

PLANNING COMMITTEE

Council of the County of Maui

MINUTES

August 6, 2018

Council Chamber, 8th Floor

RECONVENE: 9:07 a.m.

PRESENT: Councilmember Kelly T. King, Chair
Councilmember Yuki Lei K. Sugimura, Vice-Chair
Councilmember Elle Cochran
Councilmember Stacy Crivello
Councilmember Mike White

EXCUSED: Councilmember Don Guzman
Councilmember Riki Hokama

STAFF: Traci Fujita, Legislative Attorney
Rayna Yap, Committee Secretary

ADMIN.: Michele Chouteau McLean, 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

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

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

CHAIR KING: . . .*(gavel)*. . . Good morning. The time is now 9:07 a.m. on August 6, 2018. This is the reconvening of the Planning Committee of the Maui County Council. From the previous meeting, which was July...the date's not on here. What was the date...

MS. FUJITA: Twenty-fifth.

CHAIR KING: From July 25th. And we have handled almost every outstanding issue on the Molokai Community Plan, which we're now calling the Molokai Island and Community Plan. And today we are hopefully going to finish this item. Today we have with us Vice-Chair of the Planning Committee, Yuki Lei Sugimura. Good morning.

VICE-CHAIR SUGIMURA: Good morning, Chair.

CHAIR KING: We have Stacy Crivello from Molokai.

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COUNCILMEMBER CRIVELLO: Aloha, good morning, Chair.

CHAIR KING: Good morning, aloha. And Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha, good morning, Chair.

CHAIR KING: Aloha. And we also have our Chair, Council Chair Mike White with us. Thank you for joining us, Mr. White

COUNCILMEMBER WHITE: Good morning.

CHAIR KING: Good morning. Excused are Riki Hokama and Don Guzman. And we have no non-voting Members present. The Administration, thank you for being here, Administration. We have Director...I guess...are you Director pro tem of Planning? Michele McLean.

MS. McLEAN: . . .*(Inaudible)*. . .

VICE-CHAIR SUGIMURA: She's Director.

CHAIR KING: Oh, okay.

VICE-CHAIR SUGIMURA: It was confirmed at Council.

CHAIR KING: It was confirmed, okay. Congratulations, and thank you for stepping up. And we have Pam Eaton from the --

MS. EATON: Good morning.

CHAIR KING: --long-term [*sic*] Planning. Thank you for being here. And Jennifer Maydan, Planner VI. Thank you for being here. And our Corporate [*sic*] Counsel, Michael Hopper.

MR. HOPPER: Good morning.

CHAIR KING: Good morning. And our Committee Staff: Traci Fujita and Rayna Yap. Rayna is passing out the document for today, which is the entire community plan with all the changes that have been made by this Committee, and so we will be focusing on appendix...what is currently known as Appendix 6.1 and 6.2. So, that's our last issue for the plan. And because we are reconvening have no testimony today. The testimony was closed at the previous meeting. So the only item agenda is PC-2, the Molokai Community Plan Update. So, Members, we have the one item. If you recall, the Committee discussed the Planning Department's request to replace Appendix 6.1, 6.2 with the language similar to what is in the Lanai Community Plan. We had some testimony on a third version of the appendix by some of the community members and Malia Akutagawa was here as a resource person from Molokai who presented that to us in early July and suggested that if we do use her version that we

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add some language to address the possible issue of creating an existing non-conforming use. So we'll get to that if we decide to do that. The discussion to bring us up to date and the community up to date, the previous discussion was looking at 6.1 and 6.2 as it came to this Committee from CPAC as the default, but we had agreed by consensus to take out the mixed use, the language for mixed use and the Department was supportive of that because mixed use designation has not been created yet. So, whichever version we use, the Department had suggested taking that out. And so today, we deferred it for, Ms. Crivello had requested defer the item so she could get clarity and today we are basically going to entertain any questions of the Department or of each other, the recollections. If we, if there are no questions then I would just ask for a consensus on the default as we had left it at the last meeting. So, Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, Chair. So I'm trying to find through your handout on the matrix on 6.1, 6.2, in this...

CHAIR KING: Yeah, we're working off the last, the same handout as last time that had the revisions.

COUNCILMEMBER CRIVELLO: Right.

CHAIR KING: The proposed...

COUNCILMEMBER CRIVELLO: So, you know, Chair, in line with what was passed through the CPAC and the Planning Commission, I think more important for me is to allow us to start working on our land designations to coincide or the zoning to coincide with our land designation. Today our Interim zoning on Molokai it's considerable time and expense to the land use permitting process that we have our residents go through on Molokai. They cannot subdivide as long as you're Interim zoning, nor can conditional permits be granted. I'm experiencing the challenge that couple, a young business people, Molokai residents that are commercial properties in Interim zone. You know, it becomes considered non-conforming and that's right in Kaunakakai, where everybody else has their businesses going, but the thing about Interim zoning too, is that it may add, increase density in areas that are not desirable according to what we consider our compatible allowance of development. So, when I look at the fact that the mix, the mixed use is not available so I can accept that, but I think everything else that has come to us is, it's okay because, I think, what we have to remember for the island is, we know and we've stated that in every, practically every chapter and even with the policies for the west and the east side that we're out to protect our ecological diversity and our natural resources, our culturally sensitive lands, and ag lands. We also know that we are, no doubt, we are facing it today, high sea levels. You know, when you look at Kaunakakai, you know, you think of the ocean and where it's at, I mean, you know if...where I live, miles out is wetlands and when the tides are, the king tides you can just get the whiffing of the wetlands and obvious how the, how it affects us as residents there. So, I think our land use designations and what we've mentioned throughout the whole plan is more important to have equitable and livable communities and with the compatible land use designation, that this matrix that

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comes from the Department, in my opinion, offers that. We're not going to shrug away from what we truly value as to utilizing our land use. I think Molokai has spoken more than once on what we want to keep the strengths that we have and to protect our value of, whether it's open space or finding some sense of utilizing the lands for the protection of our home town values as well as assuring that there will be the opportunity for the agriculture, whether it's the farmer or the farmer in production will be having that opportunities and not necessarily for the incompatible undesirable development. So, Chair, my recommendation would be to accept the recommendation from the Department, of course noting that we've...have deleted mixed use and that's been acceptable. So, I would look for that consensus from my Members. Thank you.

CHAIR KING: Okay, so which...okay let me just clarify for Members that the version that came to us from CPAC is version one, that's the default version if we can't vote to change it. The version that was recommended by the Department which came from the Lanai plan is version two. The version that was present by Malia Akutagawa that got all the testimony is version three. So, just noting that, and also noting that the Department clarified last, at the last meeting, that it doesn't matter what version we have it's not going to affect us. We have to go through Title 19 to do anything about the zoning. So, it's not going to affect zoning. They're okay with it either way. So, if you can use, using those numbers if you can clarify which one you prefer and then we can go through and see if we have consensus.

COUNCILMEMBER CRIVELLO: So, Chair, I would like to ask the Department what was the plan that they supposedly worked through with the CPAC, but was also passed through with the Molokai Planning Commission. Can I ask...

CHAIR KING: The version one, you're talking about?

COUNCILMEMBER CRIVELLO: May I get the clarification from the Department, Chair?

CHAIR KING: Of which one? They...

COUNCILMEMBER CRIVELLO: That's what I want them to clarify.

CHAIR KING: Okay. Ms. McLean?

MS. McLEAN: Thank you, Chair. The version that the Chair refers to is version one, the default version, was the version that was reviewed by the CPAC and the Commission. However, throughout that process we explained to the CPAC and the Commission, that we were working on the other community plan and whatever version was adopted with that plan, we would be advocating for Molokai and for all of the community plans. And so that's version two, the Department's recommendation. And that actually, flipping through the text and thank you, Chair, for having the whole version distributed, that is the version that's in the document now, and so I believe it would take a vote to remove it and put in another, put in a different version. So, that's what's in the document now.

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CHAIR KING: Let me just...

MS. McLEAN: The key component to us, as the Chair described is a fuller description of the uses. We think that that's very important, and so that's the main addition to that table is the uses envisioned. And the Chair is correct that in terms of how the Department administers the land use regulatory process. That wouldn't change if the original version one were put in, but we believe that the recommended version, version two, is much more transparent. It explains in a much fuller way how the Department administers the process now. Thank you, Chair.

CHAIR KING: So, let me just clarify. Thank you, Ms. McLean, and let me just clarify that that's a proposed change that's in the document. So, that proposed change would need to be voted on in order to keep that proposed change. So, the default would be the previous version without those changes. Although we agreed as a Committee to eliminate from whichever version we use, to eliminate the designation for mixed use.

VICE-CHAIR SUGIMURA: So, Chair?

CHAIR KING: Wait, let me just make sure that...are you, do you have any more, Ms. Crivello? Are you done for now?

COUNCILMEMBER CRIVELLO: Thank you, Chair. I've just located what you've added into this final version. So...

CHAIR KING: And that's just a proposed change.

COUNCILMEMBER CRIVELLO: I recognize that. So, actually, this here is the version two, right?

CHAIR KING: That's the proposed version two. Right.

COUNCILMEMBER CRIVELLO: Right. Okay. I'm okay with the proposed version two.

CHAIR KING: Okay, Ms. Sugimura?

VICE-CHAIR SUGIMURA: Actually...

CHAIR KING: Anything else or...

VICE-CHAIR SUGIMURA: Oh, sorry.

CHAIR KING: Okay. Ms. Sugimura, you have the floor.

VICE-CHAIR SUGIMURA: It's actually Granicus. This is getting confusing because what it says is Appendices 6.1 and 6.2 proposed change, alternate one dated July 18, 2018 and then the next item is Appendices 6.1 and 6.2 proposed change, alternate 2, 7...dated July 18, 2018. So, you're saying we disregard that. You...

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CHAIR KING: Yeah, we're working off this document that just got handed to you.

VICE-CHAIR SUGIMURA: Right, and that document that just got handed to us, has in there, I think, Appendices 6.1 and 6.2 proposed change, alternate one.

CHAIR KING: Well it's got, yeah, and the intent was to show the document as it came to us and the proposed changes by the Department. So, what's proposed in there has not been voted on yet.

VICE-CHAIR SUGIMURA: Okay. So can, Traci, can I ask Traci to help find it in this document? I wish we had this before so we could've organized it.

CHAIR KING: Well, it wasn't posted so we, that's why we had to...

COUNCILMEMBER CRIVELLO: So, Chair, is this on Page 28 and 29?

VICE-CHAIR SUGIMURA: Oh yeah what page is it on, it'll be?

CHAIR KING: You have a page number?

MS. FUJITA: Chair --

COUNCILMEMBER CRIVELLO: Two eight eight rather.

MS. FUJITA: --it starts on Page 285.

VICE-CHAIR SUGIMURA: Two eight-five? Okay. Thank you.

COUNCILMEMBER CRIVELLO: Chair, please clarify. On Page 285 through 287, we have the cross-outs or the, I guess the, that would be removal. For instance, your, the first Single Family, County, that's all kind of crossed out, and then do we work off from, till Page 288 on?

CHAIR KING: This goes till Page 291, no 293. So, if we don't have a consensus or the four votes, then it would revert back to 6.1, 6.2 the way it came to us as a Committee from CPAC, or from Planning Commission without the mixed use designation and then we can pass it on.

COUNCILMEMBER CRIVELLO: This is rather confusing, okay, for me because 285, 286 we have all those crossed out. Quite a bit of...

CHAIR KING: Do you want, would it help if we made a copy of the original?

COUNCILMEMBER CRIVELLO: No, I think we're looking this would be the version two, right --

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CHAIR KING: Right.

COUNCILMEMBER CRIVELLO: --that continues on. I guess I'm looking more at Page 288 and 289 through 290, 91 as the version two. Am I...okay. I heard Traci. She said yeah. Thank you.

CHAIR KING: Okay.

VICE-CHAIR SUGIMURA: So, and, Chair, just for confirmation, that is what the Department is recommending to us, correct?

CHAIR KING: Department has been proposing.

VICE-CHAIR SUGIMURA: Okay. And I have a question for them on --

CHAIR KING: Sure.

VICE-CHAIR SUGIMURA: --I know we did it last meeting, but if we eliminate the mixed use, what does that do in terms of Molokai and especially since most of the island is designated as Interim zoning and, what kind of impact does that have if it's not in there? What, I think Kaunakakai, if I understand Member Crivello, that town has mixed use in it or there are places in the, on the island that has mixed use, so if we eliminate that, what does, what impact is it to the residents?

MS. McLEAN: Thank you. The mixed use designation, the mixed use community plan designation is not used on Molokai at all.

VICE-CHAIR SUGIMURA: Oh okay.

MS. McLEAN: So taking it out of the table would not have an impact.

COUNCILMEMBER CRIVELLO: Yeah.

VICE-CHAIR SUGIMURA: Okay.

COUNCILMEMBER CRIVELLO: They don't, it's not recognized.

VICE-CHAIR SUGIMURA: Okay.

COUNCILMEMBER CRIVELLO: Yeah.

VICE-CHAIR SUGIMURA: So, it's no impact then.

CHAIR KING: And correct me if I'm wrong, Department, but isn't that one of the proposals for Title 19, it was a forwarded looking statement to put in a designation as mixed use because we don't have that designation right now? Is that the...

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MS. MCLEAN: There are, while there are some zoning categories that do allow a mix of uses...

CHAIR KING: Right, but we don't have a mixed use designation per se.

MS. MCLEAN: Yes, I was going to finish --

CHAIR KING: Oh, okay. Sorry.

MS. MCLEAN: --and say, that the Title 19 audit does recommend having more mixed use zoning districts that describe more fully what those areas might look like because the mixed uses in our zoning districts now, is just a list of uses. It doesn't really describe what that built environment will look like and that's what the objective is or would be of the rewrite of the Zoning Code. It would have varieties of mixed uses, not just a couple of zoning districts that so happen to have more than just one type of use permitted.

VICE-CHAIR SUGIMURA: So, follow-up question, Chair, if I could.

CHAIR KING: Sure.

VICE-CHAIR SUGIMURA: Then, just because we're going to redo, you know, Title 19 and everything that's happening with that, do you think it's better to have it in there? Just because we're not planning for Molokai, you know, few years from now or what it is, but we're really for the future so it doesn't get...it sounds like it so you can have the planning of it would allow then for everything not to be spread out all over the place.

CHAIR KING: Department?

MS. MCLEAN: Thanks. Just conferring with Jen, throughout the CPAC and the Commission process, there was quite a bit of discussion about the mixed use designation and where it might be used on Molokai and there was concern over it. There wasn't a clear understanding of what it meant. Taking it out wouldn't have an impact. Leaving it in wouldn't have an impact either, because again, that designation isn't used. If, when the time comes, we have a new zoning code that uses that, then we could go back to the Molokai community at that time and talk about amending the community plan and applying that designation with its corresponding zoning, but that wouldn't be something that would be done as a blanket-type action because the community did discuss it quite a bit and wasn't comfortable with including it.

VICE-CHAIR SUGIMURA: Okay.

COUNCILMEMBER CRIVELLO: Chair? Chair?

CHAIR KING: Let me just go down the line first, Ms. Crivello, and we'll come back to you and go...do you have anything else, Ms. Sugimura?

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VICE-CHAIR SUGIMURA: No, I'm done.

CHAIR KING: Okay, thank you. Ms. Cochran, do you have any thoughts?

COUNCILMEMBER COCHRAN: No, I mean not at this time. I just want to vet through this a little bit right now. Thanks.

CHAIR KING: Okay. Thank you. Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. I'm comfortable, I'm most comfortable with option one, I'm okay with option two, and I'm not okay with option three.

CHAIR KING: Okay. So, do you want to make another comment before I give my recommendation?

COUNCILMEMBER CRIVELLO: No, well I just want to comment again, and I know I sound like a broken record. The number one source of our problem for land use is we're Interim zoning and hopefully these land use designations will allow us to start being able to identify how we are going to start zoning so our residents do not have to face the challenges of Interim zoning. So, when we say mixed use residential has no identity on, you know, and that's something that would come with the zoning or Title 19 or what have you. I guess, my question would be, so during all the discussion, am I to understand then that they just agreed to, meaning the CPAC as well as the Planning Commission, to not find it necessary to list mixed use residential?

CHAIR KING: Ms. Maydan?

MS. MAYDAN: The CPAC discussed the option of mixed use residential as a designation at many meetings. Some members were in support of it, some were not and we heard a lot of different testimony from the community as well. It was a big discussion item, but in the end the land...the community plan map that's in the draft plan update does not include any designations on the map for mixed use and that was the ultimate recommendation of the Commission. Does that answer your question?

COUNCILMEMBER CRIVELLO: Yeah. Thank you.

CHAIR KING: Thank you, Ms. Maydan. Okay, so any other discussion? So, Members, as your Chair, I see this mostly, this appendix mostly as a placeholder, and probably as we go through the community plans, until we actually do the review of Title 19 and address zoning directly, I think basically, the appendix is a placeholder. I'm going to recommend that we stick with the version that came to us from CPAC and remove the mixed use designation as agreed to by the Department and then go from there, and then we'll have a, we will have a public hearing and we will have a, you know, a chance to accept public hearing before we do first reading in Council. So, I'm asking for consensus on keeping it with option one, but if someone wants to make a proposal to amend it and go with option two...

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VICE-CHAIR SUGIMURA: I do.

COUNCILMEMBER CRIVELLO: Oh, so you're recommendation is option one, version one?

CHAIR KING: Right.

COUNCILMEMBER CRIVELLO: Okay.

CHAIR KING: Okay. So, we have consensus on that?

COUNCILMEMBER CRIVELLO: Yes.

VICE-CHAIR SUGIMURA: No. So...

CHAIR KING: Okay. You want to vote?

COUNCILMEMBER CRIVELLO: I'm with version one.

VICE-CHAIR SUGIMURA: Okay, where's version one so I can see it?

CHAIR KING: Version one is without all the changes. So, that's the version of the appendix as it came to this Committee a year and a half ago, maybe longer, a year and nine months ago.

VICE-CHAIR SUGIMURA: Is it in here?

CHAIR KING: It's in, it's actually part of this document that starts on Page 285 without all the revisions. So, that document shows the proposed revisions.

COUNCILMEMBER WHITE: Chair, just for clarification.

CHAIR KING: Mr. White?

COUNCILMEMBER WHITE: My understanding was that version, option one was replacing 6.1 and 6.2 with just a 6.1, but when you say...

CHAIR KING: That was...that's option two.

COUNCILMEMBER WHITE: Okay.

CHAIR KING: So. that because, you know, just in talking with Department we agreed the default was how it came to us.

COUNCILMEMBER WHITE: Yeah.

CHAIR KING: Okay.

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COUNCILMEMBER WHITE: I'm just wanting to be clear on --

CHAIR KING: Okay.

COUNCILMEMBER WHITE: --what we're voting on. So, what you're saying is, option one is what's in this document that you've handed out today?

CHAIR KING: Without the changes yeah, because this shows the proposed changes by the Department.

COUNCILMEMBER WHITE: But isn't that, weren't those...

CHAIR KING: So the original 6.1, 6.2 that came to us with the plan back in January when we first took it up in February, that's the default. So, this proposal that's here is proposed by the Department.

VICE-CHAIR SUGIMURA: So, that's option two.

CHAIR KING: So, that's option two. And then actually, maybe we shouldn't call it an option because there's a default and then there's an option. So, maybe we just deal with that because we don't have consensus for the third option anyways.

COUNCILMEMBER WHITE: Right.

CHAIR KING: So, let's just deal with is as the default.

COUNCILMEMBER WHITE: Okay. My understanding was that the Department's recommendation initially was to replace 6.1 and 6.2 with a 6.1.

CHAIR KING: Right, but that came to us after we'd already got the recommendation from the Planning Commission. So, we're dealing with the Planning Commission's recommendation, that's the document when it gets handed to us, and then subsequent to that, the Department made a recommendation.

COUNCILMEMBER CRIVELLO: So, I'm totally confused, Chair. I...

COUNCILMEMBER WHITE: So, we're now at about four different options.

CHAIR KING: Well, let's just call it...

COUNCILMEMBER WHITE: We have 6.1 --

CHAIR KING: Okay.

COUNCILMEMBER WHITE: --and then 6.1 and 2 as presented to us, then 6.1 and 6.2 as you've presented to us, and then we have Mrs. Akutagawa's version --

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CHAIR KING: Well...

COUNCILMEMBER WHITE: --as option four.

CHAIR KING: Well, no. Okay. The 6.1 and 6.2 that was presented to us as part of the plan when we got it from the Planning Commission, when the Committee received it from the Planning Commission, didn't have that other table in it. The Department came in after, during our discussions, and recommended that new table when we got to the appendices. So, that's the option, is to go with the Department's recommendation for the new table and that's the one we've gotten a lot of testimony on both sides. Most of it, you know, to go back to the original. And then we had the testimony from Ms. Akutagawa...and I apologize because I wouldn't have put it in like this. I would have put it in as the original 6.1, 6.2, but we were trying to kind of consolidate and show what the Department was proposing. This is the document that we actually have been looking at just so we can see both versions, but I think maybe it's kind of confusing to see both versions in that because it's got the original version with the proposed changes.

COUNCILMEMBER WHITE: Yeah, I guess my confusion is that by presenting it this way, it appears that you're...I was assuming that you were in support of what you presented this morning in the document...

CHAIR KING: Okay. Yeah, and I apologize for that because it probably should have been, you know, and we can do, we can take a break and then just print it out as the original if that's helpful.

COUNCILMEMBER WHITE: Yeah, I think it would...

COUNCILMEMBER CRIVELLO: Yeah I would appreciate that.

CHAIR KING: Okay. Why don't we do that. Why don't we take a ten-minute recess and we can print it out. Just that, just the Appendix 6.1 and 2. Okay. . . .(gavel). . .

RECESS: 9:36 a.m.

RECONVENE: 9:46 a.m.

CHAIR KING: . . .(gavel). . . Okay. Back from recess. And, Rayna, you have the...thank you. Okay. So what Rayna's passing out right now is the 6.1 and 6.2 as it came to us in the plan back in January of 2017. Actually, I think it came to the Committee in May of 2016, and then nothing was done till 2017.

VICE-CHAIR SUGIMURA: Okay. This is original?

CHAIR KING: So, that's the original, 6.1, 6.2, that was passed out of CPAC, passed out of Planning Commission --

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VICE-CHAIR SUGIMURA: Okay.

CHAIR KING: --that came to us as the Planning...

VICE-CHAIR SUGIMURA: And then Department one is...

CHAIR KING: And the Department one is the one on 285 of this plan that was proposed with the proposed changes. So, anyway, I apologize that it got in there and it looked like it was the Chair's proposed changes because that wasn't the case. But now you can see the original and we would, on the first page of the original which is Page 280, we would remove that designation, mixed use residential because that one, as you can see, the description of it says, proposed mix of residential and multi, so it hadn't even, it hasn't been done yet so we're just taking out something that had been proposed for...to...for an ordinance. And then on Page 283 of the original, we would take out that third line that says mixed use residential, in parenthesis it says MUR.

COUNCILMEMBER WHITE: Chair?

CHAIR KING: Yes, Mr. White?

COUNCILMEMBER WHITE: Could we ask Department to go through the changes that they put, that are reflected in the document that you passed out --

CHAIR KING: Okay.

COUNCILMEMBER WHITE: --so we can get a sense of what the purpose was for the changes?

CHAIR KING: You mean the changes from the...this is the original.

COUNCILMEMBER WHITE: Right.

CHAIR KING: So, you want to see what the changes from this original one were?

COUNCILMEMBER WHITE: Yeah because it looks like a lot of it is lined out.

CHAIR KING: Okay. Ms. Eaton, do you want to go through that?

MS. EATON: I think Michele...

CHAIR KING: Michele. Okay. Okay. Ms. McLean?

MS. McLEAN: Okay. Thank you, Chair. The substantive difference, there are two things that we would want to highlight. One is the column that's headed, County Zoning Districts. We recommend that that be labeled Typical County Zoning Districts, again to address the circumstances where there might be mismatches which still allow uses to occur on that property. So, Typical Zoning Districts rather than County...Typical

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County Zoning Districts rather than County Zoning Districts. And then the other important change is adding that column called Uses Envisioned and that's important because if you look on the handout that was just distributed, under Single Family, the description says, this includes single-family, duplex and ohana dwellings and on the Department's recommended table, under single-family uses envisioned it says, envisions single-family, duplex and ohana dwellings and related and compatible uses. And that's important to us because in the Residential zoning districts, schools and parks are also allowed in the zoning district and we believe that that's appropriate under the Single Family community plan designation, but because the existing community plan designations' descriptions are very concise and very limited, it doesn't give a full description of what those communities might look like. So, in a sense it suggests that a park or a school in the Single Family designation might not be allowed or might be non-conforming in some way. And so those uses envisioned mostly it says related and compatible uses and that's the biggest change, and that might not seem significant, but it tries to describe more fully what that designation might mean.

COUNCILMEMBER WHITE: And what's actually happening?

MS. McLEAN: And what, yes, and what has occurred for decades and it's how the land use regulatory process works.

COUNCILMEMBER WHITE: Yes.

MS. McLEAN: And so we're just trying to give that fuller description that it's not the two or three things that that list provides. It's fuller than that.

COUNCILMEMBER WHITE: Okay. Thank you.

CHAIR KING: Any other questions? Okay, well...

COUNCILMEMBER CRIVELLO: Last time, Chair.

CHAIR KING: Okay, Ms. Crivello.

COUNCILMEMBER CRIVELLO: Version two is from the Department, right? This...

CHAIR KING: Okay, well...okay.

COUNCILMEMBER CRIVELLO: But how are you going to pose it now then?

CHAIR KING: Well, so the version that was handed out, just now, is the default version. That's what was in the plan when it came to us. So, basically, we're dealing with, this is in the plan, and these are proposed changes. So, if somebody wants to make a motion to use these proposed changes, you can do that, otherwise we just go back to the default just to, you know, and I, my issue with the envisioned uses is that it didn't come from the community. They're envisioned uses by, that were put in here from the Department from the Molokai, from the Lanai plan, and what I've been hearing from

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people on Molokai, and you may be hearing something different, but that they want their envisioned uses. So, my personal feelings, is there should be a fuller discussion about envisioned uses with the community and, you know, it didn't, they didn't get to have that at CPAC or Planning Commission because that version wasn't put in front of them fully. So, that's why I'm recommending just to stick with the default version, and you know, the community can go back and make a community plan amendment if they have that discussion and decide that these are, you know, compatible with their envisioned uses, but I don't think it should come from Lanai. So, that's my position.

COUNCILMEMBER CRIVELLO: Well, Chair, I think that's where the Department erred. They kept referring it to the Lanai plan. It's not the Lanai plan, and that will be the first turn off from anybody whether it's Maui or Molokai. To say Lanai plan is the turnoff, but when you read the uses envisioned, and the land use designations, it is to me, when you follow all of the chapters and what they're looking at in trying to have it designated throughout the plan, most of this fit in, and so for...and there is no question, we will go back into the community, but I'd like for us to decide what version we're going to present back to the community.

CHAIR KING: Right. That's why we're here today. So, yeah, I mean, it's only in the Lanai plan right now so that's why it's being referred to that, I mean, when it was proposed to us about a year ago --

COUNCILMEMBER CRIVELLO: It's not a Lanai plan for us.

CHAIR KING: --it was Appendix 9 from the Lanai Plan so that's what it, I think that's where it just got that designation because it's not in any of the other community plans right now.

MS. MAYDAN: Chair?

CHAIR KING: Ms. Cochran?

MS. MAYDAN: Oh, sorry.

COUNCILMEMBER COCHRAN: Oh, no. Go ahead.

CHAIR KING: Okay, go ahead.

COUNCILMEMBER COCHRAN: I'll hear their comment first.

MS. MAYDAN: Thank you, Chair. I just wanted to make one clarification that the version two, the Planning Department recommended version, as the Director stated, it does not make any change from our existing practice. If version one was adopted or if version two is adopted, the Planning Department's way of administering community plans and zoning would not change. The Planning Department recommended version two just provides more clarity and transparency of the existing practice. So, as far as

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what's listed in the uses envisioned column, that is not a change of uses that would be imposed on the Molokai community. That is just more clearly representing the relationship between community plan and zoning. So, you'll get the same outcome with version one or version two, but version two is just a much more clear, transparent depiction of our process to administer community plans and zoning.

CHAIR KING: Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you. I guess I beg to differ, the words "envisioned" and "typical" don't sit well with me. I think they're not specific. They're inexact actually, language and leaves lots of room for interpretations by Department and various directors that may come through and what have you. So, that's where my unease sits with those words. Version one is what I'm supporting most at this time, because as I understand that was the version that was vetted through, you know, the Molokai Planning Commission and the community, and so should that go back for further vetting then so be it, but currently that, the verbiage that came off of the Lanai plan, I'm not supportive.

CHAIR KING: Okay.

COUNCILMEMBER COCHRAN: So, those words, yeah again, just don't sit well with me at this time. Thank you, Chair.

CHAIR KING: Okay. Thank you, Ms. Cochran.

COUNCILMEMBER CRIVELLO: Chair?

CHAIR KING: Ms. Crivello? Oh, Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you. So, if I look at version two, we say single-family and then uses envisioned single-family, duplex, and ohana dwellings, and related and compatible uses. But if I look at the version one, all it says is County zoning districts R-1 da-da-da, R-2 da-da-da, R-3 and R-0. It doesn't give us more, it doesn't give us the clarity that we need when we start to go into the zoning areas and what is it that the community may envision or may not envision for single-family buildings and homes and what have you. So, for this reason, because I think it gives more clarity to my community, I can appreciate the version or whatever we want to call it, version two, version one, I would prefer the version two because it gives us a better opportunity. And I would, if I were to relate back for years and years because the last time we had a community plan was over 17, 18 years ago, any kind of working on it, but we've also had many, many community conversations on the...we come up with strategic plans for our community. We come up with our own land use plans. We have countless meetings, you know, and these are the kind of conversation that takes place. What we envision, what we like, what we wish, what we want and this coincides, you know, using the planning principles, it coincides with many of the pages that's in the various chapters including the West and East End Policy. We do a

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thorough dissection of each chapter. It's much easier, for me anyway, to accept what's on version two, yeah.

CHAIR KING: Okay. Yes, Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. Yeah, I feel that the...I can't support the default, because I think the changes the Department are recommending are really the most responsible. And, you know, our job is not to just simply rubberstamp what comes from the various organizations that have seen it before us. Ours is to do what we feel is appropriate for the long-term and is going to provide the most flexibility to the folks that are wanting to grow their lives on Molokai. So, I can't support the one that was handed out recently, but I do support the one that you handed out in the document this morning.

CHAIR KING: Okay. Well, we might be at an impasse; so I'm not sure how we break it, because...well, we'll just see if there's a motion to make these changes that the Department proposes.

COUNCILMEMBER CRIVELLO: Chair?

CHAIR KING: Yes?

COUNCILMEMBER CRIVELLO: I move to, for passage of what we've had in our discussion on version two instead of the...

CHAIR KING: From the Department?

COUNCILMEMBER CRIVELLO: Yeah.

VICE-CHAIR SUGIMURA: Second.

CHAIR KING: Okay. Moved by Ms. Crivello, second by Ms. Sugimura. All those in favor?

COUNCILMEMBER WHITE: Aye.

COUNCILMEMBER CRIVELLO: Aye.

VICE-CHAIR SUGIMURA: Aye.

CHAIR KING: All those oppose?

COUNCILMEMBER COCHRAN: No.

CHAIR KING: No. So we have three "ayes": Ms. Crivello, Ms. Sugimura, and Mr. White; and two "noes": Ms. Cochran and myself, Chair. So, the changes do not pass.

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VOTE: AYES: Vice-Chair Sugimura and Councilmembers Crivello and White.

NOES: Chair King and Councilmember Cochran.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Guzman and Hokama.

MOTION FAILED.

CHAIR KING: And we can, you know, I mean we can be at an impasse until somebody comes and breaks it, but I do want to share with the Committee that I understand, you know, I'd be the first one to say we aren't supposed to rubberstamp it and that's why we gave the opportunity to the community to reprioritize and then the comments were made, well, we should keep it the way it was when it came to us. So, now we're trying to keep it the way it came, the way it was when it came to us as far as the appendix, but there's a desire to change it to what the Department wanted even though the CPAC group that I met with was opposed to the insertion. And we've had testimony on both sides, we've had more testimony against the Department's version than for it. So, I guess I'll just call for a vote of passing this out with the default and if there's not, then we'll just continue on, but this is where we're at right now with the 6.1, 6.2 with the understanding that we have another public hearing and first reading which will be scheduled by Mr. White and will occur simultaneously on the same day.

VICE-CHAIR SUGIMURA: So, you're asking to pass out the whole plan?

CHAIR KING: Right.

VICE-CHAIR SUGIMURA: With the original version one, I guess, that's what you're saying?

CHAIR KING: Right. And you know, keep in mind too, Members, that this is just an appendix and as the Department said, it won't make a difference on how they react to zoning relative to Molokai. In fact they made that statement that any of those three, even the one that Ms. Akutagawa testified in favor of would not make a difference in their actions other than if we had passed out the third one, we would have had to put, we would have had to address any non-conforming issues.

VICE-CHAIR SUGIMURA: Chair, can we ask Department to clarify what you just said?

CHAIR KING: Right, so the statement, Ms. McLean, that you made last time, was that the appendix, the versions of the appendix are not going to affect how you address zoning and permitting on Molokai. Is that not true?

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MS. MCLEAN: What we're calling today versions one or version two, there would not be a difference in how we administer either of those.

CHAIR KING: Okay.

MS. MCLEAN: But there will be a difference with what we're calling version three. There would have been a difference.

CHAIR KING: Okay. With the one that came from Ms. Akutagawa? Okay, thank you for clarifying that.

COUNCILMEMBER CRIVELLO: What's before us now?

CHAIR KING: So, what's before us is the plan with the changes we made on everything back to the original versions of the Appendix 6.1, 6.2 other than taking out that mixed use statement and if we can pass this out today, then it moves on to full Council and they'll have a public hearing and first reading.

MS. FUJITA: Chair?

CHAIR KING: Ms. Fujita?

MS. FUJITA: May I just clarify too that if the Planning Department's revisions aren't going to be made to Appendix 6.1, 6.2, that the additional language on Page 77 and 78 of the plan need to be deleted.

CHAIR KING: Okay. So, would you call that a non-substantive change?

VICE-CHAIR SUGIMURA: What page again?

MS. FUJITA: It goes together with the Planning Department's changes to Appendix 6.1 and 6.2.

CHAIR KING: Okay. Okay.

VICE-CHAIR SUGIMURA: Could she repeat the page number again?

MS. FUJITA: So it's 77 to 78.

VICE-CHAIR SUGIMURA: On the new document?

MS. FUJITA: On the new document. The Planning Department proposed some language to address the changes that were going to be made to Appendix 6.1 and 6.2. So, if the Committee is not going to be making the Planning Department's recommended changes then that language needs to come out as well.

CHAIR KING: And that's the part in blue, B?

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MS. FUJITA: Yes.

CHAIR KING: Okay. So that was inserted along with their other proposed changes by the Department.

COUNCILMEMBER WHITE: Could you have that repeated by Staff?

CHAIR KING: What repeated?

COUNCILMEMBER WHITE: What she just mentioned about the items in blue.

MS. FUJITA: I'm sorry. It's actually Page 77 to 78, and it starts off with paragraph B, relationship of community plan designations and County zoning and there is three paragraphs that would need to come out if the Planning Department's changes aren't going to be adopted.

CHAIR KING: Okay, and that wasn't in there previously. This was not, those paragraphs were not in there when it came to us.

MS. FUJITA: No, they were proposed by the Planning Department when they made the recommendations to Appendix 6.1 and 6.2.

COUNCILMEMBER COCHRAN: Chair?

CHAIR KING: Ms. Cochran?

COUNCILMEMBER COCHRAN: So, are you looking for a motion?

CHAIR KING: I'm looking for a motion to approve the plan and move it out of Committee to Council, full Council.

COUNCILMEMBER COCHRAN: Yes, Chair, so moved. I guess, along with deleting the Planning Department's additions on Pages 77 through 78.

CHAIR KING: Okay.

COUNCILMEMBER COCHRAN: Is that inclusive in that...would that need to be inclusive in that motion?

CHAIR KING: Right and any non-substantive changes.

COUNCILMEMBER COCHRAN: And any non-substantive changes.

CHAIR KING: So moved. We have a second? Okay. So, the motion that I'm entertaining is to recommend that a public hearing be held on the revised proposed bill incorporating revisions made today as well as any non-substantive revisions. That the revised

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proposed bill be scheduled for first reading with or without revisions and that the County Communication 16-98 be filed.

COUNCILMEMBER COCHRAN: Chair, and I'll move, I also move that.

CHAIR KING: Okay. Moved by Ms. Cochran, any second? No second. Okay. So, we are not moving this out of Committee. We probably will have to bring this back for and possibly extend the deadline. So, the deadline right now...Mr. Hopper?

MR. HOPPER: Just to make a comment if, I just want to be clear, I know the Department said that under version one the administration of the community plans wouldn't change. The version one has these one and two-sentence descriptions of land uses and generally that had not been looked at as an exhaustive list of what's allowed. There's been discussions in the last couple years of, an argument that, yes these are the only land uses that are allowed. If, basically if it's not listed in this one or two-sentence description, it's not allowed in the district and so the time to deal with that argument, I think, is in these plans and in the language so that if, you know, if one or another, the Council has a desire for either these being one-sentence descriptions that list all the uses, or something else, version two doesn't necessarily have to be it, but there could be alternative language to work on. Just to clarify the Council's intent with the community plan land use designations whether or not the Council intends these to be a general description of what's allowed in the districts or an exhaustive list of what's actually fully allowed in the district and any uses that are not listed are considered to be not allowed in the district. So, I think that's some clarification that the Council could look at. If it's not in version one or version two, maybe another version can be looked at, but, you know, just to get that out there, that while it's true, the Department wouldn't administer version one any differently than it currently does, there have been arguments made that those descriptions are exhaustive lists. And so to the extent that would continue to be made I think the Council should consider what it wants from these designations, what uses it would want in these different districts. Does it want to have uses in addition to what is listed or not, and I think that's something that the Council can discuss going forward.

CHAIR KING: Okay, thank you for that, Mr. Hopper. I think my concern with that is, you know, then are we making decisions for the community which is what I was told when I went back to the community and looked for reprioritization of action items. So, if we make those decisions for the community without going back to the community then are we subverting the process?

MR. HOPPER: Yeah, I don't know if the community would understand if the description, this includes single-family, duplex and ohana dwellings, if that was intended to be exhaustive and the consensus was that any uses other than those shouldn't be allowed then okay. But if that argument's being made and Council doesn't intend that or the community didn't intend that in the language, then I think clarifying what was intended, it would be important in this case. If the intention was for these descriptions to list all of the uses allowed, then that's fine, but I'm not certain if that was the intent or if that's the intent of the Council and that should be made clear.

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CHAIR KING: Okay, and I thank you for that, Mr. Hopper, because that was one of the reasons why I thought it was suggested by Ms. Crivello that we go back to CPAC with this and we weren't able to do that because we weren't able to get a quorum so would you suggest that we send this back to the Planning Commission on Molokai --

MR. HOPPER: I...

CHAIR KING: --for clarification because...

MR. HOPPER: That's up to the Council, what the Council would like to do certainly. You know, it's a matter of...these descriptions I do not see any evidence in any record that they were intended to be an exhaustive list of all of the uses that were allowed.

CHAIR KING: Right.

MR. HOPPER: If that's going to be made, then they should, there should be a look at it and to clarify what uses are allowed in those districts and what uses, you know, there should be in the districts. The Council does have the ability to make that determination, you know. So, that's just the advice that I can give and I wanted to make that clarification because of the statements made that adopting option one wouldn't change the way this is administered. I think that that's correct and the other community plans have language like this, but in the last several years for the first time, I believe, there were questions raised as to whether or not a use that's not specifically listed in these sentences is consistent with the community plan. Seeing as in the zoning for, that corresponds to a lot of these districts, there are uses that are not specifically listed and the zoning is of course adopted by the Council as well as the community plan. So, to get into that issue, I think, is important and to adopt a table that lists the descriptions as is intended to be reflected in these districts, I think is an important thing for the Council to look at.

CHAIR KING: Okay, so I guess, my preference would be to send it back to the Planning Commission and ask them to review it and to let us know what their envisioned uses are and what their, and how they interpret this document since we got this document from them as part of the plan. Is that something that we can do without the subverting process in your opinion, Mr. Hopper?

MR. HOPPER: Legally, I'd have to take a look at that as far what will be, what would be required at this point. I can't make a commitment either way. I'm not sure if that's something that...

CHAIR KING: Okay, because we asked departments for their opinions on certain pieces of this plan, and I guess, that's what, that's the big issue with this appendix, is that it wasn't full vetted through the CPAC or through the Planning Commission, you know, with the proposed changes. So, if we're at an impasse, then how do we break that without dishonoring the way the plan came to us? We're just, you know, we're making

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decisions based on what we think that is best for the community without the community input.

VICE-CHAIR SUGIMURA: Chair?

COUNCILMEMBER CRIVELLO: So --

CHAIR KING: Ms. Crivello?

COUNCILMEMBER CRIVELLO: --I have concerns with your statement because there's a process, yes, there's a CPAC process, and we've had numerous community participation through that CPAC process, and then we have the Molokai Planning Commission process again, diverse participation if you want to look at that way, and then the next process is us as a Committee. And then we go back and we determine what is it that we have to work on or be representative of the community. And then we go back to the community because we have one, two, three steps and, you know, sometimes you wonder if all that is truly necessary because it's such a long, drawn out process that we go through, but it is, what it is. and then to go back to the Planning Commission, are you going back to the Planning Commission that was in place, and accepting what they passed through or does it go back to the existing Planning Commission? So, I think we have a role as Council in many of our decisions that we make accordingly, we have community participation and also there are many people that choose not to come and testify and there are many that maybe will have the one-on-one conversations in other means. So, my question to you then is that is it necessary for us to go through this Committee process, is that something that's of importance or do we take back every item back into the community?

CHAIR KING: Well I think it was your suggestion about taking this to the CPAC.

COUNCILMEMBER CRIVELLO: Yeah, but we could not get that working and we have to move forward and that's what we've done.

CHAIR KING: Okay, but if there are those of us on this Committee who still feel like this, the Department's proposal doesn't represent what the community wants based on testimony, then that's our responsibility as well.

COUNCILMEMBER CRIVELLO: Right.

CHAIR KING: And you may differ from that, but that's my feeling that this is not created, these envisioned uses were not created and they don't have the stamp of approval, they don't have any comment. I mean, I read through the minutes, you read through the minutes of the CPAC meetings and there was a lot of concern about this. So, that's why it was passed out with the 6.1, 6.2 version, it was passed out of the Planning Commission --

COUNCILMEMBER CRIVELLO: Right, I'm just trying to...

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CHAIR KING: --so if we're at, I'm just trying to figure out what to do if we're at an impasse.

COUNCILMEMBER CRIVELLO: Right.

CHAIR KING: Right.

COUNCILMEMBER CRIVELLO: So, that's where we're at today, and then I'm wondering then, as we start going through the different processes and we go back, then we, maybe this is not necessary, the Planning Committee, maybe we just be general participation from the community and make determination there, instead of going through all this --

CHAIR KING: Yeah.

COUNCILMEMBER CRIVELLO: --processes that we've set up.

CHAIR KING: Well, I do think there might be some validity to that, but if we didn't go through this process, then we'd be looking at the version that I'm recommending because that's what ended up out of Planning Commission. So, you know, we're going through the process, we're making changes, and if we don't all agree on the changes, and we can't pass it out of Committee, that's...then we're stuck, and so how do we make that determination, you know --

MS. MAYDAN: Chair?

CHAIR KING: --that's the only thing I could think of is to possibly go back to the Planning Commission and ask them to review it.

MS. MAYDAN: May I make a statement?

CHAIR KING: Ms. Maydan?

MS. MAYDAN: Thank you, Chair. I'd like to just provide a little bit of clarification as far as the Molokai Planning Commission's review of the land use appendix. We presented a draft version of our recommended appendix to them near the end of their review process, and there were a lot of questions, there were some confusion, and they ultimately decided they did not want to take on the responsibility of making that change and they said, let's just let Council make the decision. And we let them know that we would in fact recommend to Council to include our recommended version of the appendix. I just wanted to provide that clarification.

CHAIR KING: Yeah, and you've said that before. So, I understand that.

MS. MAYDAN: And at the CPAC meetings, we really did not get into the specific changes that we would recommend in that appendix. We talked extensively about the relationship of community plan and zoning and I'd just like to clarify that in the CPAC minutes, a lot of the discussion about zoning and land use was in relation to the mixed use

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community plan designation. There was a lot of confusion around that so the minutes in CPAC were not in regards to the Planning Department's recommended table. I just want to make that clarification. That was mixed use so that was not regarding our recommended table.

CHAIR KING: Okay, so I guess we'll just go ahead and adjourn since we're at an impasse, and I would like to send, get a clarification from the Planning Commission on that appendix and they may need to go back to the minutes to do that, but --

MS. EATON: Chair?

CHAIR KING: --I think I'm at a...Ms. Cochran?

MS. EATON: No that was me.

CHAIR KING: Oh. Who's that? Ms. Eaton?

COUNCILMEMBER COCHRAN: No, go ahead. And then I'll have a comment. Thank you.

CHAIR KING: Okay.

MS. EATON: I just, I would like just a better understanding of, like Jen said, I echo, I was at all those meetings in terms of what happened, so for us to go back and I do remember clearly them wanting...finally agreeing, one of the few things they agreed on, the Molokai Planning Commission at that point in time, was to have this table go to the Council and that the Council make the decision. So, then my question is, by going back to the Molokai Planning Commission of which, I don't even know how many members that are presently on the Planning Commission other than the Chair, were involved in the Planning Commission discussions during the review process almost three years ago. I'm just trying to understand that and get that in my head as to what purpose this is serving.

CHAIR KING: Yeah, okay. Yeah, that's not what, and the purpose that I'm discussing is not to go back to the original Planning Commission, but to hold a public hearing on this so that we can get...because my biggest concern is that we're making a decision that has...doesn't have enough input from the community because that document was not put out there for the community discussion. That's what I'm hearing in the written testimony we've gotten, in the verbal testimony we've gotten, in talking to Ms. Akutagawa and Ms. Williams that those were not documents that the community had a lot of input in. So, perhaps that's where we're at. We need to go back to the community and show the two documents and get community input and the Planning Commission is probably the better avenue to do that because they can set up meetings over there at the convenience of the community and, you know, I tried to do that when I was asked by some CPAC members to reprioritize the Chapter 12, and you know, that didn't pass. So, you know, if we need to get critical mass input from the community, I'm just suggesting that the Planning Commission, whoever is on the Planning Commission now, might be and I know that Lori Buchanan is there and she

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was part of the CPAC when, you know, and Planning Commission so that's, I don't know how to break that, the impasse that we're at. Ms. Cochran?

COUNCILMEMBER COCHRAN: Yeah, sorry. Thank you. So, am I to understand the Department is saying the draft was given to the Molokai Planning Commission and they had looked at it, and decided we don't have comments at this time, we're going to send it here to the Council for us to make decisions. So, they had no input one way or the other? They didn't choose to? Or is that what I just heard?

MS. MAYDAN: Ultimately, I mean they had discussion, but they were, I don't want to put words in their mouth, they just did not feel that they were ready to make a decision on that, and they said let's leave this up to Council. There were some members that felt one way, some that felt the other way, but they as a body chose to say let's leave this decision up to Council.

COUNCILMEMBER COCHRAN: Okay, and that's something that can be seen in minutes and on, I don't know, if it was videoed of whatever so just, cause I guess I'm hearing other comments in reference to what had taken place and...

MS. MAYDAN: The Planning Commission minutes, there are verbatim minutes that are available online on the Molokai Planning Commission's webpage. As far as videoed, I'm not sure. It was hit and miss when the videos were taken.

COUNCILMEMBER COCHRAN: Okay. Okay.

UNIDENTIFIED SPEAKER: Chair?

CHAIR KING: Okay, thank you. I...

UNIDENTIFIED SPEAKER: Chair?

CHAIR KING: Just a minute. I did go through those minutes. I do remember a lot of discussion about the mixed use and concern about that. I don't remember, I'll have to go back and see, I don't remember a statement about letting the Council decide. I just remember seeing the desire to pass it out as it was with the original version and then that's what came out of the Planning Commission as well, so but those are the minutes she had, Traci had distributed those minutes before. We've had this discussion. This is an ongoing discussion.

COUNCILMEMBER COCHRAN: Yeah, I'm trying to recall. Did they lose time or they...no? they weren't like pushed, you know, into a corner?

CHAIR KING: That's what I was told, that they, when I met with the, I met with two current CPAC members and three former CPAC members, who were one moved off island so he was dropped off CPAC and the other two applied for the Planning Commission were told that they couldn't be on both. And so there were five of the CPAC members and

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that's what they told me was that they didn't have enough time to get to it before their deadline to finish.

MS. MAYDAN: I'll just clarify. I believe...

CHAIR KING: Excuse me, Ms. Maydan, I didn't recognize you yet but, you know, that's, that was my conversation with this and that's the closest I could get to going back to CPAC which was what requested from this Committee.

COUNCILMEMBER COCHRAN: Okay.

UNIDENTIFIED SPEAKER: Chair, excuse me? Chair?

CHAIR KING: Yeah, let me just see if Mr. White has a question, you can answer both of them or just one.

COUNCILMEMBER WHITE: No I don't have a question, I just don't think it's appropriate for us to go back to the Planning Commission. The CPAC has its responsibility, the Planning Commission then has its responsibility, and to me we're somewhat abdicating our responsibility when we have had public input opportunities throughout the CPAC process, public opportunities throughout the Planning Commission process, and we've now been at this for 18 months and we've gotten a lot of input. Now it's up to us to decide.

CHAIR KING: Right. Well, I agree but we're at an impasse, you know, we, some of us feel that the public input has said, no they don't want that other appendix put in there, and some of us are willing to go ahead with it, so you know, I don't know what the next step to that is.

COUNCILMEMBER WHITE: I'm just suggesting that it's time for us to make decisions, you know, and there's no reason for us to go backwards.

CHAIR KING: Okay.

COUNCILMEMBER WHITE: So, and...

COUNCILMEMBER COCHRAN: I have a question.

COUNCILMEMBER WHITE: So and I don't think that's reasonable to continue to just extend the timeframe, so.

CHAIR KING: Ms. Cochran?

COUNCILMEMBER COCHRAN: Yeah thank you. So I guess when Ms. Akutagawa was here and I guess she presented a version, is that going to be discussed or is that, you know, an option at all or what's with her recommendations?

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CHAIR KING: Well, that was discussed and the Department had some major concerns. Although the comment was made by Ms. McLean that it had some really good talking points in it, but that in order to move ahead with version, it would be a much greater discussion and going...it's another version that hasn't been vetted, so we have, you know, that was never even looked at, so there was not a draft of it. So, you know, I just didn't see the possibility of getting consensus on that version.

COUNCILMEMBER COCHRAN: Okay, no I just wanted --

CHAIR KING: So...

COUNCILMEMBER COCHRAN: --to know where that stood --

CHAIR KING: Right.

COUNCILMEMBER COCHRAN: --at this time if at all.

CHAIR KING: So, right. Yeah. Personally, I think it's good and it's concise, but I do think there's some new issues in there that it could create and one of those was possibly creating non-conforming uses.

COUNCILMEMBER COCHRAN: Okay, the thought or what I heard, I guess it was written as such due to the future, you know, reconstructing of Title 19 and the way it was written they felt that it could work better, or perhaps be more, you know, evolve with in a more cohesive way. So, that was kind of one of the reasons for presenting, you know, her version the way she did, but anyhow, I guess, that's a thought.

CHAIR KING: Okay so what does the Committee want to do? Does the Committee want to just wait till we get more people and take another vote?

COUNCILMEMBER CRIVELLO: Hopefully, Chair, that would be my recommendation and hopefully we will have full quorum. At least seven of us at the meeting yeah. Thank you.

CHAIR KING: We can hope. Mr. White?

COUNCILMEMBER WHITE: The other option would be to take this part of the plan out completely and pass out the plan and do whatever we need to do with the Land Use Section when we go and redo Title 19.

CHAIR KING: Well, that was, I thank you for suggesting that because, you know, my thought all along is it's basically a placeholder until we get through title, the revision of Title 19. I think all of these appendices for all the plans are probably going to be basically placeholders because there will be changes made, but I did have this discussion with Ms. Eaton a week ago about, you know, just taking out the appendices altogether because they're...and you know, would you like to speak to that, Ms. Eaton? So, you know, I mean I'm happy to entertain that motion, Mr. White.

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COUNCILMEMBER WHITE: I'd like to ask the Department for their thoughts on it --

CHAIR KING: Okay.

COUNCILMEMBER WHITE: --but I'm not sure if that's the right thing to do but...

CHAIR KING: Ms. McLean?

MS. McLEAN: Thank you, Chair. There would need to be some description of what the community plan designations are. You have the plan, and you have the map and there needs to be some sort of legend if you will, for the map and the designations that are on the map. If you look at what was distributed today, there's the first few pages are a chart, and then the last two pages are sort of a list, and this list is similar to what all of the older community plans have and you could just include that list. Corporation Counsel earlier talked about why that's, why that falls short, but if you wanted to proceed without either table for the sake of getting it out of Committee then you could just include this list for now and then see if any changes would be made either as full Council takes on the plan or later on if something is a companion to Title 19 changes.

CHAIR KING: Okay, and that would be Page 283 and 284. Is that what you're suggest...

COUNCILMEMBER CRIVELLO: Chair, is this...

CHAIR KING: If you look on the...unless it's is Page 283 and . . . *(inaudible)* . . .

COUNCILMEMBER CRIVELLO: Yeah, but if this is...

CHAIR KING: Wait. Is that correct, Miss...

COUNCILMEMBER WHITE: Not on the one that we handed out.

CHAIR KING: The one that's handed out, the you know, is the original version. It says Appendix 6.1. If you look at the bottom of the page --

COUNCILMEMBER WHITE: Oh, okay.

CHAIR KING: --the page numbers. So, what she's suggesting is the list. I'm assuming the list, it starts on 283, that's the one.

MS. McLEAN: Yes.

CHAIR KING: So 283 and 284 which are called County Community Plan Designations.

COUNCILMEMBER WHITE: This one?

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COUNCILMEMBER CRIVELLO: Chair?

CHAIR KING: Hang on just a minute, Ms. Crivello. Do you have any other questions, Mr. White?

COUNCILMEMBER WHITE: No and I...

CHAIR KING: Alright. Okay.

COUNCILMEMBER WHITE: Yeah. I'm not sure if this is a, not a great solution because you still have very limited definitions in single-family which would still not allow churches or other such things to happen in a residential area.

CHAIR KING: Okay, Ms. Crivello?

COUNCILMEMBER CRIVELLO: I think I do not agree for us to not include some sort of designation to...again, I have to harp on and my frustration with our Interim zoning and when we look at community plan, and when we look at our role as Council and policy makers, land use, land use, land use, and it comes with our designations. So, for us to, you know, we're going to put this on hold because of Title 19 or because we cannot come to an agreement on what we want to pass out through and the frustration also is we don't have full quorum and I think we should work towards that and continue this discussion. And because we need some sort of, is it a guideline if you want to say, to how we're going to move forward with eventual zoning someday and how the community can understand that it's more than residential, R-1, R-2, 6,000 square feet and what they can fully understand. and then so we have a kuleana to making sure that we're going to have this a complete plan and not a plan that's pieces are left out. I hope we would take that into consideration, Chair. Thank you.

MS. McLEAN: Chair, may I ask for a brief recess?

CHAIR KING: Sure, recess five minutes. . . .(gavel). . .

RECESS: 10:37 a.m.

RECONVENE: 11:03 a.m.

CHAIR KING: . . .(gavel). . . Okay reconvening the Planning Committee meeting on August 6, it's almost five after 11:00. So, Members, we have two options. We can either pass this out with the default and post the proposed amendment from the Department or we can just defer it. Is there a consensus for...Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, Chair. So, deferral mean that we'll bring it back up again hopefully...

CHAIR KING: At some point. Yeah, we'll probably miss the end of September deadline.

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COUNCILMEMBER CRIVELLO: Okay.

COUNCILMEMBER COCHRAN: Sorry, so, Chair, you don't...

CHAIR KING: Ms. Cochran?

COUNCILMEMBER COCHRAN: Sorry. You do not have a specific date, like a date certain for the next meeting?

CHAIR KING: Not for this item.

COUNCILMEMBER COCHRAN: No?

CHAIR KING: No.

COUNCILMEMBER COCHRAN: Okay.

VICE-CHAIR SUGIMURA: When is the next meeting?

CHAIR KING: What...August 23rd. But we've already got stuff scheduled for August 23rd. Okay. So...

COUNCILMEMBER COCHRAN: Sorry, I'm ready to pass it out but it's --

CHAIR KING: Okay.

COUNCILMEMBER COCHRAN: --obviously didn't work the first time around.

CHAIR KING: Right well we've basically back to the default and just if we can agree to pass it out like this with the other version posted for the Council meeting which the Chair was willing to do, we can get it out today.

MS. McLEAN: Chair?

CHAIR KING: Ms. McLean?

MS. McLEAN: I wouldn't want to misrepresent what the Council Chair is willing to post.

CHAIR KING: Okay.

MS. McLEAN: I'm not quite sure that he was willing to do what you just mentioned so...

CHAIR KING: Oh, okay. So, we will wait for him to come or I mean, you know, we can just defer it if...is he definitely coming?

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

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CHAIR KING: Okay.

MS. McLEAN: My understanding is that...he can speak for himself.

CHAIR KING: Okay. Thanks for joining us again. So, my suggestion is to pass it out with the default in there and post the proposal by the Department, which is how it came to us as additional proposal, when we have the Council meeting. If we can come to a consensus, we can pass it out today. Mr. White?

COUNCILMEMBER WHITE: Yeah, I would rather it be the other way around since there were three votes here for the Department's recommendations. So, you can ask the other Members, but...

COUNCILMEMBER COCHRAN: Sorry, Chair?

CHAIR KING: Ms. Cochran?

COUNCILMEMBER COCHRAN: So, Mr. White, you're saying to pass the Department's version to the full Council?

COUNCILMEMBER WHITE: With the understanding that in order to break the impasse just go to the full Council and at that time we can, then the other, then this version that was handed out today would be posted ahead of time so that everyone knows that we have two options available and then we vote at Council.

CHAIR KING: Okay, well I would, because the version the 6.1, 6.2 version was how it came to us from the CPAC and the Planning Commission, I would prefer to do it that way.

COUNCILMEMBER WHITE: I think that's reasonable.

CHAIR KING: Okay. So is there...

COUNCILMEMBER WHITE: And then you will post the...

CHAIR KING: Yeah, we'll post the other one as a proposal by the Department with the full explanation.

COUNCILMEMBER WHITE: Yeah.

CHAIR KING: And then they can be there at the Council meeting, and then maybe even do the explanation at the public hearing if that's allowable because I think it would be good for people to hear that before they testify.

VICE-CHAIR SUGIMURA: What public hearing?

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CHAIR KING: Well, if we pass it out, it goes to public hearing. So, there's a public hearing required after we pass it out of Committee on Molokai by the full, well by the full, it will be scheduled by the Council Chair.

COUNCILMEMBER WHITE: Right.

CHAIR KING: And the intention is to also have first reading that same day. So, we go over, we have a public hearing and then we have first reading on the bill. That's the procedure. So, either way there's going to be a public hearing. If we do a separate public hearing we're essentially going to have two public hearings because then when we go back for first Council reading, then we take testimony.

COUNCILMEMBER WHITE: Right. This why the, basically the testimony period is the public hearing instead of just the start of our meeting.

COUNCILMEMBER CRIVELLO: So, we're going to do Committee work on Council is what I'm hearing, at Council?

COUNCILMEMBER WHITE: Are you shocked?

COUNCILMEMBER CRIVELLO: No, I'm not but you know, it...we shouldn't be doing that.

COUNCILMEMBER WHITE: Well, I agree, but...

COUNCILMEMBER CRIVELLO: If we have to come back as a Committee then that's what, to me, we need to finish out our work as a Committee and then so come full Council, we're not doing Committee work.

VICE-CHAIR SUGIMURA: I always heard that.

COUNCILMEMBER WHITE: Unfortunately when we don't have a full quorum, we're not left with a lot of options.

COUNCILMEMBER CRIVELLO: Yeah, that's our problem.

CHAIR KING: That is our problem. Not just this Committee, we've had that problem with every committee.

COUNCILMEMBER CRIVELLO: Every committee.

CHAIR KING: Except Council.

VICE-CHAIR SUGIMURA: So, Chair, August 23rd you said is your next PC Committee meeting? I don't know what's on your agenda but I can't imagine anything more being more important than this.

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CHAIR KING: Well, yeah well you know, that's what I thought every time and every time we have a hard time getting quorum so I'm just saying, I'm not, I've scheduled other items with the understanding that we would get through this today but I also was hoping for seven members. We had at least one other member who said he would be here, but you know, things come up I guess. So, you know, if we can vote to pass this out, we can get it out of Committee today. I mean, basically, where we're going to be at is, and we make changes a lot of times on things based on, you know, at the Council level based on public testimony so I don't think this is any different.

VICE-CHAIR SUGIMURA: So, I would prefer, Chair, to defer this and schedule at your next conveniently planned, I guess, Committee meeting to talk about this and put the options before us one and, versions one and two.

CHAIR KING: Okay.

VICE-CHAIR SUGIMURA: And take it that way instead of us taking it to Council, full public hearing and whatever, you know...

CHAIR KING: It has to go to public hearing one way or another.

VICE-CHAIR SUGIMURA: I know, but let's make a decision in Committee is what I'm saying.

CHAIR KING: And then we will get testimony you know --

VICE-CHAIR SUGIMURA: Let's make a decision in Committee.

CHAIR KING: --against however we vote.

COUNCILMEMBER CRIVELLO: That's fine.

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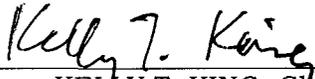
CHAIR KING: So, you know, so your decision is you'd like to have it...okay, and we will probably be needing another extension, another deadline extension. Okay. Well, alright. We'll defer the issue and the meeting is adjourned. . .(*gavel*). . .

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: DG, RH)

ACTION: DEFER PENDING FURTHER DISCUSSION.

ADJOURN: 11:12 a.m.

APPROVED:



KELLY T. KING, Chair
Planning Committee

pc:min:180806.jg

Transcribed by: Jaydee Giron

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CERTIFICATE

I, Jaydee Giron, 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 17th day of August, 2018, in Kahului, Hawaii

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

Jaydee Giron