not say you don't care for my island. I'm just asking you if you're familiar with our island and if this was a concern for you for the island of Molokai. And then if I may ask further when it comes to light industrial, okay, let's just look at Maui, for instance, where Sam Sato's is located, is that part of the light industrial in your understanding?

MR. HYDE: I don't have that ability to respond to every property on this island --

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COUNCILMEMBER CRIVELLO: Okay.

MR. HYDE: --as you're asking. But there's a grandfather clause in here that says that if you have certain rights now, they would continue unmolested. So, that's how I would respond to you on that.

COUNCILMEMBER CRIVELLO: Is stacking also part of the light industrial with your understanding?

MR. HYDE: It is, and it is a huge problem and it's exacerbated by the fact that the Planning Department ignores the word mostly in the definition of what . . . this is in the zoning definition now in its policy. And what it says is, light industrial zones--I do have this one firmly in mind--are to be mostly composed of, and it lists common light industrial uses. And so, anybody reading that I would think would say, okay, yeah, I mean, we expect light industrial zones to be used for light industry.

COUNCILMEMBER CRIVELLO: Would that also be considered your retail and your apartments above? Would you consider that part of the light industrial?

MR. HYDE: I think those are clearly permitted in light industrial zones. But the problem is why call a light industrial zone a light industrial zone if it's going to be, for instance, 100 percent big-box stores?

COUNCILMEMBER CRIVELLO: Well, the only reason I ask you that because my Kaunakakai town how I grew up was retails and the owners all on the top.

MR. HYDE: Yeah.

COUNCILMEMBER CRIVELLO: And we still have those buildings on the top and it was like, oh, own apartment or even like a mini hotel. That's the Kaunakakai town I know, and we know. So, I'm just trying to get some clarity when we talk about light industrial for Molokai and why . . . how does that differ to what we have existing...or where Sam Sato's is located here on Maui and it's surrounded . . . I think it's a light industrial. So, I'm just trying to understand your understanding, so I can understand where you're coming from on this.

MR. HYDE: Let me read you a language of it. Permitted uses and entitled properties existing prior to adoption of this community plan, that would include Sam Sato's and your town, but which are in conflict with the above . . . I don't know that they are in conflict with the above. Living above a business is really a very progressive thing --

COUNCILMEMBER CRIVELLO: Yeah.

MR. HYDE: --and what we want --

COUNCILMEMBER CRIVELLO: Uh-huh.

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MR. HYDE: --shall be grandfathered, including the right to modify, repair, and replace existing structures.

COUNCILMEMBER CRIVELLO: Uh-huh.

MR. HYDE: So, that's my answer to you.

COUNCILMEMBER CRIVELLO: Thank you, Mr. Hyde.

MR. HYDE: You're welcome.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

CHAIR KING: Thank you, Ms. Crivello. Thank you, Mr. Hyde. Any other questions? Ms. Sugimura?

VICE-CHAIR SUGIMURA: If I could. Thank you for being here, Mr. Hyde. So, your organization is South Maui --

MR. HYDE: Citizens for Responsible Growth.

VICE-CHAIR SUGIMURA: --Citizens. And so, how many people in your organization, you know, are with you to come to the conclusions that you are testifying before us today?

MR. HYDE: Board of Directors.

VICE-CHAIR SUGIMURA: So, five --

MR. HYDE: I mean . . .

VICE-CHAIR SUGIMURA: --six.

MR. HYDE: Yeah, we don't . . . it's not a community-based, it's not a membership organization like say, Kihei Community Association is. Kihei Community Association represents a, you know, broad number of people; and even then you'd say, you know, just the people that show up at the meetings that are members, how does that represent the community? So, we're all here as representatives. You represent your community too. We're all representatives of the community.

VICE-CHAIR SUGIMURA: Yes, we are elected --

MR. HYDE: Yeah.

VICE-CHAIR SUGIMURA: --by the citizens. Just curious, who you're speaking for. Thank you.

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MR. HYDE: You're welcome.

CHAIR KING: Thank you, Mr. Hyde. I think that's all the...yeah, any more questions? Okay. Thank you for being here.

MR. HYDE: Thank you.

MS. FUJITA: The next testifier is Dick Mayer followed by Cora Caparida-Schnackenberg.

MR. MAYER: Cora...told me she has an airplane flight she has to catch, so I'll gladly let her go...

CHAIR KING: Okay. It's fine. Did you fly over just for this?

MS. CORA CAPARIDA-SCHNACKENBERG: Yes. Well, actually no, not really.

CHAIR KING: Oh, okay.

MS. CORA CAPARIDA-SCHNACKENBERG: But thank you. Aloha, mahalo, I'm glad to be here. At this time, I'd like to just share some gratitude for the CPAC and the Molokai Planning Commission back in 2010 and 2016. They did a tremendous job and sacrificed countless hours. My concerns are the key of developing a community plan is to have community input, community involvement. And my concerns are that that is not happening on Molokai. And there are only a few, and I want to cite Keani's written testimony. She indicates that there is 27 same people attended the meeting at least of a group of 27, repeated testimonies of the same individuals, and the small groups of 20 who completed the surveys. Also, I want to also reference Greg Jenkins . . . his testimony was written on February 15, and June 14 of 2018. Also supported by the Planning Department as well as Ms. Crivello. The concerns were that they were going to take back 6.1 and 6.2 to the community. Now, at that time, Jenkins was a CPAC member. That never did happen. And so, then it got supported by Ms. Crivello to have it back and it's in her flyer dated 2000, 2018, I mean, February 2018. So, there is a two, a February 15 and a June 14, and there is a four-months delay and yet we're here today to discuss Appendix 6.1 and 6.2. So, my concern is, who are we . . . who's circumventing our plan and our community process? With that being said, I oppose Malia Akutagawa's testimony both in oral and written because she no longer lives on Molokai. She has never come to the community. For all she has indicated while speaking to you folks she has never met the community. When I say communities, I mean, East End, Kaunakakai, Hoolehua, Kualapuu, she has never but yet, you folks have taken her word and start inserting all these changes. I have looked at Appendix 6.1 and 6.2. I oppose the current proposal. I am in agreement to utilize the Lanai template format for Molokai. But the information . . . I'm only, I am proposing to take the Lanai template format. I also like to speak on about the CBSFA. The CPAC and the Molokai PC did not agree or did not include in their plan to approve the CBSFA. So, I would rule out, I am asking to remove the CBSFA, I'm asking to remove `Aha Kiole because this have never, the Molokai community did not and have not been part of the process. In closing, conclusion, I'm asking – should this be passed? I'm asking for an

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insert of Appendix . . . for a disclaimer for the Molokai community members to oppose the Molokai Island Community Plan for the lack of announcement that have prevented their community involvement in this process. Mahalo.

CHAIR KING: Can you wait, just a minute, we have questions? Ms. Crivello?

COUNCILMEMBER CRIVELLO: Aloha, Cora.

MS. CORA CAPARIDA-SCHNACKENBERG: Aloha.

COUNCILMEMBER CRIVELLO: Thank you for being here. Did you participate in the CPAC and Molokai Planning Commission process?

MS. CORA CAPARIDA-SCHNACKENBERG: Yes, I have.

COUNCILMEMBER CRIVELLO: Okay. Would you say that was a process of community participation?

MS. CORA CAPARIDA-SCHNACKENBERG: Like I said in my testimony, from 2010 to 2016 in the infancy of the development of the plan there were Molokai community involvement. However, it is up to December of 2017 somehow the communication with the community and it's a lack of announcement and allowing people. For an example, if I may, you have facilitated the boat ramp on Molokai. We had standing room, that's the first time through this whole 2018 process that they had standing room. The rest was very small like I would agree with . . .

COUNCILMEMBER CRIVELLO: Okay.

MS. CORA CAPARIDA-SCHNACKENBERG: Yes.

COUNCILMEMBER CRIVELLO: Thank you. The boat ramp is a different issue. That's a State issue.

MS. CORA CAPARIDA-SCHNACKENBERG: But my point is, is that the announcement that was made in the community, it allowed the community members to be part of.

COUNCILMEMBER CRIVELLO: Right. Right.

MS. CORA CAPARIDA-SCHNACKENBERG: Thank you.

COUNCILMEMBER CRIVELLO: Thank you. So, you made mention of the flyer, the flyers --

MS. CORA CAPARIDA-SCHNACKENBERG: Yes.

COUNCILMEMBER CRIVELLO: --that I had, I guess, disseminated. And I went out into all of our districts -- into Maunaloa, Kualapu`u, Kaunakakai, and Mana`e. So, I'm hearing different interpretations even by written testimony here. It was not my intent to go out

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there to change anything but to engage the community in conversation 'cause I never submitted . . . I may have submitted what we came up with priorities but was never intended to change what was presented. So, did you attend any of those district meetings?

MS. CORA CAPARIDA-SCHNACKENBERG: On those . . . on those dates I was not on the island.

COUNCILMEMBER CRIVELLO: Okay.

MS. CORA CAPARIDA-SCHNACKENBERG: But in looking at how things were assimilated or how it was advertised, in my opinion, it could have been a better job at it.

COUNCILMEMBER CRIVELLO: Right.

MS. CORA CAPARIDA-SCHNACKENBERG: Thank you.

COUNCILMEMBER CRIVELLO: I agree with you in many of our community meetings, right?

MS. CORA CAPARIDA-SCHNACKENBERG: Yes.

COUNCILMEMBER CRIVELLO: No matter what the issue may be, yeah. So, in your opinion, when you say do away with the mention of CBSFA.

MS. CORA CAPARIDA-SCHNACKENBERG: Yes.

COUNCILMEMBER CRIVELLO: No doubt you understand that we have no jurisdiction as County.

MS. CORA CAPARIDA-SCHNACKENBERG: Absolutely. And I think that's where the State is involved, yes.

COUNCILMEMBER CRIVELLO: Yes.

MS. CORA CAPARIDA-SCHNACKENBERG: But . . .

COUNCILMEMBER CRIVELLO: So, and I --

MS. CORA CAPARIDA-SCHNACKENBERG: Sorry.

COUNCILMEMBER CRIVELLO: --just want to ask you, if I may?

MS. CORA CAPARIDA-SCHNACKENBERG: Sure.

COUNCILMEMBER CRIVELLO: That being said with the CBSFA and you come from a family of fishermen.

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MS. CORA CAPARIDA-SCHNACKENBERG: That's correct.

COUNCILMEMBER CRIVELLO: Let's just talk about where we come from. And in your opinion how can us, okay, I'm going to put aside Mo`omomi. I don't want to talk --

MS. CORA CAPARIDA-SCHNACKENBERG: Sure.

COUNCILMEMBER CRIVELLO: -- about Mo`omomi. I just want to have an understanding with community-based subsistent fishing areas. How do you see us making sure we don't get raked over by commercial fishermen say like in Mana`e. How do you, do you think a community-based subsistent fishing area to just make that in support of that is a bad thing for our plan?

MS. CORA CAPARIDA-SCHNACKENBERG: I think the process of how we get there is very important. I think that, you're right, the State . . . having the State involved two things -- one is a unfinished, they shouldn't be even involved in our community plan because it doesn't exist at this point. So, it shouldn't. And that's what our community members are at disagreement. They shouldn't be in until we all meet up, come out with a plan, then move forward. Now, to answer your question, every ahupua`a, those fishermen knows what are the deficiencies, what's plentiful. So, what is in Ho`olehua --

COUNCILMEMBER CRIVELLO: Right.

MS. CORA CAPARIDA-SCHNACKENBERG: --that is deficiency? Is it the same?

COUNCILMEMBER CRIVELLO: Right.

MS. CORA CAPARIDA-SCHNACKENBERG: Right. So, how do, to answer your question, it is a community-based subsistence so, we all need to meet with the community and let them determine what that is and how that would work.

COUNCILMEMBER CRIVELLO: I agree with you. I agree. Thank you. Thank you.

CHAIR KING: Thank you, Ms. Crivello. Any other questions? None. Okay, next testifier.

MS. CORA CAPARIDA-SCHNACKENBERG: Thank you.

MS. FUJITA: The next testifier is Dick Mayer followed by Greg Jenkins.

MS. CORA CAPARIDA-SCHNACKENBERG: Thank you.

MR. MAYER: Of course. Have a safe trip back home. Is this your pen?

MS. CORA CAPARIDA-SCHNACKENBERG: No.

MR. MAYER: Okay. Thank you very much. Councilmembers, I passed out this green thing and I'd like to refer to it. Ms. McLean about three meetings ago, two, three meetings ago

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mentioned that the Lanai template would be one that she would recommend for Molokai and also to one that eventually to all of the community plans on Maui. What you have in front of you on this green item is a way to try to solve a problem that will come up for all of you who are still on the Council in the years ahead. At the same time, she was saying that, the County got its audit of the zoning ordinance. And the zoning ordinance is probably going to be changed radically over the next few years. If you were to go ahead and used the Lanai template again, and again, and again, what that will mean is that all of the community plans hereafter will have to go back and change because that template requires the particular zoning categories to go with each of the recommended areas of land use that are in the community plan. And that's what this proposal is trying to do to make it easier for the people of Molokai to get what they want even when the zoning categories change, as they probably will, when you revise that Title 19. I just want to point out a few things in there, if you could follow along with me on this green sheet.

CHAIR KING: Does everybody have that?

MR. MAYER: Does everybody have a copy? Okay. What it's saying is, and it says that the zoning would follow, or the land uses would follow the community plan, which is right now already in the 6.2. And then it would say on the second paragraph it's underlined – *Uses expressly allowed within each community plan land use designation area are itemized below; and they are considered "Primary Uses."* So, the distinction is being made between primary uses and secondary uses. *For zoning uses other than Primary Uses ("Secondary Uses") are permissible only to the extent they are complementary and incidental to customary (such as local schools and neighborhood parks in residential districts), and supportive of the Primary Uses.* This makes it very clear so that when you have your new zoning law established they will easily fit into these categories because they will no matter what you call it, if you call it Light Industrial, Mixed Use or Apartment Mixed Use, Country Town, or whatever the zoning category might be, this will allow the community plan to stay in effect without having to go back over, revising them calling community meetings, having the local planning commissions take care of each one of these, going through your Council committees, Planning Committee, and then on to the full Council, it will solve a lot of work that would have to be done. And then in the paragraph below that, a very important item, that talks about the Sam Sato's situation . . . all the nonconforming uses. *Permitted uses and "entitled" properties existing prior to the adoption of this community plan, for example, in Kaunakakai where there may be some things that would not conform, but which are in conflict with the above, shall be "grandfathered" in, including the right to modify, repair, and replace existing structures as long as: a) alterations, repairs and replacements do not substantially change existing uses; and b) the square footage of such a structure does not exceed 10 percent larger than the existing approved; and c) all new construction is compliant with current building codes.* Very logical things that allow all of these nonconforming uses to continue and I think that's what the people of Molokai would want to be able to . . . They don't want to have to go back and if the place burns down, they need to modify it. They want to be able to do it. So, this allows you to have the flexibility in the future if this were a template for all the community plans – West Maui, South Maui, and Molokai, and I would urge you to even consider this as a possibility for Lanai as well unless you want to just leave it

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there and not have to open up that situation up again. This is a good model for all of your community plans, the relationship between land use and zoning. I thank you very much.

CHAIR KING: Thank you, Mr. Mayer. Good timing. I'm not sure we want to open up the Lanai Plan again. But you are aware that the testimony that you gave because we got the same testimony from Malia although she had crossed out the line about mixed use.

MR. MAYER: Yes. The mixed use is not on this . . . oh, yes, the mixed use would be left out and I think that several Molokai people mentioned it to me that that's something they don't want . . . the one near the very bottom of the first page. They also want the overlay district. I think Malia has put that in there. Because I'm not a resident of Molokai, I have no say. But I'm just trying to get a good model . . .

CHAIR KING: No, we already dealt with the overlay --

MR. MAYER: Okay. Very good. Very good.

CHAIR KING: --districts, so...

MR. MAYER: I'm not trying to interfere with the people of Molokai. I'm trying to give them the flexibility.

CHAIR KING: Any questions? Ms. Crivello, you have questions?

COUNCILMEMBER CRIVELLO: No.

CHAIR KING: Seeing none. I'm just going to the mikes that are turned on.

VICE-CHAIR SUGIMURA: Oh, I'm sorry.

CHAIR KING: Okay. No questions. All right, thank you for your testimony, Mr. Mayer.

MR. MAYER: Thank you and good luck.

MS. FUJITA: The next testifier is Greg Jenkins followed by Lawrence Carnicelli.

CHAIR KING: Mahalo, Mr. Jenkins. How's Nick doing?

MR. JENKINS: He's doing little bit better.

CHAIR KING: Okay.

MR. JENKINS: Won't be back to work for a while. One of our firefighters got hurt recently, that's what she was asking about. Hello. My name is Greg Jenkins. I'm testifying on behalf of myself, and as I'm told, a former CPAC member from Molokai. I'd just like to recap some of my prior testimony. I do support the reprioritization of the action items

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with the understanding that none of the items that were considered Category 2 rather would be deleted. I know there was a possibly some combinations and that's fine. And that through community plan amendment and informal processes if we got it wrong on priorities, we could always come back and make those adjustments as appropriate. Next, I think also with my prior testimony it was explained through prior written testimony I do not support the Lanai language. I do support Malia Akutagawa's version of the testimony that she submitted today . . . the updated one. I feel it's very important to have a close relationship between the intentions of the plan and land use designations and as they correspond with future zoning . . . comprehensive zoning changes in Title 19. And that land uses that have not been created in that process if, for example, in the current Appendices proposed talks about implementation of that land use within the plan and that was never agreed upon or vetted in the Molokai community, for example. So, my opinion would be instead of putting the cart before the horse to actually when these land uses, excuse me, zonings are created that they're vetted in the community through the community planning process amendment or through the planning commissions, respectively, so that they comply with the community plan. They're not land uses that we just implemented through an Appendices that never were vetted by the community, and that was from my prior testimony. As far as the CBSFA, I would, you know, say as a fisherman and respecting the Molokai community that this is a very delicate issue. Natural resources are very important to Molokai. We know that and making sure that our fish population, which is our primary source of subsistence food for that community, is critical for us to figure out how to protect it and not take species that are maybe endangered in doing the right thing. And our kupuna know how to do that but I believe that issue is important to call out as a priority for the future of an island that needs to be more self-sufficient on its subsistence resources. And so, I would hope that understanding jurisdictions and issue that we would at least understand and respect that protecting fish species in those areas as is definitely something that the community can get together and come up with a good plan for.

CHAIR KING: Okay. Well, thank you very much for your testimony. Any questions? Ms. Crivello, did you have a question? Okay. So, Mr. Jenkins, on the Appendix issue which version are you supporting just to get it clear?

MR. JENKINS: Malia submitted an updated version. I believe today that we never moved the mixed-use language. In our CPAC process, we discussed very closely with the Planning Department that that particular land use was only representing at the time in Project District. And while we would . . . I wasn't personally against the concept of that land use. I was concerned that there's many different types of mixed use, for example, there could be historical area mixed use Urban/Rural. What type of mixed use would we be talking about so that was the reason why we felt that it being addressed formally through Title 19 at this body here and then later present it to the community for consideration as part of the community plan was the better approach.

CHAIR KING: Okay.

MR. JENKINS: And that's why . . . that's why I support that version with that eliminated.

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CHAIR KING: Okay. I did see a lot in those notes about eliminating mixed use. I think it's something that's happened and probably will happen again. I think the issue is to take out the proposed designation, the mixed use. Because the previous version proposed a new designation so that's what you're taking out?

MR. JENKINS: Well, I don't have any issue with the proposal for a new designation. It's just that in the current Appendices that was proposed prior is that it talks about that being implementing in nature.

CHAIR KING: Okay.

MR. JENKINS: And so, I don't see how any part of the community plan for Molokai in the CPAC version or even the Molokai Planning Commission version where that was addressed. It was not. So, it just wouldn't, it doesn't make sense to have a land use called out for implementation in the community plan that was not agreed upon or it doesn't exist except in Project District.

CHAIR KING: Okay. Thank you. Ms. Crivello?

COUNCILMEMBER CRIVELLO: My question just going back to what you just mentioned about your idea of the . . . I guess we're going back to the matrix of 6.1. Was it presented through CPAC? Did you have, did you as a CPAC member, participate in the discussion? Because you just mentioned about you didn't really appreciate the designations or what have you. So, was it . . . was it discussed during, through the CPAC?

MR. JENKINS: There was two answers that I questioned. Mr. Crivello, one is the time that the Lanai Community Plan had not been approved so we did not have the example from the Lanai Appendices at that time, so we did not address those particular formatting or that document as being discussed now. But as far as the . . . just trying to understand the question, are you talking about the land use designation?

COUNCILMEMBER CRIVELLO: Right. If it's 6.1 and, at that time, it was probably 9.1.

MR. JENKINS: So, the Planning Department was clear to us about their focus on us considering as a CPAC the proposed land use designation for mixed use. And we were encouraged as a CPAC to come up with a definition of what that was supposed to be for Molokai. And we had examples from that came forth from the Lanai Plan; however, in my . . . I can't speak for the other CPAC members, but my concern was that there's different types of mixed use. I understand in support of that particular land use being defined in Title 19 but to try to implement that in our community plan without that being vetted formally through this body in Title 19 we don't know on Molokai what that is, and how that impacts. It could be different for the B-CT areas, it could be different for Kaunakakai versus Kualapu`u, et cetera.

COUNCILMEMBER CRIVELLO: Right.

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MR. JENKINS: Even on Maui so it was, you know, I felt that it was more cautious to wait and not to have that considered at that time.

COUNCILMEMBER CRIVELLO: So, the only reason I asked that because I'm getting mixed information so, as far as your participation in the CPAC, was there the discussion to push this through because it has come through to us on the 6.1? Went through Planning . . . I'm with the understanding that it went through CPAC, so this is where I get a little bit looking for clarity, you know. Did the Planning Department just put this in just without going through the process of CPAC and the Molokai Planning Commission with your understanding?

MR. JENKINS: I would say that without seeing the exact version because I don't want to speak out of turn to what version of, excuse me, of 6.1 or 6.2 or the proposed Lanai language unless I was actually physically looking at that document, right. So, but what I can say that we I know for sure that what we were not included in was the Lanai language as being recommended to, that's being recommended in the current version that's before you. We discussed land use but at the time having the implementation type language that is being more recently proposed the answer is no. And so, therefore, you know, we were clear about our land use designation decisions at CPAC and after following the planning commission process as well. So, I can say no to the Lanai language proposal that's before you, but I'd have to see the specific version. I wouldn't want to . . .

COUNCILMEMBER CRIVELLO: Right. I can appreciate that. Thank you.

CHAIR KING: Thank you. Any other questions? All right. Thank you so much for being here. Appreciate it.

MS. FUJITA: Okay. The last person signed up to testify in Chambers is Lawrence Carnicelli.

MR. CARNICELLI: Good afternoon, Chair, Members. Lawrence Carnicelli testifying on behalf of the Realtors Association of Maui. And I would just start with a big sigh 'cause I've been following this all along. As you know, I've been here to testify at almost every single one of these and even I'm confused at this point. So, I, you know, like for you guys to actually have to vote on something today, you know, good luck. As I say every single time we talk about Molokai, you know, I'm going to defer to the people of Molokai, people that live there. I think that they need to decide what it is that's best for them. And so, you know, I have gone over there and talked to some people about that. I'm not going to say that I speak for them in any way, shape or form. But, you know, what we're talking about is in what I always address when I'm here is to talk about, you know, the Appendices. And I get that this new language and then there's language that was submitted today by a person and there's all these different things is and, okay, there's going to be some grandfather stuff now but to create a community plan that's specifically in conflict in order to stop something in the future in another district that might potentially be harmful just doesn't seem like, you know, the right way to go about something. We're talking about Molokai and I brought up Sam Sato's. You know, I mean, that's one of the things that I've used, and I can use an example in every single person's district as to, you know, how this would affect that. But we're talking about

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Molokai and I think too, you know, and we keep talking about light industrial, light industrial, light industrial. I'm personally, I mean, I don't live on Molokai but I'm not afraid of a mega mall happening on Molokai. You know, so when I talk about some of the conflicts I'll go to residential. We have parks, we have roads that are in residential, things like that. So, I'm not telling you what to do. I'm just saying that I think that it's important that you listen to the people on Molokai and that we don't create something specifically that's in conflict, so, therefore, we can use that to then stop something that we don't want, or we don't like. And that's all that is that I have to say, Chair. Thank you.

CHAIR KING: Questions? Okay. Thank you. All right. Any more testifiers in the Chambers?

MS. FUJITA: No.

CHAIR KING: Okay. We'll go back to Ella Alcon. Ms. Alcon, do you have another testifier?

MS. ALCON: I have three testifiers. The first is Keani Rawlins-Fernandez.

MS. RAWLINS-FERNANDEZ: Aloha, Chair King and Planning Committee members. My name is Keani Rawlins-Fernandez. Mahalo for this opportunity to testify on PC-2, Molokai Community Plan. I testify today in support of the proposed Appendix 6 detailed in testimony previously submitted by Malia Akutagawa because it makes sense for our community plan, and other community plans moving forward into the future. And other testifiers before me mentioned that the proposed language will behoove the community and the County alike when Title 19 is amended in accordance with the recent audit. The language proposed primary uses and requires secondary uses to complement the primary use. This would better achieve the purpose of zoning and planning overall. We have seen the consequences of including language that is too broad allowing uses that was not impeded by the community in our plan. And this also goes to heart of the mixed-use issue during the CPAC, our Molokai CPAC meetings. I also support striking the mixed use residential and including the language that recognizes traditional land . . . traditional land use overlay recommended in the plan as an action item which is also in the testimony. I support the prioritization of the action items and personally participated in the prioritization process as well as many others from our community. Members from the Molokai community asked this Committee to conduct a prioritization process and you have my gratitude for following through on this request. I, therefore, support the results that came out of this process and urge this Committee to keep in the action items that CPAC prioritized as priority too. I urge you to keep in the references of the Mo`omomi CBSFA proposal and our plan because it contains studies and reports that underscore the importance of subsistence on Molokai. The language does not support the passage of the proposal rather it just cites it as a report. The Planning Department stated that the reason they recommended its removal is because the proposal is still in the Chapter 91 rule-making process, and that the final proposal could be different from the prior version. I recommend inserting the final copy of and striking "dated March 2017", and this should address the Planning Department's issue. Lastly, as a committee organizer, I know how difficult it is to get committee members out to meetings. We did the best we can to get the word out and encourage as many

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people as possible to attend. Chair King's talk stories and Councilmember Crivello's meeting updates were held in the evenings to accommodate community members. Like I said, we try our best to keep as many people engaged and as informed as possible. These types of things require long-term commitment, which is challenging. I appreciate this Committee's effort to continue to work with our community. Mahalo for this opportunity to testify today.

CHAIR KING: Any questions from the Members? No questions. All right, thank you very much for being here . . . for testifying.

MS. ALCON: Our next testifier is Rob Stephenson.

MR. STEPHENSON: Aloha, Chair King and Committee members. My name is Rob Stephenson, President of Molokai and a former member of the Community Plan Advisory Committee. I would like to open up by saying, thank you very much, to all of you for the time and effort that you've put into this community plan. It's very important work and there's been a lot of thoughtful effort put in so thank you. I'd like to back up and echo some of our Cora Schnackenberg's testimony earlier in that the broad community was involved in many of the items that are being asked to be put into the community plan, specifically the West End Policy Statement, the community-based subsistence fishing area, and even the informal talk story sessions by our own County Councilmember, and some of the informal talk story sessions by you, the Council Chair, I'm sorry, the Committee Chair. They weren't properly noticed, they weren't properly agenda'd, and they weren't properly recorded. So, really, it didn't give the opportunity for the broad members of the community to participate with such short notice when notices came out or notices only given to small groups of people. And like she said, if you look at some of the testimony, it's many of the same people, the same groups, the same special interest groups that echo the same testimony, the same people. And it's the same group of people that consistently testify which doesn't necessarily represent the broad community here on Molokai. And these were all held outside of the authority and the accountability of the County of Maui. So, my question is, why are we including items that were not fully vetted by the County in our community plan. I also appreciate the testimony given by former CPAC members, former residents of Molokai both on the CPAC and, if not, I appreciate folks that once lived here and the insights that they have but many of the terms that they want to dictate that the Molokai community have to live under they themselves do not have to live under those recommendations. So, I thank them for their testimony but would just like to point out that they're not bound by those recommendations because they're not current residents of Molokai. When it comes to the Appendices, as a former CPAC member, I'm happy to answer any questions anyone might have to clear that up regarding the mixed use, regarding any of the other items. I stand here to answer your questions to the best of my recollection, if you have them. If not, I completely understand and that concludes my testimony. And, again, I thank you for the opportunity.

CHAIR KING: Okay. Thank you for your testimony. We have one question, but I just wanted to also let you know Mr. Stephenson that the meetings that I held were not authorized by the County Council. They were informal talk stories and they were noticed in the

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paper, which was, you know, my understanding of how to get the word out in the broadest way; but, no, they weren't formal Council meetings because that takes a different type of authority, which I was not able to get.

MR. STEPHENSON: Right. And if I may respond to that. And I think that's one of the challenges that we face is if they didn't have the proper type of authority that was difficult to get, then those meetings are really just meetings of a loose association of individuals and community members as individuals, and the testimony should be taken as such as they're individuals who are non-professionals, non-subject matter experts. And so, that's the concern that I have from my perspective and many in this community who share that perspective who did not participate in those informal meetings. Again, those were informal meetings of a loose association of only individuals and non-subject matter experts and they should be taken with the same level of credibility as such in the community plan. Thank you.

CHAIR KING: Okay. And you had similar people come to the CPAC meetings. I don't think you can vet who shows up necessarily.

MR. STEPHENSON: No, but the CPAC meeting was actually under the authority and control of the County of Maui. So, it's a, again, it falls under the authority and accountability of the County of Maui when it was for the CPAC meetings.

CHAIR KING: Okay. Question from Ms. Crivello?

COUNCILMEMBER CRIVELLO: A couple of questions, Chair. Thank you. Aloha, Mr. Stephenson. Thank you for being here with us today. Can you hear me okay?

MR. STEPHENSON: Aloha. Yes, and thank you.

COUNCILMEMBER CRIVELLO: You make mention about the talk story meetings as well as one that I had facilitated going out to the different districts. And you know, to ditto Ms. King, it was really not under the jurisdiction of the County of Maui or the...our Council. For me, I did it on my own as an elected official because the community plan is such an important item for our island. And I apologize if you were not aware. I think we had the discussion when we went out to the Maunaloa area of the West End side. We had a number of participants and I don't know how you were overlooked. Maybe you weren't . . . nobody was contacted on a one-on-one basis anyway with my facilitation, but according to the flyer that was left out. So, that's no question for you. I think we had that discussion. But I have a question I regards to your membership as a CPAC.

MR. STEPHENSON: Yes.

COUNCILMEMBER CRIVELLO: In dealing with the . . . we call it 6.1, the matrix as far as the land use. What kind of participation would you say, to your recollection, that we had that was presented through the Planning Department and the community and the CPAC?

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MR. STEPHENSON: My recollection is that the land use designations in the community plan use that were proposed were some proposed designations specifically the one for mixed use. The mixed use hadn't been codified or categorized yet, but we were told what it would be, and I think now that it is, it reflects what we were told. And keep in mind please that the mixed-use land use designation there were not any parcels that the Molokai Community Plan Advisory Committee recommended to designate as that land use designation. So, really for our community that designation and in the existing draft of the community plan doesn't really matter for our community. I also remember, as a CPAC member, that we are not planning professionals as CPAC members. There's some members of the CPAC committee who have a profession in land use and development . . . myself being one of them. And there were a couple others as well in my recollection. What we do as professionals, we look to the governmental professionals, we look to the Department of Planning. The Department of Planning are experts in what they do. And so, as a CPAC member, it wasn't for...from my perspective and my perspective only, it wasn't necessary for me to understand every single little detail. It's necessary that I trust in our Planning Department to put forth what they have as their best efforts and what they have as their best information, and they understanding the planning process better than anyone else involved in the CPAC process.

COUNCILMEMBER CRIVELLO: So, excuse me, Rob, I'm just asking have you gone through the process with this particular item as a CPAC member?

MR. STEPHENSON: I recall we did, yes.

COUNCILMEMBER CRIVELLO: All right. That's all I need to know. Thank you.

MR. STEPHENSON: Thank you.

CHAIR KING: Okay. Seeing no more questions, thank you for your testimony. Ms. Alcon?

MS. ALCON: Our last testifier is Sybil Lopez.

MS. LOPEZ: Aloha, Chair and Planning Committee. I'm Sybil Lopez. I am here on behalf of myself. I took couple hours of vacation just to be here to represent my island on Molokai. So, I just want to mahalo for the opportunity to come here and talk. And I would just wanted to talk about the three items that you guys are going to be talking about today. First, would be the implementation action. I kind of want to reiterated what other testifiers said and wanted to just refer back to Keani Rawlins-Fernandez's testimony dated back in 10/4/2017, which reflected during those times when the talk story sessions with Councilmember Kelly King and Councilmember Stacy Crivello had their district meetings and the talk story sessions. She did a really good job in depicting and explaining what happened since she was there at almost every meeting. So, Appendices 6.1 and 6.2, I wanted to kind of give you guys an example. So, when you guys talk about mixed use we kind of lower in the crisis or getting ready to try and get towards what we call sea level rise and climate change. And so, when you look at sea

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level rise and climate change, you're looking at revamping our shoreline. And so, when you look at these Appendices and we have to look into our community plan and look at these zonings such as mixed use and seeing Kaunakakai town in that shoreline area and maybe compromised by sea level rise, then you have to think to yourself what is mixed use used for in this type of incident? So, if we're looking at relocating our town and looking upwards going mauka, and you're looking at these upward lands as being in Interim district, being in agricultural district, you know, mixed use will allow that type of development to occur so we can relocate our shoreline because it's coming and how are we going to face that so that's just one example of using mixed use and trying to help this sea level rise and climate change and kind of trying to revamp our shoreline, trying to move all of our towns, like Kaunakakai town, upland and having to use Appendices 6.1 and 6.2 to maximize what we can do now. So, my recommendation is to go with the template of Lanai appendices because of this point. And if you actually put the proposed Lanai and ones that are being proposed now, it's the same content. But when you look at it as development or same people that has to review it, it does an easier flow to understand and grab the essence of what is trying to explain when you look at the template of Lanai appendices. So, if you scroll from left to right and up and down, you can see how easily it can be transferred into what you're actually trying to accomplish versus it being complicated and kind of misconstrued and misinterpreted. So, that's the reason why I would recommend that. So, that's No. 2 with the Appendices 6.1, 6.2, and then my final one is to address CBSFA. So, I've been paddling for...since...almost all my life. I've been doing that since my pre-teen years and I continue to do that and that's what I want to teach my children and my grandchildren about paddling. I've been crossing the channel for the past ten years. Crossing that channel means so much to me it saves my life. It was a milestone for me to understand who the kind of person that I am today. I crossed that Kaiwi from Hale O Lono 42 miles all the way to Waikiki. So, I've been in this arena, in this ocean area and seeing for decades how commercialized fishing . . .

CHAIR KING: Ms. Lopez, could you please conclude?

MS. LOPEZ: Is that my last minute?

CHAIR KING: Yeah.

MS. LOPEZ: So my point for the CBSFA—real fast one minute—is that you keep it in the Molokai Plan and let them decide their faith and the future. And it's involved in the State, the County shouldn't be a part of it whether if it's a reference or some type of policy action. Just keep it with the community, leave it up to the State to make that determination and let the people decide. Thank you.

CHAIR KING: All right. Thank you for your testimony. Ms. Alcon, do you have anybody else waiting to testify?

MS. ALCON: No, that's the last testifier.

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CHAIR KING: Okay. And do we have anybody else in the Chambers who would like to testify who hasn't? Seeing none. Oh, I'm sorry. You had a question for her?

VICE-CHAIR SUGIMURA: Yeah, I did.

CHAIR KING: Okay. I'm sorry. Are you still there Ms. Lopez?

MS. LOPEZ: Yes.

CHAIR KING: Okay. Ms. . . . Member Sugimura has a question for you.

VICE-CHAIR SUGIMURA: So, thank you for your testimony and I just wanted to clarify . . . I think I heard that you're a planner, correct, but you're here today on your own.

MS. LOPEZ: Yes.

VICE-CHAIR SUGIMURA: And that you are based upon your experience you're saying that 6.1, the Lanai Community Plan that is 6.1 in the Molokai Community Plan to use that would make it easier from a planning perspective for consistency. Is that what you said? Could you rephrase . . .

CHAIR KING: I don't think she's speaking as a planner.

VICE-CHAIR SUGIMURA: No, she is speaking as an individual is what she said. But her profession is a planner; so just curious, since she is from Molokai and she does have to use this, I'm just curious to see what she . . . could you say again what you testified, Ms. Lopez, about that?

MS. LOPEZ: Thank you, Councilmember, for that question. I will try my best because you were going in and out but what I heard correctly was you want me to explain a little bit more about what Appendices 6.1 and 6.2 is...

VICE-CHAIR SUGIMURA: Actually, I just wanted, excuse me, I'm sorry to interrupt you but I just wanted to know from a planning perspective although you're here as an individual today; but, as a planner, are you saying that to use the Lanai 6.1 and 6.2 version for Molokai and its consistency would be better from a planning perspective and a department perspective?

MS. LOPEZ: Oh, well, thank you very much for that question, but . . . so I guess you're asking me as a . . . for an expertise as an expert on it. Having to . . . have to review using the community plan is actually, I actually put those two proposals side by side and it was more complicated to read the one that is right there in front of you versus the one that's being proposed by the Planning Department. And there's reasons why it's so complicated because the one that's being proposed it looks as if you guys changed the charting situation. And by changing the charting situation, it doesn't have an easy flow from left to right to make it understandable because the Molokai Community Plan has its first column. But versus the Planning Department's one it has the State zoning so

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it goes by tiers, yeah, so you get State and then you have community plan and then how it relates to the County zones and any other recommendations in the last column and versus the one that's being proposed now is that you have the Molokai Community Plan designations in the left column alphabetical order and then you have like State and then you have County but if you notice, State is complicated because then you define Ag then you go down to Urban and then you go down to Rural then you come back to Urban again and then the last one is Conservation. So, by having the tier first like the State Land Use it kind of gives you one overview and one flow on how it will end up versus you gotta go alphabetical order, you don't even know where the land use designation if it's Urban or Rural.

CHAIR KING: Okay. I think we've got it. Thank you, Ms. Lopez. I think we got her question answered. Did you have another question, Ms. Sugimura?

VICE-CHAIR SUGIMURA: No.

CHAIR KING: Okay.

VICE-CHAIR SUGIMURA: Thank you.

CHAIR KING: All right. Thank you. Okay. Do we have any other testifiers, Ms. Fujita?

MS. FUJITA: No other testifier signed up.

CHAIR KING: Okay. So, with that then I'd like to close testimony, if there are no objections?

COUNCILMEMBERS: No objection.

CHAIR KING: No objections.

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

CHAIR KING: Okay, Members, we're going to take a short break and come back at three. And then, you know, then my intention is to go through the three items. We're going to have approximately about 20 minutes and then I'll see if our discussion goes on I'll see if we're at a point to come to consensus on each of these items and then we can get through with them. You know, there's been a lot of discussion during testimony so, hopefully, we can come to an understanding. I don't see, I didn't see if we can't do this now if we're going to be able to do it in the future because we're going to have these repeat discussions that are going to be very similar because the testimony is the same. So, if we can take a recess and come back at three, appreciate it if we can get through this today. . . .(gavel). . .

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**RECESS: 2:51 p.m.**

**RECONVENE: 3:00 p.m.**

**ITEM PC-2: MOLOKAI COMMUNITY PLAN UPDATE (CC 16-98)**

CHAIR KING: . . . *(gavel)*. . . And we're going to try to go through these items. I think the first one that I have to go through is probably going to take the longest, so we'll just tackle that one. I wanted to just start with the proposal for Chapter 12 and it's on Granicus dated . . . let's see, what is the date . . . it's the item dated 6/14/2018, Implementing Actions. So, Members, we did . . . I actually mentioned that I was going to do this. I talked about it in Committee and I can't remember how long ago that was because we've been working on this for so long. But there was a concern in the community that there were only, in the prioritization of implementation items, there was only one and two and that was too broad. And so, there was a survey that was done. There was a meeting that I went over and held and that was one of the talk stories that the community is talking about and, you know, was advertised by flyer and by newspaper, an article in the newspaper, and so we talked about doing the prioritization survey. And that survey went out and then I held workshops and so the total amount I would say of the between the survey and the workshops a number of people, different people that . . . and Ms. Crivello held meetings to explain some of these items to people in four different communities. And so, the number of people who actually participated in the actual prioritization was about 25 to 30 in the survey and then another about 40-45 in the workshop. So, the numbers that are proposed here, which are focusing the prioritization beyond just one and two based on community input are my proposals and they were . . . then some of the people testified for and some people testified against it. So, this is one option of going forward and then the number, the items . . . all the items that were number 2 were not addressed because there was a recognition that if we get through the first 100 in the next five years, we'll probably be doing good. But those would all be subsequent to these items. So, that was the process and the reason why there are less numbers in the East End and West End policy implementation items is because there are less implementing items. And if you use the same number, if you use one through six, we would have ended up with very narrowly prescribed priorities, so I just went through one through four. So, that was . . . so that was one of the questions that the Department had and I'm . . . this is my recommendation. I'm also recognizing that the other option is to go back to the previous Chapter 12 that had the Implementation Items 1 and 2. And we removed . . . as we went through the plan, we removed some of those implementation items to policy because we recognized that they were not action items, but they were policy. So, some of them we're taking up but they're still in the plan and recognized as policy statements. If we go back to the original ones and twos, we still have to add in the East End and West End Policy Statement Implementing Items. So, those will be added in based on the fact that we had a vote and we decided to keep those two Chapters in. So, those are the two options, basically, and I will let the Department . . . see if you have any comments on that?

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MS. McLEAN: Thank you, Chair. I think, as we indicated at a prior meeting, the version that we transmitted to the Committee had priorities one and two and those were decided based on the eight questions that are listed in Chapter 12. So, that's what was used to determine the ones and twos. And we don't object to another prioritization method. If, you know, certainly if the Chair and the Committee feels comfortable with how those priorities were established, it looks like all the ones were taken and reordered into one to six, and now all the twos are now number seven, so it just gave a more detailed prioritization to the ones through six. And also, our transmittal because of the East and West End Policy Statements hadn't been included, the prioritization that was transmitted does not include prioritization to those two statements that have now been accepted. So, if you choose to keep the prioritization as it was transmitted, then you would want to add the prioritization for East and West End; or if you wanted to just take the whole package of the more detailed prioritization that the Chair presented, then we could support that as well. So, as long as you understand what the prioritization method was and feel that that's representative, then we have no objections to the proposed . . . to the Chair's proposed version. Thank you.

CHAIR KING: Okay. And then also . . . thank you for that, Ms. McLean. And also, in our discussions, there's a recognition that whatever we do prioritizations may change as we go along and as we get grants that we'll push some of the items further up that, you know, make them doable now. So, is that recognition that this, whatever, whichever way we decide to go it's going to be a little bit fluid depending on what monies come in, what monies are not available and some of the things that are out of our control as an Administration and as a Council. So, any questions from you, Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, Chair. Before I go any further, Chair, I really appreciate all of your efforts to try and collaborate members from my community, our community as to how the participation. And I'd just like to say this, we have a different segments in our community, different networks, no different from here and some people participate, and some people don't. But I hear the chatter all the time, you know; it may not come up publicly. And Director, I get a little confused. So I'd like to make a comment first and to have you do a follow up. You know, we go out and we select CPAC members, advisory members. We go and knocking on doors, the Administration does, looking for applications or applicants to participate as planning commissioners for our island. And I recognize all of that as a process. And then all the plan comes to us. But I'd like to recognize that there were heavy community participation through that process. CPAC – I've attended quite a number of those as well as the Molokai Planning Commission. Many in our community do not even turn out for the meeting as they watch our *Akaku* or what have you, and then they make their own conclusions as to how their perception is. And we come in and we decide to make changes as we see like our East and West policy. Okay. So, that's kind of like a big change though the East End policy was in heavy discussion through the CPAC process, and the West End policy was part of the Molokai Planning Commission process as well as the East End policy. And they had the opportunity to pass it through. What I'm getting at is, please recognize the different processes that we put up. I go out, I facilitate to engage and to educate and to get feedback. I'm not there to say we're going to change all what your community participation have done prior, yeah. So, I support what came through our original

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community plan. We went through a process . . . a process that we as County have before us and have extended that out to the community. Now, we're going into other districts, other communities to do the different plans so then we're looking for CPAC members, we're looking for making sure that it gets to the right people through the Maui Planning Commission or what have you. And the hours and times your Planning Department spent on our island also. I don't want to take anything away from them. But you're okay, Director. You're saying you're okay if we're okay. What is your direction for us to do in making something decisive for us to . . . so whatever we decide is okay with you then as the Director of the Planning Department? Is that my understanding what I just received from you?

CHAIR KING: Ms. McLean?

MS. McLEAN: Thank you, Chair. I'll try to phrase this a little bit better. The priorities that were transmitted to the Council were rated one and two, and we know how those priorities were established. Our staff handled that. And if you want any detail on how that was done, then Jen can provide that information. My understanding is that the Chair took the number one priorities, which were the top priorities, and then reprioritized those more specifically into one through six, and then the priority twos were made into priority seven. So, it didn't necessarily change what was number one versus number two. It just put more refinement into the number ones. That's my understanding of how that was done. What I conveyed to the Committee was that if the Committee is satisfied with how that process took place, and if you feel those prioritizations are representative of what the community wants, then we would not object to that. I know how the ones and twos were figured out and so I have no problems supporting that. We weren't involved in the further refining process and so, I can't say with that same degree of confidence because I wasn't involved. But this is a call for this Committee to make that if you understand what that process was and you're supportive of it, you believe it reflects what the community wants, then we wouldn't object to it simply because it occurred after we transmitted the package to you.

COUNCILMEMBER CRIVELLO: May I ask, Chair . . .

CHAIR KING: Okay. And there were changes, yeah . . .

COUNCILMEMBER CRIVELLO: No, I just want to follow up further. And nothing to not be supportive or not appreciate what you've done. I am concerned, okay, we all know it's budgetary. We all know it's going to come down to the dollars and so you set up your one and twos and you may have a hundred in that list but it's what the process. So, do we take this template for West Maui? Do we take this template for South Maui? It's a process that we went through. This is not a small change in my opinion, this is a major change. It's not something small. So, I am looking for direction and I hear you. If this is what the Committee wants, it's okay with the Department of Planning. That's what I'm hearing . . . under your directorship.

CHAIR KING: Do you feel like you need to answer that?

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COUNCILMEMBER CRIVELLO: You don't have to, yeah.

CHAIR KING: Okay.

COUNCILMEMBER CRIVELLO: Okay. Thank you.

CHAIR KING: So, you know, there were, there were . . . I mean, if we had looked for direction from the Department earlier, we probably would not have added in the reformatted chapter – the East End and West End policies either because --

COUNCILMEMBER CRIVELLO: No, no.

CHAIR KING: --that was a recommendation, they recommended against that. So, the process . . .

COUNCILMEMBER CRIVELLO: Excuse me, Chair.

CHAIR KING: Let me just finish talking because . . .

COUNCILMEMBER CRIVELLO: No. I need to add further that the East and West policy was part of the community discussion.

CHAIR KING: Right.

COUNCILMEMBER CRIVELLO: It was.

CHAIR KING: It was but it was not in their as separate chapters. So, we did that, we reformatted it, we added Implementation Action Items to those two chapters, and that's part of the process. When it gets to the Council, it's the Council's plan. So, it goes, you know, we . . . every step of the way is designed to add more community input. It changed dramatically between the CPAC and the Planning Commission as well. You know, the Planning Commission brought in . . . they had their community meetings as well. And so, every step of the way, we're doing what we, what each body feels will make this a better plan. So, yeah, I'm not going to . . . I'm here to answer questions. I'm not going to argue with anybody --

COUNCILMEMBER CRIVELLO: No, I'm not here to argue with you, Chair.

CHAIR KING: -- about which version to use. I just want to come to a conclusion today.

COUNCILMEMBER CRIVELLO: Right. I'd like to give my input, if I may, as not even the district member, as a Molokaian. Yeah, keiki o ka aina o Molokai.

CHAIR KING: Okay, settle down.

COUNCILMEMBER CRIVELLO: That's who I am. Okay. So, when we talk about the West and the East End policy, it's nothing that was not heard by the CPAC or Planning. And after

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that was completed before we even started to meet as a Committee, I had sat down with the authors, I've sat down with the Planners who were involved and had strongly stated that I will support that this will be added into our community plan in representation for those districts. I think Ms. Eaton . . . Pam as well as Jennifer will attest to that. All I'm saying is that was part of the process and it's a process we also go through as Council. But what I'm saying is Chapter 12 especially since it involves budgetary I would like for us to . . . I'm going to conclude it this way. You have your recommendation --

CHAIR KING: Uh-huh.

COUNCILMEMBER CRIVELLO: --I can appreciate that, and I do not support your recommendation. I will support the recommendation that have come through from the Molokai . . . original Molokai Community Plan that went through CPAC as well as the Commission.

CHAIR KING: Okay. Does your proposal is to put it back in the Appendix like it was?

COUNCILMEMBER CRIVELLO: I'm talking about Chapter 12.

CHAIR KING: Oh, okay.

COUNCILMEMBER CRIVELLO: Yeah . . .

CHAIR KING: So, you know, I mean, I understand what you're saying but, to me, it doesn't make sense because we made major changes in other areas too. But if you don't agree with it, that's fine. It's just . . . we need to understand that this is part of the process.

COUNCILMEMBER CRIVELLO: Right.

CHAIR KING: We are part of the process when it comes to the Council so . . . are there any other questions? You have a question, Ms. Sugimura?

VICE-CHAIR SUGIMURA: Just by listening and I was not at your talk story, but I did catch it on Akaku, I must say, that I was just so happened to be channel surfing and I saw you.

CHAIR KING: Which one? I had five.

VICE-CHAIR SUGIMURA: The last one that you had when you were talking about your fishing . . .

CHAIR KING: Oh, I was not talking about that. That was testimony that people came out and talked about that.

VICE-CHAIR SUGIMURA: And I will say that what you said in that meeting and I asked your office for a copy that you were going to have notes or minutes so that the community could have a, you know, have that. I don't know if you ever did and I asked your office --

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CHAIR KING: Uh-huh.

VICE-CHAIR SUGIMURA: --if I could --

CHAIR KING: Uh-huh.

VICE-CHAIR SUGIMURA: --have a copy of it and I never got one. But that's number one. The other thing is that I think the reason why we're having so much confusion from the community is, and this is the first time for me going through a community process but as Member Crivello said, if there is an established process which is the CPAC and then go to the planning commission and then to the Council, and if the Council then takes it back to the community and does these talk story it gets very confusing--who you were going to listen to, what about the process--and I think that's why there is this kick back is what we're seeing. I stand by the process and I hear what Member Crivello is saying and what the community did and I went through your proposal of the implementation and the changes between the two and I gotta say if the CPAC and the Molokai community said let's do this, let's do this, instead of changing it to what you think they said because now it becomes your interpretation, I think.

CHAIR KING: Well, it was based on community input.

VICE-CHAIR SUGIMURA: And based upon community is what you read and what you thought they said because now you become the author of what the community is going to do, and I think that's the problem. So, I respect the process and it's good that you went back for the talk stories, I think it's caused confusion by listening to, you know, the testifiers that have come time and time again. Lot of them are similar. Always repeat testifiers. Thank you for their input and I appreciate it, but that is not the community. It's like the people that showed up to this open meeting, right.

CHAIR KING: People that show up are community.

VICE-CHAIR SUGIMURA: But that is, that is, I think we gotta stick to the process because we are government and we are responsible for doing this important planning document and for us to take seriously what those people who have volunteered through the years through the CPAC process and the Molokai Planning Commission to see what, you know . . .

CHAIR KING: Okay, but you do realize that when we do community plans when it gets to the Council's part of the process people will come out and testify. That's what they were here for. They're not able to do that on Molokai because they're not here. That's what the "talk stories" were for was to go into the community so I could hear their voices because they can't be here.

VICE-CHAIR SUGIMURA: So . . .

CHAIR KING: When we get into the community plan, part of the process involves the County Council Committee will involve a lot of testimony but . . . and we'll have more because

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we're right on Maui. They'll be able to come out every day and we may make changes based on their input. That's what this process is for. So, you know, I don't think we're violating any process, but I do understand if, you know, if there's a preference to go back to another version of it. It's just that let's not base it on saying that we're not following the process because the process involves the County Council Planning Committee. That's where we are now and we're in the process where community members from Molokai came to me and asked me to reprioritize because they thought one and two was too broad. So, I went through the exercise, I told the Committee I was going to. I invited the Planning Department, they didn't want to be part of that so, you know, that's the exercise that we went through. And if you don't feel that that's representative of the community like, you know, Ms. McLean said then, you know, we don't have to accept that if we don't come to that consensus. But the main thing was that, you know, not to . . . not to shrug aside the part of the process that we're in right now, which is . . . it comes. . . there's a reason it comes to the Committee after going through CPAC and after going through the planning commission. So, that's where we're at right now.

VICE-CHAIR SUGIMURA: I understand but I'm just saying that I think from what I'm hearing 'cause I was not at your meeting I just saw a portion of it on *Akaku* that there's this confusion because some got asked and some didn't, right. So, the people who had the authority, which is CPAC, Molokai Planning Commissioners, and then we have this talk story, which is good, I totally . . . I totally love the community too and that it was great that the people who came to testify got to say what they wanted but without Planning there or having this process, then documented or whatever, for whatever reason they did not, that I think that's what's causing confusion.

CHAIR KING: It's not allowed, Ms. Sugimura. It's not allowed to have . . . to notice something that is not part of the County Council process. And we were only allowed, this Committee is only allowed to go to Molokai once, you know, as a Committee, which we did. So, going back there again I was not allowed to make it an official meeting and to notice it and to, you know, I mean, I . . . those meetings came out of my County Council budget. So, they were not meant to be official meetings and the notes, I can give you the notes, but basically my representation to the community is here's where we are today, here's how many meetings I've had, we've had as a Committee, here's how many times I've come over here and done the talk story, here's some of the changes and I talked about the broad changes, which is at the time proposed adding in East End and West End, different policy statements, and the implementation action items I mentioned that. I was kind of blind-sided because we had no objections to the statements about CBSFA previous and then that whole meeting turned into because people came out, turned into CBSFA objections - the statements that we had in there. So, that's probably a lot of what you saw on *Akaku* but that was not even mentioned I didn't know that was an issue until people showed up. So, Ms. Crivello?

VICE-CHAIR SUGIMURA: One last statement.

CHAIR KING: Oh.

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VICE-CHAIR SUGIMURA: One last statement.

CHAIR KING: Okay.

VICE-CHAIR SUGIMURA: So, I respect your . . . what you did, and I know it took a lot of effort and your representing us in terms of being the Committee Chair. But you made decisions from the input that is causing this confusion I think with the testifiers and then how it's being now implemented in this document to us.

CHAIR KING: It's just a proposal.

VICE-CHAIR SUGIMURA: It is. But I wanted to just say that it's official. You made it official from an unofficial talk story, which is a good thing, right, but it's being . . . it looks like the community I don't know is misunderstanding. That's all I want to say.

CHAIR KING: No, I understand --

VICE-CHAIR SUGIMURA: That's all I want to say.

CHAIR KING: --that there's some people who are confused and some people who aren't. But we had much more confusion about the Appendix issue than this one so.

COUNCILMEMBER CRIVELLO: I just want to add my support for the going back to the original is also than to necessitate amendments to accommodate implementation for the East or West policy also.

CHAIR KING: Okay. Yeah, and that would be . . . we have to do that because we can't ignore those items so I'm just going to ask if there's any support for, you know, the proposal of reprioritization?

COUNCILMEMBER COCHRAN: Chair?

CHAIR KING: Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you. And I think we . . . a decision was failed for us to actually have that official meeting held back over there. So, you chose to go back. You know, first of all, you had to be unofficial per se. Maybe that's not the proper word but and I was able to be in attendance also and you got the CPAC members who were able to attend that to chime in and like anywhere else in our districts a lot of time it's really hard to get participation by people initially. And then things roll out, you know, week after week, month after month, year after year, and finally messages get out there towards the ending, mid, ending, or whatever. Now the big voices come out, they want to chime in, which is great. But a lot of work had already gone into it. A lot of discussion, outreach, and meetings, yes, and everything else have already gone into it. I remember going through the GPAC process before I got on the Council and that was a very, very grueling process and things changed and morphed a lot. So, I see, yeah, the process is very, it can be confusing. People can feel like they're left out, other people

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can feel like some people had too much voice. But I agree with your prioritization. I don't think the one and twos make a whole lot of sense when you have 20 ones and 20 twos, you know, number twos and you're like well how are you going to prioritize all those ones and all those twos. And so, I agree with that and, yeah, so I think you did the best you could and did it in a very, very open and transparent way. So, I agree with your process --

CHAIR KING: Okay.

COUNCILMEMBER COCHRAN: --and how you came about with what's proposed. Thank you, Chair.

CHAIR KING: Thank you, Ms. Cochran. Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. You know, my concern is if we're going to make wholesale changes like this at this level, then I'm concerned about getting people to participate in the CPAC process and the Planning Commission process because it dilutes their impact on the product, it dilutes their impact on the process. And so I'm . . . I understand the benefit of going back to the community but at the same time, that same community had the opportunity to participate in the CPAC process and Molokai Planning Commission process. So, I'm a little bit concerned that if we were to go along with this, that it might discourage some people from getting involved in the process.

CHAIR KING: Okay. Well, that's a legitimate concern, I think. Thank you for sharing that. The concern did come out of, you know, some CPAC members who felt like they were constrained with that. So, maybe that's something that we could look at going forward whether we have to stick with just ones and twos because there are over a hundred ones and a hundred twos. So, that was part of the concern. But if there's not . . . there didn't seem to be consensus then I'm gonna ask for consensus. I'm going back to the original ones and twos with the addition of the East End and West End implementation items. And do you have any comments on that, Ms. McLean?

MS. McLEAN: No, Chair. That would be appropriate. Thank you.

CHAIR KING: Okay. And then you would just take . . . is there any concern with taking where the prioritization is in because we had no formatting for those implementations? I'm just splitting them into ones and twos so that they would be even with the rest. Is there consensus for doing that? Yes, yes, yes, okay. So, let's just call that good then. We'll go back to the . . . the way Chapter 12 is after we went through the plan where we had put some of those items into policy. Because if we go back to Chapter 12 the way it was when it came to us, it will be ignoring all the work that we've done to date. Do you understand what I'm talking about? Ms. Maydan?

MS. MAYDAN: Thank you, Chair. Perhaps there's clarification needed on what it means to go back to the original priorities one and two. It seems like it would be logical to go back to . . . if your Committee chooses to go back to priorities one and two based on the

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CPAC prioritization, it could also include the work that your and it should include the work that your Committee did to clarify if there was something that was in the action table that in fact is a policy that should remain as a policy.

CHAIR KING: Right. Right. That's what I wanted to clarify that it's just the format that we're going back to is the ones and twos, but this Committee took a lot of those implementation items that were not action items and put them into policy, so they would make more sense --

MS. MAYDAN: Yes.

CHAIR KING: --because there are things we don't have control over.

MS. MAYDAN: Yes.

CHAIR KING: Okay. So, is that clear then? Any objections to that? No. Okay. All right, the next item is the Appendices. It's the second big item to go through and the options, you know, we have three options under Appendices. What's the date on the item in Granicus, Traci?

MS. FUJITA: It's the transmittal from you dated July 18, 2018.

CHAIR KING: Okay. There's one and two.

MS. FUJITA: Right. So, the first one is the . . .

CHAIR KING: Okay, so if you look at the last two documents on Granicus, the second to the last is the document that we had last time . . . last meeting when we had Harmony Williams and Malia Akutagawa here. And this is a comparison between the original Appendices 6.1, 6.2 as they came to us from CPAC and the Appendix 9 from the Lanai Plan as it came to us from the Planning Department asking to insert it later. So, that's what this document is. It shows the difference between those two. Is that correct, Ms. McLean? You don't have the Granicus . .

MS. MAYDAN: Chair, that is correct.

CHAIR KING: Okay. And then the last document is the document that was proposed by Malia Akutagawa when she was here at the last meeting. She thought it was attached to her testimony. Since then, she sent in testimony for today that is dated 7/25 that has that same document attached but it has the section at the bottom that's called *Mixed Use Residential* crossed out. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, Chair. Yeah, so she's sending this not necessarily as one of our authors for the East End Policy but as the . . . 'cause she was here as a resource person for us to recognize on the East End Policy.

CHAIR KING: Right. She gave us a lot of other testimony.

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COUNCILMEMBER CRIVELLO: Right. She was allowed to do that. And so, okay, is it Dick Mayer's or Malia's, which one are we looking at?

CHAIR KING: Well, this is the one that Malia had attached to her testimony that Mr. Mayer supported but since that last . . . since that last testimony, Malia has sent in a new one today that has the same document minus the *Mixed Use Residential*, the MUR, proposed new designation. So, her testimony is to use this version but take out that line.

COUNCILMEMBER CRIVELLO: Chair, I want to pull out the original matrix. Can we have a short, brief recess?

CHAIR KING: Okay. We'll take a recess. . . .(gavel). . .

**RECESS: 3:33 p.m.**

**RECONVENE: 3:35 p.m.**

CHAIR KING: . . .(gavel). . . Okay. Back out of recess. And I'm going to ask the Department for any comments on the Appendices issue.

MS. McLEAN: Thank you, Chair. I'd like to start by saying that whichever version is adopted that the Mixed-Use Residential designation can come out altogether. That was put forward to the community at the CPAC level I believe. And there was a fair amount of discussion on it but that's not on the Land Use map anywhere, so it doesn't need to be in the table. So, just to avoid any confusion or discomfort that can come out. The table that the Planning Department has proposed, which as you know was the same table that was adopted in the Lanai Community Plan, we believe is valuable. It provides a description of the uses envisioned by each community plan designation, which we believe is helpful and informative. It shows that it's possible to have other zonings than, you know, it's ideal to have a match. But there are lots of mismatches out there. And while that match is ideal, the table as transmitted doesn't make it clear that mismatches are possible. The table that was transmitted seems to suggest that . . . seems to invalidate those situations where there are mismatches between State, community plan, and zoning. So, because you can have those mismatches it's important to, for the status of those mismatches, to be somehow addressed. And it also . . . the table that we're proposing we believe adequately describes the existing and long-standing administration of State and community plan and zoning and how they work together. The alternative table that was proposed, I think it's the one dated July 18, last week, wasn't discussed with the CPAC or the Planning Commission and the table we're proposing wasn't either, but again, ours reflect long-standing practice and would result in no changes or surprises to anyone with how permits are administered. The table we're proposing wouldn't have any practical repercussions but there could be with the alternative table. It would . . . it acknowledges that it would create non-conformities where they don't exist today. And while it describes how those non-conformities could be protected, that's a different standard than what's codified in the zoning code now. It's not quite clear to us how that would work. We don't know for sure where those

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nonconformities would be on Molokai. We don't know where they are, we don't know what those uses are, so we don't really know the impact of creating that sort of nonconforming standard. It would call for us to deny permits that today we wouldn't deny. For example, the new terminology of secondary use says that it's related to another use. So, if you have a residential district without any homes, it suggests that you wouldn't be able to just build a free-standing school because the school as its alternative table is saying has to be secondary. So, if you don't have that primary use with it, then the school has nothing to be secondary to. Whereas, today in the residential district you could build a free-standing school. The alternative table conflicts with 280B.03.0B about ministerial permits that this Council clarified a couple of years ago. It seems to have a very legitimate goal of addressing stacking which absolutely needs to be addressed. But in so doing it can create a conflict between community plan and zoning, and with long standing practice. It introduces say new terms that aren't clearly defined of primary uses and secondary use those aren't terms that we use today. However, all those things being said, I think it's a very good basis for a long-term discussion on community plans and how community plans relate to zoning, and that's a discussion that we need to have. So, there are some very good values in it but as a table in this plan, I think it would be quite problematic for us to administer as it's written. Thank you, Chair.

CHAIR KING: Okay. Thank you for that. And so, if we went back to the original table that was in the plan when it arrived on my desk and then remove the mixed use residential, which is a new designation, that would not be confusing to you so that would be something that you could administer? I'm asking you actually.

MS. McLEAN: We would also ask in the column that's headed County zoning districts that that be changed to typical County zoning districts, again, to address the kind of mismatch situations that I was mentioning.

CHAIR KING: Okay.

MS. McLEAN: So, I think that would be helpful. Again, we would advocate for the table that we have recommended. But in terms of confusion I think the existing table with that change, with those changes, would be less confusing than the alternative.

CHAIR KING: Okay. Comments? Ms. Crivello?

COUNCILMEMBER CRIVELLO: Totally confused.

CHAIR KING: We're confused by us trying to clear up the confusion?

COUNCILMEMBER CRIVELLO: Confusion, yeah. I have a question.

CHAIR KING: Uh-huh.

COUNCILMEMBER CRIVELLO: So, no, my island is Interim zoning, Interim zoning, Interim zoning. So, when we look at giving it the necessary zoning either from your Department

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or from Council, how do we utilize whatever table we're having? And so, I'm totally confused with all the confusion that you mentioned. So, how do we make some determination on how we're going to zone, which I hope we will do that sooner than later on our island. Take for instance . . . take one of the land use designations and give me an example.

MS. McLEAN: Well, using the example of a school if a school would most likely be designated Public/Quasi-Public on the Community Plan map. Today, if it's zoned Residential, then that's still a permitted use so that wouldn't be problematic. If it's zoned Interim, and we went into to rezone it, then you would look for a Public/Quasi-Public zoning designation that would match the community plan. And that's ideal. You know, a community plan inherently creates mixed matches because you have existing uses but you're talking about future growth. And so, you want to make sure that those existing uses are protected until you come in and change zoning and actually change that use to something else as called for in the community plan. Molokai is different than other communities because there are so much Interim zoning. And so, even more so, you want to protect those existing uses because the Interim district does allow quite a variety of uses.

COUNCILMEMBER CRIVELLO: It's also costly for local residents.

MS. McLEAN: No, it's not ideal, of course. But those uses are lawful, and they're established. And jeopardizing that status really isn't something you want to do.

COUNCILMEMBER CRIVELLO: I'm just saying you support all the Interim zoning?

MS. McLEAN: No, not at all. Not at all. But I'm saying to put in language that makes some of those uses nonconforming is . . . I don't think is a good idea. And the alternative table suggests that. So, if you . . . trying to think of another example, if you have a Residential area, it's designated Single Family on the community plan and under Interim zoning you can have homes so there's a home there. In the community plan update let's say it changes that property to business because that's where you think the commercial area is going to grow. So, you have Business community plan, you have Interim zoning which doesn't allow Commercial.

COUNCILMEMBER CRIVELLO: Right.

MS. McLEAN: What this table . . . the wording in the alternative table suggests to me is that those existing uses become nonconforming because they don't match with that Business use. So, that home could become nonconforming.

COUNCILMEMBER CRIVELLO: Okay.

MS. McLEAN: And that's something . . .

COUNCILMEMBER CRIVELLO: So, where on this table, no matter what table, where on this table . . . and so in Kaunakakai we have Business-Country Town and then we have a

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section that's Interim zoning and yet you've had businesses going on forever. For instance, we have a couple that's trying to establish a business but they're Interim zoning, okay. So, how does that . . . what would make it less costly for that resident to open their business under what designation would you go for something like this? Why I say Interim zoning is a detriment at least for the local residents because it's money out of their pocket. And you say it may be nonconformance and now, you know, maybe not a good idea. But what would benefit this local couple who wants to open a business but they're going through hoops and stonewalls through the whole process because it's Interim zoning but what would make it easier for this couple to have their proper zoning looking at your table?

MS. McLEAN: Well, ideally the property would be designated Business on the community plan and then the County could initiate a Change in Zoning to Business to one of the listed Business Districts whichever one is appropriate for what they want to do. So, that would be the easiest way, is for the community plan to call for Business and then for the zoning to come in to match that.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

CHAIR KING: Okay. Any other comments? Mr. White?

COUNCILMEMBER WHITE: The question I was hoping she was asking was under which table would that be easier for somebody in Kaunakakai? Would it be under the 6.1 that you are proposing? Would it be under the 6.1 and 6.2 that are currently part of the plan or would it be under the proposal that we got today?

MS. McLEAN: I don't think it would be any different under any of the tables. In that particular situation, I can't say that one table more than another would benefit the business owner in that situation.

COUNCILMEMBER WHITE: Okay. I've always been a little bit annoyed that we have people from Maui – one district, in particular, that are using the or objecting to what we did on Lanai, and now objecting and confusing people on Molokai with this kind of a proposal, which in my view, makes things a lot more confused and a lot more difficult when there are nonconforming uses because it creates nonconforming uses. So, I support going back to what we did on Lanai because I think that was the right thing for all communities. So, I'm supportive of that and I can't get myself to think that this is a reasonable thing that is really looking out for Molokai. I think it's looking out for Kihei. So, that's just my feeling.

CHAIR KING: Well, . . . thank you, Mr. White. My feeling is that we haven't heard any support from Molokai people for the Lanai table. My position would be to go back to the table as it came to us, which is 6.1, 6.2 taking out that mixed use. And we've already taken out that line that says it's not regulatory. And the reason why that line was taken out was because some pieces in discussions with the Department, some parts of this plan are regulatory, and some are not. So, we don't want to say that it's all regulatory and we don't want to say that it's non-regulatory. Some of them really need to be adhered

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to so, that was one of the early proposals. And then as the Department said we can take out the next land use because that's not . . . that's a proposal anyway. But, to me, this . . . whatever we put in here is more of a placeholder until we review Title 19. And in talking to the Department, we talked extensively about Molokai that there are a lot of exceptions for Molokai in Title 19, and they have a lot of different designations for Molokai so, you know, their expectation is that we'll probably be how the revision of Title 19 comes up. There will be different, a different section for possibly a different section for Molokai. And I don't know if Lanai will be the same, but so having it be different from the Lanai Plan and because this is what people have been testifying on I don't think would be problematic. But there's a lot of things wrong with Title 19 right now and we can't solve them by putting stuff in the community plans. It's all the same for each community plan, I don't believe.

COUNCILMEMBER WHITE: I understand that. I was just sharing my thoughts.

CHAIR KING: Yeah, no, yeah, I know, I know. I'm just kind of sharing what the discussions I've had with the Department. And I've, you know, had discussions with Member Crivello on this. So, that would be my recommendation. And I believe that the Department can support that. That was the way it came to us from the Planning Commission. Questions?

COUNCILMEMBER CRIVELLO: Can the Department clarify what was submitted to us? What was submitted to us in that final draft from the Planning Commission and CPAC?

MS. MAYDAN: Okay. Thank you, Chair. Thank you, Member. What was submitted in May 2016 was the . . . I don't know what we called the tables . . . the Appendix 6.1 and 6.2. In our transmittal letter, we said that the Department recommends to adopt the table, the revised table that went through the Lanai process.

COUNCILMEMBER CRIVELLO: Can I say something?

CHAIR KING: Sure.

COUNCILMEMBER CRIVELLO: I think that's where the confusion comes, you know, because Lanai is its own people, own island, own plan. And I've heard testimony – we're not Lanai so I think we have to get away from saying it's a Lanai table. What I'm trying to understand is what did Planning Department go through with CPAC as well as the Planning Commission – what table?

MS. MAYDAN: So, it was what is in the plan that was transmitted to your Committee in May 2016. But through the process, through the Molokai CPAC and through the Molokai Planning Commission we let them know what was going on up at Council to review the land use table for Lanai, and that we were going to make a recommendation to update the Molokai table to reflect the template that was used for Lanai. And as Director McLean explained, the table that the Department recommends does not change the practice of administering community plan designations and the relationship to zoning. It clarifies that relationship.

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COUNCILMEMBER CRIVELLO: So, the only amendment to this original matrix that you sent through is a suggestion to delete the, at least from one testimony, to delete mixed use?

CHAIR KING: From the original.

COUNCILMEMBER CRIVELLO: From the original, just the mixed use. And that was from what I heard from a couple of the, oh, one of the testifiers that was an ongoing discussion?

MS. MAYDAN: So, nothing on the Molokai land use map is designated as Residential Mixed Use. So, it does not need to be included in the land use Appendix --

COUNCILMEMBER CRIVELLO: Okay.

MS. MAYDAN: --whatever form that Appendix is.

COUNCILMEMBER CRIVELLO: Okay. I support it.

MS. MAYDAN: So, that can be deleted with no problem. And I would just like to clarify, Chair, that there were a couple of Molokai resident testifiers that supported the Planning Department recommended table.

CHAIR KING: Right. One of them was from the Planning Department, so...

MS. MAYDAN: She is a Molokai resident --

CHAIR KING: Right.

COUNCILMEMBER CRIVELLO: She's homegrown.

MS. MAYDAN: --and she's familiar with administering community plans and zoning.

CHAIR KING: Okay. So, anyway, the discussion I had with Planning during the break was to, you know, ask for consensus on one, two or three. If we don't get consensus, then we go back to the original plan the way it was when it came to us, which was the 6.1 and 6.2.

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

CHAIR KING: Well, one would be the 6.1, 6.2 the way it was originally in the plan. Well, what you have in Granicus, do you have the one that's red-lined because that has both the 6.1, 6-2 original and the Planning Department's proposed Chapter 9 from the Lanai Plan. So, that's a comparison of the two.

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

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CHAIR KING: That's due July 18<sup>th</sup>.

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

CHAIR KING: Right. Actually, it came from the Department, but it was in the materials the last meeting we had. So, that has both one and two on it, and then the third one would be the one that came to us in Malia Akutagawa's testimony.

COUNCILMEMBER CRIVELLO: So, Chair, I know we want to get as close as we can to meet the deadline. I would like to ask if you could ask, if I may ask for a deferral on this particular item at this time? 'Cause I'm trying to understand . . . I want to know the consequences first when we would change zoning, as I mentioned, for totally Interim. And I don't know if I need to have some conversation with who was on the CPAC or that would be difficult to do. But even from people like Malia who I really utilize her as a resource for the East End Policy but not necessarily for this matrix. But even to have that conversation with her as well as other members, I get concerned because I see the struggles that our local residents go through to go through Ranch Camp SMA, oh, my goodness, what the expenses they have to go through and it's all local residents that lives there. And then we have local residents trying to establish a business and we're Interim and the cost is just too much for them to continue. So, and I apologize because I have not been able to have a clear understanding. I admit I am a little bit more confused today listening to you, Director. And for that reason, just going to ask if we can defer this until our next meeting, Chair?

CHAIR KING: Okay. Well, okay, we can but it will be another probably an hour and a half of testimony because we can't recess it to, you know, we have to adjourn and then have a new meeting, which, you know, we can do --

COUNCILMEMBER CRIVELLO: Well...

CHAIR KING: --but just understand, I mean, you know, I think the Department's position is that none of these documents will make a difference as far as application. Was that the statement that you made, Ms. McLean, as far as zoning application?

MS. McLEAN: I stated that for the example that Councilmember Crivello gave of someone wanting to change their zoning to or someone who wanted to start a business who's Interim zoned . . . and the Community Plan is Business, so I said that their situation wouldn't be different under any of the tables. That's what I had stated.

COUNCILMEMBER CRIVELLO: Okay. Thank you. I am asking for deferral until your next meeting.

CHAIR KING: Okay. Mr. Hokama?

COUNCILMEMBER HOKAMA: I hear your comments, Chair. I hear my colleague of Molokai concerns. Maybe one of the ways we can . . . you might want to consider that might be viable, and I'll make myself available, is a) the recess option instead of reposting of a

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new meeting; I would be open to that. I would be asking the Planning Department to prepare and respond to you and Ms. Crivello, why not place in the community plan potential language about how the Department would approach a comprehensive zoning ordinance proposal to take care some of this Interim issues. You know, that's how we did it as part of a sliding scale for Ag, we did it for Lanai after the previous community plan. So, Lanai is, basically, almost zero Interim right now, I think, as far as Interim zoning in the County. But those are things that can be, you know, considered as part of the plans implementation is to come up with comprehensive zoning ordinances for Council's review and adoption that would benefit the Molokai situation. So, that would be my suggestion. Thank you.

CHAIR KING: Okay, Department, would you comment on that? Will we be able to do that?

MS. McLEAN: That is the top priority in the Land Use section.

CHAIR KING: So, you would be able to work on language for the community plan? I think that was the suggestion.

MS. McLEAN: It's already in, it's already in the plan.

CHAIR KING: Oh, okay. So, what you're suggesting is just the response of where that is in the plan, Mr. Hokama?

COUNCILMEMBER HOKAMA: And I think it's just helpful that the community understands that that would be one of the key initial implementation action is to come across with updated zoning proposals for taking care of this Interim concerns.

CHAIR KING: Okay. Well, we can't recess because we only have seven days, so we have to hold another meeting within seven days, and we couldn't get a quorum for tomorrow.

COUNCILMEMBER WHITE: It's not seven days.

CHAIR KING: That's what I was told by Corp. Counsel.

COUNCILMEMBER WHITE: Well, I believe our Rules allow you to go 14 days.

CHAIR KING: We can go 14 days? Okay. So, if I recess then, can we look for another date within the next 14 days that...

COUNCILMEMBER WHITE: Yeah, you have to...

CHAIR KING: Yeah, I don't have a specific date, 'cause I don't have a...unless we can come up with...

COUNCILMEMBER HOKAMA: Why don't you take a short recess, Chair.

COUNCILMEMBER WHITE: Take a short recess --

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CHAIR KING: Yeah. Okay.

COUNCILMEMBER WHITE: --and check people's calendars.

CHAIR KING: Okay. . . .(gavel). . .

**RECESS: 4:01 p.m.**

**RECONVENE: 4:05 p.m.**

CHAIR KING: . . .(gavel). . . .session. So, we're going to . . . everybody's okay with Monday, August 6<sup>th</sup>? Members, is there a feeling that we could finish the CBSFA issue today? The Department . . . well, Department, why don't you just go over your recommendations for that?

MS. McLEAN: Thank you, Chair. We note that there is language about subsistence fishing in three areas in the plan, and then there was language proposed adding reference to the Mo`omomi Plan. And what we would suggest, and this is only because the Mo`omomi Plan has not been finalized or adopted, it just seems premature to put in reference to a plan that isn't official yet. So, rather than add the language that was proposed to be added in lieu of that language in two different areas in the plan add language saying *the establishment of community-based subsistence fishing areas should be supported and support a process to establish community-based subsistence fishing areas.*

CHAIR KING: So, basically, we're acknowledging the importance of subsistence on Molokai and that there should be a plan which is I think agreed upon by most people even the ones that protested the inclusion of the language about CBSFA but we're taking any reference to the actual plan that's being worked on out of it because it's not done yet and we're actually trying to strengthen the idea that the plan that's developed needs to be community-based. So, Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you. I can support just we encouraging without Mo`omomi in our plan, the mentioning of Mo`omomi because really that's where the controversial item is. But I'd like to believe our whole island supports community-based subsistence fishing. And that would be something like one of the testifiers said would come from the community. And we know we have no jurisdiction over that, but we are into subsistence and we do mea`ai the . . . our food from for the ocean does provide for us. So, I can appreciate that, and I think I'm sure for now it's just having the discussion and I can understand some of the testifiers. So, removing the actual district or the actual ahupua`a is a good thing, yeah.

CHAIR KING: Okay. So, Members, the three places where it's mentioned Item G on Page 13 would be revised to say, subsistence is Molokai's second economy. According to the Governor, Molokai's Subsistence Task Force Final Report (June 1994) one-quarter of the food acquired by Molokai residents comes from subsistence. And the next sentence would be the establishment of community-based subsistence fishing areas should be

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supported. The second place it appears is Policy 6 on Page 43. And we're not changing that. That one says, support the establishment of the island as a community-based subsistence fishing area pursuant to Sections 188-22.6, HRS, to conserve marine and nearshore resources for generations to come. That's in there and that would stay the same. And then the third place is Item 23, on Page 68, which would be revised to say, encourage the protection of the north shore coastline valleys and fisheries from all commercial activities in support or process to establish community-based subsistence fishing areas.

COUNCILMEMBER CRIVELLO: I think we can leave out the north shore. That's all part of the Mo`omomi.

CHAIR KING: Okay. Just encourage the protection of the coastline?

COUNCILMEMBER CRIVELLO: Yeah, I think what...

MS. McLEAN: Excuse me, Chair. It was nearshore, not north shore.

COUNCILMEMBER CRIVELLO: Oh, nearshore, okay...

CHAIR KING: Oh, in your letter to me it says north shore.

COUNCILMEMBER CRIVELLO: I don't think nearshore. I think we have enough of the CBSF.

CHAIR KING: So, it was supposed to say nearshore?

COUNCILMEMBER CRIVELLO: No, I think you're right. I think they're talking north shore.

MS. McLEAN: Yeah, yeah.

COUNCILMEMBER CRIVELLO: But I would eliminate the north shore.

CHAIR KING: Okay. Yeah, she acknowledged that. So, we would just change it to say, encourage the protection of coastline, valleys, fisheries from all commercial activities.

COUNCILMEMBER CRIVELLO: Yeah.

CHAIR KING: Okay. So, we'll take out the north shore. Okay. So, do we have consensus on that? Everybody is good with leaving those, the way they are changed? Any objections? Okay. So, we've got that issue and then we'll recess until August 6<sup>th</sup> at 9 o'clock in the morning, Monday. And we'll handle the Appendices issue and, hopefully, pass out the community plan onto Mr. White's table. Okay. All right, recess until August 6<sup>th</sup>.  
...*(gavel)*...

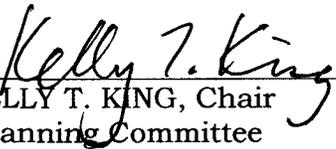
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**RECESS:** 4:11 p.m.

APPROVED:

  
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KELLY T. KING, Chair  
Planning Committee

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Transcribed by: Jo-Ann Sato

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CERTIFICATE

I, Jo-Ann Sato, 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 15<sup>th</sup> day of August, 2018, in Pukalani, Hawaii

  
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Jo-Ann Sato