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**MAUI PLANNING COMMISSION
REGULAR MINUTES
SEPTEMBER 24, 2019**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Lawrence Carnicelli at approximately 9:00 a.m., Tuesday, September 24, 2019, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

Mr. Lawrence Carnicelli: Good morning everyone. Maui Planning Commission will now come to order. It is now 9:04 a.m. and my name is Lawrence Carnicelli. I am the Chair. Also in attendance today is Commissioner Pali.

Ms. Kellie Pali: Aloha Kakahiaka.

Mr. Carnicelli: Good morning. Commissioner Thackett.

Mr. Christian Thackett: Good morning Chair.

Mr. Carnicelli: Commissioner Robinson. Good morning. And Commissioner Thompson.

Mr. Dale Thompson: Good morning Chair.

B. PUBLIC HEARINGS

1. **EUGENE WASSON IV requesting a State Land Use Commission Special Permit in order to operate a two bedroom bed and breakfast home in the State and County Agricultural Districts located at 230-A East Kuiaha Road, TMK: (2) 2-7-008: 133, Haiku, Island of Maui. (SUP2 2019/0010) (T. Furukawa)**

Mr. Carnicelli: Good morning. So we have established quorum. Also in attendance with us is Director Chouteau McLean.

Ms. Michele McLean: Aloha Chair.

Mr. Carnicelli: Good morning. And Corporation Counsel, Mr. Hopper.

Mr. Michael Hopper: Morning.

Mr. Carnicelli: Good morning. Just so everybody knows, we have public hearing items, and we will take public testimony after each item. Just so everybody knows. Director?

Ms. McLean: Thank you Chair. You have two public hearing items. The first one being a request from Eugene Wasson IV for a State Land Use Commission Special Permit in order to operate a two bedroom bed and breakfast home in the State and County Agricultural Districts located at 230-A East Kuiaha Road at TMK: 2-7-8, parcel 133, in Haiku. And Tara Furukawa is the project planner.

1
2 Ms. Tara Furukawa: Good morning Commissioners. This item has come to you for review
3 because the applicant is proposing a two bedroom bed and breakfast on State Land Use
4 Commission and County designated Agricultural land. The consultant for the project is Debbie
5 Mitchell, and she will be presenting the project and responding to any questions that you might
6 have regarding the application.

7
8 Ms. Debbie Mitchell: Good morning Commissioners. My name is Debbie Mitchell, and I'm here
9 representing Mr. Wasson in his application for a two bedroom bed and breakfast in Haiku. New
10 equipment.

11
12 So this slide shows you where it is located. Again moving in, you'll see some of the other
13 businesses that are around the area. As you can see the area lined out in blue is where the
14 subject of this application. As you see the other lots that are designated around you can see
15 there are large lots as this is an agricultural area.

16
17 Moving in, East Kuiaha Road is there. The owner, Mr. Wasson, and his wife live at the main
18 residence, and then the subject property is at a separate driveway which is the two bedroom
19 dwelling. This is the size of the two bedroom location, the two bedroom home. And the size of
20 the driveway and the parking. Oh, thank you Livit. Would you grab the lights?

21
22 Moving in that you'll see that as the requirement for the B&B home is for one parking space per
23 bedroom. There are ample parking areas for the two vehicles. These are the views of the four
24 sides of the house. And the views from each side of the house. As you see, it's surrounded by
25 greenery fruit trees.

26
27 The floor plan is a simple one. The living area is in one-story, it has a covered lanai, and the two
28 bedrooms. The yellow dots represent the smoke detectors, and the red dot represents the fire
29 extinguishers required by the ordinance. The inside of the home. And the two bedrooms.

30
31 The farm plan is quite extensive. Mr. Wasson and his family have a working farm of at least 75
32 percent of the acreage which uses all of the listed fruits and vegetables that you see on the right
33 side there. There's 4.13 acres, and of that 75 percent is devoted to agriculture which more than
34 meets the 50 percent requirement. Again, photos of the various kinds of fruit trees, coconut
35 palm...and again that's quite extensive.

36
37 As to the administrative portion, all of the neighbors within 500 feet were notified about the
38 application and the public hearing. An ad was placed in the Maui News about this public
39 hearing. No protest letters were received at all in this matter.

40
41 There's a letter of support which is in the handout that you received the last page. This is from a
42 directly adjacent neighbor to the south. They are an operating farm themselves, and they
43 frequently have workers and visitors that are actually in need of this kind of accommodation so
44 she is in strong support. She's just the neighbor right next door. And this will show you where
45 the letter of support is located from the farm directly next door.

46

1 And just a reminder of course, which everyone knows that this is a bed and breakfast operation
2 which means the owners do live on the property, on the TMK. So they are always available
3 should any need arise. They will be the ones that will monitor the guests, and any complaints or
4 anything will be able to deal directly with the owner.

5
6 So we thank you very much for your consideration and we hope that you will consider approving
7 this application. The owner is here if you wish to ask any answer him any questions -- ask any
8 questions of him. Okay, thank you very much.

9
10 Mr. Carnicelli: Thank you Debbie. So at this point in time we will go ahead and take public
11 testimony. Anyone wishing to testify on this item please come forward. Seeing none. Then
12 without objections we'll go ahead and close public testimony. So public testimony is now
13 closed. Questions for the applicant, and, or the Department. Commissioner Robinson.

14
15 Mr. Robinson: Hi. I have a question for the representative or the applicant. Is this the most
16 recent photograph we have? Because the photograph I see doesn't match the farm plan. So I
17 know we had a challenge the last time with things not matching.

18
19 Mr. Carnicelli: Yeah, go ahead. Come forward. Just identify yourself for the record please.

20
21 Mr. Eugene Wasson: Gene Wasson.

22
23 Mr. Carnicelli: Hi Eugene. The picture with which Commissioner Robinson --. Actually click the
24 slide too Tara. Please. I guess I should ask nicely. Yeah, this picture right here. So I think what
25 Commissioner Robinson is asking that farm plan in relationship to this picture, I think that this
26 picture should be the slide prior to that slide, right? That's slide three and I believe --. Oh, okay,
27 the handout is different then. Okay, then go back to that Tara. Thank you. So anyways,
28 Commissioner Robinson.

29
30 Mr. Robinson: It seems to me that there's a --. Can you go back one more? Yeah, I see where
31 you have about 25 different types of citrus and things there.

32
33 Mr. Wasson: Yeah.

34
35 Mr. Robinson: But I see, like, maybe almost maybe a dozen or, you know, maybe 15 on top of
36 the picture. Did some die? Is this an old picture? That's what I'm saying. You know it's
37 happened before because sometimes the picture does not match up what your actual farm is.

38
39 Mr. Wasson: Yeah. I think that was, like, maybe that was a screen grab from Google Earth or
40 something. So, but, they're all there. Yeah, so --

41
42 Mr. Robinson: But is this --? You know if this is prior to you or --?

43
44 Mr. Wasson: I don't know what, what --

45
46 Ms. Mitchell: Hi Mr. Robinson. Debbie Mitchell.

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Mr. Robinson: Hi Debbie.

Ms. Mitchell: Yes, that was taken directly from the screen grab from the RPT site where you can pull up the Google Earth basically and get an aerial view. And so that was the shot that was used to give you the aerial view. We didn't have a drone that took a picture of it as it is now.

Mr. Robinson: Okay. But this could be an old picture?

Ms. Mitchell: Most definitely it would be.

Mr. Robinson: Yeah, that's what I'm saying.

Ms. Mitchell: Right.

Mr. Robinson: If we can maybe, if you have a current one to sort of match for our files. We don't like when we have two contradicting things in the same application.

Ms. Mitchell: Okay.

Mr. Robinson: So if you can get a current one, I'd appreciate that.

Ms. Mitchell: Certainly. Absolutely.

Mr. Robinson: Okay, thank you. I do have another question.

Mr. Carnicelli: Go for it.

Mr. Robinson: On the conditions. I don't know if I can bring it up now. Director, it's on this B&B. Because it's an SUP, we have seven conditions while on a regular B&B we have 17 which is fire extinguisher and all of these other type of rules and things set forth. And I noticed the discrepancy between the two. Thank you.

Mr. Carnicelli: Director.

Ms. McLean: Thank you. What's in front of the Commission today is the State Land Use Commission Special Permit. So these are the nature of the conditions that are typically put forward for a State Special Permit. If the Commission were to grant the State Special Permit, then the Department could issue the B&B Permit administratively with all those conditions included.

Mr. Robinson: One more question.

Mr. Carnicelli: And then --. Go ahead.

Mr. Robinson: No, no. You go ahead.

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Mr. Carnicelli: I was just going to say and then if you could talk to the RPT pictometry.

Ms. McLean: My understanding is that the imagery on a Real Property Tax website is 2014.

Mr. Robinson: Last question. I also noticed on top of this on one of the items prior for SUP it says that upon renewal or acceptance of permits that it comes back to the Commission. But then I noticed in the conditions it say that the Director will do it so are we, are we forgoing our, when we put in that condition in, are we saying that we're going to forgo it coming back to the Commission like it's normally standard? And again is this something we could have been doing for the last couple of years instead of as a technicality to get around that?

Ms. McLean: As a streamlining measure we look for approvals to be issued at the lowest level possible so it is more typical for Director, for the Director to have the authority to approve. If there's an application where you feel strongly and the Commission wants to see the renewal, then the Commissioner can amend that condition and have the renewal come back to the Commission.

Mr. Robinson: Okay.

Ms. McLean: Same with Council. There's some permits, Conditional Permits for example, where the Code allows the Director to issue the renewal. In some cases the Council changes that condition and the permit itself to say that they want to see renewal.

Mr. Robinson: So is this a standard condition or is this a condition -- it's now becoming a standard, it's becoming something that we put in for streamlining or is it considered a standard condition now?

Ms. McLean: I would say both. It is --

Mr. Robinson: Standard? That's always been . . . (inaudible) . . .

Ms. McLean: Yeah. Yeah.

Mr. Robinson: Thank you. Thank you Chair.

Mr. Carnicelli: Yeah, thank you Commissioner Robinson. Any other questions? Commissioner Pali.

Ms. Pali: Hi. Thank you. I think -- I think in general we prefer B&B over the short-term vacation rentals because the owner is present on property. I think my only question to you and then also to voice just our consciousness is this is sort of a typical starting home, the size of this. It's a smaller cottage. It's sort of perfect for the family that can't afford to purchase the property. And so as you I'm sure you're well aware of our affordable housing crisis which you don't carry the weight of that on your shoulders solely. But us just being cautious here at Planning, as Commissioners, is there a reason why you decided to forego a long term situation to assist with the affordable housing rentals than doing a B&B?

1
2 Mr. Wasson: Well we've had the property, my family has had the property since '79, and I think
3 the house was built around '89 or something like that, and it's been, it's been rented out long
4 term for about 30 years now.

5
6 Ms. Pali: Oh, okay. So you've done your part per se.

7
8 Mr. Wasson: Yeah, and I just think too, like, my parents are getting older. I thinking about them.
9 My daughter going to college. I'm just trying to think of ways. I work two -- you know I do the
10 farm and I do my own business. My wife works two jobs, so I'm just trying to find extra income to
11 be honest.

12
13 Ms. Pali: I appreciate your answer.

14
15 Mr. Carnicelli: Thank you. Thank you Eugene.

16
17 Mr. Wasson: Thank you.

18
19 Mr. Carnicelli: So at this point in time, Tara, would you give us the Department
20 recommendation...please?

21
22 Ms. Furukawa: Okay, so there are no permitted STRH or B&B operations located within 500 feet
23 of the property. As of June 30th, 2019, there are 49 permitted B&B's and the cap is 88. There
24 are 44 permitted STRH's, and the cap has changed to 55. There are no open requests for
25 service, no protest letters were received, and there is one letter of support from a property
26 owner within 500 feet. There are also no police complaints. So the application meets all of the
27 criteria for a special permit. Therefore the Department is recommending approval of the permit
28 until October 31st, 2022. And the Department is also asking that the Commission authorizes the
29 Director of Planning to transmit the Decision and Order on behalf of the Planning Commission.

30
31 Mr. Carnicelli: Thank you Tara. I appreciate that. So Commissioners, before I ask for a motion, I
32 just want to state the obvious which is we have bare quorum, so we need consensus between
33 all five of us. However, that being said, I'm okay with, you know, you vote your consciences and
34 it's not unanimous and it has to be deferred, then that's fine too. So at this point in time I'll go
35 ahead and accept the motion from the floor.

36
37 Mr. Thompson: I'd like to make a motion to approve this as is stated.

38
39 Mr. Carnicelli: Thank you. Second? So moved by Commissioner Thompson to approve as
40 recommended by staff, seconded by Commissioner Pali. Speaking to the motion. Would
41 anybody like to speak to the motion? Commissioner Pali.

42
43 Ms. Pali: I think this is one of those cases that I appreciate actually. I feel like this family has
44 invested in the community for almost 30 years it sounds like, and they've done their part, and
45 they have given as much as they can. And now they deserve to try to utilize the property to
46 secure their financial future, and I think, I feel like it's done the right way. So I'm okay with this.

47

1 Mr. Carnicelli: Thank you. Anybody else would like to speak to the motion? Then I will as well is
2 this, I have to say, is kind of a tough one. I come from maybe the same place that
3 Commissioner Pali does in that, you know, when I first looked at the package I was going like
4 this is the perfect long term rental, right. It's going, oh man. Hearing the presentation, hearing
5 what Eugene had to say, the family history...I will support the motion to approve just because I
6 feel as though --. Anyway, I'm just going to basically just piggy back on Commissioner Pali's
7 comments. So anybody else would like to speak to the motion? Seeing none, then Director.

8
9 Ms. McLean: Thank you Chair. The motion is to approve the State Special Permit subject to the
10 seven conditions listed in the staff report.

11
12 Mr. Carnicelli: All those in favor please raise your hand. That is five ayes. Congratulations
13 Eugene. You passed. Moving on.

14
15 **It was moved by Mr. Thompson, seconded by Ms. Pali, then unanimously**

16
17 **VOTED: To Approve the State Land Use Commission Special Permit as**
18 **Recommended by the Department.**

19
20 **(Assenting – D. Thompson, K. Pali, K. Robinson, C. Tackett,**
21 **L. Carnicelli)**

22 **(Excused – S. Castro, P. D. La Costa, T. Gomes)**

23
24
25 **2. LINDA DIANE SHIMOKAWA requesting a Bed and Breakfast Home (B&B)**
26 **Permit in order to operate Maui Meadows Private Paradise Vacation Rental,**
27 **a four-bedroom B&B located in the Rural District at 3353 Kuaua Place,**
28 **TMK: (2) 2-1-017:002. Kihei, Island of Maui (BBKM T2018/0008) (L.**
29 **Callentine)**

30
31 **The matter is being brought before the Maui Planning Commission for**
32 **review because there is at least one permitted bed and breakfast home**
33 **operation located within 500 feet of the subject property.**

34
35 Mr. Carnicelli: Actually, Livit, do you need time to set up or are you ready to --?

36
37 Ms. Livit Callentine: Just give me about three minutes.

38
39 Mr. Carnicelli: Okay, recess for three minutes.

40
41 *(The Maui Planning Commission recessed at 9:18 a.m. and reconvened at 9:21 a.m.)*

42
43 Mr. Carnicelli: . . . is back in session. Director.

44
45 Ms. McLean: Thank you Chair. The second public hearing item today is a request from Linda
46 Diane Shimokawa for a bed and breakfast home permit in order to operate Maui Meadows
47 Private Paradise Vacation Rental, a four-bedroom B&B located in the Rural District at

1 3353 Kuaua Place at TMK 2-1-17 parcel 2 in Kihei. I'll just read for the record, the matter is
2 being brought to the Commission for review because there is at least one permitted B&B located
3 within 500 feet of the subject property. Livit Callentine is the project planner.
4

5 Ms. Callentine: Thank you Director, and good morning Commissioners. We have a new
6 presentation system going on here, so there maybe . . . (inaudible) . . . There we go, it
7 advances. Yay.
8

9 Okay, so this is an aerial view of the site. This is the main dwelling where the bed and breakfast
10 operation is proposed to take place. This is the accessory dwelling where the applicant lives and
11 the applicant has lived on the property for over 30 years. And there's also a little shed garage
12 type thing here. Another garage right here on the side of the building. And in the next...in the
13 next slide, although this is not very well illuminated, this is also in your report as an exhibit, this
14 is the parking plan showing that there's at least six parking stalls on site, and that would be the
15 requirement for four bedroom B&B.
16

17 I'm just going to run through these property photographs fairly quickly. These are pictures of the
18 entrance to the property, pictures of the parking areas. Again, pictures of the property from the
19 different sides, and also, the lower right one is a, is a view away from the property. A little bit
20 more on the parking areas, and views of the property. These, the next two slides are interior
21 photographs. Again, these are shown in your exhibits. So it just, it just kind of shows the style of
22 the home, the contemporary nature and the lived in look of the home. Just a couple of the
23 bedrooms.
24

25 This, this slide is an aerial photograph of the neighborhood showing that there are -- it's a very
26 lush neighborhood, Maui Meadows is. And you can kind of see there's a lot of green space in
27 between houses. Each lot is at least half an acre.
28

29 And this slide shows you the 500 foot boundary around the subject property with the permitted
30 B&B's shown in the green squares. The green triangle is the subject property. No, not that one.
31 And the stars are the short-term rentals permitted in this area. On the next slide I'm going to
32 show you the entire Maui Meadows subdivision so that you can see the spread. There's a
33 spread of B&B's and short-term rentals throughout, fairly evenly spread out, a couple of small
34 clusters, but generally speaking they're fairly spread out and in the neighbor. I wanted to give
35 you a little more context on that.
36

37 This is a slide that is showing the location of the property owners who submitted written
38 testimony. This is a replacement for exhibit 12 in your report. We had a little mapping problem
39 and so one of the testifiers that wrote a letter of support, actually number seven, I had him
40 accidentally shown outside the 500 foot area. But we have received three letters from owners
41 opposing the bed and breakfast, and four letters from owners supporting the project. And three
42 of these support letters came from owners almost directly across the street from the property.
43

44 And in the application, and in the applicant's response to one of the letter writers who was
45 opposed to the project, she wrote that her house would be rented out as one whole unit and not
46 four individual units. That simply means one family at a time and not four families as the letter
47 writer had suggested. She stated that she has rules and regulations in place and house policies

1 posted in each guest room. The applicant has also been the neighborhood watch captain of her
2 neighborhood since 1986, and so she's fairly familiar with things that are going on in the, in the
3 neighborhood. She has stated that she needs to rent out this property so that she can raise
4 money to replace her cesspools with septic tanks so that something about her.

5
6 So now then going on to compliance. So this application for a bed and breakfast home complies
7 with restrictions and standards found in Section 19.64.030, Maui County Code. Linda Diane
8 Shimokawa is the applicant and owner proprietor. If approved the B&B Home Permit will be
9 issued in her name. There's only one single-family dwelling proposed for B&B use. This dwelling
10 was constructed around 1988, and it is not an accessory dwelling. Ms. Shimokawa resides full-
11 time in the accessory dwelling on the same lot, and there is no other B&B permit issued for this
12 property. Ms. Shimokawa also has legal title to the property and if approved she will lose her
13 homeowner's tax exemption, and the B&B Home Permit will be issued in her name as part of
14 the requirements. She carries a current TAT and GET tax license. And if approved she intends
15 to rent to one group at a time which will minimize impacts to the neighborhood as opposed to
16 renting each room to one family or group.

17
18 B&B Permits are non-transferrable; she understands that. The number of bedrooms used for a
19 proposed B&B is four which is fewer than the maximum number of six. Breakfast will be
20 available onsite to guests. House policies were properly displayed during the site inspection, as
21 were single stationed smoke detectors in working order in all guest bedrooms. All advertising
22 for this B&B home will include the permit number. And all guest parking will be on the property
23 and street parking for guest is not allowed.

24
25 The proposed bed and breakfast home is not expected, in this case, to create any impact
26 greater than those theretofore existing in the district. There is one permitted B&B and two
27 permitted short-term rentals within 500 feet. There are no complaints about these three
28 operations. And as I mentioned, the testimony and the applicant's response is shown in the
29 report, exhibits 10 through 11, plus you've got some additional letters of support that came in
30 through, were distributed by the department.

31
32 The Maui Meadows Subdivision consists of approximately 600 mostly rural lots, each at least
33 half acre in area. Each lot generally contains a large home and an accessory dwelling. Many of
34 the accessory dwelling units serve as long term rentals. There is abundant landscaping, vary
35 topography, and open space spread throughout the subdivision affording residence a sense of
36 privacy. For B&B's the owner must live on the property and as such this may conform to the
37 character of the neighborhood. As of July 1, 2019, there were 43 approved bed and breakfast
38 homes in the Kihei-Makena Community Plan. 43 out of a possible 100 permits to issue. And
39 you're probably aware that Maui Meadows has a sub-cap for short-term rentals, but B&B's do
40 not have a sub-cap. The Council did not enact something like that. And as far as the
41 Department is able to discern, the proposed B&B Home is compliant with all other applicable
42 Federal, State and local laws. This concludes my presentation, and the applicant would like to
43 come up and say a few words. So with that I would like to introduce Linda Shimokawa.

44
45 Mr. Carnicelli: Thank you Livit.

46
47 Ms. Linda Shimokawa: Good morning. My name is Linda Diane Shimokawa.

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Mr. Carnicelli: Good morning.

Ms. Shimokawa: Thank you for letting me speak. I just wanted to ask you to please approve my permit for my B&B. And I've been living on the property since I was 22 years. I'm 60 years old now. And I raised, my husband and I built our home in 1988 where we raised our two children. I do have a grandson and another one on its way and they live right in Wailuku. Sorry, I'm a bit nervous. And the reason why I've been a neighborhood crime watch captain since 1986. And I'm asking --. I'm a bit nervous

Mr. Carnicelli: No need to be nervous.

Ms. Shimokawa: The reason why I want to do a B&B for my main home -- I live in the cottage is because I want to still --. I'm sorry.

Mr. Carnicelli: Okay. Take your time. We're not in a hurry.

Ms. Shimokawa: Sorry. I still want to enjoy my home with my family and share my beautiful home that we built with my children and my grandchildren in between guests. That's all I ask. Sorry.

Mr. Carnicelli: You don't need to apologize. I've cried here before at the Planning Commission, so, yes, you're not the first person.

Ms. Shimokawa: See, I'm single now too, so I don't have the support anymore so that's why I have to do what I have to do. Thank you.

Mr. Carnicelli: Thank you. So at this point in time -- you can go ahead and sit. Thank you very much. At this point in time we'll go ahead --. Is that it Livit? Yes?

Ms. Callentine: Yes. Yes, until you ask for my recommendation. I'm here for answering questions.

Mr. Carnicelli: Got you. So at this point in time we'll go ahead and open up the floor for public testimony. Is there anybody that would like to speak to this item?

Ms. Theresa Ernest: Morning.

Mr. Carnicelli: Hi. Please identify yourself.

Ms. Ernest: My name is Theresa Ernest.

Mr. Carnicelli: Theresa, do you promise to be truthful?

Ms. Ernest: Um-hum.

Mr. Carnicelli: Okay, you have up to three minutes to give us your thoughts.

1
2 Ms. Ernest: I live at 3342 Kuaoa. It is directly across the street from, from Linda's house. And
3 I've been there for 35 years. I met her not long after I moved there because she was the captain
4 of the crime watch and we'd go to her house and have meetings. Two years ago we had a
5 terrible problem with an illegal B&B right next to my house and they were parking all over the
6 street. We never got -- we never had no parking signs. We're a double cul-de-sac. And all these
7 years there's never been a turnaround for emergency vehicles. And this, this neighbor just
8 created huge problems. Linda got on the phone. She found the right person in County. He
9 looked it up in Google maps and said wow how did we miss that. And within two weeks we had
10 no parking signs which eliminated all sorts of issues. And the B&B is no longer there.

11
12 There is another B&B on the street, and it's actually two doors down from my house. I don't
13 even know they're there. They have created zero impact. They haven't --. There's been no
14 peace and tranquility issues. I don't see lots of people coming and going. It's a total non-factor
15 for me, and I have to drive by it every day. And I can actually see their property from my deck.
16 It's kind of an amphitheater area in Maui Meadows. They're running it beautifully and there's
17 simply no problems.

18
19 Linda is the kind of person that would be very, very respect of the rules, and abide by whatever
20 rules and restrictions that go along with these permits. In fact, if there was any problem at her
21 rental from a neighbor, I can see her totally and completely putting her neighbors' concerns over
22 those of the comforts of her guests. She may be small but she's feisty.

23
24 Linda and I are the last two people on our entire street that haven't sold our homes. I've been
25 there 35 years, she's been there 37. We've watched...the turnovers have been enormous, and
26 every time it happens I think, should I sell my house? No, I don't want to sell my house. I want
27 to live it. She wants to live in her house. She's divorced, I'm a widow, and it's not easy. And I live
28 alone, and she lives alone, and it isn't easy. I don't want to sell, and I don't want to move, and
29 neither does she.

30
31 I just think that she will run this place with the respect and the courtesy that you people are
32 looking for. And I'm right across the street and I don't have a problem with it.

33
34 Mr. Carnicelli: Thank you very much.

35
36 Ms. Ernest: I hope you approve it.

37
38 Mr. Carnicelli: Thank you.

39
40 Ms. Ernest: Thanks for listening.

41
42 Mr. Carnicelli: Is there anybody else that would like to testify on this item please come forward.

43
44 Mr. Tom Croly: Aloha Chair, Tom Croly.

45
46 Mr. Carnicelli: Good morning.

1
2 Mr. Croly: Hi. I promise to be truthful. Thank you. I am here in two capacities. Number one, I'm a
3 resident of Maui Meadows. I'm not within 500 feet of Ms. Shimokawa's home, but I do walk past
4 it every day when we're out walking out the dog. So I'm familiar with the street, I'm familiar with
5 the area, and so forth. And I'm in full support of her bed and breakfast.

6
7 I'm also here because Linda called me about a year and a half ago, and said I'd like to be able
8 to do this. And I gave her some guidance along the way. She put together her own application
9 which I was very, you know, pleased to see her do, and she stood up here and did something
10 that she was really uncomfortable doing speaking to you guys and I think she did a good job.
11 But I do want to express that this was one of those bed and breakfast that makes me feel really
12 good that she has this opportunity. She has lived in this house for 37 years I think you heard her
13 say, and she raised her family there. Her daughter was living in the cottage while she was living
14 in the main house. Her daughter moved to the mainland. She said, how am I going to hang on
15 to this house? Rent from a cottage isn't going to do it. I don't need the full house all the time so
16 I'm going to move into the cottage and hopefully get a bed and breakfast permit to rent out the
17 main house. It's taken a long time for her to get through this process and to get to this stage.
18 She's done everything right, she's never operated, and I hope you that you will approve her
19 permit today. Thank you.

20
21 Mr. Carnicelli: Thank you Mr. Croly. Is there anybody else who would like to come forward and
22 testify on this item? Seeing none. Then if there is no objections we'll go ahead and close public
23 testimony. Public testimony is now closed. Livit, recommend or no, actually questions first. We'll
24 go questions for the applicant and, or the department. Commissioner Pali.

25
26 Ms. Pali: For the applicant please. I just had one questions for clarification. When you were
27 talking about your residence, your history of your residence, you mentioned you also lived in
28 Wailuku?

29
30 Ms. Shimokawa: No, my son lives right down the road.

31
32 Ms. Pali: Oh, it was your son. Okay, that was my only clarification. Thank you.

33
34 Ms. Shimokawa: Thank you.

35
36 Mr. Carnicelli: Livit, I have a question for you. There was something about the cesspool versus
37 septic. I didn't follow what it was. Is that we need this B&B in order to pay for the, I guess, what
38 was --.

39
40 Ms. Callentine: The applicant --. Can you hear me?

41
42 Mr. Carnicelli: Yeah.

43
44 Ms. Callentine: The applicant in her response to the two letters of protest that were originally
45 submitted, she said in her response that she would like to replace the cesspools with septic
46 systems because she expects the cost to be like \$25,000 for each of them and I think --. She

1 has two of them so she'd like to replace those and so this would be the way to help her fund the
2 replacements.

3

4 Mr. Carnicelli: Okay. Thank you. Any other questions? Commissioner Thompson.

5

6 Mr. Thompson: Sure, on the --. Some of the neighbors have mentioned about the CC&R's. Can
7 you address that? The opposing CC&R's for renting it, if you can.

8

9 Ms. Callentine: I would like to address that.

10

11 Mr. Thompson: Sure. Thank you.

12

13 Ms. Callentine: Thank you Commissioner. We checked to see if CC&R's expressly prohibits
14 short-term rental use. The Maui Meadows do not. However, the County in approving, in creating
15 a B&B permit in a single-family house, it is not expressly deemed a commercial use. It's a
16 residential use with a permit. It's permitted with a permit. The CC&R's, the County has no -- how
17 do I put this? Maybe Mike Hopper could help, but the CC&R's --. The County is not bound by
18 any private CC&R's that we are not a party to. So we consider them but we, but we don't have
19 to follow what they say.

20

21 Mr. Carnicelli: Thank you. Any other questions? Okay, Commissioner Robinson.

22

23 Mr. Robinson: Director, can I call back Mr. Croly please?

24

25 Mr. Carnicelli: Is there any objections to Commissioner Robinson asking Mr. Croly a question?
26 No? Go ahead, come forward please.

27

28 Mr. Robinson: Thank you. I've got a question for you. Finance wise, what are we looking at
29 between the B&B in your neighborhood and a long-term rental?

30

31 Mr. Croly: You mean, you mean how much --

32

33 Mr. Robinson: Annual.

34

35 Mr. Croly: What would the difference in income be? You'd have to --. I'd have to boil it down to a
36 specific property or so forth. If we're talking about this property, a four bedroom house in Maui
37 Meadow is probably going to rent for \$3,000, \$3,500 a month, maybe \$4,000 a month. As a bed
38 and breakfast or as a short-term rental --

39

40 Mr. Robinson: Just a B&B.

41

42 Mr. Croly: Yeah, yeah. But I mean, the way, the way that the applicant is proposing to run it
43 anywhere from \$350 to \$650 a night which you might do a quick calculation and say, oh, that
44 \$20,000 a month. But you're not going to stay full all the time, and you're going to have a lot of
45 expenses. So, you know, maybe she would, she would make an extra \$2,000 to \$4,000 a
46 month, if occupancy stays good and so forth.

47

1 Mr. Robinson: About \$6,000 a month, you're thinking. 6,000 to 7,500?

2
3 Mr. Croly: Yeah. Yeah, that, that -- you're right, \$6,000 to \$7,000 a month would be her net.
4 And again --

5
6 Mr. Robinson: Okay. And, and, I know it ain't exact, but --

7
8 Mr. Croly: -- it's going to depend on the type of clientele that she's going for, the level of, of...
9 refinement to what she's got, and what services the guests are getting. Some short-term rentals
10 or bed and breakfast are providing very high level of service to the guests at a large expense to
11 themselves and they'll get more. Some are just providing a place to stay and basic essentials
12 and they'll get less per night. So it's hard to put a hard number on it. But, yeah, I would say,
13 maybe 50 percent more than what she would be able to make as long-term rental.

14
15 Mr. Robinson: Thanks Tom. Thank you Chair.

16
17 Ms. Callentine: May I add something to that?

18
19 Mr. Carnicelli: Sure.

20
21 Ms. Callentine: If I could Commissioner Robinson.

22
23 Mr. Robinson: Sure.

24
25 Ms. Callentine: So the applicant has had the home in long term rental. Someone who is a
26 visiting professional has been renting it, has just given notice and is moving out. But also, she
27 would like to be able to use the home in between periods of time with her family, to have like
28 family reunions and family visits and stuff. So, if it's in long term rental she cannot enjoy the
29 home herself at all.

30
31 Mr. Carnicelli: Corporation Counsel.

32
33 Mr. Hopper: I just want to note for the record, for bed and breakfast homes unlike short-term
34 rental homes, the Commission's not permitted to consider private covenants. It does state:

35
36 *"In permitting bed and breakfast homes the Planning Director, the Planning*
37 *Commissions, and the Council shall not consider nor be bound by any private*
38 *conditions, covenants, or restrictions upon the subject parcel. Any such*
39 *limitations may be enforced against the property owner through appropriate civil*
40 *action."*

41
42 So while that's a consideration in short-term rental homes, if there are CC&R's for B&B's, the
43 Code says that shall not be considered as part of the record so I think that's an important
44 distinction.

45
46 Mr. Carnicelli: Thank you. Any other questions? Seeing none. Livit, would you go ahead and
47 give us the recommendation please?

1
2 Ms. Callentine: Yes I would. Thank you Mr. Chair. The -- so the application for bed and
3 breakfast home permit, as we find it, complies with the Maui County Code, Title 19.64.030 -- so
4 that's a section rather -- Restrictions and Standards -- for the reasons that were stated in the
5 Maui Planning Department report to the Maui Planning Commission dated September 24th,
6 2019, for docket number BBKM T2018/0008. Planning Department recommends approval of the
7 bed and breakfast home permit subject to the conditions listed in the recommendation report.

8
9 Mr. Carnicelli: Thank you. Commissioners, at the point in time I will take a motion from the floor.

10
11 Mr. Robinson: So moved.

12
13 Mr. Carnicelli: Moved to approve as recommended by staff by Commissioner Robinson. Do I
14 have second? Seconded by Commissioner Thompson. Discussion on the motion.
15 Commissioner Pali.

16
17 Ms. Pali: Just for the record, I think this another similar case where you have a homeowner
18 that's fully invested in the community, served well, and given their time. And so these are the
19 kind of applicants that I feel are current laws are suited for to allow them to utilize their property
20 in different way especially when they now have the need. So I'm also in favor of this motion.

21
22 Mr. Carnicelli: Okay, thank you. Anybody else? Director. Commissioner Robinson.

23
24 Mr. Robinson: We had a, we had one prior to this, and one just now, and I think I want to make
25 sure we understand the distinction between bed and breakfasts and short-term rentals, the
26 distinction between people as part of the fabric of the community and people that just buy in for
27 a couple of years and use as a profit, or use it as a second home as a profit. It's unhappily here
28 to see the difference from the last few years into this year the minimization of for profit. There
29 was a couple a few months ago, had that actress and the second home, and you know they
30 bought a house, unfortunate for them they had no people to play with because everybody else
31 had short-term rentals. And so they decided to join the gang. But this is different. And we want
32 people to be able to keep their homes, you know, and that's, that's what I think the Council's
33 plan with this was. You know, use this as supplemental income to keep your home, not to
34 become a mini hotel, but to supplement and subsidize. And I wish you the best of luck. I hope
35 you guys hang in there and stay in the neighborhood because with, without residences, it isn't a
36 neighborhood. It's just, it's just shacks, so thank you.

37
38 Mr. Carnicelli: Thank you. Anybody else? Director?

39
40 Ms. McLean: Thank you Chair. The motion is to approve the bed and breakfast home permit
41 subject to the 17 conditions in the staff report.

42
43 Mr. Carnicelli: All those in favor please raise your hand. That is five ayes. Congratulations. Not
44 a problem.

45
46 **It was moved by Mr. Robinson, seconded by Mr. Thompson, then unanimously**

47

1 **VOTED: To Approve the Bed and Breakfast Home Permit as Recommended**
2 **by the Department.**

3
4 **(Assenting -- K. Robinson, D. Thompson, K. Pali, C. Tackett,**
5 **L. Carnicelli)**

6 **(Excused – S. Castro, P. D. La Costa, T. Gomes)**
7

8
9 **C. COMMUNICATIONS**

- 10
11 1. **MAUI ELECTRIC COMPANY, LTD., requesting an Amendment to Permit**
12 **Terms, Conditions and Time Stipulation for the County Special Use Permit**
13 **for the electrical power substation to extend the boundaries from 1.05**
14 **acres to 3.0 acres and to request a nine-year time extension from 2031 to**
15 **2040 in the State Agricultural District at TMK: (2) 3-8-006:003 (por.),**
16 **Kuihelani Hwy., Kahului, Island of Maui. (CUP 2010/0006) (P. Fasi)**
17

18
19 Mr. Carnicelli: Director. Oh, do you need time, Paul? Okay, recess for two minutes.

20
21 *(The Maui Planning Commission recessed at 9:47 a.m., and reconvened at 9:50 a.m.)*
22

23 Mr. Carnicelli: Back in session. Director.

24
25 Ms. McLean: Thank you Chair. Next you have a request from Maui Electric Company for an
26 amendment to permit terms, conditions and time stipulation for its County Special Use Permit
27 for an electrical power substation. And this is to extend the boundaries from 1.05 acres to three
28 acres, and to request a nine-year time-extension from 2031 to 2040 in the State Agricultural
29 District, at TMK 3-8-6 parcel 3 portion, at Kuihelani Highway in Kahului. Paul Fasi is the project
30 planner.
31

32 Mr. Paul Fasi: Good morning Commissioners. Good morning members of the public.

33
34 Mr. Carnicelli: Good morning Mr. Fasi.

35
36 Mr. Fasi: That pretty much sums it up. I have nothing more to add.
37

38 Ms. McLean: Chair, if I could make one correction. I referred the State Agricultural District. It's
39 actually the County Agricultural District because this is a County Special Use Permit. Excuse
40 me.
41

42 Mr. Carnicelli: Okay, thank you.

43
44 Mr. Fasi: The Special Use Permit was originally approved on March 8th, 2011 by this body. And
45 because of changes in the electrical grid and demand with the Waikapu Town Center coming
46 online sometime in the future, the footprint for the substation is going to be under a lot of strain
47 and they will probably have to expand in a little bit just to meet the electrical demand for the

1 growing area. So the two requested amendments as the Director reported. It's going to be a
2 nine year time extension to March 31, 2040, and they want to extend the site from one acres to
3 three acres. The Department supports the proposed expansion. The Department has no issues
4 that it can find with the amendment, and therefore we support this amendment for the terms and
5 conditions. If there are no further questions for the Department, Mr. Munekiyo here has the
6 presentation for you to review just so you're all up to speed. Many of you weren't here in 2011.
7 Thank you.

8
9 Mr. Carnicelli: Thank you.

10
11 Ms. Erin Mukai: Hi. Good morning Chair, Commissioners. My name is Erin Mukai. I'm with
12 Munekiyo Hiraga, and I'm here today to present plans for Maui Electric's amendment before you
13 today for an expansion and time-extension request.

14
15 Here today and available for questions are members from the project team including
16 representatives from Maui Electric, Emily Smith and Craig Yamasaki. Mike Munekiyo is also
17 here with me today from Munekiyo Hiraga.

18
19 So Maui Electric operates its existing Kuihelani substation in Kahului. It's on 1.05 acres, a
20 portion of a larger parcel identified at TMK Number 2-3-8-006-003. The substation, as Paul had
21 mentioned, is permitted to an existing County Special Use Permit. That's CUP 2010/0006. And
22 this permit was originally granted by the Commission back in 2011. And it's valid until March
23 31st, 2031.

24
25 So here's the site location map. I'll point out major roadways in the area. So this Kuihelani
26 Highway here. Puunene Avenue which turns into Maui Veteran's Highway. This is the Dunes at
27 Maui Golf Course, The Legends. This is Maui Lani Parkway here. So the substation, the existing
28 substation, is located off of Kuihelani Highway, across the intersection with Maui Lani Parkway.

29
30 So we're here for a twofold request. To request an amendment to the boundaries to expand the
31 site from 1.05 acres to 3.076 acres, as well as request a time extension of nine years, so that
32 would bring us to March 31st, 2040.

33
34 This is a photo of the existing substation today. The site's graveled and enclosed by a fence
35 enclosure. The substation itself, so what it does is it steps down a higher voltage provided via
36 transmission lines. So lower voltage that's usable by customers, residents, and businesses via
37 distribution lines. The substation was constructed last year. Archaeological monitoring occurred
38 during construction and it was reported that there were no archaeological finds. SHPD accepted
39 the archaeological monitoring report earlier this year in June.

40
41 So as I had mentioned the site is currently graveled and fenced. Access is provided off of
42 Kuihelani Highway. There's a control house building with associated equipment on the property.
43 The yard includes transformers, switch gear, circuit breakers, a low profile steel bus,
44 transmission and distribution lines and pulls, and there is landscaping that has been planted in
45 front of Kuihelani Highway.

46

1 So this is the site plan for the one acre site. This is Kuihelani Highway here. Maui Lani
2 Parkway. Access to the substation is directly across this intersection. And this is the one acre
3 site here.

4
5 So the reason for the request is that Maui Electric is intending to purchase this three acre site
6 from Mahi Pono. Originally in 2011, the land was going to be secured via easement. Right now
7 they're there via a right-of-entry. So there is a subdivision in process, and preliminary
8 subdivision approval was granted. So the boundary amendment would align with the
9 subdivision.

10
11 So the expansion would allow for implementation of project components that were originally
12 permitted in 2011. So no new uses beyond what was approved in 2011, including renewables.
13 So PV panels, diesel fuel tanks, battery energy storage system, best step of transformers, DG
14 and substation transformers. So the time extension would provide additional time coverage.

15
16 So this is the three acre site plan which is here. And the larger area would allow for further
17 implementation of what was approved in 2011. The application was sent out for agency review.
18 We did receive comments from three agencies. SHPD had no objections. And DOT and Public
19 Works had no comments. So this is for the time extension and boundary amendment requests.

20
21 So in terms of needs, substations are really important to the electrical utility system. They step
22 down power to a voltage that's usable by customers. And more substations provide more
23 flexibility and reliable power.

24
25 So in summary, we're here for those two amendments; to increase the boundary from one acres
26 to three, and request more time on the permit coverage, equivalent to nine years. Thank you.

27
28 Mr. Carnicelli: Thank you Erin. Mike, did you want to say something too? She's got it. You trust
29 her. At this point in time we'll go ahead and open up the floor for public testimony. Is there
30 anybody who would like to testify on this particular item? Seeing none, we'll go ahead and close
31 public testimony without objection. Thank you. Questions from the Commission. Commissioner
32 Robinson.

33
34 Mr. Robinson: Hi. Can I speak to somebody regarding the, the site plan? With the, with the
35 increase of a couple of acres, can we look at the, how is the...how is the entrance and exit of
36 this site? Is there a turn lane off of that or is that off the stop light there? How are all of these
37 trucks going to be coming and going?

38
39 Ms. Mukai: So it is off of the stop light here. This is the existing access and it will remain with the
40 three acre site. So in terms of traffic, Maui Electric had indicated that on average, it's about one
41 to two visits a month unless there's a special situation where, you know, they need to access
42 the site more.

43
44 Mr. Robinson: So during construction, you're just going to use one truck?

45
46 Ms. Mukai: Sorry, during construction, I think that's -- more trucks would be anticipated.
47

- 1 Mr. Robinson: I guess my question is there a turn lane turning left from the, from the Lahaina
2 bound, or is there, is there a lane next to, on the Kahului bound? Or is it on that main highway,
3 and does the people going 55 miles an hour have to slow down at that right turn?
4
- 5 Ms. Mukai: I'm not sure.
6
- 7 Mr. Robinson: Well, I know you guys are going to come up from Kamehameha to go straight
8 across normally with the trucks. But from the other directions, is the ones that I'm concerned
9 about. And that is my exit that I take so I've seen traffic there and that is a concern.
10
- 11 Ms. Mukai: So there is a left turn lane into the access from Kuihelani Highway, but there is no
12 right turn decel lane.
13
- 14 Mr. Robinson: There, there's a left turn with a signal to turn left.
15
- 16 Ms. Mukai: Yes.
17
- 18 Mr. Robinson: But there's no deceleration coming from the Lahaina side.
19
- 20 Ms. Mukai: Correct.
21
- 22 Mr. Robinson: Okay. Thank you. And I have one more question for you too. There was a brush
23 fire over there recently along the highway, and I saw where there's gravel lot. Is there a set
24 space of how gravel have to be in case there's any sparks or anything that could ignite a brush
25 fire in that type of area or any substation?
26
- 27 Ms. Mukai: So I'd like to ask Emily Smith from Maui Electric to come to the podium.
28
- 29 Ms. Emily Smith: Hi. Emily Smith. So it's crushed gravel throughout the whole substation so you
30 don't usually have fire issues from outside. But we always do keep five feet of gravel outside of
31 our fence line just for safety reasons.
32
- 33 Mr. Carnicelli: Emily, before you go. Just a side note. Does this tie in at all with the huge solar
34 farm that's going in?
35
- 36 Ms. Smith: There's a good chance that it could. I don't think they made their final decision on
37 how they're going to connect to our grid. But it could be one of the locations that if they could
38 connect in at.
39
- 40 Mr. Carnicelli: Okay. Thank you. Anybody else have any questions? Commissioner Thompson.
41
- 42 Mr. Thompson: Sure. So they step down power or how many homes would that distribute to?
43 How far would that area go to?
44
- 45 Ms. Smith: Hi. Emily again. It's a hard number to give exactly because it's tying into, to an
46 existing grid. So it just kind of helps with operational flexibility and stuff. But it could -- it helps

1 bring power to homes anywhere through Maui Lani and Kehalani homes, that whole area right
2 in there, under normal operations.

3
4 Mr. Thompson: And is this tied in that people can do net metering or feed into that system? Will
5 that help that?

6
7 Ms. Smith: So it's part of the backbone of our transmission system that goes from transmission
8 to the distribution, so I'm going to say it doesn't help nor does it not help that. It's kind of a
9 separate issue.

10
11 Mr. Thompson: Does this make our bill go up or down?

12
13 Ms. Smith: The construction part of it was part of your bill. But it's part of a fundamental. So,
14 yeah, normally --

15
16 Mr. Thompson: Yeah, I got it.

17
18 Mr. Robinson: While you're up there, is what is the voltage going in to? What is it?

19
20 Ms. Smith: Sure it's a 69.

21
22 Mr. Robinson: About 60 or --.

23
24 Ms. Smith: 69,000. 69KB is the voltage on the high side, and then 12KB is the underground that
25 goes to the distribution to the customers. It's 69,000 to 12,000 voltage.

26
27 Mr. Carnicelli: Thank you. So Mike, I have one question for you. Exhibit four. And my question
28 is where did you get this map that shows McGerrow Village in Puunene? It's like can we get it
29 back? It's just, it's just a side note. Oh, and there's the zoo is in here too.

30
31 Ms. Mukai: I think this was an old map that was a part of the 2011 application.

32
33 Mr. Carnicelli: Yeah, I think it's an old map. The fairground is here and everything. This is great.
34 Maui High. I mean, Maui Lani is not even here. This is Dream City. Anyways, that's all. Just as a
35 side. Any other questions from the Commission? Okay, thank you.

36
37 Ms. Mukai: Thank you.

38
39 Mr. Carnicelli: So Mr. Fasi, if we could have the recommendation from the Department please.

40
41 Mr. Fasi: Thank you. The Department recommends approval of the applicant's request for the
42 following amendments, and that would be condition number one that the CUP, County Special
43 Use Permit, shall be valid until March 31, 2040. And their second request for a nine year time
44 extension, we're going to add condition number seven, and it should say that that the
45 boundaries of the site shall be increased from 1.05 acres to 3.076 acres as represented to the
46 Maui Planning Commission on this date. Thank you.

47

1 Mr. Carnicelli: Thank you. Motion from the floor.

2

3 Mr. Robinson: I have a motion with a condition.

4

5 Mr. Carnicelli: Go ahead.

6

7 Mr. Robinson: Chair, I am concerned about, about a right turn from Lahaina highway. I don't
8 know if we, if we make it no right turn and it has to be curbed out to where they can never enter
9 through there or if we work with DOT. They did have no comments unfortunately. Or if, if we
10 give them a, you know, a decreasing lane. That is, that is a high speed limit area, and if the
11 light is green, people might not be seeing the truck or what its intentions are in case it doesn't
12 do it. So that's my concern with this. Other than that I'm fine with everything else with the permit.

13

14 Mr. Carnicelli: So either Corporation Counsel or Director, is there a way with which we can put
15 that representation and, or condition it?

16

17 Ms. McLean: If I could ask Commissioner Robinson, is the concern during construction only
18 rather than during regular operations where the trips are infrequent, or this is a --?

19

20 Mr. Robinson: I've, I've --. Well you know, it's, it's during construction it's going to be a little bit
21 wider, but as, I think we've all seen tourists do stop over there. I see them kind of them parked
22 over there, they get lost, they're doing their GPS. I said, I take that turn almost every day so
23 that, that area is used a little more and I think it should be addressed anyway. But having said
24 that, with increase of the permit, and having construction and all that type of stuff, I think we
25 need, I think it's just best that we do something. Yes it is.

26

27 Mr. Hopper: I think you could deal with how they access the property, if they agree to
28 something. But I don't think you can require that that road have a blockage or, or no turn lane if
29 it's a DOT road. I don't think that there's a condition we can put that would do that necessarily
30 unless the applicant has a solution to that. I suppose the applicant could say we're not going to
31 access the property in a certain way. But generally I think that's the situation.

32

33 Mr. Robinson: Chair? Why not? It's an SMA. It's a, it's a condition. Why can't we put a condition
34 on it?

35

36 Mr. Hopper: We could put a condition that say the State DOT shall not allow access. I mean
37 these guys don't have control over the state highway. I guess you could deny the permit and
38 say because of adverse traffic impacts during construction anticipated that you would deny the
39 permit. But as a far as requiring the DOT to do something with their roadway, you would at least
40 need to discuss with them if they can do that. But I don't think the Planning Commission has
41 that ability to, to do that on the state highway at this point. You can certainly deny the permit if
42 there's going to be an adverse impact.

43

44 Mr. Carnicelli: So here's -- I think maybe this is...and I don't want to put words in your mouth.
45 But the applicant and or the applicant's contractors to not make a right hand turn coming from
46 the Lahaina side. Like to say, like okay, no one can take a right hand turn. I get that you're
47 saying, like, okay we're now trying to control DOT. But if you say, okay, the applicant and or its

1 contractors shall access the property either as a left hand turn coming say from Kahului, or
2 straight across from Maui Lani Parkway.

3
4 Mr. Hopper: Yes, if it deals with the applicant agreeing to something, and the County saying,
5 yes, the applicant can only access the property in certain way, yes, you could do that.

6
7 Mr. Carnicelli: Okay. What do you think, Keaka? Commissioner Thackett.

8
9 Mr. Thackett: Maybe during construction they have a lot of times lights that can be put up
10 temporarily. You know, like down the way, blinking lights, you know, that allows people to know
11 that there's constructions going on during those times. Maybe something like that could be
12 used, you know.

13
14 Mr. Carnicelli: Actually, Erin, would you come forward?

15
16 Ms. Mukai: So the applicant would be okay with that condition for the applicant and contractors
17 making the right, or making the left from town. So restricting the right turn from Lahaina.

18
19 Mr. Robinson: And you know, I don't think you guys are going to use it anyway. I don't see
20 anything coming from that way unless somebody's coming from Maalaea and they're trying to
21 come over that way. But it's a, I guess it's -- and I wasn't here -- but I guess back then, you
22 know, is we thought ahead of getting a left turn lane, and we thought ahead of making it wide
23 enough for it to be big enough to take trucks in there. But it wasn't taken into consideration, you
24 know, the amount of traffic that we now have coming along that highway. And so that's my
25 concern is. My concern is not trying to hamper MECo, but it's to making sure. That roadway is
26 fast. Tourists fly there to the airport, and that's what my concern is.

27
28 Mr. Carnicelli: Director?

29
30 Ms. McLean: Chair, what I've scribbled out and if the applicant is, is agreeable to this, the
31 applicant shall not allow vehicular access to the property from a right turn off Kuihelani Highway
32 from the south. Vehicular access shall be from Maui Lani Parkway, or a left turn from the north.

33
34 Mr. Carnicelli: That sounds good to me. How about ...Commission?

35
36 Mr. Robinson: I think, I think that's great Director. But how do we get DOT to look at this too for,
37 for a right turn? And again, I don't want to hold a permit, but I think this is a situation. And like I
38 said there are people that use it as a turnaround. And so I see that deceleration. I see a flaw in
39 the, in the original planning, and I hopefully they can look into that. We have nine years, you
40 know. And then what is that road going to be used for later? So I'm fine with that. I don't want to
41 hold their permit. I think that addresses the construction time. But hopefully we can maybe send
42 a note to DOT if they could look at that please and see how they can improve that or slow down
43 at that light, instead of people going, you know, at the high speed. Thank you.

44
45 Ms. Mukai: So Maui Electric would be willing to restricting the traffic movement turning in during
46 construction, so just in speaking to them right now.

47

1 Mr. Carnicelli: But not, not ongoing? Come forward. Go ahead. Just give us your --. Talk to us,
2 give us your reasons.

3
4 Ms. Smith: So we constructed in 2018, and we never once had to take a right because like you
5 said the only time we would right is like, for example, if one of our guys is in the field, and
6 they're going to do this, this and that and at the end of the day, they go to Kuihelani. And
7 maybe they're coming in from Lahaina, maybe they'll take a right. But if someone did, like, that
8 in their regular truck because people going so fast, it's kind of scary, you kind of go onto the
9 shoulder, right, while you're slowing down and then you go in. But none of like the big trailers, or
10 big vehicles, or anything ever came from the right. They always came from the left because you
11 always looked to see where the traffic flow and so you always want to use the light.

12
13 My concern is just like if in 2021 someone, some, some Joe guy is working. You know he's
14 doing this at the other end and he takes a right in, I don't know how much I would be able to
15 control which direction he's driving or if a contractor for someone else. Because that, that turn to
16 the right isn't just a Maui Electric property. That's A&B's property or Mahi Pono's, whatever that
17 is now. So I totally hear where you're coming from and I kind of agree where you're coming from
18 as far as, for safety for everybody because there's accidents and lots of people going fast. But I
19 just kind of worry a little bit about, like, how much control. Like during construction, definitely,
20 only take that left turn. But like day to day, you know, on March 3rd, 2022, who's going to know if
21 someone takes a right in there. That's the only concern I have, I guess, is how we would
22 monitor that. If there was a sign that said no right, and everyone would no. But otherwise I
23 would have to be the one who goes tells everybody. You know, I don't know.

24
25 Mr. Thompson: How much traffic do you guys generate?

26
27 Ms. Smith: Yeah, so like, day to day, like normal operations we send someone over there,
28 maybe two people over there once a month. So, you know, maybe two cars would be going in
29 there. If you have something, you know, some equipment failure some small thing you need
30 maintenance, then you might have a crew of guys going there for like two or three days in a
31 month, but it's real minimal. It's during construction that we have a lot more.

32
33 Mr. Thompson: Thank you.

34
35 Mr. Carnicelli: Thank you. Would you read that condition again please, Director?

36
37 Ms. McLean: The applicant shall not allow vehicular access to the property from a right turn off
38 Kuihelani Highway from the south. Vehicular access shall be from Maui Lani Parkway or a left
39 turn from the north.

40
41 Mr. Carnicelli: So I guess what the applicant is asking is if we say at the beginning of that
42 sentence put during construction. But I'm not sure that Commissioner Robinson is okay with
43 that.

44
45 Mr. Robinson: You know, like, like the testifier just said, it's, it's not really a MECo problem. It's a
46 design problem on the highway and the DOT, and they can't control, you know, everybody and
47 things happen because, you know, for people to go left. If somebody came from Lahaina side

1 and wanted to turn right, they couldn't. Even if they went left, there's no turn around, you know,
2 in the golf course area to go back and do a truck that way, you know, which takes planning, and
3 that is not my, that is not my challenge here. My challenge is to make sure it will always be safe
4 and I'm going to agree to that condition, but again I just hope that we reach out to Maui DOT to,
5 you know, look in the future and especially if that road just because of the speed. If it was 35 it's
6 one thing, but it's not. Thank you.

7
8 Mr. Carnicelli: Yes, I agree. I mean, we don't want to create a situation where six years from
9 now some, you know, worker is coming from Lahaina, makes a right hand turn and suddenly we
10 have a CUP violation, you know, so it's --. Okay, so I guess then the motion on the floor would
11 be to approve as recommended by staff including this additional language. Is everybody clear
12 on that? That's the motion, and I need a second. Yeah, is that okay?

13
14 Mr. Robinson: Is -- let's clarify because it was just during construction. Is that MECo would
15 instruct their employees not to use a right turn?

16
17 Ms. McLean: During construction, the applicant shall not allow vehicular access to the property.

18
19 Mr. Robinson: Shall instruct. Shall instruct. I mean, I don't know if they have the power to not
20 allow. But they can instruct their employees.

21
22 Ms. McLean: And contractors.

23
24 Mr. Robinson: Yeah.

25
26 Mr. Hopper: There's others besides them that would use the property?

27
28 Mr. Robinson: Right.

29
30 Mr. Hopper: If that's the issue, then I think that language . . . (inaudible) . . .

31
32 Mr. Robinson: Shall instruct, yeah.

33
34 Mr. Carnicelli: Mr. Fasi.

35
36 Mr. Fasi: I did transmit this to the Department of Transportation, Maui, and they had no
37 comment on the traffic pattern.

38
39 Mr. Carnicelli: Thank you.

40
41 Ms. McLean: During construction, the applicant shall instruct its employees and contractors to
42 not access the property by vehicle from a right turn off Kuihelani Highway from the south.
43 Vehicular access shall be from Maui Lani Parkway or a left turn from the north.

44
45 Mr. Carnicelli: Are you okay with that? Is the applicant okay with that? Let the record show she
46 gave me a thumbs up. So I need a second to that motion now. Seconded by Commissioner
47 Thackett. Any discussion on the motion? Seeing none, Director.

1
2 Ms. McLean: The motion is to approve the amendments to the prior seven -- or prior -- approve
3 the time extension, add a condition seven to increase the boundary, and add the access
4 condition.

5
6 Mr. Carnicelli: Which would be condition eight.

7
8 Ms. McLean: Condition eight, yes.

9
10 Mr. Carnicelli: Okay. All those in favor, please raise your hand? That's five ayes. Thank you
11 Paul. Thank you Erin.

12
13 **It was moved by Mr. Robinson, seconded by Mr. Tackett, then unanimously**

14
15 **VOTED: To Approve the Amendments to the County Special Permit as**
16 **Recommended by the Department and with Additional Conditions by**
17 **the Commission.**

18
19 **(Assenting – K. Robinson, C. Tackett, D. Thompson, K. Pali,**
20 **L. Carnicelli)**

21 **(Excused – S. Castro, P. D. La Costa, T. Gomes)**

22
23 Mr. Fasi: Thank you.

24
25 Ms. Mukai: Thank you very much.

26
27
28 **2. KAA NAPALI OCEAN RESORT VILLAS - LOT 3 submitting annual reports**
29 **for calendar years 2012-2018 filed with the Department of Planning on**
30 **disbursement of funds to intervenor West Maui Preservation Association**
31 **and to the West Maui Community Benefit Fund, pursuant to the Lot 3**
32 **Settlement Agreement between the applicant and intervenor at TMK: (2) 4-**
33 **4-014:005 (Por.), Kaanapali, Island of Maui (SM1 2006/0018)**

34
35 **This is for notification and review purposes. No action is anticipated.**

36
37 Mr. Carnicelli: Director?

38
39 Ms. McLean: Thank you Chair. Next on the agenda is an item listed for notification and review
40 purposes. This is from Kaanapali Ocean Resort Villas, Lot 3, submitting annual reports for
41 calendar years 2012 through 2018, filed with the Department of Planning, on disbursement of
42 funds to intervenor West Maui Preservation Association and to the West Maui Community
43 Benefit Fund, pursuant to the Lot 3 Settlement Agreement between the applicant and the
44 intervenor. This relates to TMK: 4-4-14 portion of parcel 5, in Kaanapali. This is an annual listing
45 on your agenda, and this time several years of prior reports were also provided for information.
46 No action is needed from the Commission. This is for notification and review purposes.

47

1 Mr. Carnicelli: So noted. Any questions from the Commission on the transmittal? Seeing none.
2 I think at this point in time, let's go ahead and take a recess before we head into our workshop.
3 Is everybody okay with that? Okay. Ten minute recess.

4
5 *(The Maui Planning Commission recessed at 10:20 a.m. and reconvened at 10:33 a.m.)*
6

7
8 **D. Workshop on the Planning Department's proposed amendments to the Maui**
9 **Planning Commission's Special Management Area Rules and Shoreline Area**
10 **Rules conducted by Planning Department Staff. (M. McLean)**
11

12 **This workshop is for information purposes; no action is anticipated.**
13

14 Mr. Carnicelli: Planning Commission of September 24th, 2019 is back in session. And to answer
15 the question from the gallery, yes, we will be taking testimony after the presentation. Director.
16

17 Ms. McLean: Thank you Chair. Next is a workshop on the Planning Department's proposed
18 amendments to this Commission's Special Management Area Rules and Shoreline Area Rules
19 conducted by department staff. The majority of the presentation will be shared between
20 supervising planner Jeff Dack who oversee our shoreline team, and Tara Owens with UH Sea
21 Grant. So if we can turn it over to Jeff we'll get started.
22

23 Mr. Jeff Dack: Yes, good morning, and I'm sorry if haven't met some of you. I apologize. I don't
24 get to the Commission too often, but I'm happy to have this opportunity this morning. As --
25

26 Mr. Carnicelli: Jeff, just state your name for the record.
27

28 Mr. Dack: My name is Jeff Dack.
29

30 Mr. Carnicelli: Thank you.
31

32 Mr. Dack: With the Planning Department.
33

34 Mr. Carnicelli: Good afternoon.
35

36 Mr. Dack: Good morning. This is the first of two planned public workshops we're working to
37 schedule or actually we're actually working to carry out a relative to proposed amendments to
38 the Shoreline Rules for the Commission. One workshop one as you can see on the slide there is
39 today, and we're looking to have another one on October the 22nd.
40

41 So we'll -- the purpose of the workshops is to give the Planning Commission an opportunity
42 before you're holding hearings, before you're in to serious deliberations, to receive
43 presentations, and an opportunity for feedback, questions and answers, to understand as the
44 what are in the proposed rules, what's behind it, what's the intent is. That's the purpose. And
45 then we'll after, we're hoping that after two workshops are held, in whatever way you'd like to
46 move ahead, and whenever you would like to move ahead, then the next step of high
47 significance would be for you to ask the department schedule a public hearing on the proposed

1 amendments to the rules. And after the public hearing is actually held, that's when you would be
2 in position legally to able to take some kind of action.

3
4 We're working towards having community engagement. There already has been a fair amount.
5 I'll get to that in a little bit later slide. We'll provide today some more contextual background for
6 the proposed updates. And we'll go through the actual update process time line. We'll some Q
7 and A. And we certainly want to have whatever inputs you want to provide. Keeping in mind,
8 though, that there will be a second workshop we're scheduling for the 22nd of October. That's
9 where we're inviting Dr. Chip Fletcher from UH Manoa to come and present. He's with the
10 University of Hawaii Coastal Geology group, and has probably has various other titles and
11 affiliations. But has been working in the area of coastal erosion and trying to protect from the
12 impacts of that for at least a good couple of decades I'm aware of. He's a subject matter expert
13 and has been for many, many years, and still is today. He'll be presenting to you the latest
14 information on climate science, and update sea level rise projections. He'll be able to go through
15 a more detailed of explanation of coastal erosion methodology. We'll hit the highlights today, but
16 you'll be able to go into a lot of -- whatever level of questions and answers you want to have
17 with him about the modeling, and how we got to where we are. And then again, we'll have
18 another opportunity for Planning Commission input and direction at that point.

19
20 So we have had community outreach so far. There's an earlier version of draft updates to the,
21 both the SMA Rules and the Shoreline Rules for the Commission that was published and made
22 available just about a year ago. So in that time, that you can see there's a history of
23 engagement we've had so far on both of those set of rules. And we initially transmitted to the
24 State agencies, got their comments back. Tara Owens did a presentation to the AIA group a
25 little over a year ago. We spoke to the construction industry of Maui. We had a public
26 workshop for the public in general, in the evening, about a year. We had two workshops with the
27 Commission relative to SMA Rules also about a year ago. And since then we've met with
28 neighborhood groups, large land owner groups, a resort leadership, relators association this
29 year, and then Maui Facilities and Engineering leadership. And there will be more, more
30 outreach to come.

31
32 Now this nothing completely, nothing totally new because what's proposed in the rules now is
33 really an outgrowth and kind of -- not just an outgrowth, an extension beyond the current
34 approach to shoreline erosion and protection which you have had in your commission rules
35 since November, the 27th, of 2013. That has a -- in there, there's a definition of annual erosion
36 hazard rate, and there's a formula that's in your rules right now that provides for significant
37 protections. But now as you see, 2003, 2019, we're 16 years later. There's a lot of new
38 information out. A lot of critical information out. There's information on sea level rise that we
39 didn't have available to us in 2003. So there's been a lot of work and it's time for a very serious
40 consideration of an update to meet the challenges that we're now aware of, and then also to
41 incorporate the vast amount of research that has gone along with the evolving situation for the
42 last 16 years.

43
44 But first just to show you a little bit, remind you, of what's in your current rules right. We have
45 two ways of determining what a setback is for from the shoreline. And again, just the concept on
46 the setback. Your rules go into identifying the kinds of things that can or cannot be done in a
47 shoreline setback area. And the -- sorry I was distracted a little bit by that. So there can be

1 some minor modifications, upgrades to things, repairs to things that can happen within a
2 shoreline setback area. But because it's an area where we expect the lands will be eroded, it's
3 pretty severely restrictive. You can't build new buildings of any kind of substance in the area.
4 Again, we're trying to protect the public. We're trying to protect everyone from, from this erosion
5 which has historically been shown to occur.

6
7 So there was a calculation. Again, we've been using it since 2003. The current calculation for an
8 erosion base setback is we take 50 years. We have calculated based upon -- the . . . (inaudible)
9 . . . have calculated for us annual erosion hazard rates, along 20 meter transects in substantial,
10 basically the highly, most highly developed coastal areas of Maui Island which includes south,
11 south Maui, Wailea, down to Makena. And then the West Maui area up to Kapalua, and then
12 there's the north shore area. They've figured out what an annual -- what's the annual average
13 rate of erosion based upon comparing aerial photographs over going back to the early 20th
14 century. So we come up with an average annual erosion rate. So we multiple that times 50
15 years because the idea was to protect for a 50 year period. And then we added a 25 foot small
16 buffer to that. So as you see in the example there, if we're looking at a property and it has an
17 annual erosion hazard, AHR, of 1.4 feet per year, we multiply that by 50, and we add 25 feet,
18 then the setback becomes 25 feet. Now that, that --.

19
20 There's two ways in areas where these annual average, annual, average erosion hazard rates --
21 pardon me -- have a, have been calculated. There's another alternative approach that's in our
22 rules. And the rules require that the setback be the greater of the two distances. So it's either
23 based on the erosion based setback or secondly, there's a lot depth base setback that --. It just
24 depends upon the average lot depth. Again you can see if it's a 100 feet or less, it's 25 foot
25 setback. 160 foot, 40 setback. And 150 feet or more, it's 25% up to 150 feet. Again, that's the --
26 you take the worst case.

27
28 Now there's a substantial portion of Maui Island that doesn't have these annual erosion hazard
29 rates calculated for it. And I've said it's basically south, south shore, west Maui, and north shore
30 have them. There's areas like Hana, for example, that don't have it. But still in those cases, the
31 lot depth setback is what's, what's used. And Tara's going to talk a bit little now about what
32 opportunities we have to update the setbacks.

33
34 Ms. Tara Owens: Hi. Good morning everyone. I'll do a real quick introduction for those who may
35 not know me. My name is Tara Owens. I am affiliated with the University of Hawaii Sea Grant
36 Program. So that program is based at UH Manoa, but I'm here on Maui. I live and work and I
37 serve the County of Maui via the Planning Department. So I work alongside with the coastal
38 zone managers here as we deal with these challenges we face along the shoreline.

39
40 So just a real quick summary of what Jeff just presented. It's real simple with the setback. It's
41 the greater of A or B. There's an erosion based setback. Those were established in 2003. And
42 there's a lot depth base setback.

43
44 The erosion formula essentially the higher your erosion rate, the larger your setback on a given
45 property. So just deconstructing that a little further, as it relates to what we're talking about in
46 the proposed rules today. This formula was adopted by the Commission, and based on the life
47 expectancy of a structure being approximately 50 years. We take that 50 years and multiple it

1 by the A, E, H, R, the annual erosion hazard rates from the maps that are developed by UH. So
2 this is based on historical erosion. It doesn't factor in worsening conditions or future projections
3 that we now know we're facing. And the 25-foot addition is basically a minimum setback. So if
4 you had a low erosion rate, close to zero, you'd have zero times 50, and you would end up with
5 zero. So the 25 feet ensures a minimum setback of 25 feet. Now looking at each of those
6 functions or those factors, we now know that the 50 year multiplier is probably too low. Many
7 homes and structures, buildings, especially commercial type buildings end up, you know, being
8 redeveloped or renovated and have a much longer life expectancy than 50 years. The American
9 Society of Coastal Engineers suggest that 70 or more is probably more realistic.

10
11 Another factor is that one thing we see -- and you've probably seen presentations from me in
12 the past -- we're having a lot of impacts along the shoreline right now. What happens is as our
13 shorelines erode, our beaches narrow, shoreline moves landward, and as a result of that, when
14 we have our seasonal episodic events -- it might just be typical winter north swell -- we're having
15 impacts that we never had before. So historical erosion may not adequately account for these
16 episodic events.

17
18 The third factor relates to that 25-foot minimum setback. If that minimum setback is applied to a
19 property, it essentially allows a structure to exist now within five feet of what the State would
20 consider something to be eminently threatened. 20-feet is their sort of, their administrative
21 policy. If the erosion reaches 20-feet, within 20-feet of a habitable structure, it can be
22 considered eminently threatened and emergency measures can be undertaken. So that 25-foot
23 minimum setback may not be adequate.

24
25 And finally what we're really focused on today is the fact that sea level rise is not included in this
26 formula. Again, it's looking at the past, and not the future.

27
28 So, many years ago, starting probably in about 2013, the Planning Department asked Sea
29 Grant to help with thinking through some options to update that formula so that it could
30 incorporate future conditions with sea level rise. And so we started, started thinking about
31 conceptual ways to approach that and those are listed here. So one way to go about it is just to
32 add an additional buffer as a percentage. We know the erosion rate is one foot per year, let's
33 add 10 percent more on top of that as an additional buffer against sea level rise. But of course
34 that's not tied to any specific model.

35
36 Another way of approaching it, number two there, is to use a, a simple geometric model. And
37 there are models out there in the literature. . . . (inaudible) . . . and Davidson are a couple of
38 those. And the little graphic there on the side sort of demonstrates what that means. If sea level
39 rises, it's a vertical rise, then your shoreline is going to retreat horizontally in the face of that sea
40 level rise. So you input a sea level rise threshold, and you have the beach sloped, maybe you
41 have an average beach slope. Obviously the steeper your shoreline, the less horizontal retreat
42 you're going to see. The less steep shoreline is going to have more horizontal retreat. So it's a
43 simple model based on geometry.

44
45 And then finally the third option would be to sort of go at in a more probabilistic approach. And
46 this is where the information we now have available to us leads us. So this might be again
47 thinking about a national, like, the Federal Policy for Flood Insurance. Flood zones are based on

1 probabilistic maps. They're based on looking at events that have already happened in the past,
2 and what your risk might be. And with the new models we have from UH and through the Hawaii
3 sea level rise viewer you're going to see in a minute, we have something similar to that where
4 we're looking at past events, but also incorporating future projections into like a probabilistic
5 projection of what erosion might be. So more on that, that's conceptually.

6
7 So we looked at that. We had all these ways, and we went through this process. This table just
8 shows you looking at variety of formulas. So the existing formula is there at the top. 50 times the
9 erosion rate, plus 25-feet. If you go to the next row down, what if we just increased the multiplier
10 from 50 to 70. And it gets increasingly complicated as you go down the rows there to the final
11 and including a one meter sea level rise from one of these geometric models. Increasing the
12 multiplier, adding in a factor for uncertainty, and you can kind of see in the columns there how
13 that would manifest as a setback. If you have a low erosion rate, or a high erosion rate. So
14 maybe we would go from a 45-foot setback under the existing formula to a 145-foot setback at
15 the bottom there if we factored in all of those, those things. Increasing the multiplier, adding in
16 uncertainty, adding in sea level rise.

17
18 So we went through a detailed exercise and looked at sort of the sensitivity of these formulas.
19 By the time this was sort of wrapping up we at that point knew, the State was working very
20 rapidly on the statewide sea level rise report. So ultimately the Department and the
21 Administration decided to put this back in the back burner until that information became
22 available. So Jeff is going to give you a little history on that, and we're going to tag team here.

23
24 Mr. Dack: Thank you. There's another point that I'd like to raise that goes back maybe five or six
25 years. Not only were we look at trying to update the formulas to account for changed conditions
26 particularly in sea level rise, we also had an initiative in the Planning Department, I think the
27 County in general, to try to streamline where we could. Trying to make things simpler. And you
28 saw those formulas, and whenever anyone needs to figure out where their setback is, there's a
29 significant process they have to go through. They have to currently, under our current rules,
30 they have to go get a surveyor. They have to -- they have -- the surveyor has to survey where
31 the shorelines is actually located. And they have to submit that to DLNR, the Board of Land. The
32 DLNR has to accept it. The Board of Land and Natural Resources Director has to sign off on a
33 certified shoreline survey. And only at that point can we know the starting point from which to
34 measure the setback. So it's a cumbersome process. It takes time. It takes a fair amount of
35 money. And it has to be done pretty much any time anyone wants to do anything that's of
36 almost any substance really that's in the shoreline area.

37
38 So we're looking at parallel with looking at trying to update for new conditions sea level rise.
39 We're also looking at how can we streamline that? So it's really nice when you're working in life
40 and things come together, and in this situation it did. Because with the work on the sea level rise
41 report that I will show you in a moment, we ended up with a line where now -- I'm probably
42 getting a little ahead of myself -- but where we're going not only can serve for...taking the latest
43 available science and approaches, but it is also going to streamline the process of processing
44 shoreline setbacks. One of us, we'll get into that a little bit later, but I wanted to mention that's
45 another initiative that lead into the ultimate decisions that we were making when it came to
46 recommendations.

1 But as this slide indicates, in 2017, what the State, the Climate Change Mitigation and
2 Adaptation commission was created. It was follow on from a Climate Adaptation Committee
3 which had started work on the sea level rise report back, I guess even five or six ago. Not five or
4 six, but three or four years ago. And the initial focus was to develop this sea level rise
5 vulnerability and adaptation report because they had work already being done by this Climate
6 Adaptation Committee. And the commission, you know, the climate commission has an agenda
7 to prioritize this agenda for resiliency. They worked on -- they're working now on adaption and
8 also mitigation. Adaptation is when you're actually adapting to the impacts of climate change on
9 us, and that's what this work that we'll be doing -- that we're suggesting that you go forward with
10 will address.

11
12 This Commission also works on mitigation. To mitigate the greenhouse gases, and the impacts
13 to climate change that are occurring due to human activity in the islands. So they work on two
14 things, but we're going to be focusing again on the adaptation side.

15
16 So the sea level report and viewer was adopted by the Commission, the Climate Commission
17 December 17. It assess vulnerability to coastal hazards with sea level rise. It provides
18 recommendations for improving resiliency in coastal hazards. And it has a recommendation that
19 everybody in the State plan for 3.2 feet of sea level rise. And that kind of sounds, like, maybe a
20 little bit of an odd number. But that is a number that came up as it was the best anticipation of
21 sea level rise by approximately 2100. And Tara may -- I'm looking down at her because she'll
22 correct me if I'm wrong. Adopted by the interagency panel on climate change. It's an
23 international organization that comes out with climate change reports every few years. So that
24 was a number that we're looking at. We thought that would probably end up occurring by 2100.
25 Unfortunately things are getting worst in the climate world and then better. It's rare. I rarely find
26 good news. But now we're looking at that, that possible 3.2 feet being reached not 2100, but by
27 maybe as early as 2060.

28
29 But the report kept on focusing on the 3.2 feet. And there's a very robust way of actually --. It
30 has information in the sea level rise viewer that it goes down to a very granular scale, parcel by
31 parcel scale. So it takes information in maps that you find in a report in just a very large scale.
32 And you can actually go into the sea level rise viewer and look at what the impacts are on, on
33 particular parcels. And because of that level of detail available to us, that is how we are -- the
34 Department can suggest that the County use and the Commission use that as a basis for policy.

35
36 Ms. Owens: Okay, so the report was released in 2017. And as a companion product to that, a
37 whole bunch of State partners worked on releasing this Hawaii Sea Level Rise Viewer
38 simultaneously. So you, as a Commissioner, can go to this website, Hawaii sea level rise
39 viewer dot org, zoom into any location on Maui, and look at the models. And this might be
40 helpful to you as you consider the proposed rule changes.

41
42 We are one of few states across the nation who are fortunate to actually have invested and the
43 have these very high resolution sort of property scale models available to us. And I know many
44 of you have heard this before, so I apologize for if it seems like a broken record. But we want to
45 make sure everybody understands what is available, and what the information means, and how
46 it's, it's proposed to be used in these rules.

47

1 So in the viewer, there are actually access to three different models. So, again, these models
2 were developed by the University of Hawaii, for the viewer and the, and the report. The first
3 model refers to something called passive flooding. Or, you can think of it as still water flooding.
4 So as sea level rises, think about filling up your bathtub. The water is just simply, the flat water
5 rises, and there can be impacts from that. This does not include waves. It does not factor in
6 erosion. So a good example of this is would be -- this is zoomed in with the sea level rise
7 exposure area turned on for 3.2 feet at Kealia Pond. So you can see the, of course, the area of
8 the existing pond has expanded substantially with three feet of sea level rise. And this is as
9 water essentially rises up, it can come from the ocean and spill over onto the land. But it can
10 also come up through the ground where there is low elevation areas. So wetlands that exist
11 already will become bigger, and some places there aren't wetlands, we may see new wetlands
12 emerge. This happens periodically at Kealia Pond. So this is the entrance to the parking lot. And
13 you can find times in the summer when we've had no rain for a long time but we've had high
14 tides, it will fill up the ponds and it will spill over into the road and the parking area. So that is
15 what we mean by passive flooding. Now in Honolulu, they actually have cases in the urban
16 core where water comes up through the storm drains as the ground water rises and floods the
17 roads.

18
19 The second model is taking this still water that we raise up and adding waves to it. Which in
20 Hawaii is really when we have -- can have some severe impacts. We get big winter waves. We
21 might get a big summer time south swell. And if you combine that with high water levels you
22 tend to have flooding. So, we have a model for that, annual high wave flooding. We're zoomed
23 in there to the Ukumehame Oluwalu area. And so an example of that that I know you've seen. In
24 the summer time, when we have our king tides, which is basically a glimpse of the future as we
25 have our seasonal high tides of the year. And if we add a south swell on top of that, we have
26 occasions where the highway out to the west side is flooded by the combination of high water
27 and waves.

28
29 And then finally, the model that we're really focusing on here today with the respect to the rules
30 is the model for erosion. So as sea level rises, it's going to push the shoreline landward, our
31 beaches narrow, and ultimately we experience land loss, and that becomes a permanent case
32 sometimes.

33
34 So this model projects the possibility of future erosion with sea level rise. And the colors you see
35 along the shoreline there, the colored lines, represent the projected erosions at different
36 thresholds. Half of foot of sea level rise, one foot, two foot, and the 3.2 foot. So the red line, we
37 refer to sometimes, is the erosion model with 3.2 feet of sea level rise. And the red line is what
38 is being proposed to be used in the proposed rules. So just zooming in --. Again, here's a photo
39 of what that looks like on the ground. This is that area in West Maui, the sort of the Honokawai,
40 North Kaanapali area when we've had permanent land loss from erosion in recent years.

41
42 So zooming a little closer to that area, you can see the red line on top of the existing
43 development there. So this is the, the line we're referring to in the new proposed rules. And
44 essentially this line equates to an 80 percent confidence that you'll be safe from erosion
45 landward of that line. So there's an 80 percent statistical confidence in this; safe from erosion,
46 landward of that line. And this would be the proposed new setback line.

47

1 Now as this is all happening, right after the report and the viewer were released, there was a lot
2 of conversation at the State and County levels about how do the take these models and use
3 them in Planning. And one thing that happen as a result of this conversation is the Mayor issued
4 a proclamation. This was under the Arakawa administration. The among other things in the
5 proclamation, he suggested that, number six, to direct the Planning Department to propose
6 revisions for the Maui, Molokai, and Lanai Planning Commission, to consider amending their
7 shoreline rules to incorporate sea level rise and to the determination of shoreline setbacks. And
8 there was a companion resolution at the County Council with similar language. And so that is
9 one of the reasons we are here today.

10
11 I'm going to turn it over to Michele to get into the details of the rules.

12
13 Ms. McLean: Thank you Tara and Jeff. Just a couple of slides and we'll wrap this up. First of all,
14 we're talking about two set of rules; your SMA Rules and your Shoreline Rules. These go hand
15 in hand. And basically you can't do one without the other because there are things that we want
16 to take out of the SMA Rules because they relate solely to the shoreline, and put them into the
17 Shoreline Rules. But we can't adopt those changes to the SMA Rules if we don't also adopt the
18 changes to the Shoreline Rules. They relate to things like the certified shoreline and also some
19 enforcement provisions that are proposed to be the same in those set of rules.

20
21 The SMA Rule amendments as you've seen through the community outreach that we've done,
22 there's really general support for those. They're very common sense. They relate to spelling out
23 in a lot more detail what we need to issue emergency permits. Some of them are clarifications
24 or housekeeping amendments. And most substantively they include what we're calling those no
25 needs. Right now we do hundreds of SMA's assessments a year for things like interior
26 renovations that we'd really rather not have to do assessments for. So the rules address those
27 and those are things we're calling no needs.

28
29 The Shoreline amendments, however, are more controversial. They require more discussion
30 and outreach. And that's really been our main focus since we did all those outreach initiatives
31 last year that Jeff reviewed earlier on in the presentation.

32
33 The most critical part of these rule amendments are using that new erosion hazard line as the
34 basis for setting the setback. That's a big change. It's...it's has some very profound impacts on
35 many shoreline properties, and so that's why we need to continue doing outreach. We need to
36 be very clear with the Commission and the community what we're doing here, or say what we're
37 proposing the Commission to do here. It will create limitations on future development. It will
38 create non-conformities. Those are very serious things. On the upside, to compensate for that,
39 we are proposing to allow more activities and repairs than are currently allowed in the Shoreline
40 Rules. As well as introducing some of those no needs in the Shoreline Rules as well. But in the
41 shoreline area those are going to be much more limited than they are in the SMA.

42
43 So going over the Shoreline Rule amendments really quickly, we're talking about the
44 establishments of the setbacks. Tara reviewed the previous options that the Department went
45 through, different formulas, different models. To incorporate sea level rise into the setbacks,
46 using the erosion hazard line is clear, it's easy, it's clean, it's straightforward, it's streamlined. In
47 a lot of cases, the shoreline survey isn't needed and that can be a big hassle and consumer of

1 time for a lot of properties. And so quite simply where the erosion hazard line is mapped, the
2 setback is that line plus 40-feet. That's the main substantive part of the proposal. That erosion
3 hazard line, however, is not mapped in all places, and so in those instances, the Department is
4 mapping what we believe the existing shoreline to be using imagery and other tools. We're
5 mapping that and the proposal is for the setback to be 200-feet from that existing mapped
6 shoreline.

7
8 If the erosion hazard line isn't mapped, someone also has the option of doing the certified
9 shoreline survey as is the process today, and the setback is based on the lot depth formula
10 which is exists today.

11
12 Also in areas without the erosion hazard line, if the lot is irregularly shaped or there are cliffs, or
13 the Department hasn't mapped it, then we use the lot depth percentage.

14
15 So those are four different ways to, to establish the shoreline under the proposed rules. Again,
16 this is more restrictive in most cases, and to compensate with that, to help with the non-
17 conformities that might be created, we would propose to increase the minimum buildable area.
18 Right now as you saw in some of those slides, there are going to be properties that are now
19 entirely within the setback. In the current rules, there is a minimum buildable area provision.
20 That's going to be retained. We're proposing to increase that a little bit more to make it a little
21 more lenient to allow a little bit more development than that provision allows today. We're also
22 proposing to allow more reconstruction and repair than the rules currently allow for because
23 we're understanding non-conformities that we're going to be creating.

24
25 They've prepared to slide to demonstrate this. So, in this example, you can see at the top, the
26 3.2-foot erosion hazard line incorporating sea level rise, that's the 80 percent confidence, that
27 property will be safe landward of that line.

28
29 Looking down in that middle bubble, the existing shoreline setback would put -- the existing
30 shoreline setback formula would put that setback only at 75-feet. You can see that substantive
31 difference. Then the minimum buildable depth, that white rectangle shows even if that property
32 is entirely within the setback, you still get a pretty reasonable area to develop. If the property is
33 100-feet wide which isn't -- you know, that's somewhat a typical residential lot, the 40-foot depth
34 that would allow a 4,000 square foot footprint for development. And so if you were to build a
35 two-story house, you'd have to allow ground level space for driveways and parking, but then you
36 could build a two-story house and still have some reasonable development potential on that
37 property.

38
39 This is just a very quick overview of what we're looking at. We only have five commissioners
40 today. We have the workshop coming up with Dr. Fletcher next month. So this is just to start
41 giving you the understanding of what we're looking at, how we got to this point, and then with
42 Dr. Fletcher will get into a little more of the science, and then at a future meeting we can go
43 through the actually text changes. Those are in your packets. They're up on our website. We've
44 prepared frequently asked questions as well. The process and timeline from this point, as we've
45 said, we have the upcoming workshop next month. We're also working on sending out notice to
46 all properties within the SMA on Maui so that people are aware of these proposed rule
47 amendments are pending, to let them know where information can be found, and also to let

1 them know the date of a public meeting that the Department will be holding. And it's from that
2 previous outreach that we are able to make some of the changes that we have. We understand
3 that it's not going to satisfy everybody, but we're going about it as far as we think is responsible
4 to address those concerns. And then, as we've said, we'll have future meetings with the
5 Commission. At some point hopefully scheduling these for adoption. There would have to be a
6 formal public hearing held by the Commission before adoption could happen so there will be at
7 least one more meeting with the Commission after the workshop, and I would guess more than
8 one. And that concludes our overview. Thank you Chair.

9
10 Mr. Carnicelli: Thank you Director. And just one piece of clarification on what you said as far as
11 us holding our public hearing is we're, we're the final say on this. It doesn't go to Council, but it
12 does go to the Mayor for signature, correct?

13
14 Ms. McLean: That's correct.

15
16 Mr. Carnicelli: Okay, so this is, this is us. This is the eight of us. Well, hopefully, hopefully it's
17 nine. Most of the time it's seven or six, but anyways the weight of this entire thing, this is a big
18 deal obviously. And this is all on us so you guys know. So I would just say that we go ahead
19 and make sure that we read everything, we're really diligent, and if I could instruct the
20 Department to get a copy of this from Akaku, that includes your entire presentation and
21 whatever testimony and the Q&A that we have, for the folks that aren't here so they can see that
22 digital map.

23
24 Ms. McLean: Thank you Chair. We confirmed with Akaku that this meeting as well as the
25 workshop with Dr. Fletcher will be filmed with the, with the purpose of providing that to the
26 Commissioners.

27
28 Mr. Carnicelli: Awesome. Yeah, because that was a part of, you know, having the bare quorum
29 here today is that. So with that being said, we're going ahead and open up the floor for public
30 testimony at this point. We did not have a sign in sheet so it's kind of going to be a free for all,
31 push each other out of the way, and come on up. But also just so you guys know, here at the
32 Planning Commission, when you come up to testify, you have to identify yourself. You will get
33 three minutes to speak. It's helpful if you can let us know if you are a professional or an expert
34 in the field. And so anyways, who would like to come up and testify first? Come forward.

35
36 Ms. Kai Nishiki: Aloha Chair, Commission Members, Planning Director, all the important people.

37
38 Mr. Carnicelli: Aloha. Please state your name.

39
40 Ms. Nishiki: My name is Kai Nishiki.

41
42 Mr. Carnicelli: Kai, you have up to three minutes.

43
44 Ms. Nishiki: Thank you so much.

45
46 Mr. Carnicelli: Thank you.

47

1 Ms. Nishiki: Thank you very much for presenting here at the Planning Commission. Thanks
2 again to the Planning Department for putting on a great conference last week. There were so
3 many speakers on this subject, and I'm so glad to see that we are pushing from the fringe to this
4 actually being a topic of mainstream conversation because this is so valuable to protect property
5 as well as the County, and you know, our community in general so mahalo.
6

7 I would just like to offer a couple of suggestions is to please hold some additional public
8 outreach meetings within each district or moku. I think it's most valuable and important in the
9 shoreline communities. Definitely, like South Maui and West Maui who will mostly be affected by
10 these changes. And also I like that you guys are going to put out a letter to the shoreline
11 property owners. That's, that's great.
12

13 I think that it is very valuable to have that shoreline setback. We have -- that is one of the
14 primary tools to just prevent future shoreline hardening. You know that on the west side we've
15 lost numerous miles and miles of beaches to shoreline hardening. And these shoreline setback
16 adjustments can help prevent that from happening in the future. So, mahalo very much.
17

18 Mr. Carnicelli: Thank you Kai. Who else would like to come forward and testify on this particular
19 item? Anyone?
20

21 Mr. Rory Frampton: Good morning Commissioners, my name is Rory Frampton. I am a planning
22 consultant. I've been in the professional planner on Maui since early '90's. Aloha. I really thank
23 the Planning Department. They spent a lot of time amending these, proposing these
24 amendments to the rules. There's a lot of them that are really needed desperately. I'd say I
25 encounter it day to day almost, and so I would really encourage this Commission to look
26 seriously at moving forward with the, with the rules, the amendments to the SMA and the
27 Shoreline Rules that would codify a lot of what's -- or would put into writing the practice that the
28 Department is currently doing. They're trying to act with some common sense and
29 reasonableness, but they need to adopt to rules to make it better. And I think they can go
30 through those, those amendments in more detail when you adopt them. But I would strongly
31 suggest moving forward with that, but taking a much more careful detailed look at, at the
32 proposed adoption of the new shoreline setback line. The model, and the predictions, and the
33 results are really dramatic, and you'll see that when Chip Fletcher comes. But there's -- and
34 there's some, I call almost --. Some of the results leave you scratching your head. Like in
35 Lahaina, you're going to go along Dickenson Street, on the north side of Dickenson Street,
36 there's going to be numerous commercial properties in the shoreline setback area. Right across
37 the street, on the south side of Dickenson Street none of those properties would be affected. So
38 there's an anomalies like that that need to be looked at, that need to be fleshed out. But I'd
39 really, again, I can't emphasize how important some of the rule changes are that the Planning
40 Department proposed and I strongly support those changes to help the Department and the
41 community work more efficiently in terms of protecting the resources of the coastal zone.
42

43 Mr. Carnicelli: Thank you. I just have one quick question. Have you had a chance to look at all
44 of the, I mean, the actual rule changes?
45

46 Mr. Frampton: Yes. The most recent ones I glanced at, but several months ago when they came
47 out, I looked at both of them very closely.

1
2 Mr. Carnicelli: Any suggestions?

3
4 Mr. Frampton: I don't have those --

5
6 Mr. Carnicelli: I put you on the spot.

7
8 Mr. Frampton: -- because I knew today was a workshop and there wasn't any action, I didn't
9 really focus on it. I'm certainly prepared to come back with specific detailed comments. But at
10 this point, I think, if you guys were to separate out the adoption of the new setback lines and
11 move forward with all the other things. I don't think you need to notify the community for all
12 those other changes. I think you need to notify the community for the increase setback line. But
13 it would be --. If that's one thing that this Commission could do you guys would be making a big
14 beneficial impact, in my opinion, in terms of the way the rules operate now.

15
16 Mr. Carnicelli: Thank you. Would anybody else like to come forward and testify?

17
18 Ms. Patricia Cadiz: Hi.

19
20 Mr. Carnicelli: Good morning.

21
22 Ms. Cadiz: Morning. My name is Patricia Cadiz. I am a beach advocate and I'm very glad to see
23 that we're talking about sea level rise as a community. It's a really important issue for an island
24 based community. Especially an island that's volcanic in structure where our sand comes from
25 the reef not from an erosion like in many mainland volcanos or erosions, erodes the mountains
26 and washes down and then the sediment accumulates along the shore. We have, we have
27 reefs, and that where our sand comes from. So Maui, being one of the younger islands in the
28 Hawaiian island chain has a lot less sand than the older islands of Kauai and Oahu. I think
29 about two-thirds of all the sand in Hawaii is actually on those two older islands.

30
31 So the little bit of sand that we have along our shorelines is like gold to us. I mean what are we
32 without our beaches, right? So it's really important to me that we protect every grain of sand and
33 the health of our beaches and reef which is the source of our sand.

34
35 So that being said, I really want to emphasize that I'm a big proponent of planning for sea level
36 rise. And I appreciate the good work that's being done. I really appreciate the effort that's been
37 put into the sea level rise report. And I believe the sea level rise report is a really great attention
38 getter, and a big red flag to all of us to wake and pay attention and plan ahead. But, I'm not sure
39 that it's ready for site level planning in this way. And the reason I say that is a model is only as
40 good as its assumptions. This model makes a couple of assumptions that worry me. One is that
41 it assumes that there ever was a sandy beach and therefore we can calculate erosion of that
42 sandy beach, that there will be forever upland more sand. In other words, it's always a sandy
43 environment. And it doesn't matter if it's a sandy flat environment or sandy high dune
44 environment, or an eroded back to a cliff base, or eroded back to a sea wall. The model doesn't
45 account of any of those variabilities which would have a tremendous impact on how shoreline
46 might erode. That's one of the big flaws that bothers me about the conclusions of the sea level
47 rise report and makes it less than useful for site level planning.

1
2 Another assumption that it makes is that nothing can, or ever will be, or ever has been done to
3 mitigate erosion of the shoreline. And Maui's north shore where my interest and specialty lies
4 has been one of the most active shorelines in the State for addressing shoreline erosion. Oh-
5 oh.

6
7 Mr. Carnicelli: Please conclude.

8
9 Ms. Cadiz: So anyway the north shore community has had several successful projects already
10 that have actually widen the beach. And widening of the beach is another way of using the word
11 displacement. Displacement is the opposite of retreat. And I think we should look at engineering
12 solutions that would honor the conservation preservation mandates of the Hawaii Revised
13 Statutes.

14
15 Mr. Carnicelli: Thank you.

16
17 Ms. Cadiz: Thank you.

18
19 Mr. Carnicelli: Any questions. Would anybody else like to come forward and testify at this time?
20 Seeing none, without objections, we'll go ahead and close public testimony. So I guess at this
21 point, Commissioners, do you --? I mean, this is a workshop. Do you have anything that you
22 want to add? Do you want to have questions at this point in time? And I guess maybe what I
23 should say is Director based on this conversation, will there be additions, subtractions, changes
24 to the proposed changes?

25
26 Ms. McLean: There may always be continued proposed changes as we continue to get input
27 from the Commission, from the community. I would like to make a comment based on what the
28 testifier said and that is that there's an existing provision in the shoreline rules that we're
29 proposing to modify where you can request an amendment to your shoreline setback. So in the
30 example, the Lahaina example where it puts a lot of commercial properties into the setback and
31 that may seem like an anomaly, or the example of there being engineering solutions, it's an
32 administrative process. Just with the Department, you can request an amendment to the
33 setback whether it's the setback met by the Department or using the erosion hazard line to say,
34 oh, that shouldn't be what my setback is and this is why. And show us that. And that can be an
35 administrative approval. So there are options if the modeling isn't accurate, if there are special
36 circumstances for a property. We will take a look at that provision to see if we need to add more
37 to it to make sure that it covers the kinds of situations that are being discussed. But, yes, we will
38 continue to respond to feedback that we get if we feel that further proposed revisions are
39 needed.

40
41 Mr. Carnicelli: Great. Thank you. Any other questions from the Commission? I do have a couple.
42 Is the shoreline certification by the Department? Because if I get this, you know, Jeff, you were
43 talking about how just the certification in general is just such an arduous process and it's long
44 and everything like that. And yet because we have all of these different gaps in the erosion line
45 that the Department is going to have to go all around and do all these certifications anyway. So
46 what's the process with that? Is, I guess, how is that going about? How are we going about
47 that?

1
2 Mr. Dack: In the proposed rules there would be no certifications necessary anywhere at all. As
3 the baseline for in areas where the erosion hazard rate, where the erosion hazard line has been
4 mapped, we're proposing that the setback be based upon the erosion hazard line plus 40-feet.
5 So there's no need. There would be no need in those areas --

6
7 Mr. Carnicelli: Right.

8
9 Mr. Dack: -- to do any shoreline certifications. So in areas such as Hana where there is no
10 erosion hazard rate map, and actually for all of the rest of the island, Michele mentioned that
11 we're proposing a setback be based on 200-feet from our GIS analyst's, you know, work to
12 establish the best approximate location to the shoreline.

13
14 Mr. Carnicelli: So that's what I'm asking is right there.

15
16 Mr. Dack: Okay.

17
18 Mr. Carnicelli: So that's what it is, is you're going to have your GIS people approximate where
19 you think the shoreline is, and then so we're going to 200-feet from there.

20
21 Mr. Dack: That is proposal.

22
23 Mr. Carnicelli: Right. Okay. That's just what I wanted to understand that. So that's how we're
24 coming up with that line is a GIS approximation internally.

25
26 Mr. Dack: And we're still giving people the -- would give -- rules would give people the
27 opportunity to still do the shoreline survey and use the formula if they wished. If they feel their
28 setback is smaller than that 200 feet, there is opportunity.

29
30 Mr. Carnicelli: Got 'ya. Thank you. And then one other thing too is, and maybe this is going to be
31 on October, the second meeting in October, is to incorporate, you know, all the data that we're
32 using currently, with the current setbacks is all from 1997, right? All the photos and everything
33 like that, and the erosion line is from 1997. Well, that's like 22 years ago. And so, you know, we
34 can actually, literally see what's happened in those 22 years now. Like, we have those data.
35 You know, it's like to provide us with those data points to say, like, okay we thought 22 years
36 ago this is what the erosion rate was going to be, and this is exactly what the erosion rates be.
37 Because we predicted some places were going to . . . (inaudible) . . . and some places were
38 going to, you know, and so is to include that. I don't know if Chip's going to do that, or Tara, you
39 can provide that to us today to be able to have some reference point.

40
41 Ms. Owens: I can give you a really quick answer and then, of course, we can revisit with Chip,
42 being the source of the data.

43
44 Mr. Carnicelli: Okay.

45
46 Ms. Owens: Yes, the existing erosion maps that we have, the most recent shoreline in that set
47 of maps is 1997, as you suggested. In the new modeling, Chip included at least one additional

1 shoreline, I think, based on 2000-maybe-13 aerial photography. So the model does include an
2 updated shoreline, and looking at that past history, and then projecting forward from there.
3 Additionally, there has been a re-flight of the islands, both with . . . (inaudible) . . . and aerial
4 photography. So there is even more recent data to be extracted that can be included in the
5 model which ultimately the coastal geology group plans to do over time, and continually update
6 the erosion model as new data becomes available.

7
8 Mr. Carnicelli: Who is the coastal ecology group?

9
10 Ms. Owens: Coastal geology.

11
12 Mr. Carnicelli: Geology group. Sorry.

13
14 Ms. Owens: Excuse me. That's Chip's lab back in UH.

15
16 Mr. Carnicelli: Okay. Chip's lab. And that's UH thing or is that his private thing?

17
18 Ms. Owens: It's a UH thing.

19
20 Mr. Carnicelli: Okay.

21
22 Ms. Owens: But he gets commissioned to do that through these types of research exercises.
23 Like in this case, from, through the climate commission and the legislative mandate. The County
24 can actually request updates too if there's funding available and you want it faster.

25
26 Mr. Carnicelli: Got it. And then the other thing too, and I don't know if this is when Chip does his
27 thing. Does he have just the one model or does he have multiple models, and then this is the
28 one that he picked? Because, you know, like if you go to FEMA, right, and other modeling type
29 things, you go to, like, okay we did five models. Because this one kind of worked, and this one
30 didn't, and you kind of get the outliers and say, like, okay, this is the one we got. So does he just
31 have that one model or there are multiple models with which this was the best one?

32
33 Ms. Owens: So there are three models looking at the three different ways that sea level rises.

34
35 Mr. Carnicelli: You're calling that, the view finder, three.

36
37 Ms. Owens: There are three models in there, but we here are now focusing on the one erosion
38 model. And Chip developed that erosion model based on literature that exists out there. So,
39 academic literature, peer reviewed studies, and it's this published Davidson-Arnott model which
40 has then been adapted to look at future conditions. So he --. So there's one erosion model...that
41 Chip has developed for this data based on existing models and peer reviews.

42
43 Mr. Carnicelli: Got 'ya. Got 'ya. Thank you. Commissioner Robinson.

44
45 Mr. Robinson: First off I think I'd like to propose at our next meeting we get past the
46 housekeeping SMA Rules that our, that our testifier said, you know, on the shorelines are a little

1 bit complicated. I think those that we went through I think hopefully we can take a vote on that,
2 and get that working so it saves the Department some time.

3
4 I am concerned with, with what we're looking at and the lack of what we're looking at with the
5 models. I am concerned like the testifier was with us looking at retreat instead of reclaim. I think
6 there's a lot of --. I think each coastline around Maui is different. I think the topography would
7 play an example compared like we see with their maps. There's some topography where it's
8 heavily flooded while some is not. I think one size fits all. And I think people having to come and
9 ask for exemptions every single time is going to be very cumbersome. I'm not a climate change
10 denier. It's happening. Sea level is going to rise. But it's unfortunate that it's about four years
11 now since we talked about reclamation on the west side, and nothing's happened. I see, I see
12 the success at . . . (inaudible) . . . point in Honolulu daily, and yet we do nothing here. I -- we
13 have, we have, we have tons, and tons, and tons, and tons, and tons of sand in Kahana that
14 we've already identified through our special project there and we've done nothing with it. I know
15 that the hide is having their project coming along and some other things, but I think we're taking
16 too long.

17
18 I think Planning Commission, we're in charge of SMA, and we talk about these things maybe
19 once or twice a year. We should be meeting about this every month. We should be hitting this
20 hard. We should be going at it, and try to get something closed. We should be pounding this
21 and not be talking about B&B's and short-term rentals which is -- I'm serious -- which we spend
22 half our time on when this stuff affects, you know, affects thousands and thousands of residents.
23 It affects tens, if not hundreds of millions of dollars in revenue to our island, and we have to try
24 to look to preserve it, not retreat from it. We have look to what can we reclaim as a short-term
25 until we get some more data. But we cannot not do nothing, and that's where my concern is.
26 We're trying to guess. We're trying to --. We think this is good, but I don't believe retreat is the
27 way. I think reclamation is the way. And if reclamation doesn't work, at least we tried it. But to
28 just do retreat and, like our testifier said, the sand is going back into the ocean. There's not
29 more sand in the hill, so our beaches would disappear. Our economy would disappear. Our
30 island will change. And there's alternatives and hopefully that works out. There will be some
31 alternatives from another speaker that says, okay, here's the data we have. We think that, you
32 know, this is an option that we could have instead of just moving our setback back because
33 that's drastic. And again that's real estate. And, you know, there's no lava flow on Maui coming.
34 There's not too many new beaches. We need to preserve and that's where I'm coming from. I
35 want to preserve. I don't want to retreat. I want to, I want to use our technology. I want to use
36 our reclamation. I want to use our different areas to have different things and to plan ahead. And
37 I like the passive, the passive flooding. That's something that, you know, if it seeps from the
38 ground, there's nothing to do that. But as far as erosion, we can plan against that. And I feel we
39 can. I guess, you know, we get somebody, enough experts that might . . . (inaudible) . . . but I
40 think . . . (inaudible) . . . point is a, is a nice example of doing it correctly and right. And why do
41 we have to wait Army Corp of Engineers for 10 years? Why do we have to do that while our
42 shorelines are disappearing? I think with the direction and with some courage from our officials,
43 hopefully somebody will sign a proclamation to say we're going to do this, not we're going to
44 look at this, and that's where I'm at. Thank you.

45
46 Mr. Carnicelli: Thank you Commissioner Robinson. You know, I, I too have concerns on --. You
47 spoke way more eloquently than I would have on it. And I was going to wait, I guess, maybe till

1 Chip did his thing. I didn't know if it was appropriate now or not or whatever but is, you know,
2 because we're going to have a series of these. But I think that you're right. We do need to start
3 having some, some very real conversations. It feels a little bit difficult to read through, you know,
4 the Ramseyer's changes and try to say like, okay, how is this going to holistically change things
5 or not. I'll be honest, I have a really --. I've spent hours on the view finder, and I have a really
6 hard time with it. I do. Like the one testier, Ms. Cadiz said, is just like some of the assumptions
7 in it are, you know, like the fact that everything is going to erode at the rate of blue sand.
8 There's no man intervention at all. The reefs aren't accounted for out in front. You know there's
9 just some things like the sub-strait. We don't take any account for the subtrait. Passive
10 flooding, you know, like Commissioner Robinson said, that's, that's legit. Sea level rise is
11 coming. We have to prepare, but what and how is something that weighs on me. I have to say it
12 weighs on me because I know that the, again, the seven of us, or six of us, or five or us, how
13 ever many, is we're like the end to this. This is like we make the decision, so it like weighs on
14 me a lot. And I want to do what's right for my island and the community.

15
16 You know, when I was at the HCPO Conference, the fact that the Kauai Planning Director said
17 passive flooding yes, but the erosion rate and the flooding, the high wave mark, he's like, no
18 way, we can't use that. You know, I think that it would be appropriate too for Corporation
19 Counsel to give us an opinion based on the next ruling from the Supreme Court and then how
20 that plays into this. I think that is very appropriate for us to get. For those of you that weren't at
21 the Conference, there was a ruling by the Supreme Courts on Takings and how that affects, you
22 know, this kind of thing. So I think that's just something that, as a community we got to have
23 these conversations. We've got to go into this eyes wide open. You know, it's going like yeah
24 this sounds really good, and there's like, it's but, there's always ramifications. There's always
25 consequences. Some of them are intended. Some of them are unintended. And I'm someone
26 that's -- you know, my wife makes fun of me all of the time because she's fire aim ready, and I'm
27 ready, ready, ready, aim, aim, aim, fire. And so we're a good combination that way. But I just
28 want to make sure. I don't want to keep having conversations. Like you said I do think we need
29 to take action. But I also think that we, as a community, need to really understand what the
30 unintended consequences and the intended consequences of this is because it is so important.
31 It is so important all the way across the board, so that's just sort of my two cents and I don't
32 know if anybody else wants to weigh in. Okay.

33
34 Ms. Pali: 60 seconds. I'm trying to process. I'm trying to hear everyone's opinion, and I think, I
35 think we're all on the same page. I think that Tara, and the group, and the Planning Department
36 is here because they want to do something. I think the happy medium for Commissioner
37 Robinson is why are we taking four years to do it? Can we do small things now that lead up to
38 the bigger things later? So I like that. Like, what can we do now? What can we do in a month or
39 in six months? Why are we waiting year after year? I don't --. Also, I've seen the product of
40 unintended consequences when we rush too soon. But still, no action is no action. So I would
41 concur with the two fellow Commissioners and just maybe provide the solution. For me would
42 be small steps, action now, and leading up to the bigger actions, but making sure that we have
43 all the information that we need. So then we do the bigger decisions that there's not any
44 unintended consequences we didn't realize that we find out 10 years later. Because
45 unfortunately, we do have a history of that, and we want to change that. So, that's all. Big issue
46 and people are working on it, and so I do applaud us for what we've done so far. But I would
47 also recommend that we do something right away even if it's in the small steps.

1
2 Mr. Carnicelli: Thank you. Director, how, how much of these changes are intertwined? The
3 shoreline stuff is intertwined with the SMA stuff. I mean, how much can we actually move
4 forward on some of these? You know, I hate using the word housekeeping because it's always
5 a red herring, right? But how much of this housekeeping or, you know, the SMA stuff can we
6 maybe, you know, grab the low hanging fruit and then deal with some of these larger policy
7 decisions later?

8
9 Ms. McLean: Anything's possible, of course.

10
11 Mr. Carnicelli: Yes.

12
13 Ms. McLean: The concern is that we wanted to take out the current SMA Rule requirement that
14 SMA Permits have to include a certified shoreline survey. That's in the SMA Rules now. Not in
15 the Shoreline Rules, in the SMA Rules. And there's a lot that ties into that. There's definitions
16 that tie into that. There are a variety of things that tie into that, so we wanted to take all of that
17 out and deal with shoreline issues solely in the Shoreline Rules.

18
19 There are also talking about SMA Emergency Permits that are often shoreline properties, but
20 not always, that's in the SMA Rules with ties in to the Shoreline Rules. So, certainly, it's possible
21 to take any of those provisions as, as standalone amendments. It's just a matter of spending the
22 time doing the tedious work on the computer to separate them all out. So that's why we've kept
23 them together as a package because as we go through our reviews and get input and make
24 changes, we'll make a change to the SMA Rules, we go, oh wait, we have to do that to the
25 Shoreline Rules instead, and we go back and forth, and back and forth.

26
27 Mr. Carnicelli: Right.

28
29 Ms. McLean: But, you know, theoretically, of course it's possible. It's just a matter
30 of...understanding what you folks want to see. Because the SMA, the no needs, that makes it
31 easy for us, it makes it easy for applicants.

32
33 Mr. Carnicelli: Right.

34
35 Ms. McLean: It does nothing to protect the shoreline. It does nothing to protect the special
36 management area. And that's just -- it's an administrative function. A great improvement for us,
37 and, you know, we more than anybody have the impacts of that still being in the rules.

38
39 Mr. Carnicelli: I think that's more of what I was thinking is that -- is that -- what is it, section 12-
40 202, 11.5?

41
42 Ms. McLean: The categorical exemptions?

43
44 Mr. Carnicelli: Yeah. I mean, that's something that doesn't seem to --. I mean --

45
46 Ms. McLean: Yeah.

47

1 Mr. Carnicelli: I mean, I'm just, I'm kind of just, you know, cherry picking here, but if there is a
2 way with which we can do that, I guess, you know, pick and choose, then let's try and do that, if
3 it is possible.

4
5 Ms. McLean: If you want to just do the no needs, then we can pull that out and --. I mean, that
6 we can bring straight to you. I don't feel like we need to do more outreach on that because
7 we've done that and I've had few comments. But that's really not a concern and we don't think
8 that's a --. You know, property owners need to know about these kind of things because if
9 anything, it's going to make life easier. So, that's something that we can pull out. I don't know if
10 there are other parts that you want to see pulled out, but that one would be relatively easy to
11 pull out and do . . . (inaudible) . . .

12
13 Mr. Carnicelli: That was the only one that jumped out at me. I mean, the other stuffs, like I said,
14 is there's a lot of stuff that it's not --. Like you said, it is quasi change here. Because even
15 reading through it, right, you got to like read from over here and then flip back to the other page
16 and go back and forth. And so, I think that when we finally do this, it's probably going to be an
17 all-day thing. Because you're going to have to, you're going to walk through and say, okay, this
18 ties in if you remember. We're all going to become experts in, in Chapter 202. Anyways, any
19 other comments?

20
21 Ms. Pali: I'm just going to take a page in the book. When we were doing a case out of Lahaina.
22 It was a vacation rental, I think, and there was a gentleman. I can't remember his name right
23 now. I saw him at the HCPO. I think I saw him there. But he was talking about, oh, it's you know,
24 our family was raised in this beach, and so we allowed him to work with the owner to do marine
25 life sort of education. It sounds like since we are plagued with this, you know, sea level rise and
26 shoreline setback, how do we involve our tourists? How do we create education where it's not
27 just the homeowners that are plagued with it, the community accepts it, it's part of our culture,
28 how we live and breathe, and how is it visual to the tourists? And so when I hear action, to me
29 that's like action. Like how do we incorporate in our current beaches, like, visual measurements
30 where we keep going back to these visual measurements and watch the erosion, we're
31 managing the erosion. Not like every 20 years hiring somebody get up in a plane and take
32 pictures and then trying to figure out that. Like what kind of measurements can we even
33 incorporate in our current shorelines and beaches where it's part of our culture moving forward?
34 Now that's a real big scale. But I mean, that's kind of what I'm thinking. When I hear action,
35 that's what I'm thinking. We're trying to deal with emergency responses, and we want to get the
36 law lined up with what we want to do. But how does it sort of play out in visual lifestyle change,
37 and where everyone is contributing to it and being aware? So that's just my bigger picture.
38 Hope that we can maybe work towards that too.

39
40 Mr. Carnicelli: Yeah. No, thank you for that. And like you said, this is, this is a big, big deal. This
41 isn't just like oh, let's make some changes, and like, okay, we're going to move along. It's a big
42 deal. It's going to affect everybody in our entire community. So, anyways, thank you. I guess
43 moving on. Director.

44
45
46 **E. DIRECTOR'S REPORT**

47

1 **1. SMA Minor Permit Report**

2
3 **This is for notification and review purposes. No action is anticipated.**

4
5 **2. SMA Exemptions Report**

6
7 **This is for notification and review purposes. No action is anticipated.**

8
9 Ms. McLean: Commissioners, next on the agenda is the Director's Report. We have the SMA
10 Minor Report and SMA Exemption Report. Are there any questions?

11
12 **There were no questions or comments from the Commission regarding the SMA Minor**
13 **and SMA Exemption Reports.**

14
15
16 **3. Proposed Meeting Schedule for Calendar Year 2020**

17
18 **The Commission may take action to approve or modify the meeting**
19 **schedule.**

20
21 Ms. McLean: If not, then next is the proposed meeting schedule for --. I'm sorry.

22
23 Mr. Carnicelli: No, I'll get you. Go ahead Director.

24
25 Ms. McLean: Next is on the pink sheet, on your desk, you have the proposed meeting schedule
26 for calendar year 2020. Any questions on that?

27
28 Mr. Carnicelli: No Monday's. I don't think. Is there any Monday? No Monday's.

29
30 Ms. McLean: The agenda asks for the Commission to take action to approve or modify the
31 schedule. Any modification?

32
33 Mr. Carnicelli: I'm good with it. Everybody else okay with it?

34
35 **The Commission accepted the proposed meeting schedule.**

36
37
38 **4. Discussion of Future Maui Planning Commission Agendas**

39
40 **a. October 8, 2019 agenda items**

41
42 Ms. McLean: Okay, lastly, future agendas you have a memorandum from Mr. Yoshida for the
43 next meeting.

44
45 Mr. Carnicelli: I have a request. I have, I have an early appointment on the 8th. We've got one
46 public hearing item and one report. Are you guys okay starting at ten instead of nine?

47

1 Mr. Robinson: No problem here Chair.

2

3 Ms. Pali: I'm absent that day.

4

5 Mr. Carnicelli: Okay. You're not --. Commissioner Tackett, that okay with you? Carolyn, does
6 that -- is that going to work or no? Oh, it was already noticed? Okay, if I'm not here, Christian,
7 it's all you.

8

9 Mr. Thackett: Okay.

10

11 Mr. Carnicelli: And then new business? Commissioner Pali.

12

13 Ms. Pali: I have some questions. I would like -- I think this is for the Planning Director -- I have a
14 couple of questions. The first one is, is there support for support services for Commissioners
15 specifically in regards to, you know, we are a volunteer position, and so like myself I opt not to
16 go to work. I opt to lose out on potential business income. I have to arrange grandma to pick up
17 my kids from school, but it's a commitment that I make to serve in this capacity. And so my first
18 question being newer, and by the way, it's my one year anniversary today. What kind of
19 services are available, if any, and if it's nothing and nada, that's the answer, I can accept that.
20 But my first question is are there any support services so that Commissioners can be here and,
21 and give, you know, fulfill the commitment in accepting the position? That's my first question.

22

23 And then two because I, I think I've -- I always know when I'm going to miss because, you know,
24 you give us the year calendar. And I do my best, you know, in advance, tell Carolyn like next
25 month I'm going to be out because I have -- I'm going to be at a seminar, my son got married, I'll
26 be out. I want to make sure I'm fulfilling my obligation to the community as I had promise, and
27 so I would like to know what is my expectation of attendance. If I miss so many, am I --? Is
28 there, is there any kind of rules, and rules that I'm obligated to fulfill so many days or if I miss so
29 many days? You know, that's kind of what I'm looking for. I guess the direct question is, is there
30 so many days that would then would me involuntary resign because I failed to commit, whether
31 they're excused or unexcused, because I'm just not here. You know, do we have that in the
32 rules?

33

34 And then number three, depending on your answers for number one and two, if it's no, no, we
35 don't have. Then what can we do as a Commission to work towards just building that so there's
36 a measurement moving forward, what does that look like? And is that something that we can
37 create so that we all kind of know when we accept this position, what are we really accepting?

38

39 Ms. McLean: In terms of support services, whether that be...compensation or personnel, no, I'm
40 not aware that are any support services available. And if a Commissioner is unable to fulfill the
41 duties of the position there's a general common courtesy expectation that they would voluntarily
42 step aside. That has happened before when Commissioners are unable to make meetings.

43

44 There's, in a recent incident, the Mayor requested a Commission member to attend at least 70
45 percent of the meetings. That was the threshold that the Mayor in that particular circumstance
46 requested. And the repercussion could be removing the Commissioner that would most likely
47 require Mayor and Council action. And as your new Commissioners are coming onboard, the

1 Council is aware of these problems, and not just with the Planning Department's Boards and
2 Commissions, with other County boards and commissions as well, asking them if they
3 understand what the meeting schedule is, what the requirement is, and whether they will be
4 able to attend meetings and prepare to attend meetings. So it is understood to be a concern
5 with new members coming on board.

6
7 I do not believe it's in your Rules of Practice and Procedure, but that would be an option for the
8 Commission to put into its own rules that if, you know, members shall attend x-number of
9 meetings, or x-percentage of meetings.

10
11 Ms. Pali: I think 70 percent if it wasn't just deemed to one person. I just want to know what I
12 agreed to do because I also serve on other boards. I'm a single mom. I just took the -- you
13 know, I do testing now at Puu Kukui once a month for all the kids, like, I want to serve. That's
14 what I want to do and I need to know what I promised. And so if it's okay, Chair, if we don't have
15 something, I don't know what my commitment is. Would you be willing, Chair, to put it on a
16 future agenda and let's create what that looks like so we can all live within that boundary. I just
17 need to know that I can meet this expectation before I add my services to other places. And I
18 don't know where I stand. I don't know what I'm --. When you say fail to fulfill, how do I know if
19 I'm fulfilling or failing to fulfill if I don't have measurements? And so, if you were willing to take
20 that on, Chair, I would recommend that we create that. And so when we re-up every year, you
21 know, like membership, you're kind of then agreeing, you're revisiting the agreement. Because
22 just for me, personally, it would help me as I schedule my life. If there's a big call that had to
23 come in today and I would have missed the sale per se, I have to determine, like, serving the
24 community, can I afford to miss that call? Or can I excuse myself the night before? I don't know
25 what that looks like, and I just, for me, I would feel more comfortable just having rules set on
26 what my expectations is so that I know that if I say yes I can fill it, and I'm filling it that way.

27
28 Mr. Carnicelli: Thank you. So Mr. Hopper, what do our Commission rules say now?

29
30 Mr. Hopper: Well, one thing, I think you should put this on a future agenda. This is an item here
31 as far as future meeting schedule, so you can talk about that generally. But if we're going to talk
32 about drafting a new rule --

33
34 Mr. Carnicelli: No, I just want to know what the current rule say.

35
36 Mr. Hopper: I just wanted to specify that because of the background on this. But, the current rule
37 just says, "no member shall be absent for the service of the commission unless the member is
38 sick or otherwise unable to attend and so have advised the Chairperson prior to the meeting."
39 The rules couldn't -- you can change the rules. The rules can't provide for automatically, you
40 know, dismissing a member. I think the most that they can do is if a certain criteria isn't met, you
41 could have a letter sent to the Mayor that would request that the member -- that the Mayor
42 review the situation. Because in order to have a member actually kicked off, I believe you would
43 need action from the Mayor and the, and, and the Council in order to do that. But currently the
44 rules are a bit broad on that. It basically says you can't be absent unless you can't make it and
45 advise the Chairperson prior to the meeting. So, you know, as far as that is, and that can allow
46 someone to just keep saying I can't make it. So we can get more specific as far as a given
47 criteria you can, but the remedy can't be --. You wouldn't have the authority under your rules to

1 provide a member from being dismissed. I believe that is something that the Mayor and the
2 Council would have to have.

3
4 Generally speaking, of course, you know, you should, this is a commitment of twice a month. If
5 you can't attend, you shouldn't be, with regularity, you shouldn't be one the Commission
6 because the Commission, you're going to be looking at automatic approvals of things overtime.
7 If we have lack of quorum or if there's not enough for votes for taking action, and that's like the
8 last thing you want as a Commission in general is things being approved due to inaction.
9 Because that's what your rules say, generally that if there is no action within 120-days from the
10 meeting, then that's a problem.

11
12 Mr. Carnicelli: Great. Thank you.

13
14 Ms. Pali: And I also want to verify that I don't even like the word "kicking someone off" if I may
15 say. I think the goal is that sometimes life happens. And sometimes we get caught up and our
16 heart desires to serve, but past shows that we don't have the ability to. And so, it's just
17 supporting all of us in, in, in whatever realm we are in with our families, and then serving on the
18 Commission, and what's best for everyone. You know, it's not a bad thing per se if you desire to
19 serve and ultimately can't. But I just --. And that's where my heart is. I want to serve, but if I
20 can't base off the expectations, I'd just like to know ahead of time instead of after-the-fact.

21
22 Mr. Carnicelli: Okay, thank you for that. And so with that said, why don't we go ahead and put
23 together? I'll work with the Director and we'll put together some draft language to potentially
24 change our rules regarding that. That at a future meeting, we can discuss, you know, if in fact,
25 we do want to amend our own, our own rules regarding attendance.

26
27 Ms. Pali: Okay, I just want the record to show that I kind of like the 70 percent. That gives us
28 enough flexibility in our schedule if things come up or whatever.

29
30 Mr. Carnicelli: I think we're also going to have to address, "then what?"

31
32 Ms. Pali: Right.

33
34 Mr. Carnicelli: I think that's what Mr. Hopper was talking about. It's like, okay, this is the
35 expectation, but then what?

36
37 Ms. Pali: The Planning Commission mentioned failure to fulfill. I said, so, then what? It maybe
38 might be that documentation failure to fulfill. But, yeah, we'll figure it out.

39
40
41 **F. NEXT REGULAR MEETING DATE: October 8, 2019**

42
43 **G. ADJOURNMENT**

44
45 Mr. Carnicelli: Right, okay. Thank you. Anything else to add, Director? No? Okay, then, I believe
46 -- is that it?

47

1 Ms. McLean: Yes.

2

3 Mr. Carnicelli: That is it. Okay, meeting is adjourned. Thank you everyone.

4

5

6 The meeting was adjourned at 11:55 a.m.

7

8

Respectfully Submitted by,

9

10

11

12

LEILANI A. RAMORAN-QUEMADO
Secretary to Boards and Commissions II
For CAROLYN TAKAYAMA-CORDEN
Secretary to Boards and Commissions II

13

14

15

16

17

18

RECORD OF ATTENDANCE

19

Present

20

Lawrence Carnicelli, Chair

21

Kellie Pali

22

Keaka Robinson

23

Christian Tackett, Vice Chair

24

Dale Thompson

25

26

Excused

27

Stephen Castro

28

P Denise La Costa

29

Tina Gomes

30

31

Others

32

Michele McLean, Director, Department of Planning

33

Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel