

# **PLANNING COMMITTEE**

**Council of the County of Maui**

## **MINUTES**

**October 18, 2018**

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

**CONVENE:** 9:14 a.m.

**PRESENT:** Councilmember Kelly T. King, Chair  
Councilmember Yuki Lei K. Sugimura, Vice-Chair (out 10:36 a.m.)  
Councilmember Riki Hokama  
Councilmember Elle Cochran  
Councilmember Don S. Guzman (in 10:05 a.m.)

**EXCUSED:** Councilmember Stacy Crivello  
Councilmember Mike White

**STAFF:** Traci Fujita, Legislative Attorney  
Leslee Matthews, Legislative Analyst Trainee  
Rayna 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.:** Joseph Alueta, Deputy Planning Director, Department of Planning (PC-7(6))  
David Raatz, Administrative Planning Officer, Department of Planning (PC-7(6))  
Jeff Dack, Planner VI, Department of Planning (PC-7(6))  
Jim Buika, Planner V, Department of Planning (PC-7(6))  
Tara Owens, Coastal Processes and Hazards Specialist, University of Hawaii Sea Grant College Program, County of Maui Planning Department (PC-7(6))  
Jacob Verkerke, Chief Technology Officer, Department of Management (PC-7(7))  
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel

*(Seated in the gallery):*

David Goode, Director, Department of Public Works (PC-7(7))  
Lance Nakamura, Assistant Development Services Administrator, Department of Public Works (PC-7(7))

**OTHERS:** Chuck Thorne (PC-7(6))

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Patricia Cadiz (PC-7(6))  
Zandra Amaral Crouse (PC-7(7), PC-7(6))  
Mike Moran, President, Kihei Community Association (PC-7(6))  
Mr. Highness Kaua War Captain, Counselor Advisor, Kingdom of  
Hawaii (PC-7(7), PC-7(6))  
Albert Perez, Executive Director, Maui Tomorrow (PC-7(7),  
PC-7(6))  
Charlene Schulenburg (PC-7(7), PC-7(6))  
Mark Marchello (PC-7(6))  
Thorne Abbott, Owner, Coastal Planners LLC (PC-7(6))  
Sam Small (PC-7(6))  
Kai Nishiki (PC-7(6))  
Tiare Lawrence, HAPA (PC-7(6))  
(5) additional attendees

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

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CHAIR KING: *... (gavel) ...* Good morning. This is the Maui County Council Planning Committee meeting. We are...we're opening session at 9:14, and the meeting will come to order. Please, anybody in the Chambers that has any noisemaking devices, please silence those noisemaking devices, and we'll go ahead and begin. My name is Kelly King. I'm the Chair of the Planning Committee, and today we have with us Member Riki Hokama. Thank you for being here. Member...Vice-Chair Yuki Lei Sugimura. Thank you for being here.

VICE-CHAIR SUGIMURA: Good morning, Chair.

CHAIR KING: Good morning. And Member Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha, good morning, Chair.

CHAIR KING: Thank you. And excused are Mike White and Stacy Crivello who are at...Stacy is at meetings on Molokai. I'm expecting Member Guzman to be here shortly. And no non-voting members. Today, we have with us in Administration, Mr. Jacob Verkerke, Chief of Technology Officer. Thank you for being here. He's going to be doing a presentation. And do we have Public Works here? We'll have Public Works here shortly, David Goode and Lance Nakamura. Administration from the Department of Planning is here in the...they'll be up here for the second presentation. Joe Alueta, Deputy Director; David Raatz, Administrative Planning Director; Jeff Dack, Planner VI, and Jim Buika, Planner V. And then we also have some resource personnel for the second item. Tara Owens, who's a Coastal Processes and Hazards Specialist, University of Hawaii Sea Grant college program and also you're listed as with County of Maui Planning Department as well, so. Our Corp. Counsel is Mike Hopper. This is his first meeting back after paternity leave, so welcome back to my Committee. Thank you for being here. And you look surprisingly rested. We have our Committee Staff,

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Traci Fujita, who's our Legislative Attorney; Rayna Yap, who's our Committee Secretary; and we have Leslee Matthews, who's our Legislative Analyst trainee. Welcome. And just want to thank my staff as well, Susan Foley and Kate Griffiths, for the support that they give for this Committee. So, Members, we have two items on the agenda today. We have PC-7(7), Department of Management - Maui's Automated Planning and Permitting System, also known as the MAPPS Project. And we have PC-7(6), which Department of Planning - Special Management Area Rules and Shoreline Area Rules. And both of these items are informative presentations only, there will be no action taken today. But because they are really informative, they were actually presentations that were supposed to be, have been given at a recent Planning Commission meeting, but they ran out of quorum. And so, those presentations didn't happen. So, I just wanna appreciate both departments that are here today to help inform the public. And so because of this, we're going to leave testimony open and anybody who wants to give testimony upfront may give testimony. If you have to give testimony and leave, so I don't want to inconvenience anybody. But if you prefer to wait till the presentations are given and then give testimony, we will be leaving that open and then deliberating after the testimony is given for each item. So, we're gonna go ahead and begin with public testimony. Testimony is limited to the two items on the agenda. And if you need to testify, please sign up with the Staff in the lobby. Testimony is going to be limited to three minutes and upon request you can have an extra minute to conclude. And if you are testifying beyond that I ask you to kindly complete your testimony. When you give testimony, please state your name and who you are representing, if anybody.

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

CHAIR KING: And so, I'm gonna go first and check with our District Offices to see if we have any testifiers in our outlying areas. And we'll start with Hana Office.

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

CHAIR KING: Okay. Thank you. Molokai?

MS. ALCON: Good morning, Chair, this is Ella Alcon on Molokai, and there is no one here waiting to testify.

CHAIR KING: Okay. Thanks, Ella. And Lanai?

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

CHAIR KING: Okay. Thank you, ladies. And so, Ms. Fujita, can you call...oh, Ms. Matthews, can you call our first testifier in the Chambers?

MS. MATTHEWS: Yes, Chair. Our first testifier will be Chuck Thorne testifying on PC-7(6).

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CHAIR KING: And I'm going to go ahead and call the names. If you prefer to wait till after the presentation, just go ahead and let me know and we'll hold you till after.

MR. THORNE (*from gallery*): No, I'll testify now.

CHAIR KING: Okay.

MR. THORNE (*from gallery*): Speak from here?

CHAIR KING: Please come on down to the podium. And then the green light goes on, the yellow light goes on when you have 30 seconds left, and then the red light is the end of the three minutes.

MR. THORNE: Am I waiting for a light to go on?

CHAIR KING: Yeah. Okay.

MR. THORNE: Okay. Talking about the SMA, there's three problems that I've encountered over the years with SMA, and I'm gonna try to stay within the three minutes. The distance from the shore varies an awful lot. They've established that the shoreline area would be from the Hana Highway down to the ocean and sometimes that's about 15 feet and sometimes that's five miles. So, the people that are two miles or three miles away from the shoreline are having to go by these rules as if there's a monk seal basking in their yard, you know, which is impossible. And there's no turtles laying eggs in their yard. They're a mile from the shoreline, so I don't know why, you know. I know, they just did that for simplification, but that should be fixed. People should be able to opt out of that if they're a long ways away from the shoreline easily. There's also I found there's a book that when you come to the Planning Department about shoreline management areas and they say there are four things that are exempt. And I found out the hard way that they tell you later that you have to file for the exemption. Now, when I looked up exempt in the dictionary, it said to excuse someone from a duty. So, you would think if you were exempt from something you would not have to take any action, but they say you have to file for that exemption, which is very costly because you have hire Gwen Hiraga and associates to help you file for the exemption. So, it seems really redundant to file for an exemption for something that's exempt. So, that seems to be wrong. There's also a 75-page document that you can get on Shoreline Management Rules, which is really hard to obtain. The County won't give it you. The Planning Department won't give it to you, but you can get one from Gwen Hiraga if you try really hard. And that's...and then when I...the inspector at my house told me that ignorance of SMA law was no excuse for violations, but it's impossible to get a copy of those rules. So, if you're...you have no choice, you lose. I mean, if you don't know the law, how can you comply? So, that seems to be very bizarre. A third point, realtors don't disclose the SMA rules and regulations when you're in escrow on a property. So, you buy a property completely unknowing and then you find out later that there's all these rules and regulations associated with it. And I always thought that you had to disclose all covenants and restrictions on a

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property in escrow, and I thought that was the law already. So, I have three solutions. Let anyone who wants to be exempt from SMA law who is a certain distance away do that simply. Then actions that are listed as exempt from SMA should require no action at all. And finally, realtors or escrow companies must disclose the full 75-page SMA rules to everybody in escrow who's buying SMA land. I think, in conclusion a huge number of parcels could avoid a whole lot of unnecessary paperwork and expense if they were allowed to opt out of SMA because they're a good distance from the shoreline anyway. And that could lower the cost of housing on Maui. And, I think, everybody I've interviewed who's running for office talks about affordable housing in Maui and that could help a lot. Thank you.

CHAIR KING: Thank you. Can you give us your name and who you're representing?

MR. THORNE: Chuck Thorne, I represent myself, from Hana, Maui.

CHAIR KING: Okay, thank you. Thank you, Mr. Thorne. Any questions? Okay, no questions.

MS. MATTHEWS: Our next testifier will Mark Marchello testifying on PC-7(6).

CHAIR KING: Okay, you'd like to wait.

MS. MATTHEWS: Okay, our next testifier will be Patricia Cadiz testifying on PC-7(6).

MS. CADIZ: Thank you, and good morning, everyone. I have actually my comments and then I'm reading some comments from someone else as well. But, I think, I can fit it all in three minutes.

CHAIR KING: Okay, and then just tell us who you're representing for each.

MS. CADIZ: My name is Patricia Cadiz. I'm representing myself.

CHAIR KING: Okay, thank you.

MS. CADIZ: And I sent a handout that had some color photos. Did anyone get a copy yet? Could we pass those out perhaps?

CHAIR KING: You can go ahead and give your testimony.

MS. CADIZ: Okay.

CHAIR KING: We'll look at those...

MS. CADIZ: Anyway my testimony includes some photos of before and after photos of four different beachfront restoration remediation projects in Hawaii where the coastlines have suffered severe erosion and were repaired to healthy shorelines through coastal engineering projects. My point of the presentation there is that we don't need to

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always retreat from the shoreline. There are things that can be done to fix the shoreline and enjoy healthy beaches for many more generations to come even with sea level rise. So, the four examples are in my testimony are the Iroquois Point on Oahu, where they built t-head groins; Stable Road on Maui, where they built shore perpendicular groins; Sugar Cove on Maui, where they built a sloping rock revetment along the shoreline and then fronted it with about 40,000 cubic tons of sand over about 20 years and that's created a healthy beach. And the fourth one is Waikoloa, Big Island, which was just a shore parallel geotextile bag that served to remediate some tsunami damage. So, that's my testimony. My issue there is that I'm opposing the use of the sea level rise viewer as the, as one of the methods of setting setback because the sea level rise viewer doesn't take into account that there are coastal engineering methods to protect the shoreline. So, it's basically an abandonment of the shoreline saying that nothing can or will be done, but each beach in Hawaii is so important that it deserves to be evaluated by a coastal engineering firm and try all the solutions that might be available. Now, along the same lines this other testimony is from Semi Salmi. He's with investment firms that do asset management for big hotel chains. He says oceanfront resort ownership on Maui would be adversely impacted by using the sea level rise viewer for setbacks. As insurance brokers and lenders would scrutinize local laws and laws as part of sales, financing, refinancing, and insurance renewals, the adverse consequences could be significant. A land use compliance review as part of a sale or financing would highlight the potential that restoration after any casualty would be impaired by the new rules. This would impair the ability to insure and sell these properties. The practical consequence is that there will be a reduction in property values, impacting local property taxes. Furthermore, since all the major hotels on Maui are dependent on a smoothly functioning credit market, any material impact on the value of the underlying collateral would have adverse consequences on the going concern and as such employment. This may seem rather dire, but it's also the concept of retreating from existing shorelines is dire. So, he and I bothly [*sic*] strongly urge you to consider all coastal engineering options before you enact rules that rely on the sea level rise viewer, which is a retreat-only method because this could have far-reaching impacts on our economy and our culture and everything that makes Maui no ka oi. Any questions?

CHAIR KING: Are you finished? Any questions, Committee? Seeing none, thank you very much for your testimony.

MS. CADIZ: Thank you.

MS. MATTHEWS: Our next testifier is Zandra Crouse testifying on PC-7(6).

MS. AMARAL CROUSE: Good morning, Committee Chair and Councilmembers. My name is Zandra Amaral Crouse testifying on item PC-7(6). As someone who grew up along the shoreline on Paukukalo and having to evacuate when there were tidal waves, witnessing the erosion of our shorelines, I'm looking forward to this dialogue and workshop. One of the most important and significant natural resources of the County of Maui is its shoreline environment. Due to competing demands for utilization and preservation of the beaches and ocean resources, it is imperative that use and

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enjoyment of the shoreline area be ensured for the public to the fullest extent possible. Natural shoreline environment be preserved. Manmade constructive features in the shoreline area be limited to features compatible with the shoreline area. The natural movement of the shoreline be protected from development. The quality of scenic and open space resources be protected, preserved, and where desirable restored. And that adequate public access to and along the shoreline be provided. These steps are necessary because development and other manmade constructed improvements have resulted in encroachment of structures near the shoreline and in numerous instances, erosion and other disturbances affecting the natural movement of the shoreline. Moreover, these steps are also necessary because the Hawaiian islands are subject to coastal natural hazards, such as tsunamis, high-wave actions, sea level rise, hurricanes, coastal flooding, and coastal erosion that poses hazards to the residences and other structures near the shoreline. These hazards may also necessitate the need to harden the shoreline to protect structures, which may have an adverse impact on the environment. Further, continual replacement of structures damaged or destroyed by ocean construction may cause an economic hardship to other flood insurance policyholders by the increase in insurance premiums. Consequently, it is imperative that we establish and enforce shoreline rules, which regulate the use and activity of land within the shoreline environment in order to protect the health, safety, and welfare of the public and by providing minimum protection from known coastal natural hazards, and to ensure the public use and enjoyment of our shoreline resources are preserved and protected for future generations in accordance with Hawaii Coastal Zone Management law, Hawaii Revised Statutes, Chapter 205A. Mahalo.

CHAIR KING: Thank you for your testimony.

MS. AMARAL CROUSE: You're welcome.

CHAIR KING: Any questions? Seeing none, thank you very much. Next testifier?

MS. MATTHEWS: Our next testifier is Charlene Schulenburg testifying on PC-7(6).

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

MS. MATTHEWS: Okay.

CHAIR KING: Okay, thank you. Next?

MS. MATTHEWS: Our next testifier will be Mike Moran testifying on 7(6).

MR. MORAN: Aloha, Chair King, Committee members. Mike Moran for the Kihei Community Association. I think we have a loose microphone here. Well, I can hold it. Chair King, thank you very much for scheduling this public hearing and for allowing testimony after, sometimes that's a big challenge. So, saying that, why am I testifying now? For KCA, you know, we have a board and, for me, to sit, listen to the presentation, and then make comments is not really pono. It should go back to the board, make a board

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decision on it, so that's our intent. I do intend to try and stay for the presentation, but we have team here of KCA guys here so somebody will certainly be here to catch it live. We also think some guys are catching it on *Akaku*, which is another advantage to having it here and now. Why I mention that is because we do commend the Planning Department for trying to give public presentations. And it was our understanding that the first one was scheduled on October 2<sup>nd</sup>, and we were originally going to try and go and hear that, but the Administration created a conflict for us because the Mayor's Budget hearing in South Maui was scheduled at the same time. So, obviously we had to make a decision and we went to the Mayor's to give our input on the budget feeling while we can go now to the 10/9 Planning Commission hearing. And as we know now, the challenge with the Planning Commission is you have to sit there until your item comes up and then by the time this item came up it was cancelled. So, hours would be wasted trying to give input there. And I do know that it's rescheduled, but we understand the situation with the Planning Commission why they have decided that you have to wait for the item. We have sat there and seen the reason why. But it's very difficult for the public. If your item is number four, you either can take a guess when you can go in and testify and miss it, or you can be willing to sit there for hours. So, having it where you have it here is really a help to the community and we certainly appreciate it being brought up. And I will say why a big concern of the KCA has been for years is the SMA. We did go before the Planning Commission several years ago to try and get...institute some changes unsuccessfully. The Commission was not in agreement with our proposals. So, we commend everyone involved here in trying to update a process, something that's so important to the community. It's been important even before we concluded for sure that sea level rise was coming and was going to impact our shorelines. So, that's my tale for KCA and we're gonna listen and hope that we can give input at a later date. But, thank very much for scheduling this for us today. Aloha.

CHAIR KING: Thank you, Mr. Moran. Any questions from the Committee? No, thank you. Thanks for being here.

MR. MORAN: Thank you.

MS. MATTHEWS: Our next testifier is Barbara Barry testifying on PC-7(6).

CHAIR KING: She'd like to wait as well.

MS. MATTHEWS: Okay. Our next testifier is Mr. Highness Kula [*sic*] War Captain.

MR. HIGHNESS KAUA WAR CAPTAIN: Try again. It is Highness Kaua Captain.

MS. MATTHEWS: Kaua.

MR. HIGHNESS KAUA WAR CAPTAIN: . . .(*inaudible*). . .

CHAIR KING: Okay.

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MS. MATTHEWS: My apologies.

MR. HIGHNESS KAUA WAR CAPTAIN: . . .*(inaudible)*. . . sovereign for my client Hawaii Kingdom ohana. I'm here to testify for . . .*(inaudible)*. . . people of Hawaii. Got that straight?

CHAIR KING: Yeah. We can wait till we start and then you can say your name again.

MR. HIGHNESS KAUA WAR CAPTAIN: Here on PC-7(7) and PC-7(6).

CHAIR KING: Okay.

MR. HIGHNESS KAUA WAR CAPTAIN: Okay. As the ohana government, I e Hawaii, e our father in heaven, ke akua, Christ Jesus in me, in you, that's why I already have testified in the courtroom and that's why I'm apologizing to all you folks that came the last time. I was very angry on the 16<sup>th</sup> because it was a jury duty for me, a brother that's of mine, Gary, along with 39,000 of our brothers and sisters, two, it was a court dealing with 39,000 to 39 million for the annexation. Three...39 million to 39 billion around the whole world 'cause e, our father in heaven surrounds the world, not the satellites they using as an edge, advantage and angle. Yes, I've been hearing about the testimony as far as land, coastal land, and so forth. But the bottom line is this is 4-plus million of acres that we have owned as Hawaiian Kingdom people. And because the people of here 'cause what I get to hear is from them speaking, not the very good speaker as far as talking good, but I talk as best as I can so listen up please. Represent the kingdom of people, which I'm pure blooded in Michigan, European...pure blooded European. I'm pure blooded from Michigan, pure blooded Asian. They use what they call Hollywood system to downplay us guys, they calling us white man, black man, yellow eye, slant eye, and every other word they can use against us. But now, we are all banding together because why you very too unique, unique, unique, unique, unique, unique, unique, unique, unique blueprint designed. Nobody can design us but our father. Therefore, I am who I am, you are who you are, and that is the greatest part about that. Not be running by a serpent states of America, which you go on qualified of making snake state of California, even in Hawaii, and all the other snake states, snake State of Hawaii. I call it the cunning County of Maui, Kauai, and so forth, California, because we use the same words that they use. Number one, the biggest storm there is in the world that is today by our Kingdom people, I've said this, it is word 'cause what is heard is a lot of words. Word, you attach another letter to it, it screws it up. Two, our people have also said the two biggest crime is...second biggest crime is dictionary 'cause after we use a dictionary we come over from one, Asia to be here to there, from Europe to here in America. They tell you go on a dictionary, so why you can use that and then you can use that in any words that you want to use here in this cunning County, and the serpent States of America, which I've been there. The whole part is that nobody thought they'd see my face again, but I'm here now, Cochran, Hokama, all you guys that knew me from before. I've never been a person that steal, rape, or molest any children. I never was like that. But what I am here is to protect our women.

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CHAIR KING: Please conclude.

MR. HIGHNESS KAUA WAR CAPTAIN: Concluding this, my dad always said protect your women and your children and that's what I do. So, women, I'm letting you guys know all this because you guys don't have to be caught up in this cunning-type of tonguing and that's what they use in edge, advantage and the serpent's tongue that we all use today. We all know that everybody's right and right, so the bottom line is that as you get better and better and making a campaign for the premiere minister position that we take care of the outside islands to over here and that means from Midway to Rapa Nui. What they doing in our islands has been nothing but illegal, illegal, illegal, illegal, illegal, illegal and that's what they coming down for. So, I want to let you guys know that as much as I can, but behave. The whole part is our father in heaven loves us, especially my brother Jesus Christ and he is my best brother ever more. Thank you.

CHAIR KING: Thank you for your testimony. Any questions? No, thank you. Okay, next testifier?

MS. MATTHEWS: Madam Chair, there is no one remaining that signed up to testify.

CHAIR KING: Okay, so, we're gonna go ahead and leave testimony open in case anybody has any testimony about the MAPPS project after the presentation.

**ITEM PC-7(7): DEPARTMENT OF MANAGEMENT – MAUI'S AUTOMATED PLANNING AND PERMITTING SYSTEM (MAPPS) PROJECT**

CHAIR KING: And we're gonna go ahead and move on to the presentation for the MAPPS project. Mr. Verkerke?

MR. VERKERKE (*PowerPoint Presentation*): Thank you, Chair. Thank you for the opportunity to provide you an update. My name is Jacob Verkerke. I'm the Chief Technology Officer for the County of Maui. The project is a project that involves many departments. The funding however is centralized in Department of Management, and so, that's why I have the privilege to come and tell you about it on occasion. As you mentioned also this is a presentation I prepared for the Planning Commission, so some of it may be old news to some of the people in the audience here, but we'll get to the point where we provide an update on what's going on with that. MAPPS, acronym for Maui's Automated Planning and Permitting System. It's ambitious in its scope as the name reflects. Its origins, I'm going to take you back a little bit. In 2013, we did an assessment of IT capabilities around the County and focused on a number of areas, which included our GIS capabilities and our capabilities around the management of information related to the lands that the County manages, the development, and use of the lands. So, it produced a mission statement for a land information program. And I show that here 'cause I wanna highlight some of the concept in the mission statement. It needs to be practical, collaborative. It needs to be based on leading and sustainable geospatial technologies that has the focus on sharing and standardizing

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data, defining standards and processes, and optimizing self-service. So, those tenets are reflected in the objectives of the program, which are the following. First and foremost, to enhance the customer service through web-based, self service capabilities; to automate the workflow; to enable electronic plan review capabilities; to introduce mobile technologies; to ensure scalability and flexibility, so that we can adjust to changing regulatory requirements, changing technology, changing operational needs; and to make sure that we have accurate and complete customer and GIS information available throughout the process; and to enhance business intelligence capabilities to produce better reports. So, collectively this addresses accountability, transparency, more direct access to information, and more direct access to where the process of managing land issuing permits, doing planning activities, where that stands at any particular point in time. With that we've defined a number of desirable outcomes. One of them is to streamline processes. So, the effort of MAPPS is to redesign workflows across departments. Under the current system, it's called KIVA. You've heard the name I imagine. It's been around for 25 years. There is not a whole lot of variability in the process associated with the various types of permits. We want to be able to have a solution that supports the variances in the processes and the needs of the work involved in issuing a permit to be reflected in the design of the system so that we have the ability to see where things are at much better than we did in the past. On the KIVA, these workflows were really developed mostly with a focus on the individual departments. What we really looking at doing now and we are working very hard on that is to make sure these workflows are aware of all the departments that are involved in a particular process, so that it continues on the transparency and the accountability is, does not end at the boundaries of departments. Part of that, of course, requires increased automation of the various steps so that there's not a whole lot of manual labor involved in notifications, and validating of information. The system will automatically update statuses at the proper times. Another desirable outcome is increased online self-service. We have limited capabilities on the KIVA right now. We want to expand that a great deal. We want to allow people to submit applications online; submit plans and documents; to be able to check their status; pay fees for many, perhaps not all of the various permit types; and to go online to communicate with County staff, so that we can avoid people having to spend a lot of time just traveling to and from the various County offices that may be involved in their particular application. Electronic plans review is a big part of trying to achieve these efficiencies and to improve the process so that people can participate easier in the review of their plans. We are installing Bluebeam software right now. It's the product that's used by, I believe, the majority of the local industry, if you will, involved in this whole series of activities. Contractors, engineers, architects are largely adopting Bluebeam or have been using it for a number of years. So, Bluebeam is a very sophisticated program for marking up and reviewing annotating drawings, for communicating those mark-ups between the various departments and back to the applicant. It has the ability to open up an online collaboration session so that if appropriate people can say okay, let's log in, look at these plans together and make our notes, have a conversation about this, and hopefully shorten the period of time typically required for review, consolidate the comments so that we avoid the situation where comments from different departments may appear to be in conflict or impact remedial activities that are being requested. We just wanna improve the quality of the

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process and the timeliness of the process. And then, of course, as resubmittals are requested they can all be done online, again. It saves hopefully printing out 20 sets of blueprints or drawings each time. I've talked about this to increase transparency and accountability. It's from within the organization. It's from outside the organization. The online public access will be much improved. People will be able to see what's going on in their neighborhood. Applicants will be able to see in much greater detail what's going on with their particular application. The two may not necessarily always be the same. Public inquiry may be a little bit more restricted as far as certain data elements go that are associated with an application in progress. The applicant will have the ability to see a lot more about what's going on and what's the status of things. Also, we, as part of this project and I've talked about this previously, and again, going back to that mission statement that came out of the assessment we recognized that we needed to work on our GIS capabilities. We have developed an enterprise GIS architecture, which means that we will all be looking at the same set of data, singing off the same sheet so to speak, and not have discrepancies between the geospatial data that exists within different departments that has been a problem at times in the past. So, that also means then that we can provide that information to the public, to the professionals, engineers, architects, real estate people, to see what is the authoritative source of that kind of geospatial land related data. Council recently adopted digital zoning maps. That is a huge achievement in the context of MAPPS and, of course, outside of MAPPS as well. Having that information available online is gonna be just fantastic. Same with community plans, special districts, a lot of other land designations that are relevant in the process. Little by little it will be made part of that GIS as it becomes available as it gets updated so that it's available for everybody to see. We will have an online request for services capability. It exists now with KIVA. We will make sure that continues to exist. You will be able to submit requests for information, complaints about potholes perhaps, or questions about development activities going on, somebody may be building an extension on their home and you're not sure that it is appropriate in the particular zone or what have you. So, that will all be things that you can submit online. There will be a mobile app component that we don't have now so that from your cell phone in the neighborhood or wherever you may be you'll be able to take a picture and submit a request as well. And then there will be the ability to track what's happening with that. So, all the things that I've talked about really require a change in thinking, a paradigm shift in the organization. You know, we've been pretty insularly in our thinking across the different departments. In order to achieve the objectives of this program, we need to change that. We need to have an enterprise focus rather than a strictly departmental focus. We need to have a customer service perspective. I'm not saying that we didn't have that, but there was some room for improvement, I believe. We are engaging with the professional community in the development of this solutions, so that's one of the reasons why we ended up with Bluebeam, that's one of...and we're having conversations. We're looking to make sure that we understand the expectations and the needs of the people using the system--the public, the professionals out there. And it goes the other way too, so that they understand a little bit better what we're within the County of Maui are capable of and what we may not be capable of and how we can improve the process from both sides. It will also improve how the workforce will be able to answer questions because there will be, like I said earlier, a lot more internal

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transparency. If somebody calls up a particular department and the question really deals with things another department is working on, hopefully, it will be able to provide more answers than just you need to call somebody else. Field mobile devices, we will--and especially for inspectors--we will have devices so that they can bring up information that is relevant when they are out in the field and they can update inspection statuses or make notes, take pictures, and incorporate that in the solution. So, these are the departments that have been part of the efforts to varying degrees, but Corporation Counsel, Fire, IT, of course, the Managing Director's, of course, Planning, Public Works, Real Property, Wastewater Reclamation, Water Supply have all been heavily involved in the efforts to redesign these workflows, understand the capabilities of the software to understand the needs that are out there and what we can do to improve the process and make it, hopefully, more efficient and effective. There's also three vendors that we've been working with intensely. Tyler is the vendor of the software solution. Esri is the vendor of the GIS solution. And those two are going to be tightly integrated. And as I mentioned, Bluebeam, is the vendor of the software that we will use for electronic review. What have we accomplished so far? We have definitely achieved the great improvement in how departments are aware of other departments' process, their role in issuing permits, their interdependencies. There's a lot of conversation going on. We have a core group that represents all these departments that is making decisions on how to go forward and how to have kind of like global enterprise-wide standards built into the system. And again, this transformational thinking it's not easy. It's taken a lot of time. Paradigm shifts don't happen overnight. You know, old habits are hard to overcome and to change. And not all old habits are necessarily bad, so we need to incorporate them in new ways of doing things. The focus on best practices and automation, we want to achieve that. One of the challenges that we are experiencing in the project right now and it has caused delays is that we have perhaps in some instances gone overboard on the automation. There is, you know, there is always a flipside to things. You know, computers will let you do a lot of things. They will let you track every activity. Do you necessarily want to track every activity? 'Cause that means every activity requires you to enter some status of progress or what have you in the system if you're going to track everything that happens and that may become burdensome. So, then we may have achieved a great deal of automation in following everything that happens, but we may have sacrificed efficiency in the process. So, it becomes an iterative process that takes more time than we had initially expected for it to take to make sure that we, in our excitement about how much we can get the system to do and track for us, that we haven't found our self in a situation where everything gets bogged down 'cause then we lose sight of what we're really trying to do. But we have been able to eliminate, consolidate more than 20 permit types. There were a number of permit types that were consolidated, there's various flavors that weren't really sufficiently different in a particular permit type to have them persist as separate permit types. We've been working on that. Some of them are no longer necessary, so we've been able to eliminate those. The enterprise GIS system, as I mentioned, is one of the great accomplishments that we have. That came first because that needed to be in place for the development of our implementation of this software to be able to leverage the GIS capabilities. The original design by the vendor assumes there to be a mature enterprise GIS, so we had to build that before we could really start exercising that

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software and developing our own workflows on it. And as I mentioned, the outreach from and to the professional community has been very encouraging. There are a number of policy decisions that had to be made because things now affect more than one department, and so all of that. We had a steering committee to deal with that and all with the intent of making things more efficient and effective. What's happening now as I kind of suggested we're re-examining the initial design to make sure that we haven't lost sight of best practices and haven't lost sight of functional requirements. We had a large number of requirements that were in the request for proposals that we used to select this software, but in the work sometimes we drifted away from that a little bit or didn't make sure that those requirements are actually being met. So, we're kind of pausing now and reviewing that and making sure that in the end we have a solution of the quality that we set out to achieve and deliver and...of the efficiency leveraging best practices rather than just getting carried away and having the system do too many things for us that's not really helpful. We are in the stage where the requirements that were designed, the functional requirements are being configured into the system, built and tested, and that's what kind of triggered us to say let's take another look at this 'cause we found things to be a little bit different in their implementation than we had anticipated. So, before we went too far down the road, we decided to just take a really close look at it and make sure in the end we have the system that we set out to get. But, we are moving forward implementing Bluebeam. Bluebeam can function on its own without the entire MAPPS capability having gone live. So, we will start using that to do electronic plans review, you know, on as needed or as possible basis, so that we kind of get a sense of what the optimal workflow and interaction with the applicants is going to be. So, all of this is to say that the MAPPS project is very complex. It's very challenging. KIVA's been around 25 years. We want to do this right so that we can have this solution around for maybe not quite that long, but at least for a very long time. We don't want to go live with the system and then within a few years realize that we've missed the boat somewhere. So, we wanna do it right and we don't wanna fall in the trap of trying to rush it and end up with something that is falling short of expectations. So, we are continuing to focus on making sure that the quality of objectives will be met. We are going to continue configuring and testing the MAPPS solution after we've made some adjustments and rethought some of the approaches we've taken. We will continue the outreach to the community because we're gonna hopefully change how people work with the County. Instead of walking into the office with, you know, a cart load of plans, we want people to be able to do it online. It means that we need to reach out to them, do some training, some change management, if you will, as far as how people interact with us. And so, we'll need to work with them more and more as we get closer and closer to the go live. Lots of hard work still ahead. That's kind of all I had for you, but I know there will be questions, so.

CHAIR KING: Thank you, Mr. Verkerke. I appreciate the presentation. I also wanted since we have Mr. Goode here from Public Works just to see if he had any comments you wanted to add on the project. Okay, we may have questions for your later on, but I wanted to go back out to see if we had anybody who wanted to testify on this issue after seeing the presentation.

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MS. MATTHEWS: No, not to my knowledge, Madam Chair, I believe.

CHAIR KING: Oh, we have one.

MS. MATTHEWS: Okay, we have...

CHAIR KING: Okay, we have Albert Perez.

MS. MATTHEWS: Okay, Albert Perez testifying on PC-7.

CHAIR KING: Seven-seven.

MR. PEREZ: Good morning.

CHAIR KING: Good morning.

MR. PEREZ: Aloha, Chair. Aloha, Members. Just a question for Mr. Verkerke. And I would just like to know is this integration going to include the Real Property Department because they've had a system where you can go on and turn on layers for years? And I'm just hoping that the answer is yes.

CHAIR KING: Okay, we'll bring that up in deliberations. Is that the, that's your testimony?

MR. PEREZ: Yeah.

CHAIR KING: Okay, thank you very much. Any questions from...no, okay. Anyone else would like to testify on this issue? Would you like to come down, Ms. Schulenburg?

MS. SCHULENBURG: Thank you very much. Charlene Schulenburg, I didn't have my name down initially to testify for this, so I appreciate the time. Thank you, Councilmembers and Kelly King. I find this fascinating. I think, that this a really great step in the right direction and I really appreciate the Planning Department taking a look at something like this. I guess, I would also have a question, that would be I keep finding in my own personal examples of trying to get permits that the timing of things seem to go on forever. So, I didn't necessarily see an addressing of what a timeline might be reasonable for with regards to certain things like simple, you know, trying to get something permitted after the fact if there's no big changes, structural changes to it, or, you know, additional square footage, for example. Some simple requirements that, you know, allow for timing that says, okay, you know, a permit like that doesn't need to take two or three years. So, I don't know if the Department is looking at streamlining in time perspective and usage. So, I would please request that be considered because there's a lot of good people out there that have after-the-fact stuff that they really want to get permitted and they're really afraid of the process. I'm personally going through it. I make the time, but you guys...most of you know me and how busy I am in the community, but I make the time and I have the resources. A lot of people don't have the time or the resources, so if there's ways to start streamlining some of the permitting processes besides, you know, just the processes particularly

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that you showed, but from setting goals on timing that would be super helpful 'cause it's, there's some of these permits that are sitting on people's desks for two years. I mean, so that would just really be helpful to the community, I believe. Thank you very much.

CHAIR KING: Any questions, Committee? Okay, Ms. Schulenburg, I just have a question when you talk about after the fact, are you talking about people who actually do things and then look for a permit after or you're talking about like adding on to a structure?

MS. SCHULENBURG: I'll give you my own personal example. That's what I can speak to and I've run into a lot of people that have this, for example. So, my husband and I bought a place in Hana. There is an attached ohana, excuse me, a place in Hana that has an attached ohana that we purchased as is. And that person that we bought it from was working on the ohana. We're just simply trying to get that, you know, permitted so that it is legal. We're not changing anything. We're not adding square footage. We're just trying to do after the fact simple. So, sometimes you inherit, you know, things that have been worked on by people prior to you and that's rampant in Maui 'cause people do get afraid of dealing with the permitting process in general. So, just a general comment on that.

CHAIR KING: Okay.

MS. SCHULENBURG: Yeah.

CHAIR KING: Thank you.

MS. SCHULENBURG: Thank you.

CHAIR KING: Alright, thanks for your testimony.

MS. SCHULENBURG: Thank you.

CHAIR KING: I appreciate it. Any more testimony on PC-7(7)? Okay. And, I think, we can just add this on to your earlier --

MS. AMARAL CROUSE: Yes, please, Chair.

CHAIR KING: --form because you testified on the other issue already.

MS. AMARAL CROUSE: Thank you, thank you.

CHAIR KING: Thank you.

MS. AMARAL CROUSE: Yes, Zandra Amaral Crouse, testifying on PC --

CHAIR KING: Seven-seven.

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MS. AMARAL CROUSE: --7(7). Thank you. I just wanted to get up here and say as a realtor who deals with first-time homebuyers and developers who go through different housing needs, I am really grateful to see anything that streamlines our process. So, to the Planning Commission, to our Mayor, and everyone that's been instrumental in putting this together, my aloha, my mahalo. Whatever we can do to make permitting easier to get affordable homes to our people is well appreciated. Mahalo. Thank you.

CHAIR KING: Thank you.

MS. AMARAL CROUSE: You're welcome.

CHAIR KING: Okay, so, no other testimony on 7(7)? We'll go ahead and open it up to questions from the Committee for deliberations. Any questions for Mr. Verkerke or...we have other departments here we can call down too if you have questions. Ms. Sugimura?

VICE-CHAIR SUGIMURA: Thank you for the presentation Mr. Verkerke. So, I guess, wondering the status of timeline and with all of this, when do you think that it could possibly be rolled out?

MR. VERKERKE: Our target right now, and this is not good news, but the target right now is to go live some time in 2020. We have a lot of work to make this work. Even though we streamlined the number of permits, we're still dealing with 154 or so workflows that we need to develop, test, and integrate with other functionalities in the system. So, it's well beyond our initial expectation and there is enough reasons to explain it away and not all of them are going to be very satisfactory, but that's the reality. And, as I said earlier, we are not looking to go live with something that's half baked. I think, it's well known in the community that there are a lot of concerns and frustrations with the process. We don't want to replace a flawed process with another flawed process. So, we are going to do everything we can to make sure that the kind of improvements we're talking about and that people are looking forward to that we can deliver that. And sometimes that just can't be done quickly. Now, if I may add the contract is not based on duration. It's based on deliverables, so even it takes longer and the vendor is having to continue to assign resources to the effort well beyond their expectation, it will not increase the cost of the engagement of the implementation of the solution.

CHAIR KING: Mr. Verkerke, we just had a request from *Akaku* to have you speak --

MR. VERKERKE: Okay.

CHAIR KING: --into the microphone.

MR. VERKERKE: Alright.

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CHAIR KING: But, and I apologize, Ms. Sugimura, I meant to go back out to our Hana, and Molokai, and Lanai Offices to find out if there were any other testifiers and then we can close out testimony on this issue. So, Hana, do we have any testifiers? Ms. Lono?

MS. LONO: There is no one waiting to testify in the Hana Office.

CHAIR KING: Okay, thank you. And Molokai?

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

CHAIR KING: Okay, thank you, Ella. And then Lanai?

MS. FERNANDEZ: There's no testifiers at the Lanai Office.

CHAIR KING: Okay, thank you. So, we'll go ahead and close out testimony if there are no objections for this first item.

COUNCILMEMBERS: No objections.

**. . .END OF PUBLIC TESTIMONY FOR ITEM 7(7). . .**

CHAIR KING: Okay. And then we can go ahead, Ms. Sugimura, you have the floor.

VICE-CHAIR SUGIMURA: So, I have one question. So, the question, the last testifier was in relationship to MAPPS was really talking about expediting building permit processing. So, does MAPPS satisfy this? Are you also building that into the whole MAPPS program?

MR. VERKERKE: That's one of the key objectives of the project, to reduce the time. At this point, I'm not in a position to quantify the reduction in time to be able to say permit A will take this long, permit B that long. But the implementation of electronic plans review, the implementation of online submittal of plans, resubmittal, the improvement of communications, the design of workflows to improve how plans review perhaps flows from department to department is all intended to shorten the time where possible and as much as possible. I think, once it's been up and running we will have statistics that will help us determine whether the reduction in time is appropriate or if there's further room for improvement or I would hope in certain instances will have exceeded expectations.

VICE-CHAIR SUGIMURA: Good.

CHAIR KING: Is that it?

VICE-CHAIR SUGIMURA: Yeah. So, and one last...as I'm...one of the projects that I'm working on is the one farm plan, which is the application one time, you know, from farmers, so that it will be in the system, and I keep on waiting for MAPPS to kick in.

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And, I think, I was told that maybe it was going to be next year. But now, we're looking at 2020. So, if I could share with you some of that information, not now, but if I can see how we can fit this in for future.

MR. VERKERKE: That would be great.

VICE-CHAIR SUGIMURA: Okay, thank you.

CHAIR KING: Thank you, Ms. Sugimura. And I recognize Don Guzman. Thank you for joining us. Any other questions or comments? Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. Thank you, Mr. Verkerke, and really taken aback by that timeline though. So, you're saying we're...I know...so, I appreciate all the work. I appreciate that, you know, you stated challenges and what have you and there's...it's so all-encompassing with multiple jurisdictions between departments and what have you, so I understand all that. But is there not a way to just start eking it out somehow? I mean, I hate to us all talking about this and getting people's hopes up and this, you know, I thought we could just, yeah, take it in little baby steps, little chunks at a time, and start targeting doable right here right now parts, and roll out the big, you know what I mean, the more complicated, whatever areas. I'm not the tech guy, but, so, I don't know, is there a way? I mean, I hate to feel like we're just in this permitting purgatory and it's just gonna be status quo and what everybody's been dealing with for...till 2020. I mean, I just, I cannot understand why we can't, you know, so, is there any explanation on that?

MR. VERKERKE: I share your concern. I really had hoped to be done with the project by now 'cause there's other big projects queuing up and the impact on the organization of doing all this is tremendous. And what you suggest is part of the conversation right now, whether or not it's possible to roll out some of it. We're weighing the benefit of having some things out there already that are improved against the fact that that would probably mean that staff in the departments involved in all this live in two worlds. That they may have to keep track of what's going on in the new system as much as in the old system because there is so much interconnectivity between the departments when we're doing some of these functions. So, we're doing the review on that to see if it indeed is a viable solution. At this point we haven't come to a conclusion on that. But we're definitely looking at it 'cause we understand the frustration and to be able to get some it off the table, which would be fantastic. But we wanna make sure that we don't inadvertently create more problems and having disconnections that are ultimately have the potential of catching up with us or causing more problems.

COUNCILMEMBER COCHRAN: Right, I understand. You know, I mean, garbage in is garbage out. So, of course, we don't want just, you know, willy-nilly half whatever baked things happening. But, you know, one thing I don't see RPT Department in here being noted. It's been one of the departments associated with this project because I've been saying it every time we give a Change in Zoning, any kind of new entitlements to a property, especially ag lands or something, they run into a different

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category. They should be taxed appropriately. And when I call Real Property Tax, they're like well we weren't watching. We didn't know there were changes made, decisions made here. Well, yeah, I alerted them on a couple things and this Council, this County, garnered a lot of real property tax that went unchecked. So, I was at least hoping to see that department in here amongst your hundred other departments and entities you said are part of this. Now maybe perhaps that...

CHAIR KING: I think, Ms. Cochran, yeah, I think, it is in here. It says Real Property Assessment under that category of departments, cross-functional departments across the County. So, Real Property Assessment is in there.

COUNCILMEMBER COCHRAN: Oh, okay, sorry. So, or, so, my other one was Parks Department. That's, you know, just to be aware of what's going on in different parts of the island and with status on things. But something like that perhaps could be a little trigger, that department to know that something, decisions were made here. So, I don't know the program obviously, but, you know, and you think something like that. That was like \$8 million find by just making a phone call and connecting a department to a department.

MR. VERKERKE: Chair? So, as was noted the Real Property Assessment Division is part of the project and the situation described is very much one of the objectives of trying to improve. We want to make sure that the information back-and-forth between the Real Property and the MAPPS process is improved so that the MAPPS process at all times knows about ownership of parcels, that Real Property at all times knows about the entitlements on particular parcels, that Real Property knows about any development that's taking place, so that they can appropriately adjust their tax assessment on that. So, one of the requirements within the system is to improve that interface between the Real Property information system and MAPPS. As far as Parks goes, Parks doesn't issue permits in the sense of MAPPS. They issue use permits if you wanna have a wedding or something, but that's not in the scope of this system. They have a different application and that's one of the projects that's waiting for us to finish with this so that we can work on that. But they're a reviewing agency and there are many reviewing agencies, so when we get to that stage of the project, Parks will definitely be included. And they're already included in the roll out of the Bluebeam software so that they can get comfortable with the electronic plans review process.

COUNCILMEMBER COCHRAN: Okay.

MR. VERKERKE: And I don't know, I hope that I answered Mr. Perez' question as well, but otherwise we'll get to that.

COUNCILMEMBER COCHRAN: Okay, and then, lastly, for now, being able to check on status of projects, also conditions of zoning, you know, having being met, or, you know, what part of the process is that in for particular developments, is that a capability here?

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MR. VERKERKE: It's...checking on status is definitely a capability that will be available through the online component that's called CSS, Customer Self Service. And people will be able to check on status for their own projects in great or greater detail for other projects that they have an interest in somewhat lesser detail. The issue of existing conditions of approval is still part of the design review and the process design. How exactly we're gonna make that available is still part of the effort that's going on right now.

COUNCILMEMBER COCHRAN: Okay.

MR. VERKERKE: But the intent is to make sure that we don't miss any of that, and which will, you know, has in the past, and would continue to haunt this County.

COUNCILMEMBER COCHRAN: Okay. And, Chair, the reason why I bring up the status is because there's an affordable project in Lahaina. And when I asked Housing Department what, if they knew what the status was and they said it was all full speed ahead. But because I drive by the project every day I know it's not. So, that was my question. Then I happened to bump into the developer on Oahu, walking down the street, so I asked him, and it's dead stopped. So, 'cause I got people all around it asking me and then I couldn't get an answer from anyone. So, I'm just wondering if one day we can like log in, go, oh, yeah, okay, we see what the status is on this right now, rather than me having to try and run around the islands trying to figure out what's going on.

MR. VERKERKE: So, that's very much one of the objectives of this effort to allow somebody to do that and at least have the ability to see more than getting conflicting information from chance encounters.

COUNCILMEMBER COCHRAN: Okay, very good. Hopefully, we can expedite though.

CHAIR KING: Thank you, Ms. Cochran. Mr. Hokama, you have any comments or questions?

COUNCILMEMBER HOKAMA: Chair, thank you. No, I think, Mr. Verkerke has been giving us periodic statuses. I'm not happy where we are. I want 100 percent this project implemented and humming along. And we should try and get that 100 percent. We understand you're gonna get challenges, unforeseen circumstances happen, but doesn't change the mission that we want, a very good new system. Okay. So, for me, Mr. Verkerke, the timing on the schedule, I know, you mentioned it, overall schedule, the overall, I guess, what your Department responded to us earlier that the June 2019 date is the deliverable target. That is still the target date for the overall system or the overall implementation? Or, only a component of it?

CHAIR KING: Mr. Verkerke?

MR. VERKERKE: Madam Chair? Yeah. The overall total system go live will not happen in June, July of 2019. It's just not achievable. Will a portion go live, perhaps, and that's the conversation, the analysis that we're doing. I am not optimistic that we will have a

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portion of it ready. Again, because of what we're trying to get away from is having pieces live in isolation that really should be part of an integrated approach. And that, of course, brings with it the limitation that if you're part of a machinery just, you know, rolling out on/off switch, but not anything behind it is not going to really help you a lot. So, that's the struggle that we are facing now. None of us on the project are happy that we're having to push back the go live because the amount of effort and the impact on the operations is considerable, but at the same time the quality of what we deliver it needs to stand the test of time.

COUNCILMEMBER HOKAMA: No, we appreciate the impact on the departments and personnel also, yeah, Mr. Verkerke. But for people like me who has to find the funding to pay for this, the delays, and for people like us get concerned because we already paying our annual service fees of almost, what, half-a-million dollars to Esri to Tyler to SMS for things that are not delivered yet completely, but we're paying annual fees. So, for people like me that's one of my concerns. Is this project then being hampered or part of the delay is because we're doing also the other components of other bigger projects, like HR payroll? And is some of their challenges impacting MAPPS?

CHAIR KING: Mr. Verkerke?

MR. VERKERKE: Thank you, Madam Chair. Other than the fact that these projects tap into the same limited amount of staff resources, I can't say that HR payroll is impacting MAPPS or MAPPS is impacting HR payroll. But the most finite resource throughout the County is staffing and people are multi-tasking and people are being pulled into the activities of the various projects. And so, that is part of the impact, but in and of itself the progress of these projects beyond that is not impacting the others.

COUNCILMEMBER HOKAMA: Okay, I'm happy to hear that, Mr. Verkerke. I know, you mentioned a comment to us about the amount of activity we could track, or should track, or maybe not track because of time, but for people like me, if that is associated to what the Councilors gotta deal with in budget, which is the cost reallocation study where we assess certain operations and whatnot, a, an adjustment, per se, because of General Fund departments and programs that assist, like the golf course or what have you. If those numbers are derived by the activities then I would say tracking those activities for people like me no matter how detailed is critical because now you impacting on dollars and cents and that's what I gotta go back to the tax base for. So, any additional thoughts on that regarding the activity scope or parameter you mentioned to us earlier?

CHAIR KING: Mr. Verkerke?

MR. VERKERKE: Madam Chair? I think, you get to the heart of the discussion that's going on within the project right now. And that is what is an activity worth tracking? And what we found ourselves is tracking even the components of an activity. So, and I'm gonna use this example and I've used it before. And it's probably somewhat ridiculous and perhaps even a facetious example. But if the activity is to send a letter, do we

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need to track the fact that I pull an envelope out of the drawer, and then track the fact that I've put the letter in it, and then track the fact that I put a stamp on it, and then track the fact that I put it to the out bin. Probably not 'cause it's really just integral components of a particular activity. And so, it's not that extreme but that's kind of what we're talking about because if I'm going to track all of that, every time I pull an envelope I need to go to the system and click I've done this, and I've put your letter in the envelope, I've done this. And then we lose the effectiveness, the efficiency of the system. So, that's...but you're absolutely right. We're trying to figure out what are the activities that need to be tracked and make sure that we tracked it as one task, but not worry about components.

COUNCILMEMBER HOKAMA: Yeah, I understand what you're saying because for people like me, we wanna know, let's see, how many hours it took to implement it, not how many stamps or letters you had to write. But, you know, actual resource time to make it happen is our concern. So, I appreciate those comments. Chair, again, Mr. Verkerke continues to give us updates, so, I appreciate it. Thank you.

CHAIR KING: Thank you, Mr. Hokama. Mr. Guzman, any comments or questions? No. Okay. Alright, if there are no other comments or questions, thank you very much, Mr. Verkerke.

MR. VERKERKE: Thank you for the opportunity.

CHAIR KING: And I really appreciate you being here and sharing this information.

COUNCILMEMBER HOKAMA: Oh, Chair, just...

CHAIR KING: Oh, Mr. Hokama, you have one more?

COUNCILMEMBER HOKAMA: Like my other colleagues here, is there a reason why Police is not part of the cross-departmental thing? We have Fire. We have Water, you know, but I would think Police could make use of the data that we have within the system to assist whether in locating certain things or pulling up specific files.

CHAIR KING: Mr. Verkerke?

MR. VERKERKE: In certain, perhaps many instances, Police is a reviewing agency. So, they will be included in that process. Indirectly what we are trying to do with capturing more information more accurately earlier in the process will help, and this goes specifically to, again, geospatial information. If there is a subdivision that is like a house and lot package, we won't capture the lots that will be there and the streets that are already there even though if they're not officially there because things get stolen from job sites. And so then if there is a call to 911, hey somebody just ripped off my toolbox or what have you, that we're trying to get that information to them earlier than the current process, which typically is at the very end of a subdivision having been completely finished. So, that's one example of how the overall approach that we're trying to take will benefit their operational readiness. We hope anyway.

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COUNCILMEMBER HOKAMA: And I apologize, Chair. The last one. This is the real last one.

CHAIR KING: That's okay.

COUNCILMEMBER HOKAMA: You shared with us so many executive policies you guys did, 11 or something. We would ask since, you know, the Members have brought it up, that maybe the Managing Director needs a policy regarding how information is disseminated, especially after Council action of entitlements or adjustment in rates and fees that through the directive of the MD, all appropriate departments and divisions get notified, you know, through the MD's Office. That way Finance gets it, Planning gets it, Public Works gets it. If Parks need it, Parks gets it. But we've heard about the delay in Finance where it has impacted us, not the greatest amount, but has impacted us on our revenue calculations. And so, that would be one of our I would say request, Chair, that maybe we could send to the MD that he is or the MD's Office is responsible for all of the management of the day-to-day of all other departments. So, I think, that's one way to address our joint concern --

CHAIR KING: Okay.

COUNCILMEMBER HOKAMA: --about getting it timely.

CHAIR KING: Thank you. And, I know, that's, by Charter that's sort of management of whatever departments the Mayor deems the Managing Director is in charge of. But point well taken. And, Mr. Verkerke, you'll let us know if there's anything that the Council action is holding up the MAPPS program. I know, the GIS maps was a critical piece of it. So, as far as I know there's nothing that we're holding up. It's more...it's administrative.

MR. VERKERKE: I will do that, but as you said right now there is nothing pending before Council to impact us.

CHAIR KING: Okay. Thank you.

COUNCILMEMBER COCHRAN: Chair?

CHAIR KING: And we'll go ahead and take a...

COUNCILMEMBER COCHRAN: Chair?

CHAIR KING: Oh, Ms. Cochran?

COUNCILMEMBER COCHRAN: Real quickly.

CHAIR KING: Real quickly.

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COUNCILMEMBER COCHRAN: So, Mr. Verkerke, are there other municipality...counties in this State that are already online with this program at all that we can be talking to, coordinating with?

CHAIR KING: Mr. Verkerke?

MR. VERKERKE: The Big Island is also implementing this system right now. They haven't gone live with it. Their scope, their scale is much more limited than ours. But they are also running into some of the same issues that we are dealing with. Their degree of enterprise integration is much less than we are trying to achieve here. But Public Works and Planning departments on the Big Island are in the process of implementing this solution.

COUNCILMEMBER COCHRAN: Okay. So, nothing on the State, like any functions on the State level? You know, so, we have State land use. We have State entities. There are highways projects, you know, capital improvement projects, Federal maybe even level.

MR. VERKERKE: Not to my knowledge.

COUNCILMEMBER COCHRAN: Okay. And, I think, one of the biggest, and I would hope would be an easy, I don't know, if it's something that can be rolled out in a sense but to coordinate departments, such as Public Works, Water, DEM, any utilities, MECO, you know, when they trench out roads, and easements, that everyone's on the same page that one entity's doing it, perhaps everyone else can come on board and do their work if they were planning to do something in that vicinity. So, we're not constantly tearing things up after someone had already gone in and trenched and repaved and here's another guy coming in and doing it right afterwards. So, that's still occurring and I'm just hoping somehow we can get that coordination better.

MR. VERKERKE: Yes, we believe, that making this information more readily available earlier is one step. The permitting associated with Capital Improvement Projects, of course, will be captured here so that we have the ability to map projects in progress and hopefully projects that are planned to the GIS so that we can then see oh, so and so is planning to come in. So, yes, it's something that we expect will allow that situation to be improved.

COUNCILMEMBER COCHRAN: Very good.

CHAIR KING: Thank you. And I'm going to go ahead and defer this, and I'm sure we will be getting periodic updates, if there are no objections.

COUNCILMEMBERS: No objections.

**COUNCILMEMBERS VOICED NO OBJECTIONS.** (Excused: SC, MW)

**ACTION: DEFER PENDING FURTHER DISCUSSION.**

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CHAIR KING: And then we'll take a ten-minute break till 10:45. We'll set up the next presentation for the SMA rule changes. And thank you again, Mr. Verkerke. I appreciate your time.

MR. VERKERKE: Thank you very much.

CHAIR KING: Okay, recess. . . .*(gavel)*. . .

**RECESS: 10:36 a.m.**

**RECONVENE: 10:57 a.m.**

CHAIR KING: . . .*(gavel)*. . . Okay, we will reconvene the Maui Planning Committee meeting. And, Members, we had one Member who left who will be...Ms. Sugimura will be absent for the second half of the meeting, so we have bare quorum. So, let me know if you have, you know, physical needs and need to take a break.

**ITEM PC-7(6): DEPARTMENT OF PLANNING - SPECIAL MANAGEMENT AREA RULES AND SHORELINE AREA RULES**

CHAIR KING: So, we're going to move on to our next item and this is the Special Management Area Rules and Shoreline Area Rules. The Coastal Zone Management law is set forth in Chapter 205A, Hawaii Revised Statutes, and designates the Planning Commission as the authority in SMA and shoreline matters. So, today I've asked the Planning Department to discuss revisions being proposed to the SMA and shoreline rules. And this is a presentation, another presentation that was scheduled for the last Planning Commission meeting that was not able to be given because they ran out of quorum there. So, Planning, would you please begin your presentation? Thank you for being here, everyone.

MR. RAATZ (*PowerPoint Presentation*): Thank you, Chair. David Raatz, Administrative Planning Officer. Thank you very much for this opportunity. So, as the Chair mentioned, the County Charter gives the Planning Commission for each island, in Maui County, the exclusive authority in all matters relating to the Coastal Zone Management law. So, the Council doesn't have authority. The commissions adopt their own rules that provides the regulation for Coastal Zone Management. SMA rules changes have actually been in the works dating back to the Administration of Mayor Charmaine Tavares. And we've had a multi-division staff team working on the proposals that are currently on the table. Seated behind me we have some members of that team: Ms. Owens, Mr. Dack, and Mr. Buika. Time permitting they'll be able to answer your technical questions later. So, again, we're having a workshop with the Maui Planning Commission on Tuesday morning, at 9:00 a.m. And for anyone interested in these rules this will be a very important meeting and we would recommend that you consider submitting testimony. And you can review the proposed rules on the front page of the Planning Department website at [mauicounty.gov](http://mauicounty.gov).

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They've been up there for a few weeks now and it would be an advisable approach to take a look at those rules and see if you can offer comments to the Planning Commission, either in person or in writing prior to the October 23<sup>rd</sup> meeting. The SMA rules are 40 pages and, excuse me, and the shoreline rules are 25 pages. But the changes are fairly easy to digest, they're presented in the so-called Ramseyer format where proposed deletions are bracketed out and proposed additions are underscored. So, at a glance you can get a feel for what's being proposed for a change. The versions that are online right now will change as we go through the formal process for the adoption of new rules. And, again, tracking the meetings of the Maui Planning Commission moving forward is the best way to stay informed on the process. So, the shoreline rules need to be changed to accompany the SMA rule changes to ensure we have consistency. And the modifications and solutions in the rules have taken into account the 2017 Hawaii Sea Level Rise Vulnerability and Adaptation Report that the State government published. We did conduct a well-attended public meeting on October 2<sup>nd</sup>, and we have other public outreach and consultation that's ongoing. So, now getting into some of the substance. Hawaii Revised Statutes, Chapter 205A, is the Coastal Zone Management law that overlays this regulation. And that statute says any "development" within the Special Management Area needs a permit. And the HRS also defines what is, and what is not, a development. An action that is not a development is exempt from getting a permit, provided that and then some criteria are listed. So that means we have to assess the action to make sure it's not actually development. So, yes, this could be considered an exemption, but we still have to go through process of assessing it. So, one of the major areas of change in the proposal is to create a few new definitions for various actions and for exceptions that we would consider as no need. These are categorically and undeniably defined to be exempt from the requirement of SMA permitting. And therefore, if they're on this list we would not have to go through the assessment process, saving time, money, and effort for the Department and for applicants. Some of the examples would be a mailbox post, purely interior renovations, purely minor exterior changes, adding a rooftop solar system, installing ground signs, putting in civil defense sirens, or putting in a driveway replacement. And we understand based on recent comments perhaps this exemption list, the no needs list as we're calling it, goes too far. And, yeah, there is a distinction between the exceptions and exemptions. It's a little technical that we can get into at some point, but we're trying to provide, again, a list of things that don't need to go through the assessment process. Another proposed definition change in the SMA rules would modify the definition of single family dwelling to include all accessory structures, including ohanas, all of which would have to meet the Chapter 205A threshold for an exemption. And this reflects longstanding practice. The other changes would clarify procedural steps. And, again, the distinction between exceptions and exemptions and developments. So, it's laid out in Pages 10 through 18 of the proposal. The first question would be is this an exception? Does this fall within the no-need list? If so, that would be the end of the process and we don't need to do an assessment. If it's not an exception, *i.e.*, it's not on the no-need list, is it still exempt? That would require an assessment and you go through the analysis. If it is exempt, then we would still ask a question, could this project have a cumulative effect, a cumulative impact or significant effect? If it could, does it need a minor or major permit, based on evaluation? So, a four-step process to try to clarify the standards for

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exceptions, exemptions, or permits. Other changes would improve and clarify the emergency permit procedures. There would be an allowance for the Director also to approve time extensions up to five years. Currently, the standard is two years. The proposals would also include permit transfers and allow the Director to make non-substantive revisions to project scope and conditions, which again reflects longstanding practice. There's also some proposals to clarify enforcement standards. And specifically, how you determine whether a violation has been resolved. The proposal at Pages 35 to 37 would say a violation has been resolved if fines have been paid and the illegal use has stopped or construction has been removed or proper permits have been obtained. Proposed changes would allow notices of warning or notices of violation to be posted on the property or published in the newspaper and therefore be considered legal service. Also, the proposed rules would allow the Director to negotiate a settlement for violations when the fines do not exceed \$50,000 without requiring commission approval. Currently, all settlements have to be approved by the Maui Planning Commission. So, that's a very quick overview of the SMA rules. And, Chair, we'll, unless there are any objections or questions, continue on with shoreline rules and...

CHAIR KING: Yeah, please continue.

MR. RAATZ: Okay, thank you. So, the purposes of the shorelines rules are to preserve and protect the shoreline area and open space resources, to ensure the public can access, use and enjoy the shoreline area, and for constructed features to be compatible with the shoreline area. These purposes are primarily achieved through shoreline setbacks. New definitions are needed to implement a new methodology to use the new erosion hazard line. So, currently setbacks are determined by formulas based on the annual erosion hazard rate. The proposed rules would use the erosion hazard line adopted by the State Climate Change Commission. We feel that's a more appropriate standard. There's a handy website that shows us the shoreline areas and gives us a view of different options for shoreline setbacks and time permitting we can take a look at [hawaiisealevelriseviewer.org](http://hawaiisealevelriseviewer.org). And here's just a snapshot of what that website looks like. So, we're proposing a new process for establishing the shoreline setback. So, there would be three options, most of which do not require a certified shoreline survey. So, the standard would be the erosion hazard line, which we referenced before, plus 40 feet. Also, 200 feet from the shoreline as mapped by the Planning Department if there isn't an erosion hazard line or follow the above formula using a certified shoreline survey. Or 25 percent of lot depth for irregularly shaped lots up to 150 feet, that's not a change. That as you see is part of the current process as well. So, those first two bullet points are new proposals on establishing the shoreline setback line. And there is still a minimum buildable area 35 feet deep from the property's front yard setback, and that's 35 feet times the width allowed by the side yard setbacks. Recent comments we've heard from some concerned residents. These are very restrictive, we need to see the impact. The proposed rules would also add some of the SMA "no needs" exceptions to the structures and uses that are not subject to the shoreline rules and would clarify and expand structures and activities that are allowed in the shoreline setback. And that would include repairs to permitted seawalls, actions that have received an SMA emergency permit, the enclosure of an existing residential lanai,

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and temporary events. And again, we've received comments that we need to clarify these activities would be allowed with a shoreline approval. In other words, they are not to be allowed outright. So, with that, Chair, that's a very quick overview and we welcome questions and comments. Thank you.

CHAIR KING: Okay, thank you very much, Mr. Raatz. I appreciate it. And I appreciate all of our resource. Do we have any comments from our resource panel at this time? You wanna wait? Okay. At this point then I'd like to open it up for testimony from those who have decided to wait till after the presentation to give their testimony on this issue, which is PC-7(7) [sic]. And, Ms. Matthews, if you can start calling from the names that we started with earlier?

**. . . CONTINUING PUBLIC TESTIMONY FOR ITEM 7(6) . . .**

MS. MATTHEWS: Yes, Chair. Our first testifier is Mark Marchello testifying on PC-7(6) --

CHAIR KING: Okay, and...

MS. MATTHEWS: --to be followed by Charlene Schulenburg.

CHAIR KING: Okay, and we have your written testimony as well Mr. Marchello.

MR. MARCHELLO: Good. I'd like to start by thanking the County Council and the Planning Department for allowing me to testify today regarding the new rules being proposed. I have a few concerns that I'm sure will be of concern to many owners within the new erosion hazard lines. The rule I found personally to be the most alarming for my family home of 20 years is the 50 percent rule. Our townhome is within these new rules, erosion hazard lines. In fact, this new erosion hazard line also places four of my immediately family members' homes and hundreds of my friends and clients' homes and properties in this zone. This 50 percent rule states that our homes if burnt down, washed out by a coastal hazard, or blown over by a hurricane, we will only be allowed to rebuild up to 50 percent of the current building value of the property. Well, let me know if I'm wrong here. I've been paying fire, flood, and hurricane insurance to cover 100 percent of my home for 20 years, and will only be allowed to build back half the current building value of our home in the event of a disaster. To me, that's not the golden rule. That's kick the guy when he's down. Okay, number two, another point of concern that one of my client's brought to my attention is removal of the ability to rebuild and expand within 35 feet of our makai property line. Although still in the definitions it appears the allowance for a minimum buildable depth was taken out. It was in there, but it's still...it seems like it's taken out in the actual rules. I understand this allowance was in the original shorelines rules to allow owners with short parcels the ability to rebuild a livable structure on their property as long as it was as far as possible away from the shoreline. That kinds of works with me, you know. Do onto others, you know, give 'em a chance. Number three, before implementing these rules perhaps we should ask a few questions. Maybe you guys have done these studies. Do we know how many properties fall within this new

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erosion hazard line? Surely, almost all the hotels on the island, all the ocean-side condominium projects, and thousands of homes will be included. Do we know the impact only building back 50 percent will have on the values, the County tax revenues, and the Maui economy? So, basically those are the few of my main concerns. I haven't had a chance really dig into all of this because I have a lot work to do too. But, anyway, so, one of the things that kind of caught my attention were the purposes. The purpose...there are two main purposes that seem kind of out of line to me. The purpose for the shoreline rules is missing some important points. Purpose number one, for these rules. The use and enjoyment of the shoreline area to be ensured for the public to the fullest extent possible. There is no mention of the people living within these shoreline setbacks who will be impacted by these laws or the owners of the properties in these areas whose businesses support Maui's livelihood--the Maui visitor industry. So, purpose number one, for these rules, you know, I believe, it should state the use and enjoyment, it should be more inclusive. The use and enjoyment of the shoreline area is to be ensured for both public and private use enjoyment to the fullest extent possible. Purpose number four in the rules. The natural movement of the shoreline be protected from development. There have been numerous manmade changes to Maui's shorelines as we all know in the past 100 years from the Army Corps of Engineers water canal and beach park projects, State Highway Division seawalls, buildings of harbors, diversion of natural water flows that have stopped the boulders and cobblestone from making it to the shoreline, the taking of reef fish that normally produce, you know, tons of beach sand. All of these actions have completely changed the location and natural flow of our shorelines. Thus to now say rule number four only natural, it's not a possibility. I believe, number four should state that the unnatural movement of the shoreline be mitigated, minimized to prevent the erosion of our shorelines, nourish our beaches. That's what we should go for. We shouldn't be retreating. We should try and help and support and nourish our beaches, protect our shorelines as best as possible. I'm --

CHAIR KING: Please conclude.

MR. MARCHELLO: --just about to wrap it up here.

CHAIR KING: Please conclude.

MR. MARCHELLO: I've got a couple more points to make.

CHAIR KING: Okay.

MR. MARCHELLO: A perfect example of a public beach being destroyed by an unnatural shoreline movements is the Puamana Beach Park. Miles of seawall built south of the park have basically created an unnatural shoreline, which is eroding our shoreline there. The Puamana Beach Park has been there for 50 years. It's been a beautiful park for so many people and now we're just standing back and going oh, let it go. Global warming and rising sea levels...

CHAIR KING: Mr. Marchello, could you please conclude?

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MR. MARCHELLO: Okay. I believe, we should hire the brightest minds in coastal engineering to assist the Planning Department and the public and private property owners and find the best ways to protect our shorelines. Set up a fast track shoreline committee to cut through the red tape for projects that are attempting to mitigate the erosion and nourish our beaches. The time is now. Every day you wait is another day Maui is losing lands to the unnatural movement of the shoreline.

CHAIR KING: Okay, thank you.

MR. MARCHELLO: Thank you

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

MS. MATTHEWS: Our next testifier is Charlene Schulenburg testifying on PC-7(6), to be followed by Barbara Barry.

MS. SCHULENBURG: Aloha.

CHAIR KING: Aloha.

MS. SCHULENBURG: Charlene Schulenburg. Really amazing comments that that previous testifier had. So, ditto on all of those things because I haven't had a chance to review any of this. I didn't know any of this was available online. So, I apologize I'm behind the curve on this. But in terms of what the gentleman was just talking about in terms of protecting our beaches, I wanna ask if the Department or the Commission is familiar with the RSM report that was done by Army Corps of Engineers in 2011. There's some really amazing...it's an amazing report that it's called the Hawaii Regional Sediment Management of Kahului and Kihei Regions Final Report. And it includes geomorphology, coastal processes, shoreline change, and potential RSM projects. There's a wealth of information in here in terms of how to start to protect our shorelines a little bit better. But seriously, ditto on everything that the gentleman before me said, especially on the build back 50 percent rule or whatever it was called. That is deeply concerning. So, I think, that yeah, there has to be an assessment done about, you know, current properties and current erosion and current issues. And that is just a ton of work. I mean, just the beachfront in front of our place alone, the amount of changes that have taken place in eight years that I have visibly can see and I'm no expert, but visibly are enormous. So, yeah, a lot more needs to be taken into account here. I appreciate definitely the looking at all of this. You know, we definitely need to have some standards but, you know, Maui's so unique, so unique in so many ways. And it's like almost like every property deserves its own review along the shoreline. It is just truly an amazing island, but there's more erosion in some areas and less in others and there's some properties that are trying to do dune restoration already. And there's these designated sort of, I think, they're called beach designated management kind of de facto groups that are already organized. For example, in our area we have the Uluniu Beachfront Reserve Association that includes 40 homes that's

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all organized. And we're all trying to do, you know, dune restoration and we all take care together. And so, we have an impact and we're an organized group. So, we should be talking in terms or we would appreciate it if, you know, we could all talk in terms of that as well and take advantage of some these groups that are already organized and willing to work with the Commission, the County on these shoreline management issues and erosion issues. So, that's kind of it. I'm doing it off the top of my head, but I'd love to deep dive into what else you guys have done. But, thank you so much for looking at this.

CHAIR KING: Thank you. Any questions, Committee? Seeing none, thank you for your testimony. I appreciate it.

MS. SCHULENBURG: Thank you.

MS. MATTHEWS: Next we have Barbara Barry testifying on PC-7(6), to be followed by Thorne Abbott.

CHAIR KING: I don't see Ms. Barry around.

MS. MATTHEWS: I can recall her if she comes.

CHAIR KING: She had to leave, okay.

MS. MATTHEWS: Okay.

CHAIR KING: Thank you. Next testifier?

MS. MATTHEWS: The next testifier is Thorne Abbott testifying on PC-7(6), to be followed by Mr. Sam Small.

CHAIR KING: Oh, let's see. Okay, go ahead.

MR. ABBOTT: Aloha, Chair --

CHAIR KING: Aloha.

MR. ABBOTT: --and Councilmembers. My name is Thorne Abbott with Coastal Planners. I have a small consulting firm. I'm quite familiar with the SMA rules and shoreline rules having worked on amendments to the State law as well as amendments to the SMA and shoreline rules for the Planning Commission. I thank the Planning Department for taking the initiative to be transparent and share their rule amendments or proposed amendments with County Council. As you know, these are the Commission's rules. They're an administrative tool to implement the existing law whereas Council is the legislative body that makes up the laws. The other thing, I know, they've been working a long time on these rule amendments and they've gone through a lot of revisions. There are two short comments I'd like to make. The first is I appreciate that we need something like an exception because there are very minor

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things like interior remodeling that may not necessarily need to go through a whole rigorous SMA assessment process as is currently done. I do have a few concerns about the definition that is currently provided for renovation as opposed to repair, and I just encourage the Planning Department to check the definitions on Title 19 and Title 16.26B of the Building Code, so that when people go to the County that aren't familiar with the County processes, you know, they're gonna look up what Building Code says or maybe talk to an architect that knows the Building Code. And if that says repair as one thing and the definition for the SMA rules is a different definition for repair that might get confusing for them. So, I would recommend just double-checking to make sure there's synchronization between those two. The other thing is who decides what is an exception? What is the paperwork behind that, if any? Of course, we're trying to reduce paperwork. We're trying to get things off staff desks. We're trying to streamline, which is an unending always challenging thing to do. But who makes that decision? How is that memorialized? Would that be something that's appealable by the public? How would the public even be aware that that decision was made? Is there any paperwork behind that and how is it memorialized? Finally, the Big Island and, I think, we all should do this, when you do an SMA major permit you put up a sign. You put a sign before your development goes in, you know. And the Big Island has six lines of text in their rules that talks about sign size, location, the content, the contact information, and that works really effectively because people in the area know something's coming. And they know that early on and have an opportunity to contact the Planning Department or show up at a Council meeting or a Planning Commission meeting. It's a simple change and no one is adversely affected by that. I think, it helps projects be better. Thank you very much for your time and your consideration. Aloha.

CHAIR KING: Thank you, Mr. Abbott. Any questions from the Committee? Seeing none, thank you for being here. Next testifier?

MS. MATTHEWS: The next testifier is Mr. Sam Small testifying on PC-7(6), to be followed by Ms. Kai Nishiki.

MR. SMALL: Thank you, Chair. It's always...and Council...it's always, it's an honor to be participating in the democratic process. I've read the proposal. I attended the first meeting that the Planning Department had. So, we've been through some of this verbiage rather specifically. But before we get into the technicalities of the language that they're proposing, I'd like to speak to the framework under which that even this proposal is being made because in my mind it's not the right way for Maui County to be administering these issues. We're dealing with directors that are hired by the, you know, politically hired by a mayor. And they are making a proposal to a commission that is politically appointed by that same mayor. And this Council has actually no substantive input into what is being proposed here. And, to me, as a citizen, that's dead wrong. Now, there's many reasons why that's dead wrong. Part of this is SMA. Federal mandate, Coastal Zone Management mandates that the State have a Coastal Zone Management program. Hawaii State essentially subcontracts that out to Maui County. And so who's charged...who's paid to administer the Federal program? The directors of the departments are essentially the, you know, the check and balance.

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They're the watchdog. They're paying attention on behalf of the State. But in practice those same politically-appointed directors are the very individuals who unreasonably write exemptions to specific developers that exempts them from the Federal rules that they're supposed to be asserting. So, they're playing both ends of the game. And it's the citizens and the environment that loses because of it. I can show you, you know, planning permits, applications where fraud was committed. Deputy directors signing off on permit applications for SMA minor permits that their own land planning professional organization submitted. They went to...they submitted the proposals. They went to work for the County and they were allowed to sign off on the proposals that they submitted for their clients. That kind of abuse takes place. I can show you the structural loopholes where planning...conditions required by the Public Works on an SMA on an underlying land development permit are never communicated over to Planning. And they maintain two separate records. And they don't coordinate. Public Works does not do inspections. I have heard lies administered in this room by a planning...by a deputy...a Director, I believe, of Public Works who said well, you know, when it comes to the conditions who pays attention to the conditions of a SMA permit? Public Works is saying that Planning does it. That Deputy Director lied. Planning is not responsible for Public Works' conditions. In fact, no one is responsible. So, we're dealing with an--

CHAIR KING: Please conclude.

MR. SMALL: --illegitimate system and the things that are asked, if you look even in the first thing...

CHAIR KING: Mr. Small, can you please conclude?

MR. SMALL: I will conclude. Please look at number three. It's scope and exemptions. You try and read that paragraph. First of all, it's giving the Director the discretion to use his own discretion if you read it. It's nonsense. Thank you for the opportunity to speak on these important issues.

CHAIR KING: Thank you, Mr. Small. Any questions from the Committee? Seeing none, next testifier? Thank you.

MS. MATTHEWS: Our next testifier is Kai Nishiki, to be followed by Mr. Albert Perez testifying on PC-7(6).

MS. NISHIKI: Hi, good afternoon, Committee members, Committee Chair. Mahalo for having the SMA amendments on agenda, very much appreciate this. And thank you to the Planning Department, and especially to Coastal Zone Management, our unsung heroes over there. So, thank you very much. I think, there's some great ideas being put out there with these amendments especially in regards to the shoreline setbacks. But I do think that there's some things that need to be looked at and I don't like the idea of there being less transparency. I think, in regards to settlements being approved by the Director, I don't agree with that. I think, that the only way that the public is even aware of what the settlement amounts are for fines are when it goes to the Maui

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Planning Commission. Recently, last year there was a settlement made on a shoreline property and a huge fine, hundreds of thousands of dollars were negotiated down. And, I just don't think that that's right. I think that the fines are in place because we realize how important our shoreline areas are, these special management areas are and that fines should not be negotiated down. There's a reason why these fines are large. It's because we want people to take these areas seriously. These are our resources that once damaged sometimes we can never get back. So, I don't think that we should give the Director more power in negotiating away SMA fines. So, yes, I think, settlements absolutely should be approved by the Maui Planning Commission and that there should be more transparency about who is receiving fines and what the justifications are for negotiating those fines down. I also was gonna bring up the signage requirement issue that Thorne brought up. So, thank you very much, Thorne. I do think that for permits in the SMA area that they should be treated kind of how we do for short-term rentals that there should be a notice up for a certain amount of time so that it gives the community a chance to know what's going on, especially in the shoreline area people...it affects the public, and the public's beach, the public's access. So, I really believe that there should more transparency in that area. And finally, I will submit my comments regarding the rule changes in person to the Planning Department. But thank you very much for having this meeting so that the public would have a chance to comment and hear about the changes. Mahalo.

CHAIR KING: Thank you, Ms. Nishiki. And can you state...are you representing any group or yourself?

MS. NISHIKI: No, just myself.

CHAIR KING: Okay. Any questions for Ms. Nishiki?

MS. NISHIKI: Mahalo.

CHAIR KING: Alright, seeing none, thank you for being here. Next testifier?

MS. MATTHEWS: Our next testifier will be Albert Perez testifying on PC-7(6), to be followed by Ms. Tiare Lawrence.

MR. PEREZ: Good morning, Chair King.

CHAIR KING: Good morning.

MR. PEREZ: Good morning, Councilmembers. Long time no see. Albert Perez, Maui Tomorrow. We did testify, well we were prepared to testify, at the Planning Commission workshop, but that was postponed. We did attend the first public workshop that was held, I believe, October 2<sup>nd</sup>, and we provided some comments there, which I'm happy to say that the Planning Department seems to be trying to react to although we haven't seen any actual changes in the proposed rules. So, have to reserve judgment on that. Mostly having to do with the types of exceptions and the scale, the quantities, like how big of a mailbox can you put in or there needs to be

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some definition there that's not currently there. And, I think, they're taking that seriously. However, in looking at this a little more we're pretty concerned. So, the Planning Department is proposing that we create a new category to classify some uses that they're calling exceptions. It's important to realize that this is not the same as exemptions and it's unfortunate that those two words sound so much alike because it's creating confusion even when discussing it with people in the Planning Department. But the Legislature specifically recognized the significant and sensitive nature of the area surrounding the shoreline and therefore created the special management area that requires more review because it's special. The Planning Department is proposing to change the SMA rules to make a determination upfront that a whole range of uses does not have a cumulative impact or a significant environmental or ecological effect on the SMA. Making this determination in advance does not meet the requirement of the State law, which is to preserve, protect, and where possible enhance the natural resources of the coastal zone. The counties can create and add to their exemption lists, but there's no provision in the State law for counties to create a new category of land uses that's just outside the exemption category. So, this category of exceptions would not receive Planning Department review the way the exemptions do. And due to this new circumstances, the Planning Department would no longer have an opportunity to identify when some of these activities might have a cumulative impact or a significant environmental or ecological effect. So, basically, this whole class of exceptions is just gonna be left up to the property owner to determine. And there would be...the Planning Department would never see it under these new proposed rules. Included in that is changes between short-term and long-term occupancy of dwelling units. So, when we had the workshop I asked Director McLean if this would apply to something like the Paia Inn and the reply that I got was yes, it would. So, that would never even need any kind of a permit and we know how much trouble that has caused. So, I think, we're gonna be hearing a lot more objection to that particular exception. Also, this new class of exceptions would no longer be subject to appeal. Currently, if there's an exemption that's made by the Planning Director, the public can find out about it by going to the Planning Commission and then they have ten days to file an appeal. So, if that...if this whole class of exceptions is created that no longer would be the case. I have so many more comments, but, I think, that I've taken up my time and given some food for thought. So, thank you.

CHAIR KING: Thank you, Mr. Perez. Any questions from the Committee? Ms. Cochran?

COUNCILMEMBER COCHRAN: Yeah, thank you, Mr. Perez. Are you gonna submit your final thoughts to us in writing perhaps?

MR. PEREZ: If you wish.

COUNCILMEMBER COCHRAN: Yes, please.

MR. PEREZ: I'm still developing them, so.

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COUNCILMEMBER COCHRAN: Okay. Well, as you...when you're completed, you can send to us? Thanks.

MR. PEREZ: Yeah, there's a lot here, so. Thank you.

CHAIR KING: Okay, thank you for your testimony. Next testifier?

MS. MATTHEWS: Our next testifier is Tiare Lawrence testifying on PC-7(6).

MS. LAWRENCE: Aloha, Council. My name is Tiare Lawrence. I work as a community organizer for the Hawaii Alliance for Progressive Action where I am tasked with working on environmental, social, and economic justice issues here on Maui and throughout Hawaii. I just kind of wanted to make some comments. I do applaud Planning Department for creating these rules and allowing the community to properly vet them. I do think that there does need to be more community meetings if possible in the communities and possibly at night so that people can kind of have the opportunity to weigh in outside of work hours. There are some issues with this proposal that can be exploited to encourage increased development with shoreline management areas making it a hazard for both the environment and Native Hawaiian culture while also giving the Maui Planning Department Director the power to fast track development projects without the need for critical assessments on potential impacts to a SMA. I'm just gonna kind of like go through some of the stuff that I highlighted: may violate the County Charter by making the Director and not the Planning Commission responsible for many SMA determinations and exemptions; removes mitigation measures and replaces it with measures proposed to minimize impacts where thereby removes the onus of establishing that any measure actually mitigates anything. For example, a mitigating measure proposed to minimize impact would be the construction of a gate to prevent vehicles from accessing an area. A measure proposed to minimize potential impact would be to utilize tour buses to access the area, which could minimize vehicle traffic. Obviously, the utilizing of tour buses isn't a mitigating measure. It could be an exasperating measure, but it's still being proposed to minimize potential impacts. So, I just think there needs to be work around that issue. Another thing is attempts to exempt single-family residence and all accessory structures seems like a poor attempt to exempt all accessories structures, to single family-residences from development in SMAs. Keep in mind the Planning Department...this is the same Planning Department that tried to make swimming pools and spas an accessory ag use. Single-family structure not currently considered development according to...and I'll send that HRS 205A; however, change in density would be considered development, which would include accessory structures. This attempt here seems to try to exempt accessory units from counting as increased density. I'll just kind of streamline it so I don't take too much of your guys' time. Some of them...go through that. In closing, I kind of wanted to follow up on a comment that was made earlier about supporting beach nourishment. My question, I mean, I'm sure the County is aware how costly beach nourishment is and with the recent report that came out by UH is claiming that it's gonna be even double what the original SLR report was specifically here on Maui. So, I think, all the beach nourishment projects in the world isn't gonna save our beaches. It's very costly. It's

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gonna cost, in Kaanapali, you folks are very aware how many millions it's gonna cost to do a nourishment project there and which sea level rise and climate change and all of the storms that have been affecting our shorelines just in the past three months, I think, that it's gonna be a very costly situation, and I'm a big supporter of managed retreat policy. And I would urge everyone here who's passionate about shoreline protection and moving forward in a more holistic approach at protecting our shorelines to attend the Shoreline Conference that we are organizing on November 30<sup>th</sup>, which will be held at Waiola Church. And we are inviting researchers and we're bringing people from both spectrums, opposite sides, to kind of weigh in on what would be the best approach at addressing moving forward. But I will send this through e-mail 'cause it's a lot of information and a lot of non-sexy stuff that's not fun. Thank you.

CHAIR KING: Okay. Thank you. Thank you, Ms. Lawrence. Any questions, comments? Thank you for your testimony. Next testifier?

MS. MATTHEWS: I just wanted to see if Ms. Barbara Barry was here to testify on...no?

CHAIR KING: I think she had left earlier.

MS. MATTHEWS: Okay. That's all of our --

CHAIR KING: Is that all? Okay. Is there any...

MS. MATTHEWS: --testifiers, Madam Chair.

CHAIR KING: Okay. So, no further testifiers in the Chambers. Did we go to the...okay, we'll go to our neighbors in Hana to see if there are any testifiers?

MS. LONO: There's no one waiting at the Hana Office to testify.

CHAIR KING: Okay, thank you, Dawn. And Molokai?

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

CHAIR KING: Thank you, Ella. And what about Lanai, Denise?

MS. FERNANDEZ: There's no one on Lanai waiting to testify.

CHAIR KING: Okay, thank you very much. Any last testifiers in the Chambers? Seeing none, without objections, I'll close testimony.

COUNCILMEMBERS: No objections.

**. . .END OF PUBLIC TESTIMONY FOR ITEM 7(6). . .**

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CHAIR KING: Okay, so testimony is closed for today. And then we'll open it up for questions from the Committee of the Planning Department or our expert panelists from Coastal Zone Management. Any questions or comments, Members? Mr. Hokama?

COUNCILMEMBER HOKAMA: Thank you. I appreciate you getting for us the SMA and Shoreline Area Rules for Maui Planning Commission. Are the other two commissions having duplicate rules too? Or is there differences for the other commissions?

CHAIR KING: Planning, you wanna answer that?

MR. ALUETA: Yes, they all have...each Planning Commission has their own set of rules.

COUNCILMEMBER HOKAMA: Okay. So, what you are proposing is only for Maui Commission?

MR. ALUETA Yes, we have to start somewhere.

CHAIR KING: I think, we have a comment from our panelist, Mr. Hokama. I think our panelists have a comment. Mr. Dack? No? Oh, okay, sorry your light was on.

COUNCILMEMBER HOKAMA: So, what the Department is telling me is that for each individual planning commission, the rules will be different on SMA? There's no consistency or uniformity?

MR. DACK: The rules, actually, currently the rules are apparently substantially different between the three island commissions. There's are a lot of commonalities, but there are definitely significant differences.

COUNCILMEMBER HOKAMA: Well, one is, you know, the district area. I mean, Molokai wants a very large area. Lanai is, you know, not too bad. No, I'm just wondering if it made sense for us to approach certain things Countywide instead of just per commission if it's to be administered countywide.

CHAIR KING: Mr. Dack?

MR. DACK: I think, the Department would appreciate that, having things applied countywide and given the structure though of the Charter and the devolution of the authority to implement the CZM law on a County basis to the three island commissions that each commission does have their own authorities. And they each have their own personality so to speak. Each island is different. They have different concerns. Molokai definitely has different concerns than Maui and Lanai. So, you do end up having rules that are tailored to those communities. There's a lot of commonality between the sets of rules, but there definitely are some differences that respond to the different interests of the different residents and commissions in the islands.

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COUNCILMEMBER HOKAMA: Will the basis of your recommended changes all be consistent though? I mean, if what you're gonna recommend to Maui should be the same you would do for Lanai and Molokai on the same situation.

MR. DACK: I certainly expect that once the Department and the Maui Planning Commission are able to achieve modifications to the rules, we would make the other commissions aware of them. And possibly with some recommendations, I can't speak for future directors, but we'll certainly be wanting to have that conversation with the other two islands at an appropriate time.

COUNCILMEMBER HOKAMA: Okay. What is, for our information this morning, the understanding of the Molokai and Lanai Planning Commissions on what is being proposed for Maui? Are they aware of this SMA revisions going on for Maui and that eventually it will come to them or they're clueless of what's going on?

CHAIR KING: Department?

MR. DACK: I can't answer that question.

CHAIR KING: Department, do you...Mr. Alueta, can you answer that?

MR. ALUETA: I'm not aware of that we made any specific presentations to either Lanai or Molokai. I do note that the Molokai and Lanai rules were more recently updated so, than Maui's, so that's why we probably came around to Maui's to update it. Many of the issues, again, especially with the term, the new term of "exceptions" is more prevalent here on Maui. And we will probably try to move that toward Molokai because of some of the urban areas --

COUNCILMEMBER HOKAMA: Right.

MR. ALUETA: --that are within the Special Management Area for those exceptions. And then primarily the processing of permits, they all have slight variations and the authority granted by the various commissions as noted by Mr. Dack as, you know, some have more comfortable level with the Department processing exemptions, some don't wanna see exemptions. Some want to have...want to concur with that exemptions. So, I think, we'll have very robust conversations at Molokai. Maybe not so much on Lanai. Lanai is probably one of the more recent and have less land area that are within the Special Management Area.

COUNCILMEMBER HOKAMA: Okay. Thank you for that. I'm trying to understand the rule, proposed revision, I believe the Director will have extension authority for two, up to five years each from two years. I think, you guys going the wrong way with permits. I not into increasing lengths of permits. That's why they're a permit. If not, go get the appropriate zoning or whatever you need from a land use perspective. What is driving this to go to five years and why is it just the Director?

CHAIR KING: Department?

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MR. ALUETA: Thank you, Madam Chair. Again, it's not in a vacuum. These are time extensions specific to the Special Management Area permit, development permits. So, it's not necessarily zoning. That means they already have the zoning in place. So, these are specific for Special Management Area permits. The Commission has already granted the Department in some cases the authority to grant time extensions on the initiation of construction or the completion of construction. And again, these...the no more than five years or the up to. The Director and the staff reviews each of those...would review each of those requests. Part of the things that we do look at when someone is asking for that request is what's the justification for? Many times, as you've seen, well the older you are you've lived through more downward economic cycles in which projects get stalled because of various recessions, and so that can cause the implementation. There has been cases where people have even under our current rules have asked for time extensions and the Department has said you have to go back to the Commission and you would have to redo the study. So, if there's been significant changes within the area we have required that TIARs, traffic impact reports are redone. So, we would not necessarily grant these extensions willy-nilly per se. And, I guess, the Commission has, so. But it is something that is time consuming when someone comes in for an extension. It has to get agendized. And so, I think, we were just trying to, again, streamline the process overall for the...for projects where it's appropriate. And when those projects are large and time has, enough time has passed and the surrounding area has changed, we've, again, we've required updates to reports to mitigate that.

COUNCILMEMBER HOKAMA: Again, you know, I'm not too sure if I would like the Commission out of extensions completely or be supportive. I know, we have a very limited role through the structure. And I don't know if we pass an ordinance what does that mean regarding certain actions, Chair? But, for me, one of the things that I wanted to ask about is if in the rules 'cause I also would be very open to ensuring that the public has the ability to find out who is in violation of SMA requirements and conditions. So, I would like someplace where in the rules, you know, everybody knows. You violate, you will be on public record and accessible to the public of your violations, the monies you owe the County, and what was the purpose of that violation. To me, that's public information, so that should be out there. As well as I like that requirement of signage, potential for advanced public noticing. I think, that's a good thing. So, that would be some of my comments at this time, Chair. So, thank you very much. I think, the Department has some.

CHAIR KING: Mr. Buika, you have a response?

MR. BUIKA: Hi, Jim Buika, with the Planning Department. Riki, I'd like to address your time extension issue from my experience on the shoreline. What we are doing, and, Dave, if you can call up was it 202, Page 26, the emergency, 202-16, the emergency permit rules. What we are doing is, under these rules, it's "H." It's a brand new section. What has happened on our shoreline is when there's an emergency and there's coastal erosion and a development is threatened...Kahana Bay is a good example where we've had large condos threatened, until a long-term solution is

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provided through EIS and all the permits, we typically have been protecting the structures via sandbags. And the sandbags structures under emergency permits, I mean, that's one example. We have sandbags all over the place now. And the problem with the sandbags and any of these temporary emergency structures is they are permitted for 180 days, but in the past there has been no provision to get them going on a permanent solution. So, they come in for an extension for another 180 days and an extension for another 180 days, even when the beach recovers a lot of times. So, what this new rule will do is require if there's any temporary protection in front of a structure along the shoreline, the applicant will be required within 90 days to come to the Department if they want an extension over 180 days. Within 90 days they are required to describe a potential long-term alternative to alleviate the emergency situation, including relocating threatened structures as an alternative, including beach restoration as an alternative, and a description of these alternatives and any other alternatives that comply with the rules. They also have to come forward to the Planning Department with a draft timeline to plan, design, and complete each long-term alternative, and a list of all the local, State, and Federal permits that will be required. So, basically, it's an awareness building and a partnership collaboration between our shoreline team and the applicant that has erosion out front, so that we can have a face-to-face and they are required to come up with all of this information with our guidance within 90 days. And then at 180 days if they do come in for an extension they will have to produce all of this information or the sandbags have to come out. So, we are trying to force feed the process to come up with a solution. So, this is one instance where we are becoming more stringent on the time stipulation. Thank you.

CHAIR KING: Thank you.

COUNCILMEMBER HOKAMA: Thank you for those comments, Mr. Buika. And, Chair, I appreciate the Department sharing that information. And one last comment before I relinquish and that's on your purpose page under Subchapter 1, number 6. This is something I've been talking about lately, more frequently regarding our community or resident access to and along the shoreline. I don't know what the Department understands "adequate" as. I would...so, you know, if there's a better word, Department, I would say please consider a better verbiage or narrative, whether it be appropriate 'cause I wanna ensure that we have our community access in relation to ensuring that we do the appropriate cultural protocols of where we live. And so, that would be just my suggestions, Chair. Thank you.

CHAIR KING: Okay. Thank you, Mr. Hokama. And before, I think, you're not planning to respond? Okay, because I wanna make sure other Committee members before you have to leave get a chance to comment. Anybody else have a comment? Ms. Cochran, followed by Mr. Guzman.

COUNCILMEMBER COCHRAN: Oh, thank you. Yeah, thank you, Mr. Hokama, for bringing up that word "adequate" because, I know, we had Kahana Sunset and I take it adequate was to put up a sign from 7:00 a.m. to 7:00 p.m. But for the general public that's not adequate. The public access is 24/7 public access to do your cultural

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traditional practition [sic] and gathering rights and what have you no matter, you know, morning, noon or night, 24/7 period. So, that is a good point, Mr. Hokama, thank you. And I obviously haven't vetted through every single page here. But I am reading...so, a general question, this *Maui News* article. Was this...what's written in this article, is this accurate? Are the comments and quotes in here correct and things? I'm just reading. I just wanted to get kind of a summary with a copy with you on the cover there, Ms. Owens. And it's...cause it does talk about, I know, we're here...it was stated that we're only looking at Maui Planning Commission's rules and what have you. But it is stated by Ms. McLean, our current Director, stating that all commissions. So, are we not talking through all commissions? I just heard today it's just only Maui. So, not Lanai? Not Molokai?

MR. DACK: Presently --

COUNCILMEMBER COCHRAN: Yes.

MR. DACK: --we're working just with the Maui Island Planning Commission. Certainly, we would be, at some point, I'm not sure when the Department would be reaching out to the other islands telling the other islands what Maui is doing and seeing to the extent to which they may be interested in doing some similar things.

COUNCILMEMBER COCHRAN: Okay, thank you.

MR. DACK: But not at current.

COUNCILMEMBER COCHRAN: Okay, 'cause the statement or the article is stating that these new rules that we're talking here today will be used for coastal developments uniformly throughout the County.

MR. DACK: That is totally incorrect.

COUNCILMEMBER COCHRAN: Okay.

MR. DACK: And I read and I found...as I must say, I'm sorry, in many news articles that I come across or I have personal knowledge of I usually find there are some errors and this article is no different.

COUNCILMEMBER COCHRAN: Okay, and that's why I brought...it's in our handouts.

CHAIR KING: Thank you for vetting that.

COUNCILMEMBER COCHRAN: And, I think, but what is alarming and I just wanna double-check with our shoreline planners and especially Sea Grant that Maui has the highest percentage of beach loss in the State. Is that correct?

CHAIR KING: Ms. Owens?

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COUNCILMEMBER COCHRAN: Just, we'll get a verbal there instead of...

MS. OWENS: That is an accurate statement, yes.

COUNCILMEMBER COCHRAN: And primarily due to the sinking of Hawaii island?

MS. OWENS: That's a major contributing factor. So, we are right next to the Big Island and the Big Island is constantly growing, now as those new sediments cool and compact, and the Big Island becomes heavier, it pushes down on our flexible lithosphere beneath. So, if you have an island and the water is here, as the island sinks then sea level rises faster. It's called relative sea level rise. So, we have the global issues with sea level rise. And then we have our local tectonic-related issues with sea level rise. And since Maui island is right next door that part of that process translates to our island as well and that contributes to the higher rates of erosion we see around our island.

COUNCILMEMBER COCHRAN: Okay, that's very interesting. And that by, is it 2060 we could have 300 structures destroyed, 11 miles of coastal highway, over 3,000 acres lost, are those figures accurate?

MS. OWENS: Those are figures...those are accurate figures. Those are figures that come straight out of the State Sea Level Rise Vulnerability and Adaptation Report. The one from December 2017. So, that's where we mapped the sea level rise exposure area--the State did. And then they looked at what's within that sea level rise exposure area. So, those are the numbers that they published.

COUNCILMEMBER COCHRAN: Yeah, that's eye opening. And then lastly, Chair, Hawaii, we rank second to Florida State at most risk and potentially losing 9 percent of our housing.

MS. OWENS: Yeah, that statistic in the newspaper article came from the AIA, the architects group that we were speaking to. So, I have not verified those figures.

COUNCILMEMBER COCHRAN: Okay, anyway. Yeah, thank you, Chair.

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

COUNCILMEMBER GUZMAN: Just some clarification. On the, one of the testifiers mentioned a 50 percent rule. I was trying to find some type of language in here, in the rules, that would accommodate that type of statement and to clarify.

MR. DACK: The reference to 50 percent as I can find is in the shoreline rules, Section 12-203-12(5). And that rule is currently, is not proposed for change. It's existing in the rules right now.

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COUNCILMEMBER GUZMAN: Okay, a little bit of clarification on that particular rule. I know, it's not part of the change, but is it applicable as what the testifier was mentioning? And if so, then maybe we need to look at it as a rule change.

CHAIR KING: Mr. Dack?

MR. DACK: Would you like a response?

COUNCILMEMBER GUZMAN: Yes.

CHAIR KING: Mr. Dack?

MR. DACK: Okay, sure. Subsection number five and subsection number six involves somewhat different situations. If there's a structure that is under number five that's not defined as nonconforming, pretty much meaning then it's had permits, then there can be repairs to a structure that's been damaged to where the repairs are valued less than 50 percent of the replacement cost of the structure. So, it's not like you can only actually build back 50 percent of your value. It's, if you have, again, if you had a structure that had permits, and it's damaged, you can repair it to the extent that repairs are valued no more than 50 percent of the current replacement cost of the structure. Now, if you're in the...if you've had damage to more than 50 percent of your structure, you wouldn't be allowed to repair it without either probably a shoreline setback variance or you could actually still also take conceivably, and this would be also the situation if you've had a non-conforming structure that didn't have permits, you could still take advantage of this, of a minimum buildable depth provision within the shoreline rules to where actually if you find that you can't...that your property is primarily within the setback as you would normally measure it. You can...there is a minimum buildable depth provision that was mentioned in the presentation that allows anyone and to build within the front, I guess, I should say the mauka portion of their property. So, that still would be available for properties that had been damaged either as a result of natural disasters, hazards, or if they have not, they could still take advantage of that minimum buildable area provision. So, there are options for people to build not necessarily the same structure back in the exact location. If you had a non-conforming structure that was damaged by hazards, by hurricane, you might not necessarily...or you might not necessarily want to build it back in the exact same location and be subject to that again. But still to avoid takings, the current rules and rules as proposed provide for this minimum buildable area where we still allow people to build. We may have to mitigate rebuilding. We may have to raise buildings. We may not want to have it slab on grade. We may want to have it pilings down to bedrock. Have it very strongly engineered, but people are still allowed under the rules to rebuild.

COUNCILMEMBER GUZMAN: Okay, very good. Thank you. Thank you for that clarification.

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CHAIR KING: Thank you for that question. Okay, Members, we're just past the noon hour, I know we have Members who need to leave. And so, I'm gonna to go ahead and defer this item.

COUNCILMEMBERS: No objections.

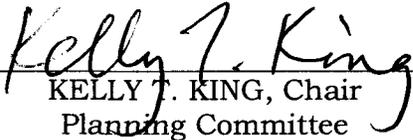
**COUNCILMEMBERS VOICED NO OBJECTIONS.** (Excused: SC, YS, MW)

**ACTION: DEFER PENDING FURTHER DISCUSSION.**

CHAIR KING: Thank you for your comments and questions. And thank you to the members of the community for being here and for the input. I'll just restate that we, the Council, has no authority at this point to administer these types of rules, but it was a good discussion. And I wanted to get this information out to the public. It would be valuable if you have written testimony to relay those to the Maui Planning Commission as well because that's the body that will make the final decision on these rules. And thank you, everybody, for your comments and input, and for the Department, and our experts for being here. And this meeting is adjourned. . . .(gavel). . .

**ADJOURN:** 12:07 p.m.

APPROVED:

  
KELLY T. KING, Chair  
Planning Committee

pc:min:181018:df

Transcribed by: Delfey Fernandez

**PLANNING COMMITTEE MINUTES**  
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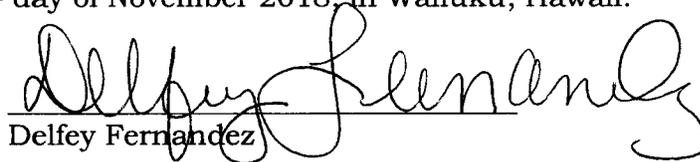
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CERTIFICATE

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

DATED this 14<sup>th</sup> day of November 2018, in Wailuku, Hawaii.

  
Delfey Fernandez