

MOLOKAI PLANNING COMMISSION
REGULAR MINUTES
JUNE 26, 2019

A. CALL TO ORDER

The regular meeting of the Molokai Planning Commission was called to order by Chairperson Lori Buchanan at approximately 11:05 a.m., Wednesday, June 26, 2019, at Hale Mahaolu – Home Pumehana Meeting Hall, 290 Kolapa Place, Kaunakakai, Island of Molokai.

A quorum of the Commission was present. (See Record of Attendance.)

Chair Buchanan: Welcome, everyone, to the June 26, 2019 meeting of the Molokai Planning Commission. We're meeting here today at Hale Mahaolu, which is different from where we usually meet, so thank you for coming and making it here, and thank you to Akaku for trying to make our meetings so people who cannot take off from work can always see what's going on. And we're going to be lucky today 'cause we going have orientation training by our Long-Range Planning Division, but, first, if there's no amendment to the agenda or request, then we going to move into item B, which is Public Testimony, and that is Public Testimony open on any planning subject or agenda item if you cannot wait for the agenda item to come back -- to come forward. So if there's anyone in the public wishing to testify at this time, please come up, state your name for the record.

B. PUBLIC TESTIMONY - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered. **Testimony will be limited to a maximum of three (3) minutes, with 30 seconds to conclude.**

Chair Buchanan: Okay, seeing none, we're going to close Public Testimony, and move right into item C, Orientation Training No. 3. Planner Sybil, you wanna do introductions?

C. ORIENTATION TRAINING NO. 3

- 1. Long Range Planning Division – Kathleen Aoki, Administrative Planning Officer, Plan Implementation Division**
- 2. Plan Implementation Division – Kathleen Aoki**

Ms. Lopez: Thank you. Thank you, Chair, for the -- and, Commissioners, for being here today and for our June 26, 2019 agenda, and we do have Kathleen Aoki, from our Planning Implementation Division, that will be doing the second half of our orientation training for our board members today, and she will be going over C.1, which is the Long-Range Planning Division, and C.2., Plan Implementation Division, so I would like to turn the time over right now to her and take it away, Kathleen.

Ms. Aoki: Thank you. Good morning, Commissioners. Thank you for having me this morning. As she mentioned, my name is Kathleen Ross Aoki. I am the Division Chief for the Plan Implementation Division. I will be doing the Long-Range Division's orientation today for you, they were not able to come today, so I happily volunteered to do the training for them.

So we'll start off with Long-Range, and then I'll get into Plan Implementation, so if I could have your attention to the wall here, we'll go over the presentation.

So Long-Range Division staff, which some of you may know because of the Molokai Community Plan Update that happened a couple years ago, Pam Eaton is your Administrator, and I won't read out everyone's name, but this is the staff that is -- heads up that Division. So what I'd like to call your attention to though is that if you notice, there are only -- oops, sorry -- there are five planners that are in that Division, so although our Department is about 70 people, there's only five planners in this Division.

So the Long-Range Division's responsibilities: They prepare all of our community plan documents - sorry about that - they prepare the island plan, Maui Island Plan, the community plans, so all your nine community plans; they coordinate any long-range planning activities with other departments whether they be County, State, or Federal; they analyze land development data and prepare digital maps; and they have the Cultural Resources Planner in that Division.

Chair Buchanan: Excuse me, Kathleen.

Ms. Aoki: Yup? Yup?

Chair Buchanan: Would you prefer, if Commissioners have questions as you go along, to ask them as you go along or wait till the end and then double-back?

Ms. Aoki: Either way. It doesn't matter. If you wanna ask them while I'm through, that's fine. That's fine.

Chair Buchanan: That's fine?

Ms. Aoki: Just interrupt. Just raise -- yeah. Happy to answer questions.

Chair Buchanan: Just interrupt.

Ms. Aoki: Okay. Okay. You want me to go back?

Chair Buchanan: No, no, no. Right there is fine.

Ms. Aoki: Oh, okay.

Chair Buchanan: So having just gone through the process of updating our community plan with Long-Range Division, one issue that came up repeatedly was that Long-Range did not want to deal with the question of zoning because it's a State responsibility but -- you wanna comment on that?

Ms. Aoki: I was just going to say it's not a State -- depending on which level of zoning you're talking about, if you're talking about County zoning, it's not a State responsibility, but it's a responsibility that falls under Planning in a different division.

Chair Buchanan: I think the problem we had was when we were moving through the community plan, I guess the -- the actions that were allowed in different zones, we had a hard time working with Long-Range to -- to talk about zoning and how zoning could be used as a management tool for where the advisory committee wanted to go as far as long-range planning for the community plan, and so it continued to be an issue throughout the whole planning process, and so I wanted to know what Long-Range Planning's perspective was on how to handle that type of situation where we wanna use zoning as a planning tool, but if it's State planning, because your second bullet point is that Long-Range works with other departments, State and Federal agencies, but throughout our plan, we had issues with, oh, that's the State. That's Federal. That's the State. You know, we can mention that on the side, but we're not going to address it at this point. And so that was difficult for me, as a planning -- as an advisory person on the committee. So I just wanted to bring that up.

Ms. Aoki: Okay. So I'll do my best to answer that question, I'm not in Long-Range Division, but I do have experience being in Long-Range. Essentially, your community plan has the land use designations that are community plan designations, they're not zoning, and I think you're not alone with this difficulty in understanding or trying to -- trying to manage your land when you have all these different layers, and that's -- that's essentially what it comes down to. You have community plan designations, you have zoning designations, you have State land use designations, you have SMA boundary, another layer, you have all these different layers, so with the Long-Range Division, they're responsibility is on community plan, so while you can designate a community plan designation say for public, the zoning is going to be its own other ordinance and layer that will come in either -- usually you try to zone accordingly to the community plan; a lot of jurisdictions out there will do that comprehensively right after their -- their community plan is updated, that's not happened typically in Hawaii and especially for Maui County, it's not that we haven't tried or talked about it, it's just there's never been that political will to go in and comprehensively zone something, so there's only so much we can do as a

Department to make that recommendation, but if you know it's -- it's not going to get any -- any speed or support, it doesn't quite go. It doesn't happen. So this type of community plan land use designation will continue to happen on all the updates, and I'm sure this zoning question will continue to come up, how do they interplay with one another, so it's one layer and that's what Long-Range is responsible for. They do coordinate, I think the key is we coordinate as much as we can with other agencies, but we don't have jurisdiction over State land use unless the County Council comes in and can do a district boundary amendment for under 15 acres, but, again, that's a State law, so there's only so much as our kuleana, and we do the best that we can to try to work with the other agencies to get buy-in and to get support, but, I'm sure as you're aware, there's only so much we have authority over.

Chair Buchanan: Thank you for that explanation. It's helpful. And I'm glad you said it, and not me, because I think I said so much and so often that, you know, it gets lost, but I think it does come down to political will on a lot of things and -- and that everybody's trying to do the best they can but -- but thank you for bringing that up. I appreciate it. I'll be quiet now.

Ms. Aoki: My pleasure. Okay. Alright, let's go to the next slide. Yeah, it's kinda fickle. Okay, so Planning Department's mission: To manage growth in a sustainable manner that balances our economy, culture, and environment. So the Maui General Plan comprises 11 documents, as I mentioned. We have a 20-year planning context, it's divided -- it's, sorry, it's defined by Maui County Code 2.80B. It's based on a community driven process, which they were mandated by law to include the community, and we have the CPAC meetings or community plan advisory committee meetings. It provides direction to decision makers on how to meet current and future community needs. And it's comprehensive; 2.80B is very specific on what is required in each plan, so that's why there's a lot of information in these plans.

General Plan organization. This is -- this is a chart on all the different plans I just talked about, the community plans; the island plans; you have your Countywide Policy Plan, that is the overall umbrella. This is language for 2.80B, and I won't get into it, but if you're ever bored and wanna go and look on Maui County Code and read Chapter 2.80B, it's pretty intense.

Countywide Policy Plan was the first plan that we did that was adopted, it's an overarching policy plan for all of the islands, so it's for the County of Maui. It provides a vision. There's core principles and themes in the plan. Very broad. It's a very, very broad - I don't know if you've heard this term before but it's like when we say we're flying, you know, at a hundred thousand feet and looking -- looking down, so it's not very specific and it's supposed to be that way, and it sets up the structure to develop the island and community plans.

Mr. Poepoe: Can I raise --

Ms. Aoki: Yes?

Mr. Poepoe: I wanted to ask if the -- the long-range plan includes a -- a definition for "culture?"

Ms. Aoki: If there's a definition for "culture?"

Mr. Poepoe: Yeah.

Ms. Aoki: I am not sure. I don't recall there being an actual definition for "culture." Are you talking in the -- in any of our plans?

Mr. Poepoe: Yeah. If it's made clear what culture is being prioritized as a priority I guess so.

Ms. Aoki: In the Countywide Policy Plan, I am -- there's language that talks about the host culture, meaning Hawaiian, but whether there's an actual definition, I don't think so, but there are policies, goals, and objectives that speak to the culture and it's for the host culture, and that came up, I'm not going to say it didn't come up, that came up because people asked, well, you know, Hawaii is made up of a lot of different cultures so which culture are we talking about; that was a topic of conversation and it still is today. So the Maui Island -- is that enough? Does that answer your question - kinda, sorta? We can - - we can try to find out if there is an actual definition but I don't think there is.

Mr. Poepoe: Yeah, if it's possible to have it made more clear that the culture mentioned going be the indigenous culture.

Ms. Aoki: Yeah. So the next plan that we worked on was the Maui Island Plan. The Maui Island Plan, per Chapter 2.80B, calls out for specific items; one is that -- one of it is a directed growth boundary, which had never been done before for Maui County, so there's actual maps that depict where urban and rural growths shall go. There's maps for those. There's priorities for developing regional facilities and services. It describes long-term needs. It's island-wide issues that have to do with transportation, natural resources, financially sound implementation program, and, again, it's comprehensive for Maui Island specifically, and it has a 20-year time frame with a 10-year update, but I don't know if that will really happen so --

Molokai Island Community Plan, as Commission Member Buchanan mentioned she was part of the review committee, right? Yeah, so that recently got adopted. I have it here

with me. I brought it here. So, again, Maui County Code 2.80B provided the specifics that were required in that plan.

Okay, so let's get into the role of the community plan. It identifies current and anticipated future conditions and needs. It includes an overall land use plan with community plan designations, which is what I discussed earlier. And it also includes vision, goals, policies, and actions to guide those decisions and the implementation.

Planning Commission's role, so this is why we're here today because you may wonder, you know, what -- what is our role, what is your role when it comes to the community plan. Well, you review, this body reviews the updates, so after it goes through the review committee, it comes to the Molokai Planning Commission, Molokai Planning Commission reviews what the CPAC has done, and then you forward your recommendations on to the County Council, but you also are looking at consistency with permits that come before you, so with the SMA, the SMA law requires that permits that come before you are consistent with the community plan, so that's key. That's where it's very important that you, as Commissioners, know, and the planners will provide you with language that either support or don't support a project. There are a lot of policies, goals, and objectives in here, and there's a lot in all of our other plans, so you'll find that because you're trying to address every kind of facet where it comes to land use, economic benefits, culture, you may be able to find items that support a project while also not supporting a project because it depends what your values are and kind of what you're willing to compromise or not compromise for a project. So change in zonings would come to you. Change in zonings, by law, have to be consistent with your community plan. Conditional uses. But any kind of discretionary permit.

That's it. Anybody have any other questions?

Ms. Espaniola: I do. I'm curious. I'm curious the planners, the names that were listed there, how were selected to sit on that planning committee? Did they have to have some experience in the cultural and I'm sure the other facets of them being on that planning commission or committee? I'm curious.

Ms. Aoki: So the staff that's -- are you talking about the staff --

Ms. Espaniola: Planning. Yeah.

Ms. Aoki: In Planning? All -- all civil service positions with the Department get advertised, there's criteria that they have to meet with any civil service position. They get interviewed. Depending on what rank you come in, you have to take a test, you have to pass that test. I mean there's a whole civil service process that's involved. You get interviewed, and I

mean I don't know how else to answer that, but you're hired based on your experience and your educational background.

Ms. Lopez: ...(inaudible - not speaking into the microphone)... a paid position which --

Ms. Aoki: It's -- it's a, yeah, it's a paid -- I mean those people that are listed are Planning Staff, like me, like Sybil.

Ms. Espaniola: Okay. I just was wondering because if they're sitting on there, do they have to make all decisions based on the cultural and, you know, all the different things that you mentioned on there, so I just was wondering if they were knowledgeable, you could say, of some of these areas, and maybe they're just getting a job just to get a job, so I'm just wondering.

Ms. Aoki: Well, I would say no. They're not getting a job just to get a job. The planners that get hired, most of them, unless they come in as a Planner I, which I came in as Planner I, 18 years ago, I like to think I'm that young but I'm not, I worked for the State for 10 years prior to that, but they're experience in doing community plan updates whether it's in Hawaii or nationwide. It's a similar process, you know. Alaska, Washington, they have their native indigenous cultures. Arizona does. There's a lot of other areas in the United States that have some kind of host culture. They do an excellent job of reaching out to those who are knowledgeable to get information to write policies, objectives, to respect the different areas, even in economics and transportation. I mean I'll be the first -- I am not a transportation expert. I'm not a -- I can't, we can't be experts in everything that has to do with planning, but we do our best to reach out to those that can help us, and then it goes through this exhaustive process of community, planning commission, and then the Council, and, ultimately, it's the County Council that adopts these plans, it's not the Planning Department that gets to adopt it, it's the Council.

Ms. Espaniola: Okay. So you folks don't have anything to do with the zoning? Just refresh my memory. You don't have anything to do with zoning?

Ms. Aoki: Well, Planning Department does, we manage zoning, but it's a different division, and zoning, again, is adopted by the County Council, so, ultimately, recommendations are made for changes in zoning, and the County Council adopts that zoning for a parcel or whether it's a comprehensive. Back in 1999, that was the last comprehensive zoning that the County Council did where they did the agricultural comprehensive zoning. They did that for the entire County.

Ms. Espaniola: Okay, so I'm -- I don't know if this relates to anything, but our last training that we had, she mentioned a special kind of zoning that took place because, I don't know if you're familiar with Kamakana, there was a zoning there that was done because he was

getting old and so they specifically did a zoning for him, so I was wondering, because somebody in the higher ups went ahead and spoke on it and asked for, I don't wanna say special privilege, but -- and they did change -- they zoned it just particularly for that person, so I was wondering if -- if that's something, you know, it's --

Ms. Aoki: So I don't, I'm sorry, I don't know about this specific parcel, but I can tell you the process that if a -- if a property owner wants to change their zoning, so say -- say I have single-family residential R-2 zoning and I want to do business in the middle of a subdivision, let's make it nasty, and I want to do this, I have every right to apply to change my zoning, so I do the application, I do all the necessary documents, I bring it to the Planning Department, Planning Department reviews it, writes up a report, and says whether or not they support it or not. Maybe they do. Maybe they don't. Let's say they do. Yes, we want a little business store in this -- in this community. We bring it to the Molokai Planning Commission. We produce a report. We go over it with you. Planning Commission makes a recommendation to the County Council on whether they support the change in zoning, they don't support the change in zoning, or they support it with conditions.

Ms. Espaniola: So it has to pass the Planning Commission any -- anything?

Ms. Aoki: For -- it doesn't get approved by you --

Ms. Espaniola: Not approved but it does have to pass through the process. Yes.

Ms. Aoki: We do have to bring it to -- any change in zoning has to come before the Planning Commission of each respective island.

Ms. Espaniola: Okay.

Ms. Aoki: Then it goes to County Council.

Ms. Espaniola: Okay.

Ms. Aoki: County Council is the one that gets to approve or disapprove the change in zoning.

Ms. Espaniola: Alright. Thank you.

Ms. Aoki: Is that helpful?

Ms. Espaniola: Yeah, that's helpful.

Ms. Aoki: Okay.

Ms. Espaniola: Thanks.

Ms. Aoki: The one thing I think is important for your community plan, so you understand that they're not a static document, they're meant to evolve because situations change, and the great example that, I mean it's not a great example, it's kind of a sad example, is our Countywide Policy Plan and the Maui Island Plan that I was actually a part of when I was in Long-Range, homelessness was not a big issue back then. You look at those plans, there's very, very, if nothing, policy, objectives, goals that has to do with homelessness specifically, it talks about affordable housing, and you look at it now, and our situation that we're going through now, that's not even a priority in those plans because it wasn't sort of rising to the top at the time, so that's why these plans are meant to evolve over time because situations change, community members change, you know, you want to get the new generation's voice to be heard, and that's why they're not a lasting document and they're meant to be updated. Any other questions? Member Buchanan.

Chair Buchanan: Yeah, thank you for bringing up that point about homelessness and the document having to change, and having a new generation come up with -- with some things, and when you said that, I thought about short-term home rentals as we see it exploding onto the screen last night with Mayor Caldwell saying that they have new rules and regulations passing, that is definitely something that was not our radar back then when we did our Countywide Policy Plan and it is now, so I'm going to ask you that question again because I wanted this body to have some direction in how to deal with that, same as like we would do with dealing with homelessness or any other issue that came up because it goes back to zoning too, you know, a law was or the County Council voted on a law to make a use allowable in a designated area, say residential, and it might not be appropriate now or it is totally appropriate and wanna expand on it, but how do we do that, you know, so that might be -- that's one question I going ask when you pau with your other presentation about implementation and stuff like that so, but thank you for bringing that up.

Ms. Aoki: Any other questions for the Long-Range Division? Okay, moving on to Plan Implementation. So that's me up there. This Division is kinda new. It started -- it got put together in 2014, and Director Spence, at the time, wanted to have a division created that would specifically deal with trying to implement our plans. Prior to this Division, the Long-Range Division had the task of implementing plans, so, as you can imagine, not much happened, and I was a planner in Long-Range and had specific projects, like the Upcountry Greenway Master Plan, the Pali to Puamana Master Plan, in addition to trying to work on the Countywide Policy Plan and the Maui Island Plan, so it -- it tends to get lost in the shuffle when you're trying to update all these plans. I do -- we have Carolyn

Cortez, who's a Planner V with me, and Peter Graves, who is a GIS Analyst so he works on all of our maps.

So our role is monitoring and tracking implementation action items that are in all these plans. We do special projects. We work on new legislation. We do GIS maps. And we look at CIP for consistency with the plans.

So, again, how does this -- how does this impact you in role as Commissioners? Your role as Commissioners is implemented in activities that can occur in several different ways. We may forward you a special project or new legislation for your review. If there's anything that's being changed Title 19 that affects the County, we have to come to you and get, again, your recommendation to the Maui County Council. Another way you could be involved is, again, like I mentioned earlier, discretionary permits. So say there's a recommendation in the Molokai Community Plan to change a parcel zoning to public/quasi-public, that's where we would come to you and say, okay, we have this change in zoning, we're implementing your community plan. We, let's see, as Commissioners and just for all residents on Maui in general, we just ask you to be familiar with these plans and it's crucial to know because you wanna know the direction that your community has asked you to -- to go in. So when you're looking at permits, that's why -- I mean there's a lot of time and effort that got put into these plans so you wanna respect those plans as best as you can.

Yeah, okay, so I'll talk about that. So zoning comes up. As we can tell by what's being discussed, all these different facets of Planning are all interrelated, it's not like zoning just sits there out on its own. Community plans, the land use designations are supposed to guide or in how zoning is done, so Current Planning does the permits, Zoning Enforcement does the zoning, Long-Range makes sort of the -- you make the recommendation, we're supposed to implement it, so it's sort of this cyclical why we all work together in the Planning Department.

So I'll get into specifics about how implementation works as far as what's in your plan. As I mentioned, there's always goals, objectives, policies, and actions in your community plan, so a specific task is an action that comes as a result of these goals, objectives, and policies. So the example that I wanted to give to you was -- I didn't grab, I apologize, I didn't grab anything out of your updated plan, but in Chapter 5 of the I think it's the Maui Island Plan, housing reads, there's an objective that reads: More livable communities that provide for a mix of housing types, land uses, income levels, and age. So the action item under that says: Amend development codes to facilitate different types of housing including mixed use, conservation subdivisions. So there's those kinds of specific action items that tell the Department amend your zoning code. We want more mixed use and more housing.

Chair Buchanan: So how does that work with directed growth?

Ms. Aoki: The directed -- well, the maps -- are you talking about the maps? So the directed growth maps are only specific in that it's urban and rural. It doesn't get specific down to the type of zoning. Urban can be residential, apartment, public/quasi-public, so it doesn't map out -- your maps, the community plan maps get even, again, one layer even closer to the ground where you're saying we want this area to be single-family, we want this area to be public/quasi-public, we want this area to be ag. Zoning takes it one more level down and says, okay, where it says single-family, we want residential one, residential two, residential three; it's a lower level. Zoning is very, very specific. Community plan is one layer up. And, yeah, and Sybil mentioned you don't have directed growth boundary maps on Molokai. It didn't call for it in Chapter 2.80B, but you do have your land use community plan designations.

Chair Buchanan: Although through the process of the CPAC, we were asked that question.

Ms. Aoki: Uh-huh.

Chair Buchanan: A lot. Okay.

Ms. Aoki: Oh, okay. Why you don't have growth maps?

Chair Buchanan: I think because the process was so short and -- and we had to stay on track. The direction from Long-Range at the time was -- was those types of simple questions of, well, where do you want growth to be, you know, like, whoa, and right after that was the whole -- and I think it's a model of long-range planning is like this is from the 30,000, you know, up level looking down, this is a big, huge visionary, but I think, for the Molokai community, we always wanna get nitty-gritty planning, like we want like real planning, so when does the real planning occur if it doesn't occur in our community plan, so I think that's we had so much trouble working through the CPAC. That's just a observation.

Ms. Aoki: And one way I can -- I can assure you that you are getting down to the nitty-gritty is when a change in zoning comes before you. That's where you get to decide whether you're going to support or not support someone's application to do a certain use on a piece of property. So you still -- you get there eventually in that respect, but I hear you. I hear what you're saying. But the community plan level, yeah, is sort of a broader land use designation and the zoning will come in if they come in for a change in zoning.

Chair Buchanan: So at the end of your presentation, I like revisit comprehensive zoning.

Ms. Aoki: Okay.

Chair Buchanan: 'Cause I no think we all understand what -- I understand what that is 'cause I've been doing it like long time like you, but I wanted to go more into explaining what comprehensive zoning is.

Ms. Aoki: Sure. Sure. Okay, so one example that I really wanted to go over with you folks because we're going to start working on this is this is something that the Plan Implementation Division is assigned to have -- to work on. We, last year, it started in 2017, it concluded last year, did an audit of Title 19, and Title 19 is your zoning code, so that's where it spells out all your standards and requirements for each different type of zoning. We are now, based on the recommended findings of that audit, going to rewrite Title 19, which is a ginormous undertaking -- ginormous, thank you. So we will be coming to you because you have to provide, again, your recommendation on all the changes that are going to be proposed to -- to Title 19 changes. This is something that is what implementation is all about because in many, many plans it talks about updating your code. Update your code to do this. Update your code to do that. Update your code to provide connectivity. We want greenways. Say we don't want short-term rentals in this area, we only want it in resort districts. It's those kinds of things that can only happen if you change your zoning code. So instead of doing it piecemeal, we've been doing it piecemeal for years and years and years, and it is so disjointed and confusing and complicated that we -- we got the Council's blessing, they gave us money and said go hire a consultant, it's the same consultant that did the -- the audit, and so that's what we're going to endeavor to do in the next four years.

Mr. Poepoe: I wanted to ask if this takes the place of the -- an STRH hearing, the recommendation that we passed was zero for Molokai, I wanted to know if this was going take priority over having one hearing about that?

Ms. Aoki: No. What the Department has -- has decided to do is because this is going to take so long, whatever kinda changes whether it's Molokai or the Department wants to try to clarify now, we will continue to do that 'cause this is going to take too long, so if there's something that is more of a priority right now, they will work on it, so there's no -- I don't know what the status is with your particular issue, I don't know if the Department, I don't know if, Mimi, you now. Okay.

Ms. Lopez: So back in August 2018, the Department transmitted our report to Council, so at that time it was with Council Member Bob Carroll in the Land Use Committee, and that's where it sat. But because we have new committees on the Council, it is I think it's up to the Sustainability Land Use Committee now, Chaired by Tamara Paltin, and so that would be the Council Member that you would wanna wake up to kinda get it moving 'cause it's somewhere sitting on her desk.

Mr. Poepoe: Is there anything the -- the Commission can do, as a body, to give them little bit more --

Chair Buchanan: We can call our County Council person...(inaudible - not speaking into the microphone)...

Mr. Poepoe: Yeah, I like -- I like make sure that this doesn't take priority where we not hearing this thing that sitting on a desk, anyway, so I see that as one issue.

Ms. Aoki: Yeah I -- right. I mean I agree with member -- Chair Buchanan, you're always at liberty to contact all your Council Members. This won't get up to Council for a long time because it's going to have to -- there's an entire process that it's going to have to go through; we don't even have an outline yet. We don't -- the notice to proceed is going to be July 1st, so we haven't even started, and it's going to take a long time before it even gets up to Council.

Mr. Poepoe: I just like make sure that this doesn't distract from or become an excuse to shelf the -- the other thing.

Ms. Desjardins: So I just wanna say we could probably look and find out what the status of that is and agenda it one day to give you folks an update because if it was passed out of last term and put on the master agenda, then it's there and ready to be put on that committee's agenda, so maybe an update of what is the status of that because I know it just sort of went once in front of the committee and then that was it, so that would be a good idea to update you folks on that but it would have to just be agenda'd.

Ms. Lopez: Okay, so, Corp Counsel, just to reiterate what you're requesting is that you're requesting that the Department put it on the next agenda item as an agenda item to update the status of the short-term rental I think it was a resolution bill.

Ms. Desjardins: Yeah, it was a -- it came here and then the recommendation was a zero cap, and then the question is where is it now? Is it on the master agenda? Is there a plan for it to be brought before the Council?

Ms. Lopez: Okay. We'll make sure that it gets on the next agenda item, and it was Resolution 17-74. I believe the Commission approved with the recommendation for a zero cap.

Ms. Aoki: So very good questions. Other projects that we -- so Title 19 zoning code rewrite, we are assisting Hale Makua with some land use changes in Kahului. Every year, we get from the Mayor the proposed CIP budget, we go through it -- I can't even

remember how many projects there were, there were hundreds of them, and we go through every plan to see how it supports that CIP project, and we let the Mayor's office know and what -- what language they can use to support their CIP projects. I am, personally, helping Molokai -- the Maui Police Department, they, as is in your plan, there is language in there about supporting a new police station, as you know, it's in a flood inundation area, it's old, it needs to be replaced, so they're looking at a piece of property, and this is exactly how you have control in implementing your plan because the change in zoning, and if there's a community plan amendment, will come to this body for recommendation, and then it'll get forward on to County Council who ultimately makes that decision. DSSRT, the dead sea scroll replacement team, which is a digital zoning map, we came before this body a couple years ago, some of you may remember it, Molokai, we don't have the digital zoning map, but we have had one for Maui, and because we were changing other language in Title 19, that's why we had to come before this body. I was just at Maui Planning Commission yesterday to do a few minor edits just to the digital map for Maui, so it didn't need to go to the other commissioners. When we have Molokai ready, we will come to you, again, for recommendation. We'll have public meetings before we come to you to let the community know that we're -- we're doing this digital map, so that's sort of the process. Lanai is scheduled to be first. They -- they have very, very, very few changes so it should be, hopefully, pretty simple to get their recommendation. Because I have Title 19, we have HCPO coming on, I don't expect to go to the Lanai Planning Commission until maybe September, October. We'll see how that goes.

Chair Buchanan: I just had a comment for that. I did notice the new GIS updates and the different look of the new property tax. You guys had anything to do with that?

Ms. Aoki: No. No.

Chair Buchanan: Oh.

Ms. Aoki: That's Real Property Tax.

Chair Buchanan: Okay, I gotta go tell them they did a good job then.

Ms. Aoki: Okay.

Chair Buchanan: It took -- I had a little bit of a learning curve, not much being used to using the old maps, but the quality of it is much improved and I appreciate that.

Ms. Aoki: So that's on the Real Property Tax website you're talking about? Okay. Good. Well, that's good to hear. And one last thing that we do is, every year, again by charter and by code, yeah, we are required to provide the Council and Mayor with an annual

implementation report, so we go through, again, every single action item, send out the action items to the respected departments and ask them to let us know where they are in implementing all the actions. I will get to that.

Chair Buchanan: You want to comment, Kathleen?

Ms. Aoki: That's okay. Okay, here, the magic slide. So I think the important thing here for me is to explain, as you can see up there, how many action items we're dealing with. So you have 73 actions in the Countywide Policy Plan, 305 in the Maui Island Plan, 836 combined in all of our community plans, so that is 1,214 implementing action items. So if you ask me how come you not implementing everything, Kathleen, it's because I can't do 1200 implementing action items. They don't all fall under Planning Department anyway. They're falling under all these different departments. They falling under the State. They're falling under the Federal Government. They're falling on private entities. So it's not like these are all under Planning. For Molokai, your previous community plan had 98 action items. With this new plan, you have 223, so you've increased it by 123 policies. Similarly, Lanai's was like that too. They increased theirs. So there's this ongoing debate about do you put in everything that you want and realize that there's no way to get to everything, or do you get specific, and I'm not here to say either one is right, it's up to your community and how you want -- you want it. I'm not here to criticize by any stretch of the word. I just wanna show that there's so many for the County, but, again, it's a guiding document and they work, they can work because, specifically for Molokai, you talk about wanting to replace your police station, that's critical, that's absolutely critical, and now you have something to support it, so that's how it should work and that's how it can work.

Chair Buchanan: I have a comment on that. I think that's where the process fails. I'll be very, very, very blunt. Because I sat through the process, I even sat through the implementation process, and then a second and third and fourth and fifth implementation process, and the big disconnect is here you have the CPAC, and we throw everything and the kitchen sink into this plan, and then each time you have to go and try to get that plan more refined, as you go along, at the point where you start stating your implementation actions, there's a big disconnect, and I think it would be more helpful to have a separate planning session just for the implementation part. On Molokai, we have very hands on the ground type of community, and I like to think my community is -- is really smart and awesome, so if you -- and we're doing this process at the Department of Hawaiian Home Lands a well, in fact, tonight is the last of four or five sessions, they making the same mistakes I've seen in Long-Range Planning where they come to the community and they go, well, what do you want and tell me what projects you want, and then you have people like me and Laa, we're like, well, we not so much into projects, we like plan for land use, you know, in perpetuity, and then you go, well, here's the -- if this is a priority, this is kind of like what came out of the process to implement that, so when

we faced with that -- that spreadsheet of implementing actions, we go like we no need that. That's process is missing. So a list of 20 implementing actions can come down to 3, like really seriously, this is really what we want and what we need. We no need when, you know, one other landscaper or whatever. What we really need is this. That doesn't occur. And I think if that occurred, your 836 would be half of that.

Ms. Aoki: I totally agree with you.

Chair Buchanan: Okay.

Ms. Aoki: I -- I --

Chair Buchanan: There's too many stuff ...(inaudible - not speaking into the microphone)...nonsense kine stuff. Sorry.

Ms. Aoki: Oh, you don't have to apologize. That -- that's how it ends up is you can try to start with a list of three, but you have a community that has different visions and different priorities, and they all want them in there, so I'm going to say this again, it depends on the political will to either say, you know what, we're going to put in these three and we're going to work on these three, or we're going put the 800 in and have them all out there and it's easy to pick and choose and decide so --

Chair Buchanan: Yeah, 'cause -- 'cause I like ice cream, but I no need purple, red, blue, pink, freckles, and every kind of ice cream in the world, you know, if -- if I had five dollars, you know, I could just live with the vanilla ice cream.

Ms. Aoki: Right.

Chair Buchanan: Okay.

Ms. Aoki: Thank you. And I think, from what I understand with Long-Range, so they're working on the West Maui Community Plan Update, they're about to start that process, and they are going to try -- their efforts are going to be you get a million dollars, you get a million dollars, what would you do with those million dollars because you cannot tell me you want 836 million dollars-worth of projects done when you only get a million dollars, so I think they're trying get people and the public to understand you can have this, maybe something gets done, or if you wanna try it a different way, say specifically what you want, and then we can focus on it and you can say, hey, County Council, we add these two things on, different ways of doing it.

Chair Buchanan: I rather have that process.

Ms. Aoki: Okay. And that's it for me. So getting to your question, you had a question about the short-term rental and zoning?

Chair Buchanan: I had couple questions but let -- let my -- I going ask my Commissioners, since you concluding your presentation, Commissioners, you guys have any questions for the presenter? Then I going save mine but I going open up for public testimony on the presentation. Anyone in the public wishing to testify on this agenda item, come up and state your name for the record. Thank you very much.

Ms. Poepoe: My name is Mahina Poepoe. I had two quick questions. The first was if the public is able to view the audit findings from the zoning?

Ms. Aoki: Yes you can. It's online. If you go to the Maui County Website, mauicounty.gov, go to the Planning Department, and go to Plan Implementation, it's available there, so you can view it.

Ms. Poepoe: Okay. And my second question, I'm not sure if you'll be able to answer, was if the Planning Department ever considered contracting out the community plan processes just because we had such a hard time with the Planning Department and, literally, like had to fight with them to the end to not delete two entire chapters that it kind of appeared to me sort of a conflict of interest for the Department to be participating so much in our planning process, so I was just wondering if that was ever considered?

Ms. Aoki: In the past, the Department did receive funds, this is back in '90s, did receive funds from the County Council and consultants were hired. The Department has the ultimate responsibility to get the plans done, so there's going to be involvement. In recent years, we've asked for money, and we haven't gotten any. So if you don't have money, you have to do the plans, the Department's going to do it. So with the Molokai Community Plan Update, there weren't any funds. I don't think there were any funds for Lanai either. We did put in for funds to help us with the South Maui plan, I don't know if that got approved yet or not, so I don't wanna say there's not an effort to ask 'cause it's hard on the Department and that staff to try to do it themselves too.

Ms. Poepoe: Thank you.

Chair Buchanan: Anyone else in the public wishing to testify on this agenda item? Seeing none, I going close public testimony. And so then I going ask my question, but I had a comment for the testifier. Good comment man. I never even think about that. About having a third party or separate party do that because of conflict of interest. I didn't even think about that. In general, I sometime have been known to bash my government for sending everything out and not doing in-house type of work, but sometimes, in certain situations, that might be a good idea, but along the lines of what Commissioner Poepoe

had asked earlier about definitions, I notice the word "sustainable" back in the first or second slide, and everybody throws that word around "sustainable" a lot, and so I wanted to ask again, and maybe it's for Planner Sybil, if there's a definition within our plan and stuff for -- for those words, like "culture" and "sustainable," and the definition, and I took that -- I thought that they took that host culture stuff out because I thought the Native Hawaiians were opposed to the use of that language so maybe I would -- I wrong, but I think in recent years it's become clear through the different organizations, like the Aha, where we didn't wanna be referred to as the host culture. And then I wanted to go back on the directed growth and we can talk about directed growth on the same thing as comprehensive zoning, and the reason why I bring up comprehensive zoning because a big complaint, not complaint, an issue for Molokai is that we have so much interim zoning, and I'm really, really afraid that the County of Maui is going to come in and say, hey, we're going to do comprehensive zoning of interim zones and because we have so much of it, I'm really worried because zoning controls growth and items that can happen within zoned areas, like ag, and I remember the ag zoning back then, and Molokai walked away through that comprehensive zoning process with an extra layer of protection for ag lands on Molokai, which was the size of the acreage, if I not mistaken, so I'm worried about it, and I'm worried about interim zoning. So if you can expound on that, and then, right after that, the directed growth.

Ms. Aoki: So let's tackle comprehensive zoning. Back in the '60s, the State zoned everything interim, and interim was meant to be temporary. It was never meant to last this long ever. And with that though, the County adopted standards and uses that are allowed in interim, so you can build things on interim, it's not like it's not a usable piece of property if it's zoned interim. Later, zoning -- land zoning maps came in that would zone property, so, over the years, there's been what we call "comprehensive zoning." The two main -- main comprehensive zonings that have happened in our County is rural and agriculture. Rural came first, then agriculture came later, and there were different criteria. Don't quote me on the criteria but -- without me pulling up the ordinance. But, essentially, for agriculture, they went off the community plans, so every community plan that was out there, wherever it was community plan ag, it got zoned ag. So if your community plan didn't have ag or it had interim or no zone or single-family or rural, that didn't get zoned ag. It had to be ag equals ag. After that, there were other land zoning, comprehensive zonings that happened, not on Molokai, but say Upcountry Makawao, they had one where they went in and comprehensively zoned that area so that's why you have business-commercial, but they looked at the community plan, normally what you do when you do comprehensive zoning is you look at your community and you're going to zone it appropriate to that community plan designation. But again, community plan is flying this high and it's saying we want this area to be single-family, this area to be business. When we come in and zone, it gets very specific because there's more types of zoning that correlate to that community plan designation. More specifically, which makes people even more confused, and I don't -- I don't blame you, in zoning categories, it will tell you

what kind of use you can do, so for example, in residential, it might say you can do houses that meet certain -- the lots have to meet certain sizes, it may say a school is allowed because you want schools near your kids and where they live, but people are like why is a school allowed in residential? It says "residential." It should only be residential. Well, that's not what the category describes as allowed uses. So comprehensive zoning, what happens, as I mentioned in a lot of other areas, is when you update your community plan and you say, okay, we want this to be ag, we want this to be apartment, we want this to be single-family, the County will come in and make suggestions on what kind of zoning categories you want, you make your recommendation, it goes to County Council, and they can adopt an entire comprehensive land use map. That's what happened on Lanai as well. Lanai did that. So they looked at their community plan, they did a comprehensive zoning map, and adopted that map, and that's why the digital map project for Lanai is not that difficult because they've already actually kind of went and done this. The only changes we're making are mapping alignments really.

Chair Buchanan: Was that done before or after the purchase of the island?

Ms. Aoki: That was done in 1990s, so I'm not sure who owned it at the time, probably Murdock, yeah. What has been -- now that's not to say that there's not interim on Lanai because there is still a little bit. Conservation districts. A lot of times the State conservation districts are still zoned interim. Zoning, the County doesn't have jurisdiction - here we go - on State conservation district lands. So while there might be an interim zone or an ag zone or a rural zoning, on a State conservation district area, people who apply for permits need to go to the State and get a conservation district use permit. That doesn't mean though that they don't contact the Planning Department and ask what's your community plan say? They're not so much interested in the zoning, but they can be interested in the community plan. Ultimately, though, they are the authority on that conservation district use permit, not us, so you have to go to the Board of Land and Natural Resources, right, they're the ones that issue that permit.

Ms. Lopez: ...(inaudible - not speaking into the microphone)...

Ms. Aoki: Yeah, that's true, an SMA.

Chair Buchanan: So I like build one house in the north shore in Wailau, and I go and I get a conservation district use permit from the office of coastal conservations lands or whatever, I still have to come to the -- I do or I don't have to come to the Molokai Planning Commission for a special management area permit?

Ms. Aoki: Yeah, if they're in -- if they're in the SMA, they do.

Chair Buchanan: Okay. So anybody in the SMA has to come, on the island of Molokai, to the Molokai Planning Commission for an SMA permit?

Ms. Aoki: Anybody in the State of Hawaii that's within the SMA boundary has to go get a permit.

Chair Buchanan: Okay, so here we go. So why would the peninsula of Makanalua, as Kalaupapa, be not subject to SMA rule?

Ms. Lopez: Because they're not in the County.

Ms. Aoki: Yeah, that's true. They're not in Maui County. They're under a different county jurisdiction.

Chair Buchanan: Okay. So this is a good time to bring up proponents of, eh, maybe Molokai gotta be their own county already because even on our own island we cut off -- we cut off Makanalua and we don't have any oversight provided for that poor peninsula where many of our family are buried but we don't have any say in what goes on in Makanalua because it's a unique place under the Department of Health; that's an issue when they come in and they wanna dredge the harbor and they want to extend the runway, build airports, and build new structures, and then do management plans that are outside, so I just wanted to throw that out there and then go back to your explanation of the comprehensive zoning in ag because I wanted you to put this where it's been helpful and not helpful within Maui County because I heard that the zoning of ag on Maui was problematic especially where all the new million dollar homes are coming up past the sand dunes and headed to Honokohau side where the -- the use of ag, and ag is supposed to be the primary use, and it's now become a gentleman estate as a primary use with swimming pool, whatever, golf cart, I feel like the Hillbilly song when they went to Hollywood, you know, movie stars, everything, so with that being the primary use of ag, I heard that the County Council whether now or before wanted to change the law to accommodate those uses because they're so prolific, like the short-term home rentals on Oahu and Kauai, and now Maui, that it was easier to change the law to make it okay to have these types of uses in ag zoned lands. Is that true?

Ms. Aoki: I can't answer that. The only thing I can say is that if you -- if you have County zoned lands, you fall under the requirements of our County zoning ag law. If you are State land use ag, which in most cases you are, there's only a few weird scenarios out there where it's -- it's not State land use, but you are required to follow Chapter 205A, so if you're State land use, which, again, the primary use has to be agriculture. Yes, is it a problem? Of course it is. It's a problem, I think, nationwide. I don't think it's just Hawaii. How to answer that problem, I think people have been wrestling with it for a very long time. I don't know what the answer is. We tried to do farm plans. I mean it's not for

absence of trying to regulate and make sure that they're doing ag. Personally, for me, I think part of the issue is that we have so much ag in Hawaii, which is a good thing, but then when you wanna build, I think ninety -- 97% or something, in our other orientation, did Sybil -- did Candace do that orientation?

Ms. Lopez: Ann did.

Ms. Aoki: Ann did. Ninety-something percent of our land in Hawaii is -- is ag land, so that's why it's easy for these people to just go on that property and build their million dollar homes. It's big. It's what they want. They can afford it. But it's -- it's enforcing them to do ag and absent saying no single-family on ag, that's -- that's, I think, that's what you would have to do and that would have to come, again, from State to the County.

Chair Buchanan: Okay. I always think that if you wanna do a use that is not a listed use in the zoning or designation of that property, then jump through the hoops to change it, so if you want to get your area rezoned in order to accommodate your use, then that's what you gotta do, not the other way around, build it and the force everybody else to come in and change the zoning or to try and make it more palatable. Go ahead, Sybil.

Ms. Lopez: So I just wanted to give you examples because you guys seen it already, and there's going to be a few coming up, change of zonings in front of you, the one that you seen during an environmental assessment is the new Molokai Ed Center, and so the State designation is ag, and so they're coming for three permits, and they're all -- concurrently, so they're coming in for a special management use area, they're coming in for a district boundary amendment to change that ag zoning and to urban, I believe that's why I've been reading them up, and they're changing -- they're requesting to change the zoning to public/quasi-public, and so that is one example of what the questions that you guys raised regarding zoning. Although you guys can only recommend to the Council 'cause they're the final authority, so that -- that's another example, the example of utilizing the community plan where Kathleen explained is another example that you guys going be seeing that you have a property in town that the community plan land use designation is single-family, but it's been operating as a Laundromat since the '60s, and so with that, you cannot have community plan, you know, it's inconsistent with community plan single-family and yet it's within the business-commercial area and the County zoning is interim, and so that's another example that, you know, you guys face with having interim around and when, like how she explained is that, it's up to the owners whether or not they would come in to do the change of zoning and it kinda depends what the owners want to do on that property; in this case, the owner -- it's a new owner, they bought out the previous owner, and the new owner wants to continue the use of a Laundromat, they went through the community plan process, so they updated the 2018 -- their community land use designation with the plan, and it's now updated to read public -- business-commercial, so if we went with the community plan because the County zoning was interim, they just --

they couldn't operate. You cannot operate Laundromat in a single-family land use designation in interim because interim doesn't -- wouldn't allow you to have that use in that area, so that is why -- that's a good reason why that that new owner would have to come in and change their zoning and --

Ms. Aoki: To be consistent.

Ms. Lopez: To be consistent with the community plan, which they, luckily, they changed so it's no longer single-family, it's business-commercial, so luckily they changed that so they only have to come in with a change of zoning, and they're in SMA.

Ms. Espaniola: So does this fall under the administrative approval? Does it have to come --

Chair Buchanan: Hang -- hang on, Commissioner. So I biting at the chump to reply to and ask questions but I would advise for us not to ask questions because I think this might come before us at a later time --

Ms. Lopez: It -- it will.

Chair Buchanan: So I'd like to caution the Commission to just take this as a --

Ms. Lopez: Information.

Chair Buchanan: Information.

Ms. Lopez: Information. Thank you.

Chair Buchanan: But not ask questions. Okay. Thank you.

Ms. Lopez: Thank you, Chair, for pointing that out. That's just information so you can understand the zoning layers and the community land use designation with zoning, with ag lands, and, you know, why would people come in to change the zoning and why we have a problem with interim on our island, and what is comprehensive zoning in comparison to what interim is and the intent on Molokai, yeah. Thank you for pointing that out.

Mr. Poepoe: At what point would it be more beneficial to apply for a conditional permit?

Ms. Aoki: Okay, so conditional -- conditional zoning --

Chair Buchanan: Maybe you like go into conditional zoning --

Ms. Aoki: Yeah.

Chair Buchanan: What is spot zoning.

Ms. Aoki: That's what conditional zoning is. When you have a piece of property that's zoned to do certain things and you wanna do something that's different, that's not allowed on that zoning, conditional zoning really is meant to allow a use for a certain period of time, it's not -- if your intent is to do that use, and it makes sense, and it's going to continue on like a business, it really doesn't make sense to do conditional zoning because conditional zoning is just something that's reflective of a period of time that should, realistically, end, and what's happened is County Council will say, okay, we'll give you this conditional zoning permit for two years, five years, ten years, now I've seen things that's 30 years, and it just takes away that everything should have been reviewed with the intent that if that's what you wanna do on this property for infinity or until such time that a new, you know, a new change in zoning comes in, that's what you should be doing, so I highly discourage conditional zoning because it's -- it's not meant to be something that will continue on for a long time. I had a permit, when I was in the Current Division, for a concrete batching plant in Honokowai, it's right next to the wastewater treatment plant, it's -- I mean it makes sense where it's at, but rather do the change in zoning, they came in to extend the conditional permit, and I think it got 20 years or something. So it kinda depends. I think the idea that, you know what, maybe we wanna try this and see if it works, and it's -- it's not something egregious, then maybe a conditional permit would work, but more and more I've noticed over the years conditional permits are not being asked for.

Ms. Lopez: And I get -- can I add, Chair?

Chair Buchanan: Yes ...(inaudible - not speaking into the microphone)...

Ms. Lopez: Okay, so my answer would be no because it's a more long-term thing that the new owner wanted to do, but in the event if the owner sells and there's a new owner and wanna do something totally completely different, you know, then -- then that -- then that would be seen with the new owner, but in this case, you wouldn't go in a conditional zoning, like she explained and I agree with her, because it's for that period of time, and one perfect example would be the Mana'e Good and Grinds because it sits on a 72-acre parcel, so it's bigger than what that -- that owner owns that 72-acre parcel area, but you only talking about less than one acre, I think even less than half-an-acre of that special use, and so kinda sorta State special use kinda says it's a condition but it has that limitation is that has a statute of limitations, so you have five-year to ten-year -- ten years so it always comes in front of the Commission. You guys have that final authority with those State special permits. With conditional permits, it goes to Council, and the Council

gives that authority to make that decision and what we see a lot happening in Maui is more like weddings in ag, you know, like along the shoreline, you know, like in ag and they like put weddings, they wanna do events, they wanna do churches, so that's what you -- you looking at when you think conditional permit outside of the zoning, something unique to that area, and so there's a lot going around in Maui, so that's an example of that.

Chair Buchanan: And -- and totally inconsistent with Chapter 205A.

Ms. Aoki: The thing is, to each zoning category, will list out what are considered special uses, so if that use that you wanna do qualifies for a special use permit, that's where you would apply for it. Conditional zoning means that it's something that's not listed as a primary use, it's not listed as an accessory use, it's not listed as a use that you can get a special permit for, so it's gotta be something completely nowhere near what's allowed within that category.

Ms. Lopez: So one more example for your information, 'cause it's going to be in front of you, like for example like she explained a batching plant, so there is a batching plant -- is it too much information?

Chair Buchanan: Okay, hang on.

Ms. Desjardins: We're -- we're going on so far off agenda that I'm getting worried.

Ms. Lopez: I just wanted to give information. Sorry. Thank you.

Chair Buchanan: Only because it's -- it's in the future. I'm comfortable talking about examples from the past --

Ms. Lopez: I understand. Thank you.

Chair Buchanan: That we don't have any, you know. Okay. 'Cause we do have examples and I think that's why my justification, at least to my Commission Members, why I'm always arguing about long like, oh, so they don't have to come in again, give them 20 years. I'm like, oh, my God, no. No. It's like -- I sorry.

Ms. Lopez: Thank you, Chair. Just wanting to give examples for information purposes, but thank you very much.

Mr. Poepoe: That's why through our implementation or resos, we get exemptions for Molokai throughout the Title 19, yeah?

Chair Buchanan: Are you referring to except on Molokai? You reviewed it. How does that work? Like we just say we out. We don't want -- we don't want nothing to do with this, this rule right here, and then it says "except for Molokai."

Ms. Aoki: So in Title 19, the zoning code, there are, because we have to come to each Commission, recommendations are made, it goes up to County Council, again it's up to the County Council to decide whether or not they want that specific code to apply to all of Maui County or if they accept the recommendation, I've heard of times that there were no recommendations made by the Commission but the County Council decided that they didn't want their respective island so it got adopted that way, so, yeah, it can happen, it does happen, it's in our code. There's certain things that apply all County-wide, there's certain things that apply only to Maui, only to Molokai, only to Lanai. It just has to be written that way in the code and get adopted that way.

Chair Buchanan: Any questions? No? Okay, one real brief -- when you said you do new legislation, only County legislation or State kind? I mean you go to your reps on Maui to see that we need stuff done on Maui?

Ms. Aoki: PID and Long-Range and other divisions may be asked to comment on State legislation, which we wouldn't bring forward to any body because we're not required to, but new legislation that impacts Maui County is -- is what we would bring to you if it affects Title 19. We're required to. Does that answer your question?

Chair Buchanan: Yeah. Okay, thank you very much. Commissioners, any more questions for -- good, thank you, Kathleen. Very, very, very good, and I happy you guys -- you doing what you doing. We appreciate that. And then maybe if one copy of your powerpoint can be made available. Okay, thank you. We appreciate that. Yeah, maybe to all the Commissioners 'cause she like one too.

Mr. Poepoe: She is very organized.

Chair Buchanan: Aunty is very organized. I like one like her, Suzie. No, I like one like her in this. Okay. Commissioners, you guys need a break or we just power on and be done. Power on. The senior member says power on. Alright. So we're going to move right into item D, Director's Report, Sybil.

D. DIRECTOR'S REPORT

Ms. Lopez read the following agenda item description into the record:

1. Comments from Commissioners Who Attended the June 7, 2019 Native Hawaiian Law Training on Oahu conducted by the Ka Huli Ao Center for Excellence

Ms. Lopez: I wanna turn the time over to the Commissioners to share their -- what they've learned.

Chair Buchanan: Who went?

Ms. Lopez: Commissioner Julie-Ann Bicoy and I think Commissioner Bridget.

Ms. Bicoy: Yeah. Can you hear me?

Chair Buchanan: Yes.

Ms. Bicoy: Okay, so Bridget Mowat and I attend the -- let's see - Mowat? Mowat?

Ms. Mowat: Mowat.

Ms. Bicoy: Mowat, sorry. The Native Hawaiian Law Training Course by Ka Huli Ao Center. It was a great -- great, great workshop. Davianna was present, Davianna McGregor, Malia Akutagawa, Melody MacKenzie, Susan Serrano, and Kapua`ala Sproat. One thing that I learned from there is you gotta know your Hawaiian Constitution very -- I mean they talked about that and just about every -- every person talked about that. Bridget, you have anything you wanna add to this? I'm pau. I know you have plenty for say that's why. I'm introducing Bridget now.

Ms. Mowat: Thank you, Julie. It was really informative the -- and just putting faces to names as helpful because I felt like if we have any questions in the future, I know who I could direct my questions to. I was particularly very proud of our Hawaiian lawyers. They akamai. And the only thing that I regret was -- it was so fast. I mean you couldn't -- you couldn't write down, write the notes down. You couldn't -- I mean especially, who was it, Kapua`ala Sproat. Whoa, she was whipping 'em, so was really fast. I mean Julie was trying to -- I was taking pictures but what was really nice was that if we asked, they sent the -- their powerpoints of each --

Chair Buchanan: You guys got one primer too, yeah, the books?

Ms. Mowat: Yeah. Yeah, was really good. Was really good. If we could continue going on, you know, other sessions, that would even help more. Thank you.

Chair Buchanan: Awesome. Yeah, so has, on the board now, has not had that law school training?

Mr. Poepoe: Unofficially.

Chair Buchanan: Unofficially.

Mr. Poepoe: But officially, I never.

Chair Buchanan: Okay, officially, Laa. You went yeah? Oh, nice, you went. Uncle Bill, you went to the training? You did, yeah?

Mr. Moore: The one before.

Chair Buchanan: Oh so, yes. My board is awesome. Okay, very good. Thank you. We going send Laa officially. I'll go with him, we want a second official. Okay, so we moving into no. 2, the cancellation of the September 11?

2. Cancellation of the September 11, 2019 Molokai Planning Commission meeting due to the hosting of the Hawaii Congress of Planning Officials (HCPO) Conference, September 11-13, 2019 by the Maui County Planning Department at the Sheraton Maui Hotel, Kaanapali, Maui.

Ms. Lopez: Yeah, so the cancellation of the September 11, 2019 Molokai Planning Commission meeting due to the hosting, so this year, Maui, our Maui Department will be hosting the Hawaii Congress of Planning Officials that will be taking place September 11 through the 13th, at the Sheraton Maui Kaanapali, which I believe that we're sending two? Oh all? We're sending all. Oh, we're sending all of you over to Maui. I don't know if you wanna say anything ...(inaudible)...

Ms. Aoki: For arrangements, yeah, so if you're interested in attending the conference, the website is www.2019hcpomaui. I encourage you to have a look. We will be posting a tentative agenda with all the breakout sessions, tentative, okay, draft. Well, we kind of -- we're going to be making it more detailed on the actual sessions that we've come up with. If you're interested in attending, you need to let Suzie know. I think -- I think she has reached out to you folks so please, we encourage you to attend. The Department will -- will pay for you to attend so --

Mr. Moore: Question about that. Lori, any particular reason why --

Ms. Lopez: Chair, you got two people speaking.

Chair Buchanan: Oh, I sorry. Uncle Bill first.

Mr. Moore: Was there any particular reason why they -- why they're flying into Kahului instead of Kapalua?

Ms. Aoki: You can, if it works, you can fly into Kapalua. Okay, so you have look at the flight times. If you wanna go on a mobile tour, then you need to be at the hotel by no later I'd say by 9:45, so that's why a lot of people will fly into Kahului because there's just more flights that get into Kahului early. If you don't want to go on a mobile tour, and you wanna come in on Wednesday, later in the day, then I would imagine that you would be able to do that and fly into Kapalua. Wednesday is the mobile tours and they all leave -- one leaves really early, at 6:30 in the morning, to go to Lanai; the others are department at 10:15.

Mr. Moore: That Lanai one, nobody can make that. They should go the day before.

Ms. Aoki: Correct. But I don't think the Department's going to -- I understand the Director made a call that she's not going to pay for anybody to come in on Tuesday --

Mr. Moore: Right.

Ms. Aoki: So if want to come in on Tuesday and pay for your own hotel room that night and go on the Lanai mobile workshop, then that's your option; otherwise, you can go on the other three.

Mr. Moore: Okay. Thank you.

Ms. Aoki: You're welcome.

Chair Buchanan: Commissioner?

Mr. Sprinzel: If you haven't been, I'd suggest you go 'cause it's one of the best annual things we've ever done. I've been to a lot of them, I have to say, but you learn so much and you meet the planning people from all the islands, and it really is educational. It's -- it's one of the best things I ever did.

Chair Buchanan: That's a -- that's a big --

Ms. Lopez: And I agree with the Chair -- Commissioner so it's a very good learning experiences and eye-opener, like he said, you get to collaborate and talk-story from Kauai people, Hawaii Island people, Oahu people, so --

Ms. Aoki: I'd like to take this opportunity to make another plug. This is open to the public, so anyone out there, if you know of anyone who's interested in going to the conference, anyone is welcome, you can register online, so if there's people that you think would be interested in attending the conference, by all means, please let them know. We -- the registration is \$375.00 for now, early bird, so we encourage -- we encourage participation, so you'll get all kinds of people attending from all over the State. We are bringing in some Mainland plenary speakers, so we worked hard on trying to bring good speakers to the conference.

Ms. Lopez: And Maui's the best. We gotta put that in. But we do host every four years - - oh, every five years, so every five years it comes to Maui so --

Chair Buchanan: Okay, I not going tell Kauai Maui -- Kauai planners they think they get the best. Okay, very good, thank you. Anymore questions on that agenda item? If not, we going move into the pending, no. 3, pending?

- 3. Pending Molokai Applications Report generated by the Planning Department with the June 26, 2019 Agenda Packet (Appendix-A)**
- 4. Closed Molokai Applications Report generated by the Planning Department with the June 26, 2019 Agenda Packet (Appendix-B)**

Ms. Lopez: Yeah, so Appendix A, it'll show you all the pending Molokai applications report generated by the Planning Department as of June 26, 2019, and then number -- the no. 4 one is the closed, so you looking at Appendix A and B. Pending is at Appendix A, and closed is Appendix B, so if you have any questions regarding those two appendices.

Chair Buchanan: Sorry, I got lost on the A, B - oh, I see 'em in red now. Okay.

Ms. Lopez: Yeah, it should be on your lower-right hand corner.

Chair Buchanan: Appendix A is open, and B is closed?

Ms. Lopez: Yeah.

Chair Buchanan: Okay. Okay, let me see where the --

Ms. Lopez: I think open is 1 through 5, pages 1 through 5.

Chair Buchanan: Somebody just asked me and I said I would ask on the -- they asked me, eh, what about that hotel? How come, not going be built? They referring to the Wada one, yeah. What page is that on?

Ms. Lopez: Yeah, so Stanley Wada, on page 3, with the Wada Building.

Chair Buchanan: Yeah.

Ms. Lopez: They -- they're finished with it on our end, as Planning, but I don't know the status of that. I presume that it could be hold up in building permits permitting on the DSA side, the Public Works, but as for Planning, they should be completed.

Chair Buchanan: And then I was also asked what ever happened to if the Planning Commission got a report from the people who was drilling testing stuff in the parking lot of the building, American Savings Bank building, and the adjacent, yeah.

Ms. Lopez: So the Maui Electric Company did hold a public meeting --

Chair Buchanan: Okay.

Ms. Lopez: So they had a public meeting regarding that.

Chair Buchanan: Didn't we have two separate projects? That was the project?

Ms. Lopez: So it was like a side-to-side project where they came in one time, but in the event, so it was a backup project in the event that they did find on the first phase, that first project, then the second project would culminate the abutting properties, so that's why they came in with two separate SMA1s with Maui Electric Company, and so they did that investigative report, investigative sampling on the Misake property, and they also turned another SMA just in case they find anything that they would do the abutting properties, which aligns Ala Malama, makai side, so all of Wada, Galiher's, Misake's, all that, so it was abutting properties, and so they did do a public meeting to -- to talk to the public about their findings and the report. They are -- they submitted their final report to the Department and I know they're working on coming in again to do the mitigation portion.

Chair Buchanan: So what was the findings, like in a nutshell?

Ms. Lopez: I gotta look at the report.

Chair Buchanan: Okay, 'cause I -- I remember going to the meeting but I just don't remember what the bottom line was except that they said that the scientific portion of the stuff was made available in one separate technical report, so I don't know. I think I had to leave for one other meeting.

Ms. Lopez: And we still waiting for that report.

Chair Buchanan: Okay, maybe we can have one update then on that.

Ms. Lopez: Okay.

Chair Buchanan: Okay, especially if public ask me every time. In fact, I think one of them is sitting right here that went ask me. Okay, thank you. Is there a member of the public wishing to testify any on part D of the Director's Report then? No? Okay. That portion, so into that -- that covered 4, and then we're on item 5.

5. Agenda Items for the July 10, 2019 meeting

Ms. Lopez: Agenda items -- agenda items for the July 10, 2019 meeting, so far we don't have any agenda items for the month of July, only the ones right now that you're requesting for Resolution 17-74 update regarding the short-term rental cap, and update on the final report for the findings of Maui Electric Company. So other than that, we don't have any agenda items.

E. NEXT SCHEDULED REGULAR MEETING DATE: JULY 10, 2019

F. ADJOURNMENT

Chair Buchanan: Okay, so, you know, I cannot see at this time holding one special meeting just for that, so unless something comes up on your side for SMA permit, then mostly we not going have one till the next July, yeah? When is the HCPO? When is that?

Ms. Lopez: September.

Chair Buchanan: September. Okay. I thinking about Hawaii Conservation Conference, sorry. Okay, thank you. Anybody else before we adjourn? Seeing -- seeing none, we are adjourn. Thank you very much.

Ms. Lopez: Thank you very much.

The meeting was adjourned at approximately 12:45 p.m.

Submitted by,

SUZETTE ESMERALDA
Secretary to Boards & Commission II

RECORD OF ATTENDANCE:

Present:

Lori Buchanan, Chairperson
Laakea Poepoe, Vice-Chairperson
Julie-Ann Bicoy
Leonora Espaniola
William Moore
Bridget Mowat
John Sprinzel

Absent:

John Perez, III

Excused:

John Pele

Others:

Kathleen Aoki, Planning Program Administrator, Implementation Division, Dept. of Planning
Sybil Lopez, Staff Planner, Molokai, Current Division, Dept. of Planning
Mimi Desjardins, Deputy Corporation Counsel, Dept. of the Corporation Counsel
Suzette Esmeralda, Secretary to Boards & Commissions, Current Division, Dept. of Planning