

**MAUI PLANNING COMMISSION  
REGULAR MEETING  
SEPTEMBER 11, 2007**

**A. CALL TO ORDER**

The regular meeting of the Maui Planning Commission was called to order by Chairperson Johanna Amorin at 9:08 a.m., Tuesday, September 11, 2007, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

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

Ms. Amorin: The Maui Planning Commission of September 11, 2007 will please come to order and I know this is in the minds of everyone, all us Americans on what day this is and we pray and we still remember what was but we go forward. At this time we'll take testimony on any agenda item that we have schedule today to accommodate those individuals who cannot be present at the meeting when the agenda item is called. Public testimony will also be taken when the agenda item is taken up by the Maui Planning Commission. Maximum time limits will be for three minutes. Conclusion will be for 30 seconds. I do have a list here, first name on my list is Mike McCormick. Please state your name.

The following persons testified at the beginning of the meeting:

Mr. Mike McCormick – Item B-1, Bill for an Ordinance to Amend Chapter 19.29  
Ms. Madge Shaefer -- Item B-1, Bill for an Ordinance to Amend Chapter 19.29  
Mr. Glenn Kosaka -- Item B-2, Kapalua Coastal Trail project, SMA  
Mr. William Iaela,III -- Item B-2, Kapalua Coastal Trail project, SMA

Their testimony can be found under the item on which they testified on.

Ms. Amorin: Commissioner Starr.

Mr. Starr: One of the items on our agenda today, there have been petitions filed for intervention. In that case, this body becomes a semi judicial body and usually in that event we have a court stenographer because it is something that, you know it becomes a judicial procedure and I don't see a court stenographer and I was wondering whether there will be one here when we get to that matter and I feel that there should be even though our staff does a good job, I think a stenographer should be here for that matter.

Ms. Amorin: Director, you have a comment to Commissioner Starr's concern?

Mr. Hunt: I will look into that and get back to you before the start of that proceeding.

Ms. Amarin: Do we have any other individuals in the audience that wishes to speak on any agenda item that we have scheduled today at this time? Seeing none, public testimony is now closed. Director.

**B. PUBLIC HEARING (Action to be taken after each public hearing item.)**

- 1. MR. JEFFREY S. HUNT. Planning Director transmitting a Bill for an Ordinance to Amend Chapter 19.29 of the Maui County Code relating to Rural Districts.**

**The amendments include amendments to Section 19.29.020 regarding District standards and the addition of Section 19.29.060 allowing the planning director to adopt rules to clarify and implement this chapter.**

**The development standards for County Rural zoned lands will be the same as those established for the RU-0.5 zoned lands. The bill also reformats the chapter to include easy-to-read tables. (J. Alueta)**

Mr. Joe Alueta: Good morning Commissioners. I'm the Administrative Planning Officer and I'm charged with trying to update part of the Title 19 as well as department rules as well as commission rules.

The item before you is just dealing with the rural districts and trying to establish standards for what we have discovered to be County rule. To give you a little brief history, back in 1997, the County did adopt a Rural Ordinance 2583 which comprehensively zoned State Rural and Community Planned Rural lands. At the last minute, they also included -- had to include a County Zone Interim District. So a majority of the land in Maui County was zoned to a RU .5 or a RU 1.

What wasn't aware at the time I guess was that prior to '97, there was also actually some lands that were specifically zoned County Rural either by they had come in individually or they had been zoned on an older map, a zoning map and these lands didn't fall within that category that got them comprehensively zoned to one of these standards of RU.5 or RU 1. These lands are primarily located or so far we only know of three locations and that is in Pukalani where there's an old Pukalani Zoning Map 10, North Kihei above old, above the Tesoro Gas Express deal, there's some County Rural zoned lands there as well as Maui Meadows. So this bill is basically is trying to establish zoning or development standards for the County Rural District. Since we were going in and adding that we decided we also opted to update the format of the County Ordinance.

So if you look Exhibit A which is the proposed bill, pretty much that whole section where

it says "District Standards," where you see the little bracket right before the "a" on your Exhibit, where it says, "19.29.020, District Standards," there's a little bracket in front of that "a" and it goes all the way to the end. That's all being taken out, that whole paragraph. And it's been consolidated to the table. That's part of that simplification.

In high school I really hated word math problems. So any time I get a word math – I just try to convert it to a simple math problem and that's what I attempted to do with this table. So all we're doing is adding a column which would be County Rural and it would be the exact same development standards as RU .5.

If you go through the agency comments, I want to quickly go through, there wasn't any really major ones. If you notice the agency comments talk about interim and rural districts starting with Exhibit 1. The reason for that is that when I was initially doing this, the department is trying to update the interim district at the same time and so I had drafted two bills and sent those out concurrently to agencies. Given that there were a pressing need to try to get the rural bill done quicker, we split them off. So I'm just giving you a heads up that there will be another bill coming before you later on this year regarding interim districts. So these comments will be applied also to that. But as you can see there wasn't any significant comments to the ordinance.

And at this time I'll try to address some of the concerns from some of the testifiers. Yes, this will correct the issues with Maui Meadows. The issue of height, if you look, on the third row, it says "maximum building height" and it does talk about the 30 feet height. It does make an exception for vents, pipes, chimneys, this is all existing language. There's nothing new in there. Currently, the height definition in Title 19, goes to 19.04 which is the definition sections and it measures height from finished grade or original grade, original topography whichever is lower. So it would protect or keep, prevent people from in this area from filling in and then saying, "oh, I have a new finished grade." That provision of taking the height from the finished grade is only within the Housing Code. That would no longer apply and that standard does not apply to this section. So that clarifies – I just wanted to clarify that as it being one of the issues and concerns.

That's all I have as far as a presentation as far as this. I did talk with Dr. Iaconetti about some other amendments but I'll let him put forward to discussions. If you have any questions of me at this time?

Ms. Amorin: Commissioner Iaconetti.

Mr. Iaconetti: My only comment was that on page 3 under the first number 5, it allows for daycare nurseries, kindergartens, etc., I think that we should include daycare facilities for senior citizens in there and perhaps it's assumed that that is one the things that will be allowed, but I think specifically it would be best to have daycare facilities for senior citizens

as well as children.

Ms. Amarin: Thank you.

Mr. Alueta: And to accommodate that if the director has no objection we could add the amendments to that Section 5 on page 3, we would add, "adult daycare facility." And we would also replace wherever it says "children," we'll just put in "clients," rather than it being specified so that the term of "the six or fewer " can apply for both children or adults.

Ms. Amarin: Okay, do we have a consensus with what Dr. Iaconetti has brought up? We have a consensus. Commissioner Starr.

Mr. Starr: I'm part of that consensus but I feel we should wait until we have the motion on the floor to express that and we're not ready for a motion yet.

Mr. Giroux: What we can do is gather all of these possible changes and then we can go through it formally with just one act of consensus. Or if there is objections to any part of any of the possible changes that are made or suggestions by Joe, then we would then have to go through the formal motions of adopting the changes.

Ms. Amarin: Thank you James. Commissioner Guard.

Mr. Guard: From the prior testimony Joe, was Maui Meadows exempt from – were they allowed to put in fill and then take their grade off of that and is this the only thing that's stopping that now or is it?

Mr. Alueta: Yes. Because whenever you have a zoning that doesn't have any development centers meaning –

Mr. Guard: There's nowhere for them to go to look it up.

Mr. Alueta: Yeah, what the fallback was the Housing Code which is in Title 16. And you have areas that actually have – that are zoned on a map, okay, but no one ever wrote development standards and that's part of my job to go through and try to figure out what happened over the years. I mean, we've had zoning since 1958, and there's maps that have been developed and you have areas like in Kihei or in Upcountry where people put down public use and later on someone created a standard but they said, oh, it's public/quasi-public and they created standards of P1 District. Well, what's now public use? It's now a zoning category that's on a map. It's a real zoning. It was for all intents and purposes colored and adopted by the Council as being public use, but no one wrote the words to go with that as to what you can do in that public use and so we had that with the Church of Nazarene, I think it was it the Church of Nazarene Upcountry or one of those

churches up there in which we made them rezone it from Public Use to Public/Quasi-Public, P1. We discover these all the time and you have the same thing in other zoning categories as open zone. We have a category for open space but there's open zone land. So either we have to create a standard or open zone land or we have to rezone that map. And this is one of those cases where we have the county zoning, county rule but no standards. And so we're attempting to create standards. Now that we have standards that Housing Code no longer applies. That's like kind of a default.

Ms. Amorin: Commissioner Guard.

Mr. Guard: Two more questions. So until this goes through people can still fill in their front yards and build 30 feet up from there?

Mr. Alueta: Correct.

Mr. Guard: Second. You alluded to interim zoning and there's a lot of interim parcels that are much smaller than a half acre for a later bill.

Mr. Alueta: Yeah, this bill doesn't apply. This is a –

Mr. Guard: Smaller ones.

Mr. Alueta: There's a separate interim bill that I have that will have different – have standards in that. It's just that when I wrote the two bills, to save time I was trying to send them both out so agencies could comment on both and that's why – I just wanted to clarify that that's why they were commenting on an interim bill at the same time in the agency comments.

Ms. Amorin: Commissioner Starr.

Mr. Starr: Could you layout what's going to happen with this? You know, say assuming we were to pass it or not pass it, then what happens? And are we approving it or are we recommending approval to the Council?

Mr. Alueta: You're recommending approval to the Council. Any change that happens to Title 19, if it affects all three islands, it has to go to all three commissions. And so you're the first commission to be taking it up. Obviously, we hope to get your consensus on this bill so we can move onto the next two commissions, Molokai and Lanai. It's more important to get through this one because on Molokai and Lanai, there is no County rule zoning so it doesn't really impact them. However, because we are amending a section of Title 19 that does apply to them, we have to go to those commissions and then it goes to Council and hopefully Council will make the correction.

I'll touch on – I do know that there is a bill up at Council that was proposed by one of the Council members for a change in zoning. From our standpoint, that only fixes the problem for one area, whereas we have three areas and it's our job to try to have a holistic solution to the problem and so that's what we're attempting to do. And like I say this has been in the hopper for quite some time, so we're happy to get it forward and move along.

Ms. Amorin: Commissioner Hiranaga.

Mr. Hiragana: Joe, could you define the purpose of rural zoning?

Mr. Alueta: From the County standpoint or from the State? There's two types.

Mr. Hiranaga: I guess from a County standpoint. I know there's residential zoning and there's ag zoning and then there's rural. But what is the intent of rural zoning?

Mr. Alueta: From my aspect, rural zoning is kind of a buffer in between your ag and urban areas and it can be what you call your fringe of your urban core where you have a larger lots, and it has a mixture of uses both residential as well as some ag operations. That's how it's defined within the state and I take that view.

Mr. Hiranaga: I guess the second part to my question is on page 3, item number B2 accessory uses, "the keeping of livestock, hogs, poultry and fowl and game birds, I'm just wondering if there should be some type of a numerical limit just based upon the size of the lots being half acre, one acre. I know certain developments have CC&Rs that address that but from an ordinance standpoint I'm just kind of wondering if there should be a limit or can someone have the entire half acre covered with hogs?

Mr. Alueta: It would be limited by DOH in that sense. I mean, DOH has their own standards. I think that from our aspect we were focusing on trying to get the format as well as get standards in for the County Rural District that did not have any and that was our primary focus. I didn't have any motivation I guess or any concerns that had been raised over the years that would make me relook at this accessory use list and try to revise it at this time. I didn't have any, what you call, facts that would have me come back in and say lets make some changes. So if you have some, then, you know, we're open to it. It's just that we didn't want to muddy the water any more than what we're trying to get done.

Mr. Hiranaga: I guess if the rural zoning intent is a transition between ag and urban then just a suggestion, you may want to look at that.

Mr. Alueta: Okay, thank you.

Ms. Amorin: Commissioner Starr.

Mr. Starr: This is a point of confusion for me regarding the term rural. I went and attended some really good sessions regarding rural standards a year or so ago that were put on by State Office of Planning and when I went I expected it to be about you know what we – rural, or at least you know, what we call our rural zoning which is somewhere between urban and ag. It's kind of a slot between those two. But then I had a little trouble at the beginning of that seminar because it took a while for me to realize that when they were talking about rural they were talking about everything other than urban including ag and conservation. You know, it was kind of a different set of terminology. And I'm wondering is this rural zoning prevalent throughout the country and throughout the state or is this something that we tend to only in small pockets such as Maui County because when I mentioned that at that meeting, you know, it didn't seem to gain much traction by anyone from the state or we had a number of national people as well.

Mr. Alueta: I also attended it. There was several days of seminar and basically rural is kind of like the land in between. You know, between ag and urban. And I think that program that you're referencing was an attempt by the state and State Legislature as I understand it to get a vision of what is – what's rural. I mean, that's a really good question. I mean, it's like what do you consider rural and I think there was a lot of different opinions on what it is as well and preserving the rural standards. It is difficult to define, Maui County and the Island of Maui has the most rural land of any other county. When – like I said when they drew up the maps, the State Land Use Maps, we got the bulk of it. I do not believe there's any on Oahu. There's some on the Big Island.

For the most part our rural lands are located in some of our near or surrounding the small towns of Ulupalakua and Makawao and Pukalani in those areas, scattered along Keokea where you had truck farming where you had a lot of residential areas where the farmhands lived and they went to their farms or the ranch where they lived. So that's why we had a conglomerate of these small residential areas all along Old Kula Highway and new Kula Highway and that's where they sort of just drew the rural areas.

Is it prevalent around the United States? Yeah, I think so. But I think for this issue, it's kind of like we're just trying to get it zoned. The statewide issue was kind of a little broader and they also included what rural towns which would have been considered urban, you know, like Makawao and Paia and what is the vision there. The County of Maui is going to resolve those issues or try to fold our program into the state's program through a different methodology which is called the BCT Design Guidelines and that's a different format and that's – you know, I'll be here all day. So I think, you know, like I say, this bill here today is more of a housekeeping matter trying to correct something that we missed back in '97 that didn't happen and so we're trying to correct that. It's like I say, housekeeping. We're just changing the format. That's all.

Ms. Amorin: Thank you, any more? Commissioner Iaconetti.

Mr. Iaconetti: Thank you. Joe, maybe I misunderstood you. You said that the only RU zoned areas are on the – there are none on the west side. Are there any on the west side?

Mr. Alueta: Not that I'm aware of, no. There are RU 05 and RU 1 but not County Rural. County Rural was a specific – like either someone came in for County Rural zoning it shows up on one of our old maps such as the Pukalani map and then North Kihei and then Maui Meadows. Those are the only three areas of this island that we've identified. We have not identified any County Rural zoned land on Lanai or on Molokai.

Mr. Iaconetti: Would it be possible to get a map showing RU zoning of the Island of Maui?

Mr. Alueta: Yes. RU, yes.

Mr. Iaconetti: Yeah, what areas are actually RU.

Mr. Alueta: Yeah. RU is what the County did zone and has standards. It's the County Rural that does not have any standards that we're trying to correct here.

Mr. Iaconetti: So is it possible that there are areas on West Maui that could be RU?

Mr. Alueta: If they were State Rural and they are community planned rural and are County Interim, they were automatically zoned to the RU .5 by the bill. The only area that did not get automatic zoning and this bill does not correct is in Hana District. They specifically excluded themselves from the comprehensive zoning.

Mr. Iaconetti: I would appreciate getting a map of some sort if that's possible.

Ms. Amarin: Commissioner Hiranaga.

Mr. Hiranaga: Item 5 on page 3, I guess it's A5, there was discussion regarding adult care homes or adult daycare homes and I'm just wondering if you need to specify child or adult because if you say child or adult then you're excluding that segment of the population that are not children and not quite yet adults. So I'm just wondering if you need to, if there is a need to specify child or adult and just call it care homes or daycare homes. Unless there is a reason you don't want a bunch of teenagers unrelated in a house.

Mr. Guard: You may not want that. We lived next to one.

Mr. Alueta: Boy, you sound like a lawyer.

Ms. Amarin: Any more questions Commissioners? So basically Joe we're here to do amendment on the Title 19 for this chapter here and then also adding 19.29.06 as a inclusion to this rule making authority?



Mr. Alueta: Yes, and I guess at this point there is some discussion on the adult, having a care home include adult care homes and then we would make the amendments as needed to include adult care homes.

Ms. Amorin: Commissioner Starr.

Mr. Starr: Yeah, I'd be ready to make a motion but I think we need to have public hearing.

The following testimony was received at the beginning of the meeting:

Mr. Mike McCormick: Yeah, aloha Chairperson Amorin, Planning Director Jeff Hunt and other members of the Planning Commission. I've got some diagrams that I brought that I'd like to pass out. Unfortunately, I only have about seven copies but I think it's real important that maybe everybody take a look at this while I'm speaking. Maybe everybody can share a copy.

I'm speaking regarding item number one. I've been living in Maui Meadows. My house was built in 1976, and for many years everybody assumed in Maui Meadows we were a rural area with 15-foot side setbacks, rear setbacks and 25-foot front setbacks. All of a sudden, I think it was about 2005, we started to notice construction going on whereby newer, bigger homes were coming into the area where these setbacks were being encroached on. And naturally we're an older area, we're going through a lot of remodeling right now and even because of the values in Wailea and Makena, surrounding areas have been such a lot of the homes in the Maui Meadows will so even be demolished and be rebuilt.

So what you have in front of you in the way of the diagram is to see what we found out. I'm here speaking on behalf of the Maui Meadows Neighborhood Association where we voted, and when we found out about this situation our membership was extremely alarmed. Thanks to our President, Madge Shaefer, that will also speak, she was the one directly impacted by this and brought it to our attention, but as you can see on the diagram there's things that we're concerned about that I think Planning Director Hunt is proposed to address and cure and remedy this situation so we can go back to what our original rural setbacks were agreed and understood to be. And that's what we're asking for you here today is to please pass this proposed – I think Michelle Anderson in our area along with the Mayor came up with the Planning Director's, I think, approval to go ahead and remedy a situation to where we can correct this situation where without any public notification these things started happening.

As a matter of fact, Madge Shaefer and I went to speak to GPAC the other day so that in the future any communities or homeowners where things are changed like this, for God sake at least lets notify the impacted people that something like this is going on so they have a chance to remedy the situation. And I don't know if there's any questions.

Ms. Amarin: Commissioner Starr: Mike, two questions. First of all, what the background, how did it change and why did it change? And second of all are you satisfied with the new language?

Mr. McCormick: Well, I think there's some difficult situations. There were a lot of homeowners that were threatening to sue the County because of what's happened here and I think the – it's a delicate situation. Actually we don't want to see any suits move forward, so I think this is the best case scenario right now because it grandfather's a few of the properties that have come in and built under the urban or the housing code that allowed this smaller six-foot side setback rather the original 15-foot setbacks. As we've read this, we think this will take care of it. I mean, you guys are hopefully the experts and it's another amendment or so needs to be changed, but I think this bill is basically keeping what we see as conformant with the Makena-Wailea Community Plan, that – I mean, we're a rural area where we had nice setbacks between the properties and somehow in 2005, where this happened, we heard it ...(inaudible)... was in the Public Works Department where somehow this problem was created. How it was created, I don't know. I mean, I'm hoping somebody here, maybe Planning Director Hunt can really – he's probably had a chance. He came out to a meeting along with the Mayor when this first came up. I think he went – probably did his homework and now can maybe answer that question as to how this happened.

Ms. Amarin: Thank you. Thank you very much. Next on our list is Madge Shaefer.

Ms. Madge Shaefer: Thank you. I'm Madge Shaefer. I'm President of the Maui Meadows Neighborhood Association and I'm speaking on behalf of the association. Mike has given you a chart that he did, what I'd like to do is give you a picture of a lot that has been filled under the housing code regulations which we reverted to two years ago. There were three lots in a row that had the same topography. Basically they started out at street level and then gently sloped down. They were adjacent to each other. This is the middle lot and Mike if you would pass those pictures. This is the middle lot and they have put 20 feet of fill in and this is – the views you're going to see are the views the neighbors now see.

This change as Mike said was made in mid-2005 without notice or hearing. We referred it back to the housing code because there were no standards for the rural zone. Just the plain rural versus, RU-0.5 or RU 1.0. We support the bill. We are very pleased the Planning Director, the Planning Department and certainly the Mayor's Office have been very helpful in moving this along because what's happening now is there is quite a bit of building going and we're seeing these lots being filled like the picture show.

We have one request for a change in the user-friendly development standards chart on page 2. The chart shows, this is the chart I'm referring to on page 2 of the bill. We would – we think this chart is excellent because it gives people a quick synopsis of what the rules

are in the rural zone. However, what isn't in the chart is the height, where the height is measured from for a building, and that is the major sticking point in reverting to the housing code. Height is measured in the housing code from the finished grade. So, someone could come in fill the lot to whatever altitude they wanted then build a 30-foot structure on top of that and that has very dramatic results in an area like Maui Meadows.

So I did look at – I looked through the code and I found a similar chart, user friendly, Table 19.07.040, Development Standards and this is for I think open space. So we're just asking that this chart be amended to include the height issue, the height measured from the finished or natural grade whichever is lower. If that could be modified and added to that chart, that would be very, I think very helpful and consistent with what's in the code now. I think my time is up.

Ms. Amorin: Thank you. Any questions for the testifier? Thank you Madge.

This concludes the testimony received at the beginning of the meeting.

Ms. Amorin: You are correct. Thank you. Do we have any individual in the audience who wishes to speak on this agenda item? Only if you have new information for the commissioners you can come up if you have already come up before. Okay, seeing none, public testimony is closed.

**b. Action**

Mr. Alueta: Again, we're not zoning any new lands. This is sort of like a housekeeping matter in which we're creating standards called for the County Rural zoned land. So we're adding a column or standards for County Rural for lands that are currently zoned County Rural that did not get picked up during the 1997 comprehensive zoning plan. So that's pretty much it. And we're just reformatting to make it a little easier for people to understand the tables and that's pretty much it. We hope you will support it and as I indicated we have discussed with Dr. Iaconetti about some proposed amendments. I'm not sure if there's a consensus on it. The department can make those changes to the bill prior to it being sent up to the County Council.

Ms. Amorin: Commissioner Starr.

Mr. Starr: Yes, Madam Chair before I make my motion I'd like to ask Planner Alueta if he can give us the best wording, the clearest wording that would allow for all types of daycare in those areas? And then we can just include it as part of the motion.

Ms. Amorin: Thank you.

Mr. Alueta: Like I said, at this point in time the easiest way rather than restructure paragraph 5, the simplest way to accomplish a goal of getting adult daycare in there would be just to add, clarify next to childcare homes just add adult care homes as well as I think that striking the words or deleting and replacing where it says "children" to include, to just say, "patients" or "clients" say "clients." That way it can include either child or intermediate or you know, adults.

Mr. Starr: Okay, I move that we recommend approval as recommended including the wording that we were just given.

Mr. Iaconetti: Second.

Ms. Amarin: We have a motion on the floor to accept this bill to amend chapter 19.29 Maui County Code to establish standards for the County Rural District with changes to A5 regarding adding "clients" and "seniors" language presented by Joe Alueta. Any discussion? Commissioner Iaconetti followed by Commissioner Hiranaga.

Mr. Iaconetti: Joe, could you – I assume that Section 4 on page 4 since it's underlined this is a new addition to the bill, exactly what does that mean?

Mr. Alueta: It means that, you know, if someone came in and asked if we need to do adult care or if someone said well, he's 14 he's not an adult and he's not a child we can make a rule that says that it does include that, that that was the intent to clarify it. We can create rules to make it more clear.

Ms. Amarin: Do you have language to make it clear right now?

Mr. Alueta: No, that's just all it says, it says that if it comes up, if a question comes up, the director has the authority to come up with a rule and interpretations to how this thing is going to be managed. And it's standard language that's put in at the end of all sections of our code that the director has the authority to create some type of rule on how we interpret these codes.

Ms. Amarin: Thank you. Any more discussion? Commissioner Hiranaga.

Mr. Hiranaga: I had previously suggested deleting the word "child" and just leave it as care homes, care services and I'd like to suggest in replacing the word "children" with "individuals." And also I guess you'd have to make Section 3E consistent with the language changed to Section or yeah, Section 3E consistent with the changes to Section A5, page 4.

Mr. Alueta: Okay. Yeah, we would just add – Again, we would add, "adult daycare" to that

list on E and change the word, "child" or "children" to be "clients." So basically, number 5, like I say we're adding those sections. That last paragraph of Section 5 establishes a standard of how many can be and based on how big a lot. Section E that Commissioner Hiranaga pointed out is under the County Special Use Permits which allows someone if they didn't meet that standards as found under Section 5 to come and get a County Special Use Permit if they either one, didn't have an appropriate lot size or if they wanted to service more clients.

Ms. Amorin: Do we have a consensus? Thank you. Before I ask the question, Director.

Mr. Hunt: Joe, on page 4, Section E in the middle refers to County Special Use Permits required for these uses.

Mr. Alueta: Correct.

Mr. Hunt: Some of those uses, aren't they similar to some of the uses that are on page 3 as permitted uses?

Mr. Alueta: As I was explaining, that sets up if they don't meet the standards I believe as defined under 19.30. That's what that other section refers back to. So if they service more children you need to get a County Special Use Permit. The last section of paragraph 5 on page 3, the last section of it, it limits the amount of children to six or fewer clients as we were going to say. So if someone came in and they wanted to do eight, a care facility with eight clients then they would have to get a County Special Use Permit.

Mr. Giroux: So Joe that would apply to the lot area too? Because it looks like you have a number that correlates with a lot area? You're saying so many square feet?

Mr. Alueta: That is correct.

Mr. Giroux: So if any of those don't match then that E would be your default. You would come to the planning commission to ask almost –

Mr. Alueta: Well, the way – we can make a rule that says – under the rule making authority we can make that interpretation that if you don't meet either the lot size or if you come in for more children. I think that the way it's worded now if you're an attorney which you are, you might – you would interpret that it's only – it only talks about the number of children it doesn't go in about the lot sizes. But I think from a department standpoint if you didn't meet one of those standards as found under Section 5, so if you want to do a six children but on a smaller lot or more children then we would say, we would have the commission review it as a County Special Use Permit.

Mr. Giroux: Okay, because I guess my concern is that I don't want the department to find itself looking at having to deal with somebody coming in and saying, well I need a variance not a special use permit because that changes jurisdiction.

Mr. Alueta: Correct.

Mr. Giroux: I mean, you're dealing with a different body. So the body now has to understand what they're looking at because they may be taking on this responsibility of looking at these types of aberrations I guess to the outright permitted uses. I'm just trying – is that the intent of the department?

Mr. Alueta: I think the intent is to make it so that it's either lot size and/or the number of children. And we can make the appropriate modifications or do it through rule making authority. But this section like I say, is already in there now, so this body already has – has already taken on that responsibility of reviewing County Special Use Permits if someone comes in with eight children. This is very similar to the residential standards too.

Ms. Amarin: Before I call for the question, I have my own comments. I just want the commissioners to know that I do, myself, live on a rural property. In fact, I do live in Maui Meadows and I've been there since 1973, raised my three boys, they're all adults, my mo`opunas are there today. And it's been wonderful having both of two worlds. Having the pets, having the gardens, and I think this is very important to make these amendments. And then also, I do not recuse myself because it is a legislative item and I just wanted to put that on the table. Thank you very much.

Mr. Guard: Should we make a new motion as amended by Commissioner Hiranaga?

Mr. Starr: It would be better. Why don't you just make an amendment? Why don't you offer an amendment Kent.

Mr. Guard: To amend the main motion with the recommendations brought up by Commissioner Hiranaga.

Mr. Hiranaga: But my recommended language changes aren't exactly what staff is proposing. I suggested deleting the word "child" and replacing the word "children" with "individuals." Staff's proposing adding the word "adult" and replacing "children" with "clients."

Mr. Alueta: And my concern I guess from a staff's standpoint is that we have 19.04 definitions we may have a specific child definition there and we may not have, you know if you just, care homes. You see what I'm saying?

Mr. Hiranaga: There's no definition?

Mr. Alueta: Yeah, I'm not positive, but in talking with the Zoning Administration upstairs, they felt it would be cleaner just to add, to be clear and add, adult daycare. Because the adult daycare also specifies it's only for the daytime not an overnight accommodation or overnight stays. It's just more from daytime care.

Mr. Hiranaga: Okay, I'll propose an amendment to include the word, "adult" and replace the words "children" with "clients."

Mr. Starr: Second.

Ms. Amarin: Okay we have an amended motion on the floor to do changes per Commissioner Hiranaga, adding and it's all in the place. All those in favor?

**It was moved by Mr. Hiranaga, seconded by Mr. Starr, then**

**VOTED: To Include the Word, "Adult" and Replace the Word, "Children" With "Clients."**  
**(Assenting – K. Hiranaga, J. Starr, J. Guard, W. Iaconetti, J. Amarin)**  
**(Excused – W. Hedani, B. U'u, J. Pawsat)**

Ms. Amarin: Chair is in favor. Okay so now we get back to the main motion.

**It was moved by Mr. Starr, seconded by Mr. Iaconetti, then**

**VOTED: To Recommend Approval to the County Council to Amend Chapter 19.29 of the Maui County Code Relating to Rural Districts, With the Noted Amendments.**  
**(Assenting – J. Starr, W. Iaconetti, K. Hiranaga, J. Guard, J. Amarin)**  
**(Excused – W. Hedani, B. U'u, J. Pawsat)**

Ms. Amarin: The Chair votes in favor. Motion's carried. Thank you. Director.

- 2. MR. RYAN CHURCHILL of MAUI LAND AND PINEAPPLE COMPANY requesting a Special Management Area Use Permit for the Kapalua Coastal Trail Project and related improvements at TMK: 4-2-004: 004, 010, 012, 014, 015, 016, 017, 024, 025, 032, 034, 037, and 043; and TMK: 4-2-005: 041, 042, and 049, Kapalua, Lahaina, Island of Maui. (SM1**

**2006/0026) (T. Abbott) (Applicant has subsequently deleted TMK 4-2-004: 043 and TMK: 4-2-005: 049 from the request.)**

Mr. Hunt: In regards, if I may?

Ms. Amorin: Go ahead Director.

Mr. Hunt: In regards to the issue that was raised earlier regarding a court reporter, the last intervention that the planning commission heard was back in February and there was no court reporter for that one. That was involving the Site 6.0 project and the department clerical staff took minutes and the records shows that there was no discussion or problem at that point.

Mr. Starr: Okay.

Ms. Amorin: Thank you. Thorne, do you need a few minutes? We'll take a five-minute break. We'll be at 10:15 a.m.

A recess was called at 10:08 a.m., and the meeting was reconvened at 10:24 a.m.

Ms. Amorin: The Maui Planning Commission meeting of September 11, 2007 is back in session. Before we give the floor to Thorne Abbott, Corporation Counsel has a few comments.

Mr. Giroux: I just wanted to address I guess the body and maybe the public just so they understand the procedure we're going to use. Basically my advice is that we should have an overview of the project by the applicant and also a comment from the staff and then we're going to open it up for public testimony so the public can make comment. However, we have to deal with the issues of the three intervenors so we are then going to try to dispose of those petitions in order as they are on the agenda because our rules say that we do have to make a ruling on these petitions. So we're going to have the petitioners at that point state their case and have the applicant make a rebuttal and we are going to then try to dispose of each petition in order as they are on the agenda. After that is done, if a intervenor is allowed then we will probably be in a contested case situation so we'd be looking at a situation where we'll be looking at hearings officer and following that procedure. If not, then we would just proceed with the standard SMA hearing which would – the preponderance of the evidence and production of evidence would be on the applicant and then we would do our standard SMA analysis under 205A and under the rules of the planning commission.

Ms. Amorin: Thank you Corporation Counsel. Thorne.



Mr. Thorne Abbott presented the Maui Planning Department's Report.

Ms. Amarin: Commissioner Starr.

Mr. Starr: Yeah, this is just on the revisions. First of all, what's a bench with a handrail?

Mr. Abbott: I'll let the applicant respond to that if that's all right.

Mr. Starr: And you know, my other question is, those gates where do they lead? Are they on the trail or are they going from the trail?

Mr. Abbott: If I may, could I have the applicant speak to that since that was a result of their letter of agreement between those two potentially intervening parties.

Ms. Amarin: Thank you Thorne. Can we hear from the applicant?

Mr. Abbott: They have a short presentation, very brief.

Ms. Amarin: Thank you.

Ms. Yarrow Flower: Good morning, my name is Yarrow Flower with Maui Land and Pineapple Company presenting the Kapalua Coastal Trail. As Thorne said, I will keep my presentation brief. I believe this is the fourth time that you have seen this project and are probably pretty familiar with it.

This is the Kapalua Coastal Trail. I also brought a larger board below sometimes it doesn't work so well in the power point. Very quickly it starts at the Kapalua Bay public access also down here. It travels in front of Kapalua Bay down to Hawea Point across Oneloa Beach here then in front of the Ritz-Carlton which is also here through D.T. Fleming Beach Park. The trail does cross mauka. It crosses the highway to the mauka side near the Plantation Estates entrance. Plantation Estates is located right here. This is the Plantation Golf Course. The trail crosses back over the highway at Mokuleia Bay and then continues makai of the highway to Honolua Bay.

A quick overview of the project. The trail is three and a half miles long, from Kapalua to Honolua Bay. The trail will provide increased lateral shoreline access. It links five bays, Kapalua, Oneloa, Honokohua, Mokuleia and Honolua Bays. It links existing public shoreline access routes. Provides an option to as an alternative to driving your car. Portions of the trail are already in place or approved as other parts of projects. And once again, the final EA was accepted with a Finding of No Significant Impact on June 12th.

This is a map showing the same shoreline. Is what we'd like to do is point out the existing

public shoreline access and facilities. This is Kapalua Bay right here. This is Namalu Bay, Oneloa Beach, Makalua Puna Point, we have D.T. Fleming Beach Park, Mokuleia Bay and Honolua Bay. The intent of the coastal trail is to link all of these existing public shoreline access and facilities to create a continuous lateral shoreline access route.

Just to iterate, for example, if you or your family is at D.T. Fleming Beach Park and you want to go check out Mokuleia Bay or you want to head over to Oneloa Bay, you can do so without loading the whole family into the car. Likewise, residents of the area as well as visitors to the area are able to access all of these points without having to get into their car.

Once again this is a SMA area. The SMA area is in gray and the trail is depicted in red. As Thorne stated, we are also applying for a conservation district use permit. That application has been submitted to the Department of Land and Natural Resources. This map depicts the conservation zones in dark green. The lighter color is agriculture zone and the trail is in red so you can see which parts of the trail are in the conservation district and those parts will require that approval from DLNR before we can proceed.

And finally, a summary of the expected benefits of the coastal trail. Once again, increased shoreline access, increased recreational opportunities. Always the health benefits of exercise, the possibilities of alternative transportation other than your automobile. We have education opportunities from interpretive signage, increased awareness of coastal geology and ecology, cultural and historic preservation and enhancement. It's connecting all of these important destinations in West Maui and it increases the public views to and along the shoreline.

We are available for any questions you may have now or also the public testimony period.

Ms. Amorin: Commissioner Starr.

Mr. Starr: Yeah, what's a bench with handrails?

Ms. Flower: What he's referring to is actually a bench being a cut to reduce the elevation of the trail, not a bench that you sit on and because of that cut we would put handrails for safety on the outside.

Mr. Starr: It would be naturally surfaced?

Ms. Flower: Absolutely.

Mr. Starr: Okay, and the second question is where are these gates? Are they on the trail, do they lead from the trail?

Ms. Flower: The gates are tentatively going to be located approximately where you see the 23 and 24, right here 23 and 24. Those would be so that the owners of Plantation Estates would be able to access the trail since they have requested a fence that separates their project from the trail. They have also requested the opportunity to be able to access trail. We have invited Plantation Estates to participate in a design process while we're in the field in locating those gates so that they'll be able to have a say in where those gates go.

Ms. Amorin: Commissioner Starr.

Mr. Starr: Could you explain in detail, I don't know if you have a slide you can zoom in what happens to the trail at Honolua?

Ms. Flower: I don't have a slide that shows that exact location. We do have it in our design development document which is supporting the EA. Is what we're proposing is at the top of the lookout to have a concrete sidewalk, I can find it for you if you like.

Mr. Starr: Let me let you describe it.

Ms. Flower: Okay, it's a concrete sidewalk, and then we will have a short boardwalk similar to the other boardwalks in the project that will keep people away from the highway because right now we have great issues down there with pedestrians on the highway as I'm sure you're aware and then we have a integrated stone stairs that will take people down to the existing access point. I do have a slide that shows an example of stone stairs on another trail that is here on Maui that I can show you that we're using kind of as a design guideline if you like.

Mr. Starr: That existing access there's kind of an old road that used to go in and then there's a gate and then it goes out the other side.

Ms. Flower: That's correct.

Mr. Starr: So as I understand what you're saying there'll be stairs kind of going, I mean, it will go kind of over the cliff and then stairs down to a lower level and then it will join into the end of that road is that what I'm hearing?

Ms. Flower: Correct.

Mr. Starr: Okay. Now, I spent a day at Honolua last week and it was a lovely day. I actually saw, I saw school of barracuda.

Ms. Flower: Really?

Mr. Starr: Yeah, they were small and they were fine. It was great. I have not heard of anyone seeing a school of barracuda on Maui for maybe 20 years, so that was nice. But I almost got killed and I saw several other people almost get killed because there was an endless stream of very large semi trucks and cement trucks that would come, you know, from Slaughter House around the curve, and when they'd get, you know, to the top they'd really highball it down that road and then cars would be coming up the other way or people would be pulling out, and it was, you know, just in the short time I spent there it was really amazing that no one died there. I noticed that there was a mention here about construction noise. You know, they were all blowing horns, and it was really loud the whole time. It was just really, really loud. So I followed to see where the trucks were going because I didn't know why hundreds, literally hundreds of trucks would be going by there and they were going past, just past Honolua and up into a gate and there was security guard at the gate, and the guard kept me from driving up, I was curious to drive up and she wouldn't let me drive up. She said that, you know, it's a Maui Land and Pine gate, that Maui Land and Pine is doing construction on residential project up there and that they didn't want to use the gate on the other side and so all of the construction traffic was being routed past Honolua. It really is dangerous. So I'm wondering whether you have any comments on it.

Ms. Flower: I think I can make a couple of clarifications. You're talking about the access road that is down at Honolua Bay, correct?

Mr. Starr: It's just –

Ms. Flower: Right over in here.

Mr. Starr: Just past there. There's like that road, new road that goes up.

Ms. Flower: Okay. First of all, to my knowledge there is not a security guard that is posted there. They do regular rounds so you must have been lucky enough to run into a security person from Kapalua.

Ms. Starr: She was there because they were running cement trucks all day long and –

Ms. Flower: So she was providing additional security.

Mr. Starr: And although the dirt hauling trucks, the semis have the combination to the key pad, the cement trucks don't. So she's stationed there when they run cement trucks up there.

Ms. Flower: Interesting. That road leads to the Honolua Bridge project. Any construction that is going on up there is not being done by Maui Land and Pine. It's being done by individual lot owners. So, as far as control of those trucks, we really don't have any

because they've been retained by the land owners up there.

Mr. Starr: She was a Maui Land and Pine employee and she said it's – you know, they are your trucks.

Ms. Flower: I assure you that they were not.

Mr. Starr: So you guys aren't interested in talking about that. I should go to the Police or what should I do? Someone's going to get killed there and you're lucky that no one's gotten killed yet.

Ms. Flower: I understand that it's a very serious issue, I'm not sure that it's related to the trail and I can assure that those trucks are not working for Maui Land and Pine.

Mr. Starr: That's not what I want to hear.

Ms. Amorin: Commissioner Hiranaga.

Mr. Hiranaga: Point of order, I'm just wondering if this discussion is part of the agenda item?

Ms. Amorin: Thank you Commissioner. Any more questions to the applicant regarding the agenda item? Commissioner Starr.

Mr. Starr: There's been comment from the public and I know I've had several people come to me and they're concerned about safety at the Slaughter House area and they're also concerned about having more people walking along the road over at Honolua. You know, it's made me really concerned especially with these trucks running and you know, there's no way that I can support the project unless I hear that something – you know, that those trucks are going to keep running, I'll tell. So I really would like to hear your comments about that.

Ms. Flower: Our intention with the trail is to enhance and increase public safety by installing a marked crosswalk with the flashing lights that signify oncoming vehicles that there are people in the road. If you were down there you know that there's an immense amount of people that go down there. We're counting upwards of 600 people a day at Honolua Bay. With this increased usage, everybody's out there with their Maui Revealed book and they're going to Slaughter House and they're going to Honolua and is what we're trying to do is control an existing problem. The trail will keep people off the road. That's the intent.

Mr. Ryan Churchill: Hi, good morning. Ryan Churchill with Maui Land and Pineapple Company. To address some of your concerns, that is a real concern there. There's no real

parking area for users of Honolua Bay. They're parking along the highway there, walking down in the highway. Some cars on busy days, you know, it's parked on both sides, it gets down to one lane. Long term solution is to provide safe parking for those vehicles and we've worked on multiple plans for that to get them off the highway and continue to work on that and work through the public process on that to help address the concerns there.

Regarding the trucks, our project is completed up there and as Yarrow mentioned, those are individual home owners trucks up there and so, we have no control over there. So I'm not sure how we can address that with you today.

Mr. Starr: You're saying those are individual home owners trucks.

Mr. Churchill: Yes.

Mr. Starr: Those trucks are filling up with dirt up there and loading and running back toward Kapalua filled full. They're running empty.

Mr. Churchill: They're probably excavating someone's lot to prepare for foundations or something along those lines. Our portion of that job is done. It's been done for a while. So I wish – I mean, I wish we could have solutions for you on those trucks but it's sort of beyond our control on those right now and would be happy to sit down with you, you know, in a separate meeting and come up with ways to help slow that down, work with the homeowners association to have flag men down there slowing down the trucks when they are doing concrete pours or other large removal of dirt.

Ms. Amorin: Thank you. Commissioner Hiranaga.

Mr. Hiranaga: I guess in the staff report, page 9, second to the last paragraph there is a statement, "the trail will be open for pedestrian use only." Is that a commitment by the applicant that for perpetuity that this trail will be open for pedestrian use only?

Mr. Churchill: Yes, that is correct.

Mr. Hiranaga: Also there's mention here in the staff report, "there are no plans for guided tours by MLP or indirectly by private entities." Is this a – is MLP willing to commit that there will be no tours for fee. That all tours if it's conducted will be free of charge.

Mr. Churchill: Yes, we have no plans to charge a fee. I can't say there'd be some tour company that would show up with their van and take people on it. But we have no – but, Maui Land and Pine has no intent to charge a fee for usage.

Mr. Hiranaga: This trail is on private property, right?

Mr. Churchill: Correct.

Mr. Hiranaga: So if an unauthorized entity started to conduct tours for fee you would take some kind of policing action to –

Mr. Churchill: Will would take enforcement action, correct.

Mr. Hiranaga: So MLP is committed to not allowing tours for fee on this trail?

Mr. Churchill: Correct.

Mr. Hiranaga: I mean, I'm not opposed to self-guided tours or tours that are conducted by MLP that are free of charge, but just to clarify that. Thank you.

Ms. Amarin: Commissioners any more questions? I have a question. I don't know if this was ever brought up but being that it's 3.5 miles of trail and you have these access points, you know, this will be for the public and the public comprises of all people of all ages. Will there be benches along or will they be only at the access points as far as maybe having a water fountain or – also having emergency phones? Has any of those concerns been part of your – of this project to implement?

Ms. Flower: We have looked at those items, all of them, and those amenities and resources currently exist along the trail. We do not intend to put in any additional restroom facilities other than the ones that are already located at Kapalua and as well – Kapalua Beach and DT Fleming Beach Park. We are looking at some benches and rubbish and recyclable containers along the way because that's something we feel is really important. There is an emergency call phone at the Honolua Lookout.

Ms. Amarin: Only at the Honolua?

Ms. Flower: That I know of, yes.

Ms. Amarin: Being that it's 3.5 miles. I think you should be a –

Ms. Flower: And there's a life guard on duty at DT Fleming and we have Kapalua Security as well.

Ms. Amarin: Okay, thank you. Any more questions Commissioners? Seeing none, thank you applicant.

**a. Public Hearing**

The following testimony was received at the beginning of the meeting:

Mr. Glenn Kosaka: Good morning Chair Amorin and Members of the Commission. I am speaking at this time as a citizen regarding the Maui Pine application for a coastal zone trail. I just want to point out a few things.

Maui Land and Pineapple Company is not the Maui Pine of J. Walter Cameron nor is it the Maui Pine of Colin Cameron, both great citizens of this community where Colin a businessman and who understood and accommodated the needs of the people. The new Maui Pine appears to be largely concerned about money. For whom is a matter for another day. However, the new Maui Pine appears unconcerned about residents of the area, the people of Maui and this planning commission.

The reason I say that is that they're here for an SMA regarding the trail. On the other hand, and I don't have slides and anything, I'll pass these pictures around. They're numbered. I want you, I would ask the commission to look at from the photographs, especially 1, 2, 4 and 9. The company or someone is advertising right by Honolua Store for the Residences of Kapalua Bay, for the Spa at Kapalua and Kapalua Mauka and the Mauka Course, and right there in the middle where it says, "coastal and mountain system," they have a photograph of this trail for which they're now asking for approval. And it says, "80 miles of coastal, mountain and resort paths and trails on going from Spring 2007 through Spring 2008."

I believe that, and there'll be other testimony at the time, a company such as this should have their movements closely monitored by this commission. And in order to do that, you need all the facts that you can have at your disposal and the best way to do that is to admit Primewest Capital as an intervenor. I will speak on that later.

Mr. Greg Garneau: (not speaking into a microphone) I'm Greg Garneau and I represent Maui Land and Pine. Up until that point ...(inaudible)...

Mr. Iaconetti: Point of order.

Ms. Amorin: Order.

Mr. Garneau: Yes, I would like to bring up a point of order. Mr. Kosaka came up here and said he was giving testimony which is fine. He can do that as a private citizen. But as soon as he starts to speak about a particular petition to intervene –

Ms. Amorin: Thank you. Corporation Counsel you want to rule on this? Okay, thank you. Mr. Kosaka, let me remind you that your testimony needs to be as a citizen no implication towards your title.



Mr. Kosaka: My understanding, I said I would be discussing the specific matters further, but the reference to it I don't believe is improper because I thought that any member of the public could testify as to any matter on the agenda and the petition of Primewest is in fact on the agenda for I believe that's proper. Thank you. I'd like to pass these pictures around, maybe you can see them.

Ms. Amarin: Thank you. Next on my list is William – Thank you step to the podium and repeat your name for me please.

Mr. William Iaela, III: Morning, my name is William Kaaueka Iaela, III. I am here to offer testimony on the second item, B-2.

Ms. Amarin: Speak into the mike.

Mr. Iaela: To offer testimony on the item the previous gentleman was speaking on as well. Looking at the Kapalua Coastal Trail Final Environmental Assessment, I'm sorry, I did not run copies to give to you folks. I was somewhat pressed for time. It says here that the trail is basically encourages walking a nonpolluting form of transportation and nowhere else in my reading of the assessment can I find where that will be all that there is, that's all they're going to encourage and I would like to say that it may be a good idea to have that as stated or enforced. Because where I come from, I come for Honolulu, we have trails in Mokuleiea, Kualoa, we have Yokohama Bay where it's not a trail, it's public land and I was told that private land they can do whatever they want on it, public land they cannot.

Problem is it went from trails to horse trails to motorcycle bike trails and ATVs. Now the ATV thing it's gotten to the point where it's even warranted coverage in the Honolulu Advertiser because of the impact on the community around them. I think that is something that really needs to be looked at regarding this trail that they make sure that type of thing doesn't happen.

The next thing that I'm concerned about regarding the trail is on page 10 of the assessment and on page 12, they have the detailed routing of the trail and I was concerned that if there are any changes to the routing of the trail that affected people whether their parcels or whatever are notified. The reason I bring that up is because the only reason I found out about this was a notice about this hearing was sent to my Uncle Raymond. It was sent to my Uncle Raymond at my address and because I'm not the person on the letter, I had a hard time getting this notice and if not for the help of the people in the post office that I went to and Mr. Thorne Abbott here who showed me where to go in Honolulu to get information about this development I would not know anything about it nor would I have been able to find out anything about it.

So those are the two things that I have to say. It's just that make sure that if this thing is

approved that it doesn't degrade to the point where the quality of the land because it is conservation land out there isn't eaten up by whatever type of usage might come. And that people who are affected by this are notified and make sure and if there's anything that I can do to make sure that my brother and myself are notified regarding any of this changes or any type of development over there, please let me know. Thank you very much.

Ms. Amorin: William one moment. Commissioner Starr.

Mr. Starr: Yes, are you aware that this is limited to pedestrian use only and with that knowledge has that changed your opinion?

Mr. Iaela: I read in here, I see that there's certain points and discussions and bullets that says pedestrian, but there's no where in it where it says will be limited to pedestrian and nothing else. So I just was wondering that down the line there's always a possibility that now it's pedestrian and if it can become something motorized or otherwise, yeah. Thank you very much. Any other questions for me?

This concludes the testimony received at the beginning of the meeting.

Ms. Amorin: I'd like to open up this time for public testimony. Do we have any individuals in the audience that wishes to speak on this agenda item? Do we have an individual?  
Megan Webster.

Ms. Megan Webster: Aloha, my name is Megan Webster. I'm Makai Stewardship Coordinator for Maui Land and Pineapple. My job is to look after the coastal conservation lands of Maui Land and Pineapple and assist with our conservation lands. Look after the three and half thousand acres that we have makai of the Puukukui Watershed Preserve which around 8,000 acres. So my job as Makai Stewardship Coordinator is working with the public in the community to restore coastal areas and also educating the public about environmental issues.

This trail is extremely important to our conservation efforts. First of all, for the increasing of public access and improvement it helps to create awareness about important natural, historical and cultural sites along the trail and it also helps us to limit impacts to our sensitive coastal areas by improving and highlighting existing trails.

Just a few key points that it helps my program. Currently we have efforts down at Hawea Point which has been highlighted to you around the area of section 9 between Oneloa Bay and Namalu Bay. We are working to help support the ua'a kani, the native wedge tailed shearwater population there. And we've been working on improving the site for nesting, native planting and restoration projects involving the community. And this is just one way that the coastal shore will really help our efforts both by allowing us to put in educational

signage to make the community aware of this and also improving the habitat for the birds.

Secondly, I'm working with a variety of groups to create coral reef etiquette signage for Honolua Bay and general coral reef etiquette sign that can be used around Maui County. Working with the Project Sealink community groups and DLNR, Division of Aquatic Resources. We'd like to be able to put this signage in to explain our community about healthy reef etiquette. That we're currently putting in Honolua Bay and that's been improved and we're looking to install it at Kapalua Bay and Mokulaea possibly. This is one way that the coastal trail will help us be able to install the educational signage.

Also I've been working with the community to look at a West Maui Heritage Corridor to similar as what has been put in South Maui. And we're looking to under that same umbrella by Tri Isle RC&D and maintain that continuity of signage and heritage corridor around the island of Maui. So as I've said we're working with the community to determine where signage is appropriate and what the content should be.

So these are just some examples of why the coastal trail will be extremely beneficial to our conservation lands. Thank you very much for the chance to speak with you today and if you have any questions.

Ms. Amarin: Commissioner Starr.

Mr. Starr: I'm really glad that Maui Land and Pine is working for the health of the reef. I was diving at the reef at Honolua, I started noticing some very interesting new things kind of a little black kind of weird almost comb shaped things all over the bottom of the ocean, I couldn't quite tell what they were. And I also noticed that the bottom of the bay is covered with a lot of leaves, kind of a fairly long leaf. I wonder if it was a wide leaf eucalyptus leaf. And when I got out of the water later I noticed the stream which was running muddy was bringing lots of these leaves down. And every – those little round things I went down and examined one and it was a wana covered with leaves and the leaves from being in the water a while had turned black. I noticed that every single sea urchin in all of Honolua is covered by those leaves that have washed down the stream. And those are coming from the construction project that Maui Land and Pine is doing uphill and being carried down by the stream. Now I don't know exactly what the effect of killing every single sea urchin in Honolua Bay will have, but I'm wondering if this is something that Maui Land and Pine is doing consciously.

Ms. Webster: Just as a point, those urchin I believe are probably the collector urchin and they actually take debris from around the area and use that for shelter. So it's a natural instinct that they have to use that material for shelter. That's why their name is a collector urchin.

Mr. Starr: So you explained that good.

Ms. Webster: Well, I mean the urchin itself picks that material to use as a shelter. It's the urchin's choice to pick, you know, what it would like to use for disguise.

Mr. Starr: They're stuck to the urchins.

Ms. Webster: That's the natural way of the urchins use whatever surrounding material to provide –

Mr. Starr: So Maui Land and Pine is fine with this, is that what you're saying? It's a corporate –

Ms. Webster: Well, first of all, I would not be able to say that any leaf litter that comes into the bay is directly related to work that's being done on Maui Land and Pine and when you look at the watershed it's a huge area. You can't say specifically that leaf litter is coming from a Maui Land and Pine project onto the reefs of Honolua. I just have a issue with that.

Mr. Starr: When there's hundreds of trucks hauling dirt from somewhere up above, obviously stuff is being cut down and moved up there.

Ms. Webster: I wouldn't be able to draw that direct relationship between leaf litter being in the bay and what's been happening in the watershed. As I said, the watershed that drains into Honolua Bay is quite extensive. I mean, we're talking hundreds of acres of the watershed and so to say leaf litter is from one area, the majority of the watershed is a forested area. So therefore, you're going to have leaf litter in the stream whether or not that's native or non native vegetation, most of the vegetation that's coming down up from the preserve is thankfully native and then the lower areas that have been impacted over time, not by Maui Land and Pine specifically but over time, you have that influx of non native vegetation that's taking over our stream corridor – trees produce leaf litter. So when you are looking in a forested watershed area you're going to have leaf litter. That leaf litter that's coming down is a natural ...(inaudible)... in our environment. I don't think that there can be a direct cause saying that that's coming from a specific development project. I mean, leaves – trees lose their leaves in a natural process. If you're harvesting trees down, you'd think that they'd be removing the whole tree along with the leaves, so I can't see that that leaf litter being the major proportion of grading and grubbing that's going on there. And that being said, as I said before, anything that the collector urchins are using in their environment it's there for the urchins – they're doing that themselves as their natural way of hiding themselves in protection. So it's not a negative thing.

Mr. Starr: I'm glad that Maui Land and Pine is fine with it. I've only been diving that bay for 40 years since 1968, it's only 39 years and I've never seen the urchins covered with leaves

like that.

Ms. Webster: Well, if you look elsewhere you can see urchins covered with other material, what's ever in their environment.

Mr. Starr: Thank you.

Ms. Amarin: Thank you very much, applicant. Commissioners, may I remind you lets stay with the agenda and the trail, the coastal trail.

Mr. Starr: Excuse me, Madam Chair. We just had the person who said that they're responsible for the reef and environmental health of Honolua Bay from Maui Land and Pine and this is a project relating to Honolua Bay. I really can't see how you can feel that this question is off the agenda item.

Ms. Amarin: Thank you for the education, appreciate it.

Ms. Webster: Thank you.

Ms. Amarin: Any other questions Commissioners? Thank you very much. I have another person Adam Quinn.

Mr. Adam Quinn: Good morning. My name is Adam Quinn and thank you for the opportunity to present and testify or I should say testify not present on – I'd like to testify on behalf of the west side community. I am an employee of Kapalua Land Company. I'm the Director of Resort Activities. I've also been fortunate to enjoy the opportunity to work with the public at large, residents and visitors for, excuse me, for 17 years and can actually address Council member Hiranaga's question about private companies accessing trails that the land company owned.

I formerly am the owner of Maui Eco Adventures and have enjoyed contract with the land company in the past at Nakalele Point as well as the Maunalei Arboretum and as a private company being granted permission by contract, we were asked by the land company to inform them of any unauthorized access by other companies in which they dutifully did address and asked them to not continue operations. So I think I can safely say that they would continue that effort with regard to the coastal land trail.

Now with regard to the safety issues and access by the public and transportation scenarios and such, the opportunity for a resident to use this coastal land trail is a phenomenal opportunity. I cannot tell you how many times certainly hundreds, probably thousands where visitors and residents alike have asked me as someone in the activities industry where can we go to hike for free: Where can we go to walk where it doesn't cost us

anything. How can we access this beautiful land that's private? And now this land company is providing this access and this opportunity for the public at large and it's amazing to me that there's opposition when there's – when there's such a significant need or so it seems from public comment and visitor commentary that we really could use more of this sort of access.

From a safety standpoint absolutely there are many, many trucks and cars that are cruising around out there, both residents and tourists, probably going over the speed limit, probably endangering people. So having a trail that gets the people off of the road and allows them to travel between point to point without getting in the way of traffic or having traffic potentially endanger them I think is a wonderful opportunity. It's difficult to follow up the points that have been made because I had hoped to speak along many of the lines that Yarrow pointed out in terms of the benefits. I guess I'd be very willing to answer any questions. I can just say that the opportunity to having something like this –

Ms. Amarin: You can conclude in 30 seconds.

Mr. Quinn: Okay. Thank you for the opportunity to give a long time resident, 17 years perspective on how beneficial that this trail can be for the community at large.

Ms. Amarin: Thank you very much. We have any questions for the testifier? Seeing none, thank you very much Mr. Quinn.

Mr. Quinn: Thank you Madam Chairperson.

Ms. Amarin: Commissioner Iaconetti.

Mr. Iaconetti: Unfortunately, Mr. Kosaka was rudely interrupted in his testimony and I'm wondering if it's possible that he may have more to say about why he was testifying. I'd like to know what his objections are.

Ms. Amarin: Thorne, I'm going to finish up the public testimony, I'm sorry. Do we have any other individual in the audience who wishes to speak on this agenda item or bring new data to this project, please step forward. Seeing none, public testimony is now closed. Thorne.

Mr. Abbott: I have nothing further in light of the intervention. You've noted that there's no analysis involved in your report. If the commission request that at a later time I'd be glad to provide that.

Ms. Amarin: Thank you. Director.

Mr. Giroux: At this time, we're going to try to address the intervention issue, but I see that

the attorney has left the room.

Mr. Guard: No, he's here.

Mr. Giroux: Oh, he's back. Hidden behind the post back there. Okay, so lets address the intervention and have the petitioner state their case.

### **C. COMMUNICATIONS**

1. **ANTHONY AND VICTORIA CAPUTO** submitting a Petition to Intervene dated August 23, 2007 on the application of **MR. RYAN CHURCHILL** of **MAUI LAND AND PINEAPPLE COMPANY** requesting a Special Management Area Use Permit for the Kapalua Coastal Trail Project and related improvements at TMK: 4-2-004: 004, 010, 012, 014, 015, 016, 017, 024, 025, 032, 034, 037, and 043; and TMK: 4-2-005: 041, 042, and 049, Kapalua, Lahaina, Island of Maui. (SM1 2006/0026) (T. Abbott)

The Commission may take action on this request.

2. **JOYCE Y. NEELEY** and **PHILIP L. LAHNE**, attorneys for **PLANTATION ESTATES LOT OWNERS ASSOCIATION** submitting a Petition to Intervene dated August 23, 2007 on the application of **MR. RYAN CHURCHILL** of **MAUI LAND AND PINEAPPLE COMPANY** requesting a Special Management Area Use Permit for the Kapalua Coastal Trail Project and related improvements at TMK: 4-2-004: 004, 010, 012, 014, 015, 016, 017, 024, 025, 032, 034, 037, and 043; and TMK: 4-2-005: 041, 042, and 049, Kapalua, Lahaina, Island of Maui. (SM1 2006/0026) (T. Abbott)

The Commission may take action on this request.

Mr. Abbott: And for the record, Mr. Caputo and Plantation Estates AOAO withdrew their petition to intervene based on a letter of agreement between Maui Land and Pine and themselves. Thank you.

3. **GLENN M. KOSAKA**, attorney for **PRIMEWEST CAPITAL (HAWAII), INC.** submitting a Petition to Intervene dated August 24, 2007 on the application of **MR. RYAN CHURCHILL** of **MAUI LAND AND PINEAPPLE COMPANY** requesting a Special Management Area Use Permit for the Kapalua Coastal Trail Project and related improvements at TMK: 4-2-004: 004, 010, 012, 014, 015, 016, 017, 024, 025, 032, 034, 037, and 043;

**and TMK: 4-2-005: 041, 042, and 049, Kapalua, Lahaina, Island of Maui.  
(SM1 2006/0026) (T. Abbott)**

**The Commission may take action on this request. If any of the Petitions to Intervene are granted for the Kapalua Coastal Trail item, the Commission may select a Mediator and a Hearings Officer.**

The Commission may take action on this request. If any of the Petitions to Intervene are granted for the Kapalua Coastal Trail item, the Commission may select a Mediator and a Hearings Officer.

Ms. Amorin: Chair calls Glenn Kosaka to the podium.

Mr. Glenn Kosaka: Thank you Madam Chair, I'm Glenn Kosaka, attorney for the petitioner. I appreciate Dr. Iaconetti's comments and concern. I also thought that I had been interrupted unduly because I was as a private citizen perfectly within my rights to discuss any matter of the agenda.

That being said, in as much as we're not proceeding with the actual intervention I have some comments to make which I think might answer a few of the questions that Dr. Iaconetti might have had.

First of all, I – in the public testimony portion I did pass around some pictures, and those pictures included a picture that says, 80 miles of coastal, mountain and resort paths and trails with a picture. The photograph behind this billboard by Honolua Store is the trail. Now, there's nothing in there that says this trail has not yet been authorized. There's nothing that says, they have access to it right now or the right to build it and I find this to be of great concern and I think this committee, the planning commission should also be concerned. ... (inaudible) ... people saying we got these trails, 80 miles worth showing a picture of this trail, the one for which we are here today and telling the people who might be interested in purchasing condominiums that this trail was available.

So basically the question is, who's going to watch the fox in the hen house? The process is designed to produce information. Mr. Garneau in his motion against the petition indicates that he feels that the applicant and the department can adequately address these concerns. Well, petitioner for intervention does not agree. There are some things that apply to everybody and some things that do not, and the department obviously has many, many matters to look into. So the intervenor would look into those areas in which the intervenor is specifically interested so a good record can be developed.

Before I proceed further, I have a concern about which I called the Planning Department.



The rules say that an application for intervention has to be filed not less than 10 days prior to the first public hearing. Today, September 11<sup>th</sup> is the first public hearing. Somehow or other, although it just says 10 days, those 10 days have been interpreted to mean 10 business days. I don't know how, I haven't seen any kind of even legal opinion from the Corporation Counsel that indicates this is so. As far as I can see 10 days without specifying business days ought to mean 10 calendar days. In which case, the deadline would have been September 1<sup>st</sup> and going backwards August 31<sup>st</sup>. However, in the notice that was sent to everyone, the notice that's required to be sent to those property owners within 500 feet there was specifically typed on there a deadline for filing applications to intervene, that deadline as stated was August 24<sup>th</sup>. This is fully one week before August 31<sup>st</sup>. Secondly, I believe even considering business days only, it is the wrong day. So I have some concern that the public or other people might have wanted to intervene, but it was past the 24<sup>th</sup> and they felt they could not. What was the correct date? As I counted them, and I could be wrong, please check with Corp. Counsel, 10 days prior to September 11<sup>th</sup>, was August 27<sup>th</sup>, the Monday after the 24<sup>th</sup>. So I think that the public might have been misled.

Now two of the intervenors have already settled with the petitioner and are no longer going to be presenting petition to intervene before this body. I think it is all the more important in this situation for the application of Primewest Capital to be considered favorably by the planning commission.

The Coastal Zone Management Law which is the law which governs the application of Maui Pine has many provisions which encourage or mandate the participation by the public. And indeed, and I will speak of this later so do the Planning Commission Rules.

In HRS Section 25(a)(2), no 205A to (b)(3) it says, and this is a provision that's entitled, "Coastal Zone Management Program Objectives and Policies." (b)(3) says that, some of the objectives are regarding scenic and open space resources, "to preserve, -- "to protect, preserve and where desirable restore or improve the quality of coastal scenic and open space resources." At least one of the persons who testified as a member of the public on this matter indicated that there will be a improvement if the trail were approved. Perhaps so. But the applicant's attorney talks about views being limited, protected views being only views from the State highway to the ocean. Under this objective and policy, it's called "coastal, scenic and open space resources," I don't think there is that limitation.

The provision goes on to talk about protecting coastal ecosystems including reefs. Now, where the petitioner has property in the area, the petitioner has two pieces of property, one along the shoreline below Honoapiilani Road, Highway, and another one above it in Plantation Estates. Their trail here, Plantation Estates property and the shoreline property. So the trail will pass right between the two properties of petitioner.

I can hardly think of anyone who might have interest different from the public that are

greater than the petitioner here.

Moving onto 205A(2)(c) Policies sub (3)(B), the policies are to ensure that new developments are compatible with their visual environment by designing and locating such developments to minimize alteration of natural land forms and existing public views to and along the shoreline. This says nothing about from the State highway.

4(D) says minimize disruption or degradation of coastal water ecosystems by effective regulation of stream diversions, channelization and similar land and water uses, recognizing competing water needs. The reason I'm going through this is to discuss with the commission or to point out the need for very careful attention to various aspects of this project. For instance, what is petitioners interest in drainage or the ecosystem? Well, the water from the drainage goes into the ecosystem. And I think Commissioner Starr has observed some of the effects in a different area, leaves on the coral. Right where petitioner's property is in Plantation Estates above the road is a drainage way. Okay, water from there, it's right at its property will pass over and go to the ocean. Now, this same drainage way I believe is also right adjacent to the property the petitioner has below the highway, on the ocean in other words. So these are matters of concern. And these are matters for which I think not only the commission nor petitioner should allow the fox just to look at it themselves.

Number 8, public participation. Promote public involvement in coastal zone management processes. This is what we want to do.

As to the special management area guidelines in the Hawaii Revised Statutes, this is 205A-26, Special Management Area Guidelines. Number 2 says, "no development shall be approved unless the authority has first found that the development will not have any substantial adverse environmental or ecological effect except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health safety or compelling public interest. Such adverse effects shall include but not be limited to the potential cumulative impact of individual developments each one of which is taken in itself may not have a substantial adverse effect and the elimination of planning options." Now the authority here is not the Planning Department. It's the Planning Commission.

b. "No development shall be approved unless the authority is first found that the development is consistent with the objectives, policies and special management area guidelines of this chapter and any guidelines enacted by the legislature." Okay, so what is necessary for this body to make an informed decision is to have information. And what better way than to have an intervenor.

205A-26(3) says, "the authority shall seek to minimize where reasonable," and we'll just go down to (d), "any development which would substantially interfere with or detract from the line of sight toward the sea from the state highway nearest the coast." This is what

perhaps applicant was talking about it's the view from the state highway, although other provisions don't have this limitation, although second lot, the upper lot, that applicant has will overlook the state highway and this trail.

The planning commission rules 12-201-41 specifically, says that "all persons who have a property interest in lands subject to commission action who lawfully reside on the land or can demonstrate that they will be so directly and immediately affected by the matter before the commission that their interest in the proceeding is clearly distinguishable from that of the general public shall be admitted as parties upon timely application for intervention." And I'm not sure whether the applicant's motion really questions the timeliness but the petitioner, Primewest Capital submits to this body that their application for intervention was in fact timely.

The commission may also admit persons or grant leave to intervenors parties who are not – who cannot demonstrate that they will be so directly and immediately affected by the matter. If the commission is satisfied that the position or interest of the applicant is not the same as a party already admitted or the admission of additional parties will not render proceedings inefficient and unmanageable or that the intervention will aid in development of a full record and will not overly broaden the issues. I do not believe that anything stated so far by the petitioner would overly broaden the issues, but I believe that the petitioner's interest as well as the commission's is to allow the intervention so that there will be a development of a full record.

In other words, petitioner believes that his position is unique. Admission will not render the proceedings inefficient and admission will aid in developing the record which this body needs to make an informed decision.

The applicant says that the department and the applicant will be able to address all issues. As noted before I won't go into this again, I think that's highly unlikely. The point is that information to this body is important and the intervenor would insure that the record would be as full as possible.

Safety issues pointed out by Commissioner Starr, these need to be looked at in great detail and although, although the petitioner's property is where Commissioner Starr noted something he believed was unsafe, and so do I, it's only three and a half miles long, it's not very far, any kind of accident would really create a traffic jam for petitioner at this place or one of his two places.

There are drainage issues which need to be addressed. Drainage matters which have a direct impact on petitioner because the drainage way is right by both of his properties. I think that this shows that the petitioners interest is far different from members of the public.

Once again and finally, the fox should not be in a hen house alone. That is when you play poker even, you trust everyone, but you cover the cards anyway and the way to ensure that is to allow intervenor to proceed. The petitioner therefore requests that the intervention be granted number one, and number two, to clean up the record that the motion in opposition by the applicant be denied. Thank you.

Ms. Amarin: Thank you. Do we have any questions for Glenn Kosaka representing the intervenor, Primewest Capital Hawaii? Thank you Mr. Kosaka.

Mr. Kosaka: Thank you.

Ms. Amarin: At this time, we'd like to call on the applicant's representative, Gregory Garneau.

Mr. Gregory Garneau: Thank you Chair and Members of the Commission. At this time, I did submit a fairly lengthy Motion in Opposition to you where I pointed out – but I would like to at this time just consider the main points. It's the burden of Primewest not MLP to show under the Maui rules that they are so directly and immediately affected that their interest is clearly distinguishable from the public. And they've not done that and the reason I say that is we look to what they in their petition to intervene that they filed and what they're complaining about.

What Primewest is complaining of in their petition is audio and visual impacts. They talk about loss of open space areas. They talk about use and enjoyment of their properties and they talk about economic harm to their properties. Now these are not the type of issues that come within the SMA. The purpose of the SMA is to protect the coastal zone areas for public interest. So Primewest could state an interest that they had that they needed to bring within this, that would be one thing. But if we consider what they are talking about in terms of their complaints, the ones that have to do with environmental concerns, that's already been taken care of. So for example, the drainage was not alleged in their petition to intervene although Mr. Kosaka talked about it today but it's not part of what they brought before you properly. But in any event there's already been an environmental assessment done for this area and that environmental assessment has been accepted by this body. That would also have to do with visual impacts as well.

As part of that EA process the Planning Department and this body had to consider what the visual impacts would be and that's already been done. So on these points, Primewest doesn't have anything further to add because those matters have already been concluded. I would like to note though with regards to views that there are no buildings within the trail area that are planned only the trail itself. And the reason we talked about where the trail was and what the views are the purpose of the Coastal Zone Management Act is to improve the public views to the shoreline. Improve access to the shoreline. And so what

we're here today applying for is to do exactly that, provide a trail that allows the public more easily to access the shore and also to view the shore.

As for noise again, that was considered in the EA. Your own rules, it's rule 12-202-12(e) to (i) talks about having the director evaluate whether the proposed action will detrimentally affect ambient noise levels. And from that process it was determined that there would be no significant impact found, and also that the noise impacts were temporary and could be mitigated and that's is what is being required in terms of the construction area noise. There are specific mitigation measures. But in terms of the long term permanent impact, there are none and again, that's already been determined in the environmental assessment process.

And the other thing they talk about Primewest is economic harm. Well, this again is not one of the purposes of the SMA. When the legislature passed 205A and also if you're all familiar there's another section of Hawaii Revised Statutes 115 that talks about access, you know, lateral access to the shoreline. The legislature has made decisions about access and to the extent that any landowners may be harmed economically, I'm not certain that's the case here because we don't have that before us, but even if that were true, the remedies with the legislature they've already decided that in Hawaii access to and from the shoreline along trails is for the public good and that's the reason that those are included in the policies and objectives of 205A.

So the reason we say that Primewest has not met their burden of showing that their interest is clearly distinguishable from the public is because their stated interest in their petitions are either not remediable under 205A or they're private concerns, they're not public concerns. Essentially they don't want people walking along in front of where they are and I had stated this in our submissions to you but at the area where Plantation Estates is where else would people walk? At that particular location the coastal trail as proposed runs along the roadway. That's the normal place you would expect for there to be a sidewalk or a trail for pedestrians to be. So in terms of, you know, any kind of noise or any kind of visual impact that would be to be expected for a homeowner to think there might be a sidewalk or a trail somewhere near the public roadway.

The same with noise too, as I said, there was an EA done and there's already ambient noise there from trucks that Mr. Starr talked about earlier and so forth. So the impacts here are not -- have already determined not to be great. So for all of these reasons Primewest has failed to meet their burden. It's their burden to come forward and say, what is it that they're complaining of that is any different from anybody else that lives there. It's not enough to just say, generally, oh I live there so my interests are different. It's not enough. They have to identify for you what it is and they just have failed to do that. And so on that basis, they're not meeting their burden. It's our position that they shouldn't be allowed to intervene because their interests aren't any different from the public and that the process of allowing them to intervene will delay the process and not add anything to it based on

what they've alleged in their petition.

And so for all these reasons we feel that the purpose of this commission is to enforce the public rights of access that by their application Primewest is asking you to consider what is their private rights, not the public rights and therefore, their motion to – petition for intervention should be denied.

Ms. Amarin: Thank you. Commissioners, any questions? Commissioner Starr.

Mr. Starr: I have question for Corp. Counsel?

Ms. Amarin: Corporation Counsel.

Mr. Starr: Yes, what are the criteria for accepting or rejecting intervention?

Mr. Giroux: I think both parties pretty clearly went over that. They both stated the criteria that's in our rules. So if you want me to read that over again?

Mr. Starr: Yeah, could you read it from our rules.

Mr. Giroux: It's going to be third time. Basically they were reading out of 12-201-41, that's the section of intervenors, right. And I'll read the whole section so nobody accuses me of any malfeasants. "All departments and agencies of the state and county shall be admitted as parties upon timely application for the intervention." That's section A.

Section B, "All persons who have a property interest in the land subject to the commission action who lawfully reside on this said land or can demonstrate that they will be so directly and immediately affected by the matter before the commission that their interest in the proceeding is clearly distinguishable from that of the general public shall be admitted as parties upon timely application for the intervention." That's subsection B.

Subsection C, "All other parties may apply to the commission for leave to intervene as parties."

Section D, "Leave to intervene shall be freely granted provided that the commission or its hearing officer if one is appointed may deny an application to intervene. When in the commission's or hearing officer's sound discretion it appears that: 1. The position or interest of the applicant for the intervention is substantially the same as the party already admitted to the proceeding. Section 2. The admission of the additional parties will render the proceedings inefficient and unmanageable. Or section 3, The intervention will not aid in the development of a full record and will overly broaden issues."

So you have to take that whole section into account in order to do your analysis and to

deciding whether or not the case presented by both parties favors an intervention or disfavors intervention.

Ms. Amorin: Corporation Counsel, I have a question for you, putting more clarity or better define when they're given 10 days notice as Mr. Kosaka has spoke about. Is it business days or is it 10 days?

Mr. Giroux: I think we've had litigation on this issue. I believe the – when the issue – we did deny somebody intervention when they missed the 10-day deadline as we interpreted it to be very restrictive, the Circuit Court came back and overruled that and said that we must – unless it is clearly stated that we are looking at the most restrictive interpretation then we must use the more favorable to the petitioner. The calendar days is counted more favorable to the petitioner.

Ms. Amorin: Thank you for that clarity. Any more questions for? Commissioner Hiranaga.

Mr. Hiranaga: Is someone able to provide us a exhibit showing the properties involved and location of the proposed trail?

Mr. Abbott: Yes, I can put that on the screen for you. As shown here is Primewest parcel 31 on Plantation Club Drive. I did not highlight the other parcel that is owned by Primewest on the makai side of Honoapiilani Highway primarily because – and between those two, this is the Maui Land and Pine property. The shaded area in kind of light pink is the special management area. So you can see Primewest is both within and outside of the special management area whereas the Maui Land and Pine property is entirely in the SMA. So there's another look at parcel 44 and parcel 31. That's sufficient, sir?

Mr. Hiranaga: Question.

Ms. Amorin: Commissioner Hiranaga.

Mr. Hiranaga: The green area is owned by MLP, the green shaded area?

Mr. Abbott: This is Maui Land and Pine.

Ms. Amorin: You need to use the mike.

Mr. Abbott: I'll use the pointer. Maui Land and Pine is in gold. The green is also Maui Land and Pine. This is also theirs up to here. As you can see here it's shaded in yellow and green cross-hatch. I'm sorry I couldn't get those both on one slide and then this is Primewest property. The SMA cuts through Primewest right about where the 3 is and comes down here and the trail is proposed in this area next to the highway running through

here and also on parcel 42, running up to here and crossing the highway.

Mr. Hiranaga: The section of the trail between – makai of parcel 31, is it proposed to be mauka of the highway or makai of the highway?

Mr. Abbott: It's mauka of the highway and within close proximity of the highway. It is actually not on Primewest property, it's basically – follows – it's about five foot away from the actual highway on the other side of the guardrail.

Mr. Hiranaga: What is the approximate distance between parcel 31 and the highway, the greenbelt, what's the –

Mr. Abbott: Perhaps Yarrow can answer that better. When I measured, ...(inaudible)...was I think it was 15 meters so about 45 feet from the highway. So I would imagine Primewest is in that same kind of proximity. I'll ask – about 45 feet or more.

Mr. Hiranaga: Thank you.

Ms. Amarin: Commissioner Starr.

Mr. Starr: There's a big solid construction fence with graphics on it, looks real new, just makai of the road, is that on the Primewest property?

Mr. Abbott: Let me mention two things. First off, I'll ask Yarrow to respond to that. The house, you asked Mr. Hiranaga, is you can actually see in the photos, see this 24, the house is actually right there on the aerial photo. That's the actual house of Primewest and this is where the trail is. So you can see that distance is definitely 45 meters, I'm sorry, 45 feet, probably a lot more than 45 feet actually. You can also look at the diagram in your report and that shows it again too. So right at the 24 is the trail and the house is right by the "P" of the Plantation Club Drive.

And to answer your question Commissioner Starr –

Ms. Flower: Thank you. Which construction wall were you speaking of?

Mr. Starr: I just remembered seeing one in that vicinity. Looked like a new.

Ms. Flower: Are You referring to the pictures or of a construction wall in the vicinity of like Mokulaea, Honolua area?

Mr. Starr: No, it was makai of the road, like right in that area.



Ms. Flower: Down there by the 28?

Mr. Starr: Oh it's down there?

Ms. Flower: There is a construction fence that I know of that's down on Kaleikiha Point.

Mr. Starr: Oh, okay, it's further down.

Ms. Flower: Yeah.

Mr. Abbott: If I may add to that now that you've pointed out where it was, I believe that's conservation land and there was a house proposed in that area and OCCL had approved that house which is makai of the road. And it's going to be below grade, so you probably won't even see it as you go along. It's a private parcel and we commented on that. But it actually is in their jurisdiction. Is everyone able to see the house on the chart? Or would you like me to pick it up and bring it up?

Ms. Amorin: Repeat that.

Mr. Abbott: It looks like it's about a hundred feet and it is noteworthy that the house is located outside of the special management area and a special management area permit was not obtained or an assessment was reviewed for the house which is something that being aware of just as a point of note.

Ms. Amorin: I have a question for Gregory Garneau. In your representation you stated some facts that the opposition pretty much were satisfied except with the drainage that you just heard of today. Is that correct?

Mr. Greg Garneau: What I said was that the complaints that were alleged in their petition have already been addressed or don't come within 205A. The drainage was new that we heard of today that was not alleged, it's not part of what they said previously. However, I don't think there's any – that also doesn't need to be addressed because there's already been an environmental assessment done. And I don't believe there's any plans to change any of the existing drainage in the area although perhaps my client could speak to that.

Ms. Amorin: Than you for the clarification. Can we hear from the applicant?

Ms. Flower: We don't have any plans to change existing drainage.

Ms. Amorin: Thank you. Glenn Kosaka, you have more comments on this?

Mr. Kosaka: If the commission would permit me. I'd like to indicate a couple of things here.

First of all, Primewest interest is obviously different from the public. Secondly, applicant's attorney keeps indicating that only public concerns can be espoused and advanced by the intervenors. That is preposterous. Why is it that the commission rules require notification to land owners within 500 feet? Are you selecting the person who is going to be the public advocate? I don't think so. Each individual would be advocating their own interest and the law permits this. I cannot understand how applicant's attorney keeps insisting that this is not so.

I would like to also point out that Merle Kaaihue's family has lived there for a long time, still lives there on the lower parcel. And not too long ago, she Merle discovered someone about two or three o'clock in the morning trying to camp in the area above the road where the drainage is. And she – her nephew I believe, asked them to leave and they left. That particular problem no longer exists because there's a big berm now and I have picture here if you're interested in seeing it, blocking access to that area, but what I'm getting to is this, just as Commissioner Starr indicated that there's a problem with safety now on the other end Honolua Bay, there's a problem with safety for Merle Kaaihue and her family, for Primewest occupant and their family if the area was open to someone going in to camp. If this is the kind of care that applicant is going to take in addressing different issues for the public safety then I think it would be very prudent for the commission to permit intervention. Thank you.

Ms. Amorin: Thank you. Commissioner Hiranaga.

Mr. Hiranaga: What are the proposed improvements for that section of the proposed walkway?

Ms. Flower: The walkway for this section is proposed to be a natural surface trail. That means that the surface of the trail would be soil or aggregate, therefore, it would not create any additional drainage issues. In light of the agreements that have been made with the owners of Plantation Estates, we are now also proposing a fence in between the trail and the owners of Plantation Estates with gates so that they may also access the trail and that would be a five-foot tall fence.

Mr. Hiranaga: Well, Plantation Estates did they withdraw their intervention application?

Mr. Abbott: They did, and if you look at Figure 56, it shows the area in your final environmental assessment, SMA application.

Ms. Amorin: Thorne, will the same fencing be fronting this Primewest Capital also?

Mr. Abbott: Would you repeat the question, I'm sorry.

Ms. Amarin: Will this fencing also be fronting Primewest Capital's properties?

Ms. Flower: Yes it will, the fence is proposed to front all sections of the trail that are mauka of the highway and in meetings that I have had with Mr. Noval who is Primewest Capital he had also requested that a fence be put there.

Ms. Amarin: Five feet?

Ms. Flower: Five feet. And we're also going to plant it with native plants to help naturalize it.

Ms. Amarin: We hear the concern, the commission hears the concern about safety. And just trying to see the options for the intervenors also. Thank you. Commissioners any more questions? Commissioner Starr.

Mr. Starr: Another question for Corp. Counsel. What would be our action? Are we to vote to accept or deny specifically or is the onus – you know if we don't vote then what happens? In other words, if we don't have a majority vote, then what happens?

Mr. Giroux: Yeah, I can address that issue. Basically your rules say that you have to have a ruling on the petition prior to final action. So that's a mandate of your rules. Now if you have a vote and lets say to vote for or against and that motion doesn't pass and then you just have a non action for lack of quorum then it would be deferred to the next hearing where you would have enough quorum to at least take one action either the affirmative or to accept or to deny the petition.

Mr. Starr: Madam Chair are we ready for a motion?

Ms. Amarin: Director.

Mr. Hunt: I was wondering if I could ask staff to explain the timeliness and the issue of 10 business days and how that came about from previous litigation?

Mr. Abbott: Thank you Director Hunt. First off, all the interventions were filed on timely basis. The fees for those filings were not provided which is required by your rules for full submission. The dates that were chosen were based on previous litigation as Corp. Counsel has mentioned of 10 business days. So I selected 10 full working days including the holiday which would be the 24<sup>th</sup>. That was then typed on the notice that was sent to all the homeowners within 500 feet, all the landowners within 500 feet and it explicitly said, filing has to be done 10 working days prior to the hearing on August 24, 2006. Normally the form we use has a little date where we write it in. In this case, for whatever reason we didn't have the form, the printer wasn't working or whatever, we actually typed it in as well.

So it was quite explicit. It was 10 working days prior to this hearing when you include the holiday, 10 full working days.

Ms. Amorin: Commissioner Guard.

Mr. Guard: This is either for staff or Corporation Counsel. When we provide – when you have to send out notice to everyone within 500 feet, is that also business days or is that calendar days and why would there be a difference between the two?

Mr. Abbott: In the SMA rules it says, 45 days and I believe those are calendar days that we notify the applicant of the hearing date. In this case, the applicant had to notify over 15,000 property owners which or maybe it was 3,500 and cost \$15,000 or 15,000 and cost \$3,500.

Mr. Guard: Well, I'm not worried about the price.

Mr. Abbott: No, no I understand that but what I'm saying is we had to give them lead time to be able to do that because it takes quite a – I mean, the stack of mailouts was huge. So they needed lead time in order to do that. So our SMA rules do say 45 days. To my knowledge it's calendar days. The decision of 10 working days however, came out of decisions made by the court and James can refer to that more than I can.

Mr. Guard: Okay, this would be for Corp. Counsel. In the document it's fairly standard that I've always thought that if you're going to go with calendar on one, you should go with calendar throughout the entire process or can you flip flop back and forth?

Mr. Giroux: Well, not necessarily because if you're looking at County Code and then you're looking at your rules, it's not automatic that those will be counted. You know like if you go to Circuit Court, they may count their days specifically based on the amount of days that they use. They use six days they say it's calendar. If it's 50 days, it's work. If it's – you know, it's very specific to the venue you are in, you have to check your rules. And those rules have to be interpreted by your commission or your court, you know, between the State and Feds, they'll have this exact same language and they'll interpret it different. So with your jurisdiction you're in, you have to look at that. And basically what happened is you in this body interpreted its own rules and it went to the Circuit Court and the Circuit Court basically looked at that and didn't give you deference which probably, you know, under standard interpretation of law, it probably should have but it didn't. So we took that as direction and said, well, if that's the way the Circuit Court is going to read these rules, we might as well try to be consistent so everybody knows how we look at it. And the intention of the court was to say, if we're going to err we should err in letting the applicant have the most benefit of the doubt with using this short amount of time.

So, basically if you take working days, this is kind of weird. I mean, even for lawyers, it

takes some getting around to get this into your head, but you look at the calendar and when you count back if you look at just the – well, if you just look at the calendar days, that a lot of times because there's a weekend involved or something, that will make for a short setting but it gives you more time. It gives the applicant more time to file it. If you use working days, you count the working days and then you kind of skip over your weekends and then – and what that does is it forces the applicant to file it earlier. Now, they fail to do that, they've missed the deadline and that's why the distinguish between calendar days and work days is very critical and to not get confused, you have to just look at the fact which one gives the applicant more time to file. So that – and as Thorne says, they met their deadline. So I don't think that's an issue.

Mr. Abbott: They did meet the deadline as far as the filing but not paying the filing fee and your rules say you have to file and have a fee. The SMA rules also say a fee shall be paid as established in the budget. I believe that was also part of your exhibits.

Ms. Amarin: Okay, I need this to be very clear because Thorne, I heard you say to execute a filing for intervention is business days and then Corporation Counsel I heard him say earlier that it was the calendar days. So which is correct, calendar days?

Mr. Giroux: It's the one that gives the applicant the most time to file. So –

Ms. Amarin: Which is it?

Mr. Giroux: So you're going to count.

Mr. Abbott: The advantage is the business days is it gives the applicant a longer period of time because of the weekends. And we did explicitly note on the notice 10 working days. We actually explicitly spelled out 10 working days.

Ms. Amarin: So that would be business days, 10 business days.

Mr. Abbott: Yes. In consideration of the holiday, yes.

Ms. Amarin: Corporation Counsel.

Mr. Giroux: I believe the calendar day would give the applicant the –

Mr. Guard: What's the difference between applicant and petitioner?

Mr. Giroux: Well, you know, we can figure this out with staff, but as far as the concern that they haven't met the deadline, I mean, they missed the deadline, they're here, everybody's filed everything. I think we need to look at this on the merits as far as –

Ms. Amorin: Commissioner Starr.

Mr. Starr: Did they pay the fee and if so, when?

Mr. Abbott: Two of the intervenors did not pay the fee. They also served notice. One intervenor served notice by mail, another one did it by email. I believe Mr. Kosaka paid his fee on the following Monday, the time of intervention was on Friday. I believe he paid on Monday, and I don't know if he notified the Maui Land and Pine. I believe he did by U.S. Mail on the 28<sup>th</sup>, 28<sup>th</sup> or 29<sup>th</sup>. I'll let them speak to that. And I do have a copy of his filing here if you'd like to see that exhibit.

Ms. Amorin: Thank you. Chair recognizes Mr. Glenn Kosaka.

Mr. Kosaka: I briefly addressed this issue. But since the commission wants something definitive, I'll go into it in great detail. First of all, ...(inaudible)... 41 says 10 days. It don't say working, business, 10 days. And unless it says business days, I submit to you it's calendar days. So if it were calendar days lets count. This meeting is on the 11<sup>th</sup>, but where all this is counted is you don't count the first day, today the 11<sup>th</sup>. So lets go. Ten days from the 11<sup>th</sup> is the 1<sup>st</sup>. September 1<sup>st</sup> happens to be a Saturday. Therefore, August 31<sup>st</sup> would be 10 business from before this meeting. However, even if, and I don't think it's valid, but even if, you used 10 business or working days, this is how it would be counted. You leave out the 11<sup>th</sup>, that's the Tuesday. You count yesterday, the 10<sup>th</sup> as one day, 7, 6, 5, 4, Monday the 3<sup>rd</sup> being a holiday is not counted right. That's five days already. So go back, August 31<sup>st</sup>, 30, 29, 28, 27. August 27<sup>th</sup> was 10 business days or working days prior to this hearing, not the 24<sup>th</sup>. That is an error. And so I submit to you that my petition was filed on 24<sup>th</sup>, it was paid on the 27<sup>th</sup>, in any case even if it were working days, it was timely and Maui Pine was sent.

Ms. Amorin: Thank you. Thank you very much. Commissioners? Commissioner Starr.

Mr. Starr: Are we ready for a motion? No, I don't think we'd get public testimony on this.

Ms. Amorin: Okay, you want to make a motion?

Mr. Starr: I move to deny the intervention.

Ms. Amorin: We have a second? Motion is lost. Any discussion? Commissioner Hiranaga.

Mr. Hiranaga: Personally I don't feel I have enough information regarding the specific geographic situation of the area being contested. So I won't at this point not be voting for or against the intervention request.

Ms. Amarin: Commissioner Iaconetti.

Mr. Iaconetti: On the basis of what Kent just said, I move to defer the action to the next meeting. Hopefully we'll have more than five people here that can vote.

Ms. Amarin: We have a motion on the floor to defer. Do we have second?

Mr. Hiranaga: Second.

Mr. Starr: Second.

Ms. Amarin: Motion is on the floor to defer by Commissioner Iaconetti, and seconded by Commissioner Hiranaga. Any more discussion? Commissioner Hiranaga.

Mr. Hiranaga: Is it possible for the two parties to provide more visual information at the next meeting or is it strictly a verbal presentation so I can make a determination.

Ms. Amarin: Thorne.

Mr. Abbott: I'll be glad to get you good aerials as well as photos of the path or that area in where the path would be proposed and I'll take care of it myself.

Mr. Hiranaga: I guess both parties can provide their own visual displays also to support their argument.

Mr. Abbott: If it would help ...(inaudible)... the record it would seem prudent. I'll be glad to take care of that. Yes sir.

Ms. Amarin: Thank you. Any more discussion?

**It was moved by Mr. Iaconetti, seconded by Mr. Hiranaga, then**

**VOTED: To Defer the Matter to the Next Meeting With the Request That  
the Parties Provide Visual Displays to Support Their Arguments.  
(Assenting - W. Iaconetti, K. Hiranaga, J. Guard, J. Starr,  
J. Amarin)  
(Excused - B. U'u, J. Pawsat, W. Hedani)**

Ms. Amarin: Chair votes in favor, motion carries. Thank you.

Mr. Abbott: Thank you for your time.

Mr. Hiranaga: Madam Chair, is the agenda item still open as far as the Item No. 2, B-2, is that still – I had a question because we went onto the Communications, did we – are we still open for questions on B-2, Item B-2?

Ms. Amorin: Corporation Counsel.

Mr. Giroux: Yeah, everything should be deferred because we need to deal with the – Everything should be deferred because we need to –

Mr. Hiranaga: Order please.

Ms. Amorin: Order on the floor.

Mr. Giroux: We need to dispose of the issue of the intervention before going further into the hearing for the SMA.

Mr. Hiranaga: I had a question for the applicant regarding the presentation, can I ask that question now?

Ms. Amorin: Ryan, applicant. We have a question.

Mr. Hiranaga: In the staff report, trail for 16A leading towards Makaluapuna Point was deleted and I guess it was based upon recommendation from the Burial Council and I was just wondering it seems like that's the most significant point along the trail and so there's no way of realigning that proposed 16A to provide access to Makaluapuna Point? I know there's a fairway there, a golf fairway.

Ms. Flower: The objection that the Burial Council had was not the routing of the trail to Makaluapuna Point, it was having people out on Makaluapuna Point because it's a sacred site as far as they're concerned and they didn't want to encourage additional foot traffic there.

Mr. Hiranaga: I've seen people fishing there though.

Ms. Flower: It is definitely used for fishing and there is a access path that does exist. It is used for cultural practices and fishing. We are going to honor the Burial Council by not encouraging additional use.

Mr. Hiranaga: But fishing is allowed?

Ms. Flower: Absolutely.



Mr. Hiranaga: Okay, thank you.

Mr. Abbott: Any questions for staff at all?

Ms. Amarin: I see no questions for staff right now. Thank you very much. The Director has some comments on our agenda.

Mr. Hiranaga: Madam Chair so what happens with that item?

Ms. Amarin: He's going to explain it right now.

Mr. Giroux: We need to do a motion to defer the SMA portion.

Mr. Hunt: Everyone hear that? You still have the SMA portion of the coastal trail project. So we'll need a vote, I assume you'll vote to defer that.

Ms. Amarin: Commissioner Starr.

Mr. Starr: Yeah, I move to defer the SMA item.

Ms. Amarin: We have a motion on the floor to defer B-2, the SMA project with Maui Land and Pine for the coastal trail.

Mr. Iaconetti: I'll second it but is the motion really necessary if we deferred the action toward intervention, the whole thing stops.

Mr. Giroux: I would advise to do the motion just to make it clear.

Ms. Amarin: Only because it's itemized on the agenda.

Mr. Iaconetti: I'll second it.

**It was moved by Mr. Starr, seconded by Mr. Iaconetti, then**

**VOTED: To Defer the Special Management Area Use Application.  
(Assenting - J. Starr, W. Iaconetti, K. Hiranaga, J. Guard,  
J. Amarin)  
(Excused - B. U'u, J. Pawsat, W. Hedani)**

Ms. Amarin: The Chair votes in favor. Motion carries. Thank you.

Mr. Hunt: The next two items on your agenda involve W V SUB, LLC c/o General Growth Properties requesting an amendment to Condition No. 5 of the Special Management Area Use Permit for the Whaler's Village parking structure and other improvements regarding the width of the public access easement for property situated at TMK 4-4-08:001, Kaanapali, Island of Maui. The file number is 86/SMA-19). The staff planner is Robyn Loudermilk.

Based on the previous direction from the Planning Commission regarding review of the Countywide Policy Plan, the staff understands that this should be deferred to a later date so that we can continue with the Countywide Policy Plan at 1:00 p.m.

4. **WV SUB, LLC c/o GENERAL GROWTH PROPERTIES requesting an amendment to Condition No. 5 of the Special Management Area Use Permit for the Whaler's Village Parking Structure and other improvements regarding the width of the public access easement for property situated at TMK: 4-4-008: 001, Kaanapali, Island of Maui. (86/SMA-19) (R. Loudermilk)**

**The Commission may action on the request.**

Mr. Iaconetti: So moved.

Mr. Starr: Second.

Ms. Amarin: Okay, we have a motion on the floor to defer Items C-4. And all those in favor?

**It was moved by Mr. Iaconetti, seconded by Mr. Starr, then**

**VOTED: To Defer Item C-4.  
(Assenting - W. Iaconetti, J. Starr, K. Hiranaga, J. Guard,  
J. Amarin)  
(Excused - B. U'u, J. Pawsat, W. Hedani)**

Mr. Hiranaga: Question.

Ms. Amarin: Commissioner Hiranaga.

Mr. Hiranaga: Would you just like to reschedule it to the later part of the agenda depending upon how quickly we go through the section on the general plan.

Ms. Amarin: Director, will time permit?

Mr. Hunt: I'm not sure you'll have time and it's awkward for the public to, you know, perhaps come back and maybe not have it. There's good arguments on both sides.

Ms. Amarin: Commissioner Guard.

Mr. Guard: I'm going to be running out of here anyway, so I don't know if you might run out of quorum to try to schedule it later today.

Ms. Amarin: Thank you for informing us Commissioner Guard. With that said, it's 12:15 p.m.

Mr. Hunt: We got a motion to defer Item 4.

Ms. Amarin: It's been approved.

Mr. Starr: Call for the question.

Mr. Guard: I don't think it was approved.

Mr. Hiranaga: Approved.

Mr. Guard: It was approved.

Ms. Amarin: It was.

Mr. Starr: Okay.

Mr. Hunt: Your next item concerns Chris Hart & Partners on behalf of Mike DezaHD requesting an amendment to Condition No. 1 of a Special Management Area Use Permit to expand the time period for two years or until August 31, 2009 to initiate construction of the Kihei Hanalei Condominiums on approximately 0.24 acres of land at TMK 3-9-005: 019, Kihei, Maui. The file number is SM1 2004/0037. The staff planner is Jim Buika. And again, based on previous direction from the planning commission we assume this will be deferred but we'll need a motion.

- 5. CHRIS HART & PARTNERS on behalf of MR. MIKE DEZAHD requesting an amendment to Condition No. 1 of a Special Management Area Use Permit to expand the time period for two years or until August 31, 2009 to initiate construction of the Kihei Hanalei Condominiums on**

**approximately 0.24 acres of land at TMK: 3-9-005: 019, Kihei, Island of Maui. (SM1 2004/0037) (J. Buika)**

**The Commission may take action on this request.**

Mr. Starr: Move to defer.

Mr. Iaconetti: Second.

Ms. Amarin: Motion on the floor to defer, Chris Hart & Partners, C-5 on our agenda. Seconded by Commissioner Iaconetti.

**It was moved by Mr. Starr, seconded by Mr. Iaconetti, then**

**VOTED: To Defer Item C-5.  
(Assenting - J. Starr, W. Iaconetti, K. Hiranaga, J. Guard,  
J. Amarin)  
(Excused - B. U'u, J. Pawsat, W. Hedani)**

Ms. Amarin: Chair votes in favor. Motion carries. Director. We're going to lose quorum. You won't be able to come back?

Mr. Guard: Oh no, not till like probably 4:00 p.m. or 4:30 p.m.

Mr. Starr: Can we recess for lunch?

Mr. Hiranaga: He's leaving at 4:30 p.m.

Ms. Amarin: Oh okay. Commission stands in recess for lunch, we'll report back 1:15 p.m.

A recess was called at 12:17 p.m., and the meeting was reconvened at 1:23 p.m.

#### **D. UNFINISHED BUSINESS**

- 1. MR. JEFFREY S. HUNT, AICP, Planning Director, transmitting the 2030 Countywide Policy Plan (Plan) to the Maui Planning Commission pursuant to the provisions of Chapter 2.80B of the Maui County Code. The Maui Planning Commission may review and provide recommendations on Section IV (Goals, Objectives, & Policies) of the Plan, which was revised to reflect the recommendations of the Maui, Molokai and Lana`i General Plan Advisory Committees. Emphasis will**

**be placed on the revised Natural Environment and Local Culture Sections.** *(Plan was mailed previously. Commissioners: Please bring your copy. To view Section IV, (Goals, Objectives, & Policies) see Maui County website at: [http://www.co.maui.hi.us/departments/Planning/pdf/Full\\_Directors\\_Report.pdf](http://www.co.maui.hi.us/departments/Planning/pdf/Full_Directors_Report.pdf) ) (To begin at 1:00 p.m. or soon thereafter.)*

**The Commission may take action on these sections.**

Ms. Simone Bosco: Thank you Members. Welcome back. This is our second meeting on the draft Countywide Policy Plan. I wasn't sure the order that you were going to be taking any testimony. If you want wait until I go through my initial introduction that would be fine.

Today, what I plan to do is to review two sections, Natural Environment and Preserve Local Culture and Traditions. Also, we have one policy remaining from the Education section that this commission still needs to vote on and we'll be doing that first actually before going into the other two sections.

And before I even get into that – the review of the sections I want to go over a memo that we distributed today dated September 10<sup>th</sup>, and this addresses the question of what would be the potential order for all subsequent meetings. In other words, which sections we will – we propose actually to review for the remaining four months. And the reason we're revisiting this is as you recall the Chair of the Molokai Planning Commission had proposed a reordering of the topics and I went back and took a look at the proposed order and we came up with a suggestion on what would be best as far as all three planning commissions and I want to just go over that with you very briefly if you don't mind.

So we've completed the first two sections, Education and Social Services and Health Care Services. Today, we're going to be going into Natural Environment and Local Culture. The next meeting what we're proposing which is consistent – well, actually it's not exactly consistent with DeGray Vanderbilt's proposals, but it is – one of the sections is proposed that he would also like to cover and that would be Promote Sustainable Land Use and Population Management. September meeting Number 2, and that's on page 2 of my memo, the next meeting September, what is it, I don't know what the date is offhand, in two weeks we'll be going over hopefully if you agree, Land Use and Housing. And then if you can take a look at the memo I have proposed in October Physical Infrastructure and Parks and Public Facilities for the first meeting and for the second meeting, Transportation and Economy. And then in November for the first meeting, Strive for Good Governments and then if there's any unfinished business we can cover it at that meeting the first meeting in November and then for the second meeting we'll need to review the Vision Statement and the Core Values and Principles. And in the final meeting, we'd like to be able to present the draft Implementation chapter and if there's any other unfinished business during that meeting as well, we'd be able to revisit it.

The rationale I used in reordering the topics mostly has to do with the fact that many of these topics relate to each other and build upon each other. Sustainable Land Use and Housing are very closely tied. First you want to take a look at what kind of policies do we set for housing and how does that relate to land use and then after that, typically you want to try and serve the identified areas for settlement and usually you look at, okay, what kind of infrastructure is needed to serve housing and again, the facilities to serve housing. And then following that, usually planners typically connect these pieces with the transportation corridors. So the following meeting we've put as the transportation section and then there's the economy. The last meeting in November, the last section to review would be the Good Government section.

I want to just say that if the commission is comfortable with this order, it addresses I would say most of the Molokai Chair's recommendations. He had recommended pretty much the first four meetings a similar schedule and then we have reordered the last four only very slightly and I've also attached his letter to the memo so you can take a look at it. This is up for your consideration. If you'd like we could plan on doing say, the next couple meetings as it's proposed if you're not comfortable with adopting the entire schedule. But the other thing to keep in mind is the public wants to know what to expect for the rest of the year so they can focus on – they can know what to focus on for each meeting and so there's an advantage of trying to establish a schedule early on so people know what to expect. Okay, if there's any questions?

Ms. Amarin: Commissioner Starr.

Mr. Starr: Yeah, move to adopt as proposed schedule.

Mr. Iaconetti: Second.

Ms. Amarin: We have a motion to adopt the schedule as presented by Commissioner Starr, seconded by Commissioner Iaconetti. Any other discussion Commissioners?

**It was moved by Mr. Starr, seconded by Mr. Iaconetti, then**

**VOTED: To Adopt the Schedule as Presented.  
(Assenting - J. Starr, W. Iaconetti, K. Hiranaga, J. Guard,  
W. Hedani, J. Amarin)  
(Excused - B. U'u, J. Pawsat)**

Ms. Amarin: Motion carries.

Ms. Bosco: Thank you. Okay, very quickly, can everyone turn their name tags toward

Julia? Thank you.

Mr. Hiranaga: Madam Chair are you going to allow public testimony before the start of the presentation?

Ms. Amarin: Simone, why don't I get into public testimony since I think we have some people in the audience. The Chair will take up public testimony at this time for any individual in the audience that want to speak on this agenda item. Could you come forth and state your name.

Mr. Jim Smith: Thank you Madam Chair. My name is Jim Smith. Members of the Planning Commission, the last time I testified I'm afraid I made a mistake and what happened was I referenced a specific provision of the new proposed plan and then went to the existing one and it was a different one, it was Land Use rather than Culture and so that might have caused confusion. I apologize for that for wasting your time.

But let me just say, I'll first address this to – there's an overall picture, does this – is this necessary? Is this revision necessary? Is it sufficient? Does it reach the law? Is it before you complete? I suggest it is not. And I would ask you to consider that the general plan process is a part of State Plan which is Hawaii Revised Statute 226. And as a part of that, the County community plan exist and it says that revisions can be made unless they are contrary to the Charter. Our Charter specifically provides that the general plan have priorities, and this one doesn't.

On page 51 it specifically says this is a process of prioritizing. And on today's agenda you have culture and the existing plan has under E that would D, Section D, Cultural Resources, under E, it says, "identify and maintain an inventory of significant and unique cultural resources for special protection." Now special protection prioritizes. That has been deleted in the provision before you to talk about public disclosure, selective public disclosure and to me that was the only hang you had for prioritization and it's gone.

Another thing which is quite obvious is that on page 51 of that proposed plan it talks about what would happen if there was a need to have a hierarchy and it says that natural resources would be the hierarchy. Well, that's a principle that you should have in the plans. So I would recommend that you go to the Council and say, have an hierarchal decision making process in which cultural resources or natural resource are the first when you're making a decision. That's a principle that's not there. So I would say on a number of places this doesn't really – is contrary to our existing plan and therefore, it needs to be advised to the council. For example, the GPAC was initially held its first meeting on January 26, 2006. The law said it had to respond between a 120 days. The charter says every 10 years the director has to come forward with a proposed revision. That wasn't done.

Ms. Amorin: Mr. Smith, you have 30 seconds to conclude.

Mr. Smith: Thank you very much. So I'll summarize and say, that I would ask you to look at this in terms of the big picture first, whether or not it complies, whether or not there are priorities in this proposed plan, stated priorities, I don't think they are. If they are not, then it's insufficient and I'd ask you to find that and advise the Council. Thank you very much.

Ms. Amorin: Thank you. Do we have any other individual in the audience that wishes to speak on this agenda item? Seeing none, public testimony is now closed. Simone.

Ms. Bosco: Okay, what I'd like to do at the very top of the meeting here is to revisit the education policy that the commission had asked that we go back and work on the language for. And on the screen, we have some proposed language for policy, if you can look at the education matrix that we had handed out, policy no. C2g and I'm going to go ahead and read that one. I think you might remember it. The original language was, "seek reliable innovative and alternative methods to support a level of public school funding that places Hawaii among the top tier of states nationally for its financial support of public schools." And our original language that this commission had drafted and asked to revisit was, "support a level of funding including innovative and alternative funding methods that places Hawaii among the top tier of states nationally for its per student financial support of schools." And I think the intent of changing it was to look at insuring that the comparison is per student that the financial investment is per student not per region.

So we went back and we looked at it again and we proposed this language that's very similar. It's, "support a level of per pupil public school funding that places Hawaii among the top tier of states nationally for its average annual per pupil investment in public education." That's the proposed language from the Long Range Division to – if you agree with it we can go ahead and approve it as acceptable. If you have any suggestions, go ahead and discuss it.

Ms. Amorin: Any comments Commissioners? Commissioner Starr.

Mr. Starr: That's okay with me, but just for comment, it does two things which I don't have a problem. I don't know if anyone else does. It specifically makes it about public schools and the second is that it removes the innovative and alternative funding methods that I think some GPAC members where intent on getting in there.

Ms. Bosco: Actually if you look at the record, that was an additional phrase added to this particular policy. The original statement didn't include the phrase, "including innovative and alternative funding methods." We can retain that phrase if you so choose to.

Mr. Starr: I think I would like to retain that phrase. I think there is some, you know, some



educators on the GPAC who wanted that specifically in there because there are mechanisms that we're not applying here that are being applied in other places. So I would prefer to keep that wording in there though it does lengthen it.

Ms. Bosco: Thank you.

Ms. Amarin: Do we have a consensus with the rest of the commission to retain what is?

Mr. Hedani: Could we restate the proposed language at this point?

Ms. Amarin: Could you blow it up? I'm having a hard time in ...(inaudible)... to really see the –

Ms. Bosco: Okay, so the proposed language is, "support a level of per pupil public school funding including innovative and alternative funding methods that places Hawaii among the top tier of states nationally per it's average annual per pupil investment in public education."

Ms. Amarin: Simone, that's your revision right?

Ms. Bosco: That's right now on the floor, yes.

Ms. Amarin: Commissioners in favor of the change? Commissioner Hiranaga.

Mr. Hiranaga: Do we need the word, "of states?"

Ms. Bosco: It's a good point. I thought about that too. Either way you could take "of states" out or you could take nationally I guess. Which one is better?

Mr. Hiranaga: I would prefer the word "nationally."

Mr. Starr: That's redundant.

Ms. Bosco: Okay. Does that make sense still, "top tier nationally?" Or do you need – I'm just kind of curious if that's still clear.

Ms. Amarin: Any other changes? Commissioner Starr.

Mr. Starr: There should be two commas put back in. Is that what you meant? Okay, thank you.

Mr. Hunt: Is there any way we can zoom in a little bit more for us over –

Ms. Amorin: Just blow up that section right there.

Ms. Bosco: How's that? Is that better?

Ms. Amorin: That's better. Thank you.

Ms. Bosco: Is that too large?

Ms. Amorin: No, not at all.

Ms. Amorin: Looks okay. No objections, commission? It's okay.

Ms. Bosco: Do we need take a vote, like a show of hands and we need a motion too.

Mr. Starr: Okay, move to accept.

Ms. Amorin: We have a motion to accept.

Mr. Hedani: Second.

Ms. Amorin: Second by Commissioner Hedani. Any other discussion on this?

**It was moved by Mr. Starr, seconded by Mr. Hedani,**

**VOTED: To Accept the "support a level of per pupil public school funding including innovative and alternative funding methods that places Hawaii among the top tier nationally per it's average annual per pupil investment in public education."  
(Assenting - J. Starr, W. Hedani, K. Hiranaga, J. Guard,  
W. Iaconetti)  
(Excused - B. U'u, J. Pawsat)**

Ms. Bosco: Can we have a show of hands?

Ms. Amorin: Show of hands.

Ms. Bosco: Thank you. Unanimous.

Ms. Amorin: It's unanimous.

Ms. Bosco: It's one, two, three, four, five and the chair is voting, six. So 6-0. Okay, we're

done with this section then. Okay, that complete education. Thank you.

And we're going to move into Natural Environment, so if everyone would like to turn their attention to the goal statement, the objective statement A and A1 and the supporting policies. As we had discussed, I'm not going to be reading these statements, so go ahead and take a moment, review them, see if there's anything that stands out for you, if it's okay, you have any suggestions to discuss and then we'll wait and record your recommendation. And then after your discussion, we'll go ahead and take a vote on this whole section. Thank you.

Mr. Hunt: Simone, did you want us to read through the whole thing or just the goal, objective and the first set of policies?

Ms. Simone: Just the first set of policies please.

Mr. Hunt: And if I may, just to remind you what happened last time and seemed to work is people pulled out specific policies they had problems with and we massaged those and then somebody made a motion to approve that whole objective and supporting policies.

Ms. Amorin: Commissioner Starr.

Mr. Starr: I'm wondering what everyone had for lunch it's kind of like – kind of slowed down here. Okay, starting with A1a, now bio diversity, I really want to bring back in the native Hawaiian bio diversity. In fact, I really like what they had – what the GPAC recommended and I think we ought to stick with what the GPAC recommended. I think this is such an important item. But bio diversity would mean including GMO stuff or you know, stuff that comes from Mars or wherever. Whereas the bio diversity we want to protect, is that which is endemic, native.

Ms. Bosco: Commissioner Starr were you referring to the Maui GPAC's recommendation?

Mr. Starr: Yeah.

Ms. Bosco: So there's a suggestion to bring back the language under the large table, it's referenced as policy 1002 and it's the policy or the recommendation from the Maui GPAC underlined. Can everybody, does everybody have that? The language read, "perpetuate native Hawaiian bio diversity by preventing the introduction of invasive species eliminating noxious pests that are already here and protecting critical habitat areas." Is that correct Jonathan?

Mr. Starr: Yeah.

Ms. Bosco: I think the reason we had changed it from the Maui GPAC's language is to try and simplify the statement and although we can certainly bring back the intent of this statement, it's up for discussion really.

Mr. Starr: I feel by simplifying it, you're leaving out all the heart and teeth of it.

Ms. Bosco: Okay.

Ms. Amarin: Commissioner Hedani. I'm not sure what the GPAC meant when they say "native Hawaii bio diversity" because native Hawaiians introduced species that weren't endemic or indigenous to the island at the time. So I don't know if you're talking about native species that were here that were endemic or indigenous or I'm not sure what it refers to.

Ms. Bosco: It's a good point. I'm fairly certain it means the bio diversity or the ecosystems that existed here pre contact, pre contact with western civilization is what I'm thinking. I understand what you're saying.

Ms. Amarin: Director.

Mr. Hunt: When staff reviewed the three GPAC's recommendations, that's a question that we had also and so perhaps this body could weigh in on how you would suggest that we interpret that, should it be pre contact or should it be pre human contact.

Ms. Bosco: And the concern with pre human contact is there wasn't really – I mean, there was a lot less here pre contact. Palm trees weren't even here.

Ms. Amarin: Commissioner Guard.

Mr. Guard: I would think it's just pre western contact. I don't think it was Hawaiian people until they were here and we'd melded together, right?

Mr. Starr: Yeah, same pre western contact.

Ms. Amarin: Okay, we all agree.

Ms. Bosco: And we need to insert that language into this policy then. Is that right? Or is that the kind of clarity we're needing?

Ms. Amarin: In reviewing the whole policy plan that term is used several times so I think if it's okay with the commission, we'll find some way to insert globally either with a definition or somewhere but not within each individual policy. And by the way, we agreed with your

interpretation, but you now, we wanted your feedback on that.

Ms. Bosco: Thank you.

Ms. Amorin: Any objections? No objections. Commissioner Starr.

Mr. Starr: Okay, moving right along, A1b. Once again I have concern about wildlife habitat connectivity if we're preserving all existing ones. For example right now a lot of the slopes of Haleakala are overrun by goats and I don't really want to preserve that. You know, like the national park is putting up fencing to try to stop, you know, stop feral ungulates and so I don't want to stop them from being able to do that when they're destroying the habitat for the native stuff. So I like once again, the wording that the Maui GPAC had put in where they had indigenous and endemic. I don't think we need to add as a green infrastructure that also added but I do want to add back in indigenous and endemic after the word reestablish.

Ms. Bosco: Okay, so there's a suggestion to add in indigenous and endemic after the word, reestablish.

Mr. Starr: Yeah. And then as far as moving the develop the net greenways, water courses to implementing action, I'm fine with that.

Ms. Amorin: Commissioner Hedani.

Mr. Hedani: I don't want to be a stick in the mud, but I'm not sure what the intent of this particular provision is in terms of connectivity. When you're dealing with certain indigenous and endemic species, sometimes isolation is the best method of preserving the species instead of connecting it up with everything else. So I'm not sure what the intent was here. Like on the top of Pu'u Kukui. It's isolation and the fact that it's not accessible by everyone is what preserves the bio diversity that exists in that area. And I'm not sure how that would relate to connectivity.

Ms. Bosco: I think I understand what you're saying. The intent I believe for this policy is to not – how should I say, not to separate wildlife from its natural environment so that it can thrive, so that the habitats that wildlife and the, I guess, we would say the indigenous species here are accustomed to thriving in won't be damaged or otherwise cut off from remaining healthy. So the connectivity issue really has to do with protecting habitat so that you protect the animals too. Does that help?

Mr. Hedani: I know what you're saying, I just don't agree. I think if you want to preserve habitat to protect species, you should preserve habitat to protect the species.

Ms. Bosco: We could even reword that language. Lets try and make that note. Protect that – could repeat that Commissioner Hedani? Protect – what was your suggestion again?

Mr. Hedani: I'm just saying that if you want to protect the bio diversity of the species that you would just protect the habitat for those species.

Ms. Bosco: So protect the habitat to preserve indigenous and endemic species.

Mr. Starr: We can just give it a connectivity.

Ms. Bosco: Pardon me?

Mr. Starr: Just get rid of connectivity.

Ms. Bosco: Okay, get rid of connectivity. Thank you.

Ms. Amarin: So we're just dropping the word, "connectivity?"

Mr. Starr: Yeah, and we're adding "indigenous" and "endemic."

Ms. Bosco: Thank you.

Ms. Amarin: Commissioners does that suffice you? Okay, moving along. A1c.

Mr. Starr: That's fine with me.

Mr. Hiranaga: Just a minor comment, A1b, you're going to make that habitats?

Ms. Bosco: Add a plural, add an "s." Thank you.

Mr. Hiranaga: Just to clarify the director's statement he's going to reinsert native Hawaiian where it's been deleted in the past is that what he said he was going to do?

Ms. Bosco: I think the comment is are we going to delete the – the question is reinsert, pre western contact.

Mr. Hiranaga: Native Hawaiian. It's been deleted in several sections, I'm just wondering you said you were going to reinsert them or do we need to go over each one individually?

Ms. Amarin: Director.

Mr. Hunt: I think what I was getting at is where it is in the policy plan, we need to have a

definition somewhere else rather than inserting the definition in each time, each policy that we use it. So somewhere in the policy plan we need to have a definition or a global interpretation of that word that it's pre contact and not pre human. So on A1e –

Ms. Amorin: Commissioner Starr.

Mr. Starr: Yeah, A1e, 1006, I want to add back in “and acquire.” That was all the GPAC's recommendations as well as your original. I don't know where that went.

Ms. Bosco: Thank you.

Mr. Starr: And I – I'd like to get rid of, “where possible.” I mean, these things are where possible, so I don't understand why some of these are weakened by having it specifically in there. I think we should get rid of all the where possible globally.

Ms. Bosco: Thank you. I can address your first comment too if you'd like. The reason why acquire was removed from the statement is because the division felt that acquisition of land is actually an implementation tool. It's actually going towards protection. When you acquire something you essentially protect it too. But we can retain that language if that's the rational.

Mr. Starr: I'd like to retain it. I feel that in many cases shunting stuff to implementing is really weakens the process, and although it does maintain a clearer hierarchy it in actual usage it will weaken the document. So I would love to put it back in in this case.

Ms. Bosco: Thank you. So that was A1e. Are there any other suggestions or should we move onto A1f?

Ms. Amorin: Commissioner Hiranaga.

Mr. Hiranaga: A1d, should native Hawaiian be reinserted for aquatic species?

Mr. Starr: Yeah, better.

Ms. Amorin: Director.

Mr. Hunt: If you look across the matrix, it looks like that was supported or added by the Maui GPAC but the Molokai and the Lanai did not suggest that. You might keep that in mind that you know you're reviewing all three of the GPACs.

Mr. Hiranaga: I guess my concern is aquatic species by itself is too general.

Mr. Starr: Yeah, like we'd be protecting alien seaweed that do harm just because they are here.

Mr. Guard: Or apple snails.

Ms. Bosco: Okay, thank you. We have that in the revised language.

Ms. Amorin: Commissioner Starr followed by Director.

Mr. Starr: I'm fine with (f), going to (g), I'd like to have a little discussion about this. I kind of search by a term whereby we describe a scenic vista in a way that would preclude a little slot between buildings as a being the preservation of that vista. Now this is some thing that's come before us and it's really disturbed me when, you know, you can see 10 feet between two buildings and that's considered preserving the scenic vista. So I don't quite know how to make that, you know, how to say that we're looking for kind of a continuity of the vista or you know, more than one – not just a spot.

Ms. Bosco: I think what you're getting at is reserve the integrity of the entire scenic area. See how we can work that.

Ms. Amorin: Director followed by Commissioner Hiranaga.

Mr. Hunt: First in response to Mr. Starr's last comment, the department supports that concern or shares that concern. We need to remember that this is a policy and we're not crafting legislation. This policy hopefully if it's adopted will then result in legislation where we can analyze how much is an adequate view plane. I like Simone's concept, I mean the integrity to strengthen it.

And then just a couple other comments. In general, there's some policies A1c and well, the next objective but there's something – there's a clause or a phrase that refers to within the county and I thought the discussion at the last planning commission meeting was to get rid of that because there's an assumption that this applies to Maui County. There was some direction to try and abbreviate or make these policies more concise. So unless there's objections to that, we'll continue to pursue that direction and making it more concise removing references to the county.

Mr. Starr: We can't really protect those in Nebraska.

Ms. Amorin: Commissioner Hiranaga.

Mr. Hiranaga: Suggest the word panoramic instead of integrity.



Ms. Bosco: And where in the sentence are you?

Mr. Hiranaga: Important panoramic scenic vistas.

Ms. Bosco: Okay, thank you.

Mr. Starr: Yeah.

Ms. Bosco: And that is exactly right what Director Hunt had said was this kind of a policy provides the basis for new ordinances addressing view planes or to establish view sheds and really analyze each situation.

Ms. Bosco: Commissioner Starr.

Ms. Amarin: Commissioner Starr.

Mr. Starr: Yeah it is a basis but it also is the tool that we have when we're reviewing SMA and we're reviewing EAs and EISs for compatibility. So the more teeth in those areas that is kind of there in the General Plan, the easier to protect it in practice by this body.

Ms. Bosco: Okay, if there are no other comments I'll go ahead and read the amendments.

Mr. Starr: Do we need to? I think we've gone through it enough.

Ms. Bosco: Okay no changes to the goal statement and no changes to objection A1.

A1a is amended to read, "perpetuate native Hawaiian bio diversity by preventing the introduction of invasive species, eliminating noxious pests that are already here and protecting critical habitat areas."

A1b is amended to read, "preserve and reestablish indigenous and endemic wildlife habitats."

A1c is amended as, "restore and protect the forests, wetlands, watersheds and stream flow."

A1d, "ensure adequate stream flow that will support native Hawaiian aquatic species, traditional kalo cultivation and self-sustaining ahupuaa."

A1e, "protect and acquire undeveloped beaches, dunes and coastal eco systems and restore natural shoreline processes."

And the last one A1g, "identify, preserve and provide ongoing care for important panoramic scenic vistas, view planes, landscapes and open space resources.

Mr. Starr: Move to accept all of A1, goal A and objectives A1 and policies.

Ms. Amorin: Do we have a second?

Mr. Hedani: Second.

Ms. Amorin: We have a motion to accept goal A through A1g by Commissioner Starr, seconded by Commissioner Hedani. Any other discussion? Commissioner Hiranaga.

Mr. Hiranaga: Just wanted to comment A1a, second line, introduction of invasive species, eliminating – I'd suggest eliminating invasive species that are already here. I don't know what the difference is between noxious pests and invasive species, maybe replace the words, noxious pests with invasive species.

Ms. Amorin: Commissioner Starr.

Mr. Starr: Invasive species, I don't think we really want to get into eliminating all the invasive species. I mean, for example, humans, pets, you know I think noxious means we want to get rid of the bad ones. It's a good thought though.

Mr. Hiranaga: Noxious species.

Ms. Bosco: Okay, and is there a preference on the language that you might need to give me directions. Which one? Do you want to keep invasive species there or do you want to –

Mr. Starr: How about noxious invasive species or destructive or something like that.

Ms. Amorin: Director.

Mr. Hunt: I'm not sure, but I think the invasive species generally refers to plants while pests are generally referred to insects or animals or something like that.

Mr. Starr: Maybe we should keep what they did. I think they thought it through.

Ms. Amorin: If there's no objection we'll just leave the language as is. Commissioner Hiranaga. Commissioner Guard.

Mr. Guard: On that one, possibly adding in the contain or eliminate invasive species from

the director's recommendation, instead of eliminating noxious pests to contain or eliminate invasive species may be adequate. It's more for the group to decide.

Mr. Starr: I would prefer to keep the words the noxious pests.

Mr. Guard: I guess pests doesn't seem to address miconia or java plum, etc., where species may address goats and plants.

Mr. Starr: How about noxious pest and species.

Mr. Guard: Species are going to cover everything, where pests I feel is more of an animal.

Ms. Amarin: Commissioner Hedani.

Mr. Hedani: Generally speaking, I like the director's recommendation language more because in almost cases it's simpler, it's clearer and it's more concise.

Ms. Amarin: Director.

Mr. Hunt: Mr. Hedani brings up a good point that I think is worthy of commenting on. If you look at the new director's recommendation, there are some changes from the GPAC's recommendation, but there was a strong motivation not to change the substance of the recommendations but to make them more concise and more inclusive. A lot of times people start going off a list of what we want to address and if you start listing things then that means that you're not on the list, things get eliminated. So I think it's important that you folks keep that in mind, at least the motivation. You don't have to agree with the director's recommendation but please try and understand the motivation.

Ms. Amarin: Commissioner Starr.

Mr. Starr: Yeah, I have some real problems with that – the director's recommendation because first of all, you know, I don't want to preserve the bio diversity that's here now because a lot of it is noxious and I don't want to preserve that, I really prefer the Maui GPAC language or something similar. I think we're on the right track, if we go back to preserve bio diversity that means we should welcome, you know, a lot more bio engineered type of things, and you know, the importation of more different types of features because that's bio diversity.

Ms. Amarin: Do you have the proper language?

Mr. Starr: I'm happy with the Maui GPAC recommendation and the fine tuning that some members wanted to do with it.

Ms. Amorin: Commissioner Guard.

Mr. Guard: One last fine tuning that might work out. What if we took the first part of the “perpetuate native Hawaiian bio diversity, protect” – or then, “prevent introduction of invasive species.” I guess the “contain or eliminate invasive species that are already here and protect critical habitat areas.” Let me read that again without the I guess, “perpetuate native Hawaiian bio diversity, prevent the introduction of invasive species,” we say, “contain or eliminate and prevent the introduction of.”

Mr. Starr: How about we go back to eliminate noxious pests that were already here.

Mr. Guard: “Prevent, contain or eliminate the spread of invasive species and protect critical habitat areas.”

Ms. Bosco: I would caution against that actually as staff because we are seeking to eliminate not just the spread but to remove what invasive species are actually threatening some of the existing, the various – like miconia.

Mr. Guard: Can we say, “prevent, contain or eliminate.”

Ms. Bosco: Yes, we can do that. But to reference, “the spread of,” means that we can only – you know what I mean?

Mr. Guard: It sounds like we’re trying to get the native Hawaiian bio diversity in there and then if the sticking point is going to be between invasive species and noxious pests, I would think invasive species is a broader brush stroke of what we’re trying to either eliminate or contain. But I agree with Commissioner Starr on the native Hawaiian bio diversity versus bio diversity that may already be here in any given gulch in Kaupo covered with goats and java plum or guava. That’s not the bio diversity we’re trying to protect.

Ms. Bosco: Would you like to take a vote on just this policy statement to see where we are at on it and if everyone can take a look at what’s on the screen and then we can just kind of figure out where the consensus lays on this one alone. And then we can maybe take a vote on the whole section.

Ms. Amorin: Okay.

Ms. Bosco: Okay, Julia needs verb agreement, hold on. Containing or eliminating. Okay, I guess what I won’t do is read everything. Okay, that’s the suggestion, but just take a look at the screen and make sure it reflects what the commission wants.

Mr. Starr: I would get rid of all of the ings.

Ms. Bosco: Okay, so perpetuate native Hawaiian bio diversity and then –

Mr. Starr: Yeah, I'd leave that one ing on preventing.

Ms. Bosco: By preventing –

Mr. Starr: Contain or eliminate.

Ms. Bosco: That means there needs to be a semi colon after invasive species, the very first invasive species.

Mr. Starr: Yeah that – And then protect get rid of the ing.

Ms. Bosco: Okay, It's a little choppy the way it is to be honest. It would be smoother if you kept the all the ing grammatically. But –

Mr. Starr: You'd have to have all of them. I'm fine with it.

Ms. Bosco: It's fine like this.

Ms. Amarin: Do you have those words up there that are already here. Why don't you just put existing noxious pests, eliminating existing noxious pests.

Mr. Starr: Instead of having invasive species twice.

Ms. Bosco: Is that right, Madam Chairperson? It's up on the screen. Look at the screen. Contain or eliminate existing noxious pests.

Mr. Starr: I have a few friends in that category.

Ms. Bosco: Is that good? Would you like me to read it?

Ms. Amarin: Yes.

Ms. Bosco: "Perpetuate native Hawaiian bio diversity by: preventing the introduction of invasive species; contain or eliminate existing noxious pests that are already here; and protect critical habitat areas."

Ms. Amarin: You need to drop "that are already here." Existing covers that.

Ms. Bosco: Okay, thank you.

Ms. Amorin: Commissioner Hiranaga.

Mr. Hiranaga: Having the word “by” in there, is that an implementing action?

Ms. Bosco: Yeah, it starts to go in that direction which is why we probably would like the original –

Mr. Hiranaga: I guess I would prefer, “perpetuate native Hawaiian bio diversity, prevent contain and eliminate invasive species.”

Ms. Bosco: Okay, “prevent contain or eliminate invasive species.”

Mr. Hiranaga: No, “and contain.” “Contain and eliminate.”

Ms. Bosco: “Contain and eliminate.”

Mr. Starr: I don’t like to have three choices. That it’s okay to contain them you know where – when they’re noxious pests I’d rather eliminate than contain them. So I’d like to go back a little bit to where we were.

Mr. Guard: Then you could eliminate noxious pests that are the existing instead of containing them, after the semi colon.

Ms. Amorin: Commissioner Hedani.

Mr. Hedani: I think I know what everybody means, but when the native Hawaiians came to Hawaii it resulted in the elimination of a lot of native species that were endemic and indigenous to the islands. So when you’re talking about perpetuating native Hawaiian species, you’re talking about whatever they could bring with them including dogs and other things that were very destructive to the natural environment of Hawaii. So I’m not sure what you’re saying by making this statement.

Ms. Amorin: Commissioner Hiranaga.

Mr. Hiranaga: How about just eliminate invasive species. Does a species become invasive prior to its introduction? It becomes invasive when it’s introduced. So take out “prevent and contain,” just say “eliminate invasive species.” If it’s on a boat a hundred miles from here because it hasn’t gotten here. So just say, “eliminate invasive species.”

Ms. Bosco: Okay, I am not a biologist, so that’s my disclaimer, but my understanding of invasive species is once they’re introduced they actually compete with other types of species, but can defend themselves and they just to take over.

Mr. Hiranaga: Right, but when do they become invasive?

Ms. Bosco: When they'd start to take over.

Mr. Hiranaga: When they're introduced.

Ms. Bosco: Well, no, I would actually argue to say they can be introduced by not be competitive, and you know, take over other eco systems. Again, I'm not a biologist, but that's my understanding of it.

Mr. Hiranaga: So would that "and eliminate invasive species," and get rid of everything else, the introduction.

Ms. Bosco: Okay, so right now, we have, "perpetuate native Hawaiian bio diversity," eliminate "invasive species," and "protect critical habitat areas." Does that capture what you're saying?

Mr. Hiranaga: Or it could be a comma –

Ms. Amorin: Commissioner Starr.

Mr. Starr: Yeah, we got rid of the most important part which is to avoid the introduction of new species. I really think that the Maui GPAC got this one right. We ought just utilize that because as we change it we're making it less useful.

Ms. Amorin: The way I understand this recommendation by GPAC is to perpetuate native Hawaiian diversity. We need to do these things that's understating in that whole paragraph there. So it makes good sense to perpetuate by keeping everything in there. The only thing I see that makes better sense is just removing, "that are already there," by putting in the word "existing" before "noxious."

Mr. Starr: Yeah, I like –

Ms. Amorin: That whole thing makes a complete statement.

Mr. Starr: Yeah, prefer that myself.

Ms. Bosco: Okay. We had discussions like this at GPAC too. We're removing –

Mr. Starr: That are already here and using existing. So we're putting "eliminating existing noxious pests, " and getting rid of "that are already here."

Ms. Amorin: Commissioners we have any other changes to this group here? But we have a consensus now? Commissioner Hiranaga.

Mr. Hiranaga: Well, the definition invasive. When does a species become invasive? Because you're constantly introducing things to the island some are good, some are bad. So, how do you prevent the introduction of an invasive species until you know it's invaded.

Mr. Guard: Probably from its former habitat.

Mr. Hiranaga: Well, they may have natural enemies in their previous habitat that didn't make them invasive, but you won't know that.

Ms. Bosco: Well, I think you can do biological assessments I think in the environmental fields they need to study that and I don't think we would be the ones to be deciding that but you would need consultation.

Mr. Hiranaga: I mean in the flower industry they are constantly importing product for floral design and you don't realize it becomes invasive until someone plants it in their yard or throws some in the gulch and all of a sudden it takes off wild but – so when does it become invasive. I mean, do you have a list of invasive species that prohibits the importation of plant product?

Ms. Bosco: Well, there is an existing list of invasive species that –

Mr. Hiranaga: Right, that have been identified.

Ms. Bosco: But I'm not sure what they've done –

Mr. Hiranaga: What was that – identification done prior to introduction or post introduction.

Ms. Staley: Wildlife ecologists evaluate the situations all the time. It's specific eco systems and do evaluations of these situations. It's just like with the introduction of the mongoose. We didn't understand what the introduction would do. So now there are specific fields and specific biologist who evaluate these types of situations with flowers that may be introduced, algae, mushrooms, everything, all this fungi that can be introduced, they evaluate these things.

Mr. Hiranaga: So every product worldwide before it is allowed to be imported to Maui is determined to be invasive or non invasive. Is that what you're saying?

Ms. Staley: Not necessarily.



Mr. Hiranaga: What were you saying then?

Ms. Staley: Well, if you have something – you're talking about having flowers that come in, if there's something that's of concern, you're right, I guess you won't know it's going to out compete like the situations that we have in the past except that now they can model those situations. If you're asking that something may be brought in or maybe here, what I'm trying to get at is that this is not our area of expertise, and you're trying to get the specifics and the minutia of what an invasive species is when actually maybe you need to call in someone, a wildlife ecologist who can explain that to you.

Mr. Hiranaga: ...(inaudible)..

Ms. Staley: I'm sorry, you being plural, not you being you.

Ms. Amorin: Director.

Mr. Hunt: In attempts to try and move us along, how long if we pull this policy aside, staff will do some research as regarding what is an invasive species as opposed to a non native species and get some clarification on these terms, pests versus species and bring this one policy back to you, similar to what we did with the policy that you first worked on this afternoon, so then we can move along with the rest of them.

Mr. Guard: Great idea.

Mr. Starr: Okay, I'd like to modify my motion to exclude A1a and otherwise to approve everything we did ...(inaudible)...

Ms. Amorin: Okay, we have a modified motion on the floor to exclude A1a. Do we have a second.

Mr. Hedani: I concur. I was the second on that.

Ms. Amorin: By Commissioner Hedani. Any more discussion? Commissioner Hedani.

Mr. Hedani: I think when we're crafting the language on that one item, it's important to keep in mind that there are certain species that we want to introduce in the future that would be protective. An example would be entomologist go after the counter for say gall wasp that are attacking native Hawaiian trees and they have to introduce the species that's the predator to that and we want to make sure that we don't eliminate the possibility of doing stuff like that.

Ms. Bosco: Yeah, that's an excellent point. Thank you.

**It was moved by Mr. Starr, seconded by Mr. Hedani, then**

**VOTED: To Approve Goal A through A1g, Excluding A1a.  
(Assenting - J. Starr, W. Hedani, K. Hiranaga, J. Guard,  
W. Iaconetti)  
(Excused - B. U'u, J. Pawsat)**

Ms. Bosco: Okay, next section. If it helps the commission, we can move from one statement to the next just to focus on one statement. It might go a little faster that way, it's up to you. We're on A2.

Ms. Amorin: Commissioner Starr.

Mr. Starr: A2a, I'm willing to let that be split off to an implementing action if you get rid of the words, "where possible."

Ms. Bosco: Delete "where possible" in the implementing action statement. Are there any suggestions for the objective A2 or does everyone like it the way it is?

Ms. Amorin: Commissioner Starr.

Mr. Starr: I'd like to have a specific statement about keeping runoff products out of the nearshore environment and also, you know, as well as the stuff that's coming from the injection wells. I'm trying – I'm wondering if – I know you're moving kind of all the wording that relates to it into implementing but I'd like to have one direct policy that we shouldn't have ag and landscape chemicals and products from the treatment plant going into the reef. How can we do that?

Ms. Bosco: You want a policy, a specific policy crafted to address protecting nearshore waters or aquatic environments from agricultural runoff – is that what –

Mr. Starr: I would say, eliminate agricultural, landscape, – agricultural and landscape runoff and waste treatment plant byproducts from entering the nearshore environment.

Ms. Bosco: Okay, one moment. Waste treatment byproducts.

Mr. Starr: Yeah, agricultural and landscape, but Wayne what's the right turn for that?

Mr. Hedani: You lost me, I don't even know where we are.

Ms. Bosco: Okay, the suggestion is to add a policy or do you want to add to the implementing action?

Mr. Starr: I'd like that as a policy.

Ms. Bosco: Okay, the suggestion is to add a policy which addresses eliminating agricultural and landscape runoff and the introduction of waste treatment byproducts into the nearshore waters. Is that? We need to craft the language for that, but eliminate agricultural and landscape runoff –

Mr. Starr: It's not actually the landscape that's running off.

Ms. Bosco: Right. It's eliminate, okay let me think – okay, it's "eliminate runoff from agricultural operations and other urban activities," I would say.

Mr. Starr: Okay, eliminate runoff from – how about eliminate runoff from fertilizers –

Ms. Bosco: Pesticides.

Mr. Starr: Yeah, pesticides, and other –

Ms. Staley: What you're getting at actually is a non point source pollution. So maybe we can make the language –

Mr. Starr: And other non point source pollution including – well, does that include waste treatment byproducts from injection wells? Okay, including waste treatment byproducts from the coastal –

*Due to a malfunction with the recorder portions of the following transcription was inaudible.*

Ms. Bosco: ...(inaudible)... nearshore water. This is an implementing action. I know that you want it in policy but we will have to ... (inaudible)... to capture what you're saying but to make it a policy ...(inaudible)...

Mr. Starr: And they can definitely come up with a bunch of ways to do this which would be implementing actions. ...(inaudible)... I'd like to have it because it's really the seed of ...(inaudible)... we're doing ...(inaudible)...

Ms. Bosco: Okay, thank you. Any other suggestions for that section?

Ms. Amarin: Commissioner Hedani.

Mr. Hedani: I have a comment where it talks of ..(inaudible)... kind of like too specific and that it's actually covered under the first statement, the A2a statement that you have, that says "protect and restore nearshore reef environments and ...(inaudible)..."

Ms. Bosco: Actually, that's a ...(inaudible)...

Ms. Amorin: Commissioner Starr.

Mr. Starr: Yeah, I definitely want to see a ...(inaudible)... statement that putting the stuff in the nearshore waters is ...(inaudible)... you know protect the environment and water quality –I mean ...(inaudible)... what we're really dealing with is algae bloom caused this stuff and I want to make sure that there's ...(inaudible)...

Ms. Bosco: We will work on that and bring it back to the commission.

Ms. Amorin: Director.

Mr. Hunt: Commissioner Starr if we added something to that implementing action regarding injection wells, because it seems like injection wells ...(inaudible)... is that what you're getting at?

Mr. Starr: I think it included in that isn't it?

Mr. Hunt: ...(inaudible)...

Mr. Starr: I don't just want it in implementing action. I want to put it to policy –

Ms. Amorin: Commissioner Hedani.

Mr. Hedani: I think we need to work on that then.

Ms. Bosco: Yes, we'll work on that and bring it back.

Mr. Hedani: For example a byproduct of sewage treatment would be water. You can get the water to a form where you go past tertiary treatment. You get it to a point where you would want it to be restored to the stream flows going into the ocean.

Mr. Starr: I have no problem with that.

Mr. Hedani: Yeah. And so what you want to address is pollution items that are connected to that.

Ms. Bosco: Would you like to make a motion on this section, are you ready for one?

Ms. Amorin: Commissioner Starr.

Mr. Starr: Yeah, why is A2d in italics?

Ms. Bosco: What is A2b in italics?

Mr. Starr: A2 delta.

Ms. Bosco: A2d, because land cultivation tool is an implementing action and there is a policy in the section ...(inaudible)... can do is create the framework for those kinds of tools.

Mr. Starr: So ...(inaudible)... are you moving that –

Ms. Bosco: That's moved as implementing action.

Mr. Starr: How come you didn't state it on the –

Ms. Bosco: A2d?

Mr. Starr: Yeah.

Ms. Bosco: It's stated on your worksheet. Oh, you're looking at the large matrix.

Mr. Starr: Yeah.

Ms. Bosco: Look at the same worksheet.

Mr. Starr: I'd rather look at the large matrix.

Ms. Bosco: Okay. It's not stated on that one right there. The reference on the large matrix isn't there, it's on the new worksheet that we passed out. Sorry about that.

Mr. Starr: That's in attempt to confuse us?

Ms. Bosco: No, no.

Ms. Amorin: Commissioner Hedani.

Mr. Hedani: That's not hard to do. I get confused very easily. Can someone explain what A2c means?

Ms. Bosco: "Create the connection between urban environments and the natural landscape and incorporate natural features of the land into urban design." I think the intent of this is to –

Mr. Hedani: Make the urban areas less urban?

Ms. Bosco: To integrate a natural environment into our urban areas as much as possible. ...(inaudible)... landscape it, ...(inaudible)... certain trees ...(inaudible)... protects certain natural features to allow for better urban design ...(inaudible)...

Ms. Amorin: Director.

Mr. Hunt: Mr. Hedani, I had the same question to staff ...(inaudible)... as I understood it, it was explained to me it was twofold. One is to have ...(inaudible)... the greenery inside our urban areas ...(inaudible)... but then also, specific design for a particular project we would have design standards that affect specific development proposals that require landscaping agreements and so forth. ...(inaudible)...

Ms. Amorin: Commissioner Starr.

Mr. Starr: I want to move A2d back to a policy in accordance with all three GPAC recommendations ...(inaudible)...

Ms. Bosco: Okay, thank you. Jonathan would you like to put ...(inaudible)... statement turns into a policy. ...(inaudible)...

Ms. Amorin: Commissioner Guard.

Mr. Guard: A2 d this may be more of a note for implementing action and the question for the history of the GPAC, did – was there any discussion regarding the cruise ship industry and dumping for nearshore waters and marine environment. That it might not be part of fishing, boating or tourism, ...(inaudible)... somewhere else.

Ms. Bosco: Well we did address – to answer your question, well, I can't say, I'm going to ...(inaudible)... I don't recall that discussion specifically. I'm going to have to go back into the minutes and refer to it. I was hoping that the policies ...(inaudible)...

Mr. Guard: So I don't know – It seems that it's not in any implementing action to protect the county's marine resources and wildlife, so don't need to be a new policy but just definitely add language for implementing action to address grey water, ballast and I guess dumping offshore within Maui Nui, between other districts.

Ms. Bosco: Okay.

Ms. Amarin: Commissioner Starr.

Mr. Starr: Yeah, move to approve the A2 section, with the exception of the one item that you're going to have to come back with.

Ms. Bosco: We're going to come back with the new item.

Ms. Amarin: Which item is that?

Ms. Bosco: The item, "eliminate runoff and fertilizers, pesticides and other non source pollution including waste treatment byproducts in the nearshore waters." We're going to rework that and bring it back to the commission. So we're excluding that statement from the motion.

Ms. Amarin: We have a motion on the floor. Do we have a second?

Mr. Guard: Second.

Ms. Amarin: Motion to approve with the recommendations group A2 through –

Mr. Starr: All of A2.

Ms. Amarin: A2d. All those in favor. Hands.

**It was moved by Mr. Starr, seconded by Mr. Guard, then**

**VOTED: To Approve Goal A2 through A2d.  
(Assenting - J. Starr, J. Guard, W. Hedani, K. Hiranaga,  
W. Iaconetti)  
(Excused - B. U'u, J. Pawsat)**

Ms. Amarin: Unanimous.

Ms. Bosco: Thank you. Jonathan Starr made the motion and John Guard made the second. Okay next section I want to draw your attention to a new policy that the Long Range Division had added ...(inaudible)... It would be the very last one, Julia is going to switch to it momentarily. It reads, "the welfare of the natural world and our relationship to it will be prioritized." It's up on the screen.

Ms. Amarin: Commissioner Starr.

Mr. Starr: Does that mean that we're trying to work on the welfare of it or does that mean that we have to prioritize it?

Ms. Bosco: I think it's both.

Mr. Starr: ...(inaudible)... we have to like say this is low priority, this is high priority.

Ms. Bosco: ...(inaudible)...define priorities, ...(inaudible)...natural environment is maintained in its current ...(inaudible)... state. ...(inaudible)... the statement and prioritize how healthy the environment –

Mr. Starr: How about will be the highest priority.

Ms. Bosco: Will be the highest priority.

Mr. Starr: Because it could be the lowest priority too.

Ms. Bosco: ...(inaudible)...

Ms. Amarin: ...(inaudible)...

Ms. Bosco: Would you like me to read each statement. Would that help?

Mr. Hedani: Are we talking about the natural well versus the unnatural well?

Ms. Amarin: Commissioner Hiranaga.

Mr. Hiranaga: Could you explain how the A3k, the new objective A3.

Ms. Bosco: Okay, A3k –

Mr. Hiranaga: ...(inaudible)... the new one.

Ms. Bosco: Oh, the new one. You know that's an excellent question. I think the idea behind it is the welfare of the natural world ...(inaudible)... we're responsible for its welfare. I mean, the idea here is ...(inaudible)... and we can make decisions towards the welfare of it. Tried to tie it on the relationship with the caring of the natural environment as opposed to it taking care of itself.

Mr. Hiranaga: You have to go beyond the authorities of the county.



Ms. Bosco: Well, it's really more a statement of ...(inaudible)... about caring for the environment rather than it taking care of itself. ...(inaudible)...

Mr. Hiranaga: Why the word, "natural."

Ms. Bosco: Because it's under the natural environment section and there ...(inaudible)...

Mr. Hedani: I think you actually had it covered under A3.

Ms. Amorin: Commissioner Starr.

Mr. Starr: Is there anything here that would address the natural resources being exported? Like A3g which was turned into a implementing action almost got there. You know, think about for example, sand ...(inaudible)... I think that ...(inaudible)...

Ms. Bosco: Is there language that you were thinking of?

Mr. Starr: I think A3g does it if we added, encumber resources with scenic, economic, cultural and/or environmental value. And then kept that as a policy.

Ms. Bosco: Okay, let me repeat it. Suggestion is to add, at the end of A3g, scenic, economic, cultural and/or environmental value. And to turn that into a policy.

Mr. Starr: Correct.

Mr. Guard: Is that the Director's recommendation which ...(inaudible)...

Ms. Bosco: Support the acquisition of resources with scenic, economic, cultural, environmental and recreational value and ...(inaudible)...

Mr. Starr: I would actually prefer you go back to the draft language which is acquire or encumber because I don't think we need to acquire.

Ms. Bosco: Okay, so acquire or encumber resources with scenic and environmental value.

Mr. Starr: Yeah, and then it would be economic, cultural and/or environmental value.

Ms. Amorin: Director.

Mr. Hunt: The reason staff put in the phrase, "support the acquisition" is ...(inaudible)... for the county to actually acquire the land but assist or work together with, partner with another organization, ...(inaudible)... Bay is a good example, ...(inaudible)... the county is committed to contribute, ...(inaudible)...

Mr. Starr: How about encumber with appropriate acquisition?

Ms. Bosco: Well keep in mind ...(inaudible)...

Mr. Starr: I'm thinking specifically in terms of the sand supply which you know, frankly by the time it gets approved it'll all be gone. You know, I wanted to see that encumbered by the county some how. I don't want to see the county acquire it..

Mr. Guard: Should we be adding encumber or preserve resources, would that help?

Ms. Amorin: Julia, you have a comment?

Ms. Staley: ...(inaudible)... because there is no language that says we encumber those resources which doesn't make sense. So I think if you want to encumber of the use that resources that might be more functional ...(inaudible)... You're not looking at encumber the resources.

Mr. Guard: You want preserve the resources?

Ms. Bosco: If you would like to change the statement to become a policy it would ...(inaudible)... to just say preserve and protect resources ...(inaudible)... environmental and recreational value. That would be it.

Mr. Starr: Yeah.

Ms. Bosco: Okay, preserve and protect resources, scenic, economic, cultural, environmental and/or recreational value.

Ms. Amorin: Director.

Mr. Hunt: ...(inaudible)...if the commission would still support the acquisition ...(inaudible)... supporting the acquisition not requiring the county to acquire ...(inaudible)...

Mr. Starr: Yeah, how about that as a implementing action.

*Mechanical problem with recorder was corrected.*

Mr. Tom Cannon: ... were given to you. We were told that it was given to you in this format which is a matrix and that our recommendations were just one column of this matrix that you have. Two columns were for the Planning Department and one column each were for the Molokai and Lanai GPACs.

One reason that was disappointing to us I think we're a 25-member committee and we're formed of many people who have lived here all their lives and educators, professionals, attorneys, architects, people from all walks of life mostly very well-educated people and we took a great deal of time coming up with our recommendations and I think unless – what I'm here for today is to ask you to please look at our column carefully because we took a lot of time doing it. We are 25-member body and we had to have a majority of 13 at least to approve anything that's in that column.

I want to give you an example of what I feel is how our column works better than some of the others especially in terms of the Planning Department's column. There's one item which was Item 1005 on the matrix that we got dealing with the Natural Environment which you're talking about today. Our policy said, "establish policies to ensure adequate stream flow that will support native Hawaiian aquatic species, traditional kalo cultivation and self-sustaining ahupua'a." The recommendation that came from the Planning Department was, "ensure adequate stream flow that will support aquatic species, traditional kalo cultivation and self-sustaining ahupua'a." Now those may seem very similar but they're not. I mean, they're very different. Hawaii is very unique in terms of its natural environment. We're a small speck of islands out in the middle of this huge ocean. There's 2,000 miles between Hawaii and the nearest continent and because of that the plants and animals that got here on their own, developed in isolation over hundreds and thousands, even millions of years and turned into unique species. Hawaii is a scientist's dream or was when it was first discovered.

There are, for example, there's only one native palm that's native to the State of Hawaii or to Hawaii and that's called the loulu, but there are numerous species of loulu even on this one island of Maui. There are at least two on the east side, there's at least two on the west side, so there's four at least loulu species existing on this one island alone. Those species are unique to Maui.

In the case of the example that I gave you, it took out the words, "native Hawaiian" in our recommendation and we feel native Hawaiian or we felt native Hawaiian was very important there because we added it to the department's recommendation that came back without it there.

If you just say "support aquatic species," you're saying that anything that happens to be in the water should be supported. Many things that have gotten into the water such as crayfish, such as tilapia, are not good for protecting native Hawaiian species. I'm not sure how many of you know what an o'opu is. O'opu is an endemic species of fish that exists in Hawaiian waters, Hawaiian fresh water. It's got a suction cup on it's opu and it's able to go, actually go up waterfalls this fish. Very unique species. Only exist here in Hawaii. It's endangered right now and one of the reasons it's endangered is because of the alien species that are in our waters right now. So we believe it's very important to keep native

Hawaiian in there for that reason. If you take it out, it means any aquatic species is what you're trying to protect and not –

Ms. Amorin: Mr. Cannon, you have 30 seconds to conclude.

Mr. Cannon: I'll give you one other quick example here. Item 1003, "preserve and reestablish indigenous and endemic wildlife habitat connectivity by developing island wide networks of greenways, water course and habitat corridors as green infrastructure." That was our recommendation.

The department's recommendation took out indigenous and endemic and wanted to protect only wildlife habitat connectivity. That's another example of just not knowing I think well enough what is here, enough to protect it.

Ms. Amorin: Thank you very much. Commissioner Guard.

Mr. Guard: Well, I think – we hope you'll be proud to know that we caught the same things and I think a lot of us being from Maui on this side of the fence have the same attitude towards those things so we're another set of eyes on the same topic.

Ms. Amorin: Commissioner Starr.

Mr. Starr: And we did put those back in and several others, some of us have actually been using the big matrix and seeing what you said. So don't worry about it. We're on it.

Mr. Cannon: Thank you very much.

Ms. Amorin: Thank you. Director.

Mr. Hunt: Just for the record, when we took back the packet of matrixes to the GPAC, they voted to approve it even though we didn't bring it to them to approve, but in order to pass a motion for the body, they made a motion to approve it, and everyone but two people voted for that motion to approve it and they even said, good job. So again, the vote that we got from GPAC was that this matrix was good.

Mr. Cannon: May I respond to that Madam Chair?

Ms. Amorin: Mr. Cannon.

Mr. Cannon: I forgot to mention that, I don't remember actually approving what was sent on to you in the form of that matrix. But I know for certain that there was at least one item that passed our 13 member test that was left completely out of the matrix that you got and

that item was “immediately provide and encourage laws to preserve and enhance the summit of Haleakala with no new buildings.” Originally it said no new buildings taller than those that are there now, but there was some debate and that was changed to no new buildings. You never received that. That’s a problem because we approved that.

Mr. Starr: What number was that?

Mr. Cannon: It was going to be a new item. So I think it was 509-A at the time. It’s the number it was given by the person who suggested it.

Ms. Amorin: Director.

Mr. Hunt: And I agree if that was left off that was an oversight and we’ll be sure and get that back on. But again, I just want to make it clear the GPAC, the consensus of the GPAC, not just consensus, the vote of GPAC except for two members was that the package that we sent to you folks it was good. So I just want to make it clear that Mr. Cannon has an opinion but that does not reflect GPAC.

Ms. Amorin: Any more questions?

Mr. Starr: Tom, I had asked Dick Mayer and Lucienne and a couple of other people to review this and let us know if anything was left out and never heard back that anything was. So if you could take a look if there’s anything else that was inadvertently left out let us know.

Mr. Cannon: Sure I will do that.

Mr. Starr: You know, they’re juggling a lot of stuff and I don’t want to create blame. I just want to make sure that we can think through everything that went through you.

Mr. Cannon: Right on. Yeah, it entails a lot of research to be able to do that as you might expect, but I will try.

Ms. Amorin: Thank you very much, do we have any other individual in the audience. I see a new face that wants to come up for public testimony. Seeing none, public testimony is closed. Simone.

Ms. Bosco: Okay, thank you Madam Chairperson. We’re on Objective A3 and the supporting policies. We left off with A3g. We created a new policy and retained the implementing action statement and we haven’t completed discussion on this section. If there’s any further question please proceed and then we’ll go ahead and take a vote on this section.

Ms. Amorin: Commissioner Hedani.

Mr Hedani: Okay, can somebody explain to me what utilize a ahupua'a stewardship practices means?

Ms. Bosco: Okay, I am not a native Hawaiian practitioner so I'm overstepping my boundaries here. I'll just make that clear, but my understanding of it is that wherever possible native Hawaiian ahupua'a stewardship practices which could benefit these relationships here, listed ecological, social and economic relationships should be – could be promoted in our activities and it was written very broadly so that we are not suggesting that we go all the way back to pre-contact practices because that's unrealistic, but wherever possible if we can look to that model and draw from it and learn from it and incorporate it into our land use practices then we should try to.

Mr. Hedani: Okay, understanding of ahupua'a is it was a form of land tenure where the island was divided from the top of the mountain down to the outer reefs outside of the land mass. So a chief who was in control of that area would have resources coming from the mountain. He could cut timber from the mountain, he could harvest fish from the sea and he would have everything in between to utilize as a resource in order to survive and I'm not sure how that relates to modern day practices of social, ecological or economic relationships.

Ms. Bosco: It's a very good point. I do see where you're going with that. I think there's broader philosophies within the native Hawaiian land use approach that this statement is trying to capture. I'm not going to say that we meant to bring back that land tenure system. That's not what we're attempting to do, however, wherever we can become stewards of the resources and look towards protecting resources, I think that would be the intent of this statement. And any other discussion please, I welcome.

Ms. Amorin: Commissioner Hedani.

Mr. Hedani: I have a great respect for the Hawaiian people. I think they had a much higher level of respect and understanding of the land than we do today, and from that perspective, I think I understand where you're coming from but I don't know that it translates. I think it's lost in the attempt at political correctness here.

Ms. Bosco: Lost in translation. If there's any improvements on the language we would welcome them. I'm not quite sure what to propose here. I mean, I understand the intent of this and I think the very broad attempt is that we try and become better stewards. That's as far as I can go with that right now. And if we were to drop the word "ahupua'a" I know that would be ignoring all the GPACs language here.

Mr. Hedani: You know, in looking at what Molokai had drafted maybe what you're talking about is ensuring that what happens on one section of the land doesn't adversely affect another portion of the land if that's the innerconnectedness that they're talking about in the ahupua'a I can understand where they're coming from. Like to some degree, you know, like for this planning commission for example, we take a look at everything that's makai of the highway, the state highway, in the SMA area where a lot of pollution, non point source pollution, etc., comes from mauka which is outside of the jurisdiction. And I'm not sure if this is related to that or not.

Ms. Bosco: It's intended to go mauka, I know that for sure. But your point is well-taken. Bringing back that word "innerconnected" would that help? I think that really brings it home and I think Molokai is on to something there. It's the insertion of the word "interconnected."

Ms. Amarin: We have an affirmative on the floor. We have a consensus? We have a consensus.

Ms. Bosco: Thank you.

Ms. Amarin: Commissioner Starr.

Mr. Starr: Yes, in A3d and f were combined I'd like to re-separate them and I'd like to make what was a – yeah, reduce Maui Nui's contribution to global climate change. Now I'd like to use more specific wording to make it consistent with state law. And state law states that Hawaii's greenhouse gas emissions shall be reduced to 1990 levels by 2020. And I'd like to utilize that wording to make it consistent with state law.

Ms. Bosco: Okay, the suggestion is to create a new – or to bring back an old policy but restate it as "reduce greenhouse gas emissions to 1990 levels by" – I would say, actually you want 2020? This is 2030. This is a plan for 2030.

Mr. Starr: Yeah, let's make it during the plan period.

Ms. Bosco: Okay, 2030. "Reduce greenhouse gas emission to 1990 levels by 2030."

Mr. Starr: And then let's tack on "plan and prepare for global warming," after that one.

Ms. Bosco: We could make that a separate – keep that as a separate policy if you'd like and just add a new one or do you want to add?

Mr. Starr: I think we can add it onto that. I think that's consistent.

Ms. Bosco: Okay, and then it would say, "and plan and prepare for global warming."

Mr. Starr: And then A3d would just be, “reduce air, noise, light, land and water pollution.”

Mr. Hedani: What do you mean by land pollution?

Mr. Starr: Good question.

Ms. Bosco: I think it’s just land-based pollution.

Mr. Starr: Soil pollution would that be?

Mr. Hedani: Pollution of the land.

Ms. Bosco: Yeah, pollution of the land.

Mr. Starr: Yeah, sounds good. How about, “reduce pollution to,” well, then noise –

Mr. Hedani: Okay, I get it.

Ms. Amarin: Commissioner Hedani.

Mr. Hedani: No, I get it. I can understand it if you say land pollution. I think we’re leaving the county out so that Molokai and Lanai have their own kuleanas to cover.

Ms. Amarin: Director, that’s correct?

Mr. Hunt: I didn’t understand the question, I’m sorry.

Mr. Hedani: We’re saying Maui Counties as opposed to Maui’s so that Lanai and Molokai can make their own decisions on their own policies.

Mr. Hunt: Which policy statement?

Mr. Hedani: A3d.

Ms. Bosco: Are you referring to the lower case c, is that what you’re referring to?

Mr. Hedani: No, I thought our policies were just intended for Maui Island.

Ms. Bosco: No, no, this is for the entire county. Everything that you’re proposing is intended to address all three islands.

Mr. Hedani: But it’s not superceding the Molokai Planning Commission and the Lanai



Planning Commission?

Ms. Bosco: No, no, no, they're going to have – they're going to review everything as well and we're going to bring everything together. Thank you.

Mr. Hunt: This is the Countywide Policy Plan, so policies should affect all three islands. When we get to the Maui Island Plan then we'll be looking just at Maui.

Ms. Amorin: Commissioner Starr.

Mr. Starr: Move to accept A 3 items.

Ms. Bosco: Okay Commissioner Starr can you look at what we've got on the board and make sure it's correct. Can you see it? We've got, the first change is to A3a it states, "utilize ahupua'a stewardship practices as a means to better understand the interconnected relationship among natural, social and economic resources."

Moving down, A3g is a new policy stated, "preserve and protect resources with scenic, economic, cultural, environmental and/or recreational value." And we are retaining the implementing action statement.

Down below, A3d is amended to read, "reduce air, noise, light, land and water pollution."

Next statement we have changed it, "reduce greenhouse gas emissions to 1990 levels by 2030 and plan and prepare for global warming."

And then we have a new policy, "the welfare of the natural world and our relationship to it will be the highest priority."

Mr. Starr: I'd like to just ask you to double check that A3f the wording is consistent with the state law wording.

Ms. Bosco: Can do.

Mr. Starr: And if it is not, bring it back to us.

Ms. Bosco: Thank you.

Ms. Amorin: Commissioner Hiranaga.

Mr. Hiranaga: I'm just wondering in A3g, if the word, "significant" should be added before the word, "scenic."

Ms. Bosco: I thought about that too actually. Thank you. "Preserve and protect resources with significant scenic, economic, cultural, environmental and/or recreational value."

Mr. Hedani: Can we go over the greenhouse gas section again? Where is that coming from?

Ms. Bosco: Okay, if you take a look at the large matrix, Commissioner Starr noted that policy 1025 and 1026 were reduced down into "reduce air, noise, light, land and water pollution and reduce Maui County's contribution to global climate change." Commissioner Starr is suggesting that we retain those two policy statements as separate and add on the phrase, "plan and prepare for global warming." Okay.

Mr. Hedani: My concern is that it's very specific and unless you identify what the 1990 levels are nobody's going to understand what you're talking about. And I don't know if it's a realistic goal if we're talking about aspirations that's one thing.

Ms. Bosco: I think your point is – yeah, I think normally we would rescope that as an implementing action and the broader language would serve to create – to be a basis for that kind of an action. However, it's the will of the commission. That would be our recommendation however.

Mr. Hedani: I guess my question is, when you say reduce greenhouse gas emissions to 1990 levels, who's going to tell somebody what 1990 levels of greenhouse gas emissions for Maui are?

Ms. Bosco: I see your point.

Ms. Amorin: Commissioner Starr.

Mr. Starr: Yeah, actually that's taken care of. I'm making us consistent with the state law. And the state law also funded a program to identify the 1990 levels and the current levels and there is a – that's a two-year program that's being done. So –

Mr. Hedani: You're going to trust the state to figure out happened in 1990?

Mr. Starr: Yeah. I'd rather them do it than me. You know, I'm just requesting consistency with the state law.

Mr. Hedani: My concern basically is that, if this is applied to somebody and they're required by some kind of statute that comes down to comply, they're going to find it impossible to comply unless you give them the tools to do it.

Ms. Bosco: You know, I'm just going to make a editorial remark, I used to go to the conferences over at the U.N. in New York City on this very topic and there's been a lot of work done in this area. Now I understand the challenges but there have been a lot of standards already set for emissions control and other kinds of ways to reduce – or contribution to global warming. I know it's challenging and I know it would mean, Maui would have to come up to speed, but you know, it's worth a shot. I mean, I think it's so important. I think we can find the information we need to set the local standards and also somehow reach actually global standards in this case. That's all I have to say about it. I think there's been a lot of work in this area though and it would probably motivate us to try and seek out that information.

Mr. Hedani: So we're going to try to control the amount of emissions coming out of cars at a local level?

Ms. Bosco: Well, I think the intent of the statement is to strive towards reducing emissions which are unacceptable at this point.

Ms. Amorin: Commissioner Starr.

Mr. Starr: Yeah, I think the idea would be, you know, if someone were to propose a factory that were to add to emissions footprint, that would be a basis for critique of that where right now there isn't.

You know if there are two technologies and one of them creates more emissions and more global warming and one creates less then that would create a compelling reason to go with that. You know, right now there's no way for us to try to say that, you know, there are reasons to go to photo voltaic or to go to solar hot water whereas this is something we could point to and say, you know, that's consistent with data and I don't think I would ask to go there if it wasn't state law already. So I think that reduces our exposure in a way and makes us less a little less trend setting when the State Senate and House has already done it and the Governor has signed it into law.

Ms. Amorin: Thank you. Any more questions on this group? Any more concerns? We have a motion?

Mr. Starr: Yeah, motion for A3.

Ms. Amorin: We have a second.

Mr. Guard: Second.

Ms. Amorin: We have a motion on the floor for group A3 by Commissioner Starr and

seconded by Commissioner Guard. All those in favor, hands.

**It was moved by Mr. Starr, seconded by Mr. Guard, then**

**VOTED: To Accept Section A3 with Corrections.  
(Assenting - J. Starr, J. Guard, K. Hiranaga, W. Hedani,  
W. Iaconetti, J. Amarin)  
(Excused - B. U'u, J. Pawsat)**

Ms. Bosco: Thank you 6-0.

Ms. Amarin: And Simone this is with the changes, recommendations, comments.

Ms. Bosco: Right. Thank you. Next section is A4, looks like there's three statements under A4, three policy statements.

Ms. Amarin: Commissioner Guard.

Mr. Guard: I'd like the director's recommendations on all of those and then possibly to take A4c for the Maui GPAC to turn that into a implementing action possibly.

Ms. Bosco: That language was "promote programs that provide incentives and acknowledge residents who are working to decrease their greenhouse gas emissions." And you'd like to bring that as a implementing action statement.

Mr. Guard: Yeah just to keep that in there when you put together your implementing actions. So it's just one method.

Ms. Bosco: And that's tacked onto the ones that are there already? Is that right? Just to clarify, we're not removing A4c, we're tacking on.

Mr. Guard: Correct.

Ms. Bosco: Okay, thank you.

Ms. Amarin: Any other questions?

Mr. Starr: Move for A4.

Mr. Hedani: Second.

Mr. Guard: Second.

Ms. Amarin: Okay we have a motion by Commissioner Starr to approve group A4, seconded by Commissioner Guard. Any more discussion? Show of hands.

**It was moved by Mr. Starr, seconded by Mr. Guard, then**

**VOTE: To Accept A4 with Corrections as Noted.  
(Assenting - J. Starr, J. Guard, K. Hiranaga, W. Hedani,  
W. Iaconetti, J. Amarin)  
(Excused - B. U'u, J. Pawsat)**

Ms. Bosco: Thank you. Unanimous. Thank you congratulations. We're done with Natural Environment and we're going to move into Local Culture. Do you need a five-minute pause or two-minute pause? Okay.

The commission then went on to Local Culture. Item B1.

Ms. Amarin: Commissioner Hiranaga.

Mr. Hiranaga: Policy B1d, under the director's recommendation, should the word "practices" be added after "management."

Ms. Bosco: B1d as in dog?

Mr. Hiranaga: Right.

Ms. Bosco: Okay, "practices" after the word, "management."

Ms. Amarin: Commissioner Hedani.

Mr. Hedani: Okay, who knows what moku is?

Ms. Bosco: That is the next land division down from the ahupua'a.

Mr. Hedani: So it's a subdivision of the ahupua'a?

Ms. Bosco: I believe so. Is that right? Is it the other direction?

Mr. Guard: Moku is larger.

Ms. Bosco: No, is it larger? Is it larger? Okay, I'm sorry.

Mr. Hedani: So it's upwards?

Ms. Bosco: It's upwards of the ahu, are you sure?

Mr. Guard: Yes.

Ms. Bosco: Upwards of the ahupua'a. Commissioner Starr.

Ms. Amorin: Commissioner Starr.

Mr. Starr: Yeah, B1h, I see you have pretty much the wording from the Molokai GPAC but you're moving it to an implementing action. I would like to keep that as a policy. I think that's a very important statement.

Ms. Bosco: Okay, thank you.

Mr. Starr: You know, we can define better how we do it in implementing actions.

Ms. Amorin: Director.

Mr. Hunt: I just thought you guys should now that we took these same policies to the Maui Cultural Commission so they will be making comments on just this section. So there may be additional input besides the planning commissions.

Ms. Bosco: Commissioner Starr.

Mr. Starr: Yeah, I actually want to ask J.B. if there's anything regarding canoeing that we could put somewhere since that's become such a very important practice.

Ms. Bosco: We did have something, in fact, let me make sure it's –

Mr. Guard: I know I read that further down.

Ms. Bosco: It's B2d, it's in the next section.

Mr. Starr: Okay.

Mr. Guard: Thank you for looking out for that.

Mr. Starr: I'm good with B1.

Mr. Guard: Yeah, I actually thought that was one decent with the director's recommendations.

Ms. Bosco: That is an implementing action though. B2d is scoped to be an implementing action just so you can – we'll get to that next though, the next section.

Ms. Amorin: Commissioner Starr.

Mr. Starr: I'm good with B1, ready for the motion?

Ms. Amorin: We have a motion on the floor?

Mr. Starr: Yeah to approve.

Ms. Amorin: To accept group B1 through B1g. Do we have a second?

Ms. Bosco: Including the goal?

Mr. Starr: Yeah.

Ms. Bosco: Thank you.

Mr. Hedani: Second.

Ms. Amorin: Seconded by Commissioner Hedani. Any more comments or changes Commissioners? Can we have a showing of hands.

**It was moved by Mr. Starr, seconded by Mr. Hedani, then**

**VOTED: To Accept section B1 through B1g with Correction.  
(Assenting - J. Starr, W. Hedani, J. Guard, K. Hiranaga,  
W. Iaconetti, J. Amorin)  
(Excused - B. U'u, J. Pawsat)**

Ms. Amorin: Unanimous.

Ms. Bosco: It's unanimous. Thank you. Now moving onto Objective B2 and the five supporting policies.

Ms Amorin: Commissioner Hedani.

Mr. Hedani: You know on policy B2a, I noticed that the draft language in all the GPACs had accepted pretty much the draft language and that it's been changed in the recommendation towards the Hawaiian people and their practices as opposed to respect and humility among residents and visitors. I kind of like all the GPAC's recommendation on that because the impression that I get when you read this is that everybody should be – should express humility to the Hawaiian people which is almost racist from my perspective. I think what we're saying is we need to embrace the whole host culture and accept the host culture and its practices as something that we appreciate among us ourselves.

Ms. Bosco: Yeah, thank you. Yeah, and so the suggestion is to bring the original language back from policy 5011 back to the – back into your recommendation. And so B2a would be replaced with that original language.

Ms. Amarin: Director.

Mr. Hunt: One of the struggles that staff had with some of the verbs is that we didn't understand what direction they were giving us. So as the planning staff sat down and reviewed this, they said, okay as a planner if I pull up this document what direction am I given. And the word "recognize" is a tough word for a planner to implement. We could sit at our desk and recognize it but what action does it lead us to or what action does it suggest we achieve and Mr. Hedani I understand your suggestion, maybe I'll just toss it out again. Is there a better word than recognize that –

Mr. Hedani: We can substitute "treat" for "recognize" and keep the rest of it.

Mr. Guard: That's what I thought.

Ms. Amarin: Commissioner Starr.

Mr. Starr: Under the objective of B2, I really like the original draft language. I like the island lifestyle. I would go back to the original draft language of B2.

Ms. Bosco: That's 5010.

Mr. Starr: Yeah, 5010.

Ms. Bosco: And you're speaking to the very first column? The original draft language.

Mr. Starr: Perpetuate the island lifestyle of Maui County ...(inaudible)... the local culture. Or how about –

Mr. Guard: I think emphasize respect is pretty strong for possibly new people coming here



that may not have that respect of the island lifestyle. Other people will perpetuate it, but then new people might not respect it.

Mr. Starr: How about emphasize respect for the island lifestyle.

Ms. Bosco: Emphasize respect for the island lifestyle? Is that what you said?

Mr. Starr: Yeah. Island lifestyle that makes Maui County unique by prioritizing and respect.

Mr. Guard: So just taking out perpetuate.

Mr. Starr: Yeah.

Ms. Amarin: Simone, could you read the language up there?

Ms. Bosco: Sure. "Emphasize respect of the," please let us know if this is right. "Emphasize respect for the island lifestyle that makes Maui County unique by prioritizing a respect for local culture, family and the natural environment over everything else."

Mr. Starr: How about "Emphasize respect for our island lifestyle and our unique local culture, family and natural environment over everything else."

Ms. Amarin: Commissioner Iaconetti.

Ms. Iaconetti: Can you explain what, "over everything else" means or adds to this? What exactly are you meaning?

Mr. Starr: Yeah, lets leave that out.

Ms. Bosco: Thank you. Suggestion to drop, "over everything else."

Mr. Starr: Doesn't work with the sentence.

Mr. Hedani: Can you restate the statement as it's amended?

Ms. Bosco: "Emphasize respect for our island lifestyle and our unique local culture, family and natural environment."

Mr. Starr: Yeah.

Ms. Amarin: We have a consensus? We have a consensus. Thank you. Commissioner Starr.

Mr. Starr: B2c at the end of “recreational activities” I’d like to include “such as paddling and surfing.”

Ms. Bosco: Thank you.

Ms. Amarin: Commissioner Hiranaga.

Mr. Hiranaga: I guess I have a concern with that suggestion because the statement also makes reference to island cuisine, attire, music, folklore. And I guess ...(inaudible)... recreation as twice in that statement. If you just say surfing and paddling, you’re not going to mention music or attire or muumuus, poke –

Mr. Hedani: Fishing, diving and shell collecting.

Ms. Bosco: Those two references are in the statement above it, B2d it’s an implementing action.

Mr. Starr: Yeah, but that has been moved to implementing action I think.

Ms. Bosco: Right, I understand.

Mr. Starr: That’s why I want it as a policy.

Ms. Bosco: Done.

Mr. Starr: If there’s another way you could it more elegantly, that’s fine.

Mr. Hiranaga: Are we looking at B2c right?

Ms. Bosco: Right.

Mr. Hiranaga: Recreation and recreational activities.

Mr. Starr: Yeah, I don’t think we need recreation.

Ms. Amarin: And island sports and delete recreational activities.

Mr. Starr: How about just music, recreation, folklore, paddling and surfing and get rid of recreational activities.

Ms. Bosco: Well, you see again the problem with becoming so specific is that you’re going to exclude many other types of recreational –

Mr. Starr: No, the recreation is still there.

Ms. Bosco: Oh, I thought you said get rid of recreational. Oh, no, it's still there.

Mr. Starr: It's there twice, we got rid of it the second time. And we can get rid of the word island cuisine. So it would be "encourage the perpetuation of the cultures, unique cuisine, attire, music, recreation, folklore, paddling and surfing."

Mr. Hedani: Jonathan, I don't think the paddling and surfing should be in there.

Ms. Amorin: Director.

Mr. Hunt: I think when you start listing specific activities there's some that are going to be left off.

Mr. Hedani: Opihi picking.

Mr. Hunt: While I surf myself and so I would love to see some kind of protection in there I'm not sure as a policy.

Mr. Starr: Yeah, I mean, I'm looking at ones that are traditional Hawaiian. I guess, what they used to do rock skiing?

Mr. Guard: Rock slides.

Mr. Starr: Rock sliding. I don't know. Maybe I'm crazy.

Mr. Guard: Yeah that one, I think you have that because then if you discuss Makahiki games, events, that sort of thing then the list will get fairly large.

Mr. Starr: Okay.

Mr. Guard: Let it be known that canoe paddling and surfing are first in line for funding.

Mr. Iaconetti: So what did we decide on that?

Mr. Starr: Leave it as is.

Mr. Guard: Removing recreational.

Mr. Starr: Yeah, lets remove recreational.

Mr. Guard: And island. I like that.

Mr. Starr: Remove recreation and island and otherwise leave it as is.

Ms. Staley: You recreation or recreational activities?

Ms. Amarin: So we're taking out the first recreation?

Mr. Starr: Yeah.

Ms. Staley: Okay.

Mr. Iaconetti: Why are we eliminating island.

Mr. Guard: Cultures, cuisine.

Mr. Starr: I don't think our culture has a mainland cuisine.

Mr. Iaconetti: What we're doing is encouraging island cuisine not eliminating it.

Mr. Guard: Is core values another topic – that's at the end of October or something?

Ms. Bosco: That's the very end.

Mr. Guard: So all of those items will come back.

Ms. Bosco: Yes.

Ms. Amarin: Commissioner Starr.

Mr. Starr: There was one regarding stream flow, natural stream flows and this is something that all three GPACs felt strong enough to come up with on their own and I'd like that to remain as a policy. It can be very short. Just –

Ms. Bosco: All right, that can be done.

Mr. Guard: I like the recommendation.

Ms. Bosco: Say that again, I'm sorry.

Ms. Amarin: Commissioner Guard.

Mr. Guard: Oh, the recommendation is fairly short and to the point.

Ms. Bosco: You like the recommendation.

Mr. Guard: With being an implementing action for the same reason that "recognize" doesn't do much from the Maui GPAC.

Mr. Starr: So how about we just leave it as a policy instead of an implementing action?

Ms. Bosco: So the policy B2e is that what we're speaking to?

Mr. Starr: Yeah, study, establish and enforce.

Ms. Bosco: Okay, so we'll leave that as a policy?

Mr. Starr: Yes.

Ms. Bosco: Okay, so here you go. "Study, establish and enforce minimum stream flow thresholds provided for the Hawaiian culture."

Ms. Amorin: Director.

Mr. Hunt: If there's a suggestion to move it to an implementation policy that doesn't mean that we're de-emphasizing it or that we don't think it's important. We just think that as it's worded it makes more sense. As we talked about last time there's kind of a hierarchy of goal, objective, policy and implementation. That's just food for thought. I'm not arguing over this particular one.

Ms. Amorin: Commissioner Starr.

Mr. Starr: Yeah, Director, you know, I agree with you on that principle however, I intend to come up with several recommendations for implementing actions under that which then will be in the hierarchy.

Ms. Amorin: Okay we have a motion to approve?

Mr. Starr: B2

Ms. Amorin: B2. I have a motion by Commissioner Starr to approve B2 through to B2e, do I have a second?

Mr. Guard: Second.

Ms. Amarin: Seconded by Commissioner Guard. Commissioner Hedani.

Mr. Hedani: Can we get a clarification on B2e? How does that read at this point?

Ms. Bosco: Yeah, thank you. I was just about to say that. B2e says, "study, establish and enforce minimum stream flow thresholds provided for the Hawaiian culture." That's a policy statement now as recommended by Commissioner Starr. I also want to encourage everyone to take a look at the screen to make sure the language is as you would like it. B2 reads, "emphasize respect for our our island lifestyle and unique local culture, family and natural environment."

B2a, "treat the Hawaiian culture as hosts to the rest and as such perpetuate an attitude of respect and humility among residents and visitors."

B2c, "encourage the perpetuation of the culture's unique cuisine, attire, music, folklore and recreational activities." And the I have already read the last one. Thank you.

Ms. Amarin: Commissioner Starr.

Mr. Starr: Actually on B2e, I'd rather stick with what the GPACs had. I'd rather have, "as provided by this state constitution and water code for the Hawaiian Culture."

Ms. Bosco: So you would like to tact on that last phrase?

Mr. Starr: Yeah, and now it makes more sense, "as provided by the state constitution and water code."

Ms. Bosco: Which language? Maui, Molokai or Lanai?

Mr. Starr: No, I'm mixing and matching.

Ms. Bosco: Okay, which one did you want?

Mr. Starr: Okay, "thresholds as provided by the state constitution and water code."

Ms. Bosco: Okay, "as provided by the state constitution and the state water code."

Mr. Starr: Yeah.

Ms. Bosco: Did you want, "for the Hawaiian culture" added?

Mr. Starr: It doesn't really need to be there. I think just – yeah, constitution and state water

code.

Ms. Bosco: State water code period. Okay, discussion on that?

Ms. Amorin: To be clear, could you read that and what item is that?

Ms. Bosco: This is item B2e, it comes from the language on the large matrix. It says, "study, establish and enforce minimum stream flow thresholds provided by the state constitution and the state water code."

Mr. Starr: Yeah, as provided.

Ms. Bosco: "As provided by the state –" That's right. "As provided by the state constitution and the state water code."

Mr. Hedani: Jonathan, what does that state water code provide?

Mr. Starr: To boil it down from this to this, that enough water should be maintained in the streams to provide life throughout the stream.

Mr. Hedani: So it's not intended to protect like kuleana water rights for taro growing and stuff like that?

Mr. Starr: If they can be shown to have been a continual use.

Mr. Hedani: And that's included?

Mr. Starr: Yeah. I mean, it's a big, big law.

Mr. Hedani: It's not specific. You don't want to be specific for the Hawaiian culture?

Mr. Starr: Well, it's also for the environment, for the reef and so on. I think we should just leave it to the state law.

Ms. Bosco: I think he's intending to keep it broader so that it addresses more than just the Hawaiian culture.

Mr. Starr: And we're mandated to do it anyway.

Mr. Hedani: Okay.

Ms. Amorin: Commissioner Hiranaga.

Mr. Hiranaga: Is the term “the state water code” is that the correct term?

Mr. Starr: Yeah.

Mr. Hiranaga: That’s what it’s called, the “state water code?”

Mr. Starr: Yeah, it’s also got section 23, I forget the subsection.

Mr. Hiranaga: Maybe staff wants to research that?

Mr. Starr: State water code is what everyone uses. That’s a legal term.

Ms. Bosco: Okay, I think we have a motion –

Ms. Amarin: We have a motion to approve.

Ms. Bosco: We have an amendment to the original motion I think too, right?

Mr. Guard: Is that going to be an amendment?

Ms. Amarin: Do we have consensus or do we need to have a motion to amend? Do we have consensus with the corrections made to item B2e? We have a consensus.

Mr. Hedani: And staff will check –

Ms. Bosco: Yeah, we’ll on the language if it’s called the water code.

Ms. Amarin: Show of hands, all those in favor.

**It was moved by Mr. Starr, seconded by Mr. Guard, then**

**VOTED: To Accept Section B2 through B2e, as amended.  
(Assenting - J. Starr, J. Guard, W. Hedani, K. Hiranaga,  
W. Iaconetti, J. Amarin)  
(Excused - B. U’u, J. Pawsat)**

Mr. Guard excused himself from the remainder of the meeting.

Ms. Bosco: Okay, are we on B3? Is that where we are right now? I lost track here.

Mr. Starr: You’re on B3.



Ms. Bosco: B3. Yeah, we're on B3 and six supporting policies. Chair, did we just lose quorum?

Ms. Amarin: No, we still have five. Commissioners it's 4:20 p.m. Does anybody else need to leave early? What time will you leave Commissioner Iaconetti?

Mr. Iaconetti: ...(inaudible)...

Ms. Amarin: Okay, we still have quorum for another half hour.

Mr. Starr: I think we're in the home stretch.

Ms. Amarin: Okay, Simone.

Ms. Bosco: Okay, so B3, objective B3, Preserve for present and future generations, the opportunity to know and experience the arts, culture and history of Maui County.

Mr. Starr: I'm good with B3 as it is.

Mr. Hedani: Me too. Move to approve.

Mr. Starr: Second.

Ms. Amarin: Okay, for group B3 we have a motion on the floor to approve by Commissioner Hedani and seconded by Commissioner Starr. Can I have show of hands?

**It was moved by Mr. Hedani, seconded by Mr. Starr, then**

**VOTED: To Accept Section B3.  
(Assenting - W. Hedani, J. Starr, K. Hiranaga, W. Iaconetti,  
J. Amarin)  
(Excused - B. U'u, J. Pawsat, J. Guard)**

Ms. Bosco: Okay five. Next section B4. Objective B4, Preserve the historic architecture, structures, cultural sites and cultural landscapes of Maui County and we have seven policies. And I want to bring to your attention in recognition of Tom Cannon had testified on earlier, we did do research on the one policy statement that was overlooked somehow and we did research the minutes and we found that the motion did pass. So on the screen we have the language that was supposed to have been on your drafted and is added now back into the Director's recommendation, "immediately provide and encourage laws to preserve and enhance the summit of Haleakala with no new buildings."

Mr. Starr: It's not great poetry.

Ms. Bosco: So that's added on this section in respect for –

Ms. Amorin: Director.

Mr. Hunt: Staff has some concerns as to whether this is a county wide policy or whether it would be more appropriate in the island plan not to be confused with whether we agree with the policy or not. It just seems to be worded more towards an island plan policy as opposed to being applicable to Lanai and Molokai.

Ms. Bosco: Just to give the commission a little more insight into this particular discussion, I happen to have been there that night and I think the intent was to preserve the historical significance of Haleakala as being, you know, just a significant landmark in the Hawaiian stories and myths and so forth. That's what I remember from the discussion that its protection as also for historical significant reasons, you know, to protect the historic significance of that site.

Ms. Amorin: Commissioner Starr.

Mr. Starr: I know that there's a lot of emotion to this and I feel that there should be some wording as a policy that creates a feeling of protection for the high points on all of the islands perhaps and then this could be moved either into an implementing action or to the Maui Plan. I'd like to see some wording that kind of, I don't know if prohibit, but discourage construction of new structures on the high points of the islands, of Maui.

Ms. Amorin: Commissioner Hedani.

Mr. Hedani: I understand the emotion tied with this particular issue, but personally I would have problem with it. Only from the perspective of saying no new buildings, means no new buildings. There could be a reason to have a new building. There could be a reason to have a new building which replaces an old structure. It could be something that the superintendent of Haleakala would like to add within the crater for facilities which would be precluded on this. I think the intent was to not scar Haleakala with the additional buildings that would be obtrusive to everybody.

Mr. Starr: I share that. I actually support the observatory and the growth of the observatory, but I, you know, I want to discourage, you know, more obtrusive stuff not only on Haleakala but I wouldn't want to see it on Puukukui or of Lanai or on, you know, on the high points of Molokai either. So perhaps there could be some wording where we're discouraging the, you know, obtrusive.

Mr. Hedani: Right. My personal problem with it is that if there are facilities from one perspective when you look at how Haleakala is one of the rarest places on Earth and it has distinct geographical advantage because of that it provides an economic advantage because of that and it's worth, it's a resource because of that and to cut off the resource because you cannot address the visual concerns I think is injurious to the island as a whole whereas a policy should say, if you're going to do it, do it in a way that's not obtrusive.

Mr. Starr: How can we say that?

Mr. Hedani: Do it in a way that's not obtrusive. You might have a technology that's going to save the entire planet that you would want to have installed up there at some point.

Mr. Starr: Or how about any new development on the summits of the islands shall be done in an obtrusive manner respecting the historical and cultural, the special historical and cultural attributes of those places.

Mr. Iaconetti: Are you including other mountain tops other than Haleakala? What about the windmills up on the West Maui Mountains?

Mr. Starr: They're not on the summit.

Mr. Iaconetti: They're darn close to it. So where is the summit.

Mr. Starr: It's up there. It's way up there.

Mr. Iaconetti: We wouldn't want to discourage that would we?

Mr. Starr: If it were done in an unobtrusive way respecting the culture, that's fine.

Mr. Iaconetti: Pretty hard to get a windmill up there in an unobtrusive way.

Mr. Starr: There's not much wind, no one's going to do it up there.

Ms. Amarin: What is the language that we have?

Ms. Staley: That language is a little rough right now. We need to kind of massage that out. We got lots of suggestions.

Ms. Bosco: The closest I can come right now and really probably does need work is, protect summits and other sensitive slopes and peaks from intrusive development, but again, that's just a first cut.

Mr. Starr: Unobtrusive manner respecting the special – or how about unique?

Ms. Bosco: Respecting the unique geographical features.

Mr. Starr: Geographical and cultural attributes.

Ms. Bosco: Okay, so right now we have, “any new construction on the summits of the islands,” and I would actually expand it to, “slopes and hillsides,”

Mr. Starr: No, no.

Ms. Bosco: But, “summits of the islands shall be done in an unobtrusive manner respecting the unique geographical and cultural attributes.”

Ms. Staley: Is there any other language besides “shall.”

Ms. Bosco: Will.

Mr. Starr: Love shall.

Ms. Staley: You love shall? So do lawyers.

Ms. Bosco: Any other discussion on this or would you like us to rework it and bring it back? Up to you.

Ms. Amarin: Exactly. Rework it and bring it back.

Ms. Bosco: Okay, thank you. All right.

Ms. Amarin: Commissioner Starr.

Mr. Starr: And then as ultimately make the lost policy a implementing action under that.

Ms. Bosco: Okay, thank you. Again, you would like the policy that we just added to become an implementing action? Is that right?

Mr. Starr: No, there was one that had been lost. There was mentioned before about Haleakala. And I think that needs to be grammatically fixed up as well.

Ms. Amarin: Director.

Mr. Hunt: Just to be sure the commission wants the so-called loss policy regarding

Haleakala to be an implementation within the Countywide Plan or moved to the Island Plan? Staff would recommend moving it to the Island Plan. It would still affect Maui Island. We're not deleting it. We're just saying –

Mr. Starr: As long it doesn't get lost again.

Mr. Hunt: Okay.

Ms. Bosco: Yeah, thank you. Okay, so where are we here. Are we finished with this section B4. Is that where we are?

Ms. Amorin: Commissioner Hiranaga.

Mr. Hiranaga: Item B4d. Is the word, "win-win" necessary?

Ms. Bosco: That's a good point. Do you have a suggested alternative?

Mr. Hiranaga: Just delete it.

Ms. Bosco: Seek solutions that – thank you, that's much better.

Mr. Starr: And B4c, can we get rid of "Maui County?"

Ms. Bosco: Yes.

Ms. Amorin: Commissioner Hedani.

Mr. Starr: Second.

Ms. Amorin: Motion on the floor to approve as amended, by Commissioner Hedani, seconded by Commissioner Starr. Any more discussion?

**It was moved by Mr. Hedani, seconded by Mr. Starr, then**

**VOTED: To Accept Section B4, as Amended.  
(Assenting - W. Hedani, J. Starr, K. Hiranaga, W. Iaconetti,  
J. Amorin)  
(Excused - B. U'u, J. Pawsat, J. Guard)**

Ms. Bosco: Unanimous. Thank you. One, two, three, four, five. We're done.

Ms. Amorin: Thank you Simone and Julia.

Ms. Bosco: We'll be bringing everything back to you for your revisitation.

Mr. Hedani: Question for staff, can we toss this stuff when we're done with that section if you're going to bring it back to us?

Ms. Bosco: The clean worksheets you mean?

Mr. Hedani: I mean, the stuff that we're completed with.

Ms. Bosco: Let me think that one through for two minutes here. You can – well, it's up to you if you want to throw it away. The clean worksheets we'll bring back to you with the voting records and I want to make sure you know we're bringing that back on a monthly basis. We're not going to bring it back every two weeks because it's just a incredible amount of paper that we have to print. So once a month you'll be getting your voting records, redistributed back to you for your review. And then once the minutes are approved we won't stamp it draft any more. We need to be able to get the minutes back, make sure we've got all your language right before it stops being a draft. I don't know if I answered your question.

Mr. Hedani: I have ...(inaudible)... the draft would be a perfect language for all of the policies so I'm not concerned.

Ms. Bosco: Thank you.

Ms. Amorin: Thank you. Thank you Simone.

Mr. Hiranaga: Madam Chair, so these drafts we are to review and discuss at a later date?

Ms. Amorin: Yes. Thank you. We're going to lose quorum in about 15 minutes. I'd like to direct the meeting over to Director.

## **E. DIRECTOR'S REPORT**

1. Notification that the public hearing on the Planning Department's proposed bills addressing Transient Vacation Rental and Bed and Breakfasts is scheduled for the Maui Planning Commission's October 9, 2007 meeting. A meeting for the Hana Advisory Committee to comment on the proposed bills is scheduled for September 17, 2007 at 4:00 p.m. at Helene Hall.

The next item on your agenda is the director's report. The first item is just to let you know

that notification has been made regarding a draft bill regarding bed and breakfast and transient vacation rentals and this will be on your October 9<sup>th</sup> meeting. We're going to take it to the Hana Advisory Committee for their comment prior to that on September 17<sup>th</sup>. On the October 9<sup>th</sup> meeting I think would be safe to assume it may be a well-attended item and so we should prepare for that.

Mr. Hedani: ...(inaudible)...

Mr. Hunt: In light of that, you know there's a balance between accepting as much public testimony as we can and still being efficient with your time and I think this commission's done pretty well with limiting testimony to three minutes. But in addition to that, follow up questions could be concise. It's up to you folks, we're not telling you what to do, we're offering ideas on time management. Follow up questions could be concise. Things like that. So it could be a long day and using time management skills I think might be important. Is there any comments on that.

Ms. Amorin: Commissioner Hedani followed by Commissioner Hiranaga.

Mr. Hedani: I think that is important because I am getting feedback of concerns about not being able to get scheduled for appearance before the commission.

Ms. Amorin: Thank you. Commissioner Hiranaga followed by Commissioner Starr.

Mr. Hiranaga: I'm just curious regarding this TVR proposed ordinance. Is this a rewrite of the existing ordinance or are you preparing something totally new?

Mr. Hunt: It's a compilation of several revisions to ordinances. So it's kind of a package and essentially it's revisions to existing ordinances. In a nutshell what we're proposing is to streamline bed and breakfasts, make bed and breakfasts allowed in more zones, restrict vacation rentals to resort areas as mapped, eliminate the conditional permit process for a TVR. Those are big ones. I'm going off the top of my head. So if I left something off it was inadvertent.

Mr. Hiranaga: I'm hoping that you'll have a portion that will educate us on other TVR policies throughout the nation that have been successful versus just providing us, okay, here's the language, review it and comment. I mean, I've been on the East Coast, the West Coast and they have TVRs and it apparently works so rather than reinvent the wheel, it would be nice to have case studies presented to us to justify why you're making these proposals.

Mr. Hunt: We'll certainly give you background and justification. We've done a lot of research on vacation rental ordinances or policies not just in other counties of Hawaii but

on the mainland. There's a whole slew of approaches and basically one's not necessarily better than another it's depending on what the community wants. In this case what we're going off of is a progression of bills that have not quite passed and so we're trying to tweak the last bill that didn't quite make it in a hopes that it will make it. We also have community plan policies and general plan policies that we believe the bill has to be consistent with because those plans have already been adopted and give us direction on what subsequent ordinance it should do. So, we'll explain that to you with the draft bills.

Ms. Amorin: Commissioner Starr.

Mr. Starr: I was going to say unfortunately, but it looks like fortunately I won't be here October 9<sup>th</sup>. Actually I probably would have liked to be here for that, but I won't, but just out of curiosity do you expect to get through that before lunch? I mean, maybe it should be done at an evening --

Mr. Hunt: I think it would be optimistic to get through it at lunch. Maybe --

Mr. Starr: Then what are you going to do?

Mr. Hunt: Then continue it to another meeting. Another option would be like you suggested or started to suggest would be to hold a evening meeting or something like that.

Mr. Starr: Maybe an evening meeting to get through the testimony and then -- you know, I mean, you know, the first half of the day meeting ...(inaudible)...

Mr. Hunt: We'll try and schedule that as an agenda item between now and then and get some staff review and we'll come in prepared and then discuss it with you folks. See if staff can handle it, see if you guys are interested. Anything else on Item 1?

**2. Planning Department's Follow-Up Report on Matters raised by the Maui Planning Commission at the August 28, 2007 meeting.**

Mr. Hunt: Item 2 is the Director's Follow-up Report. There's a September 10<sup>th</sup> memo from Clayton Yoshida regarding the items that you folks bring up. He did not email me the example of the box score of the motions and votes. So apparently our clerical staff is trying to accommodate that request. I'll try and get you an example before you and we can review it next time. Are there any questions on the follow up report?

Mr. Starr: Yeah, Item 1, the signs. I mean, I like the answer, is that going to happen or what action would we need to do to make it happen?

Mr. Hunt: We would need to introduce legislation to require it. Again, as the memo says,



it's not prohibited by the sign ordinance. But it's not required under notice requirements. So it's difficult for us to go to a developer and say you have to do this.

Mr. Starr: Can we do it as part of our rules or does it have to go to the Council as legislation?

Mr. Hunt: I'll look into that, that's a good question.

Mr. Iaconetti: Presently it is not the law?

Mr. Hunt: It's not required. So we can't – we have difficulty requiring a developer to do that and it's not to say we don't support that idea. Anything else on the follow up?

**3. Planning Commission Projects/Issues**

Mr. Hunt: Item 3 is projects and issues that the commission has for staff.

**4. Discussion on amending the Maui Planning Commission rules regarding the placement of a notification sign on property for project applications.**

Mr. Hunt: Item 4 is a discussion and that's just what we went over. The notification sign was one of the follow up items so that's redundant.

- 5. EA/EIS Report**
- 6. SMA Minor Permit Report**
- 7. SMA Exemptions Report**

No questions or comments from the Commission.

**8. Hawaii Congress of Planning Officials (HCPO) Conference scheduled for September 26-28, West Hawaii.**

Mr. Hunt: Just out of curiosity how many are attending? Okay. The planning conferences are good for a number of reasons, they give you information. They also allow you to make contacts so that in the future if there's an issue that comes up, you can call someone and say, hey how do you guys deal with this and it also just helps to see how other jurisdictions are dealing with or struggling with similar issues. So we think they're good things. We encourage our staff to get training. Encourage you folks also.

**F. NEXT REGULAR MEETING DATE: September 25, 2007**

Mr. Hunt: Our next meeting date is September 25<sup>th</sup>. Is there anyone who will not be here for that meeting?

Ms. Amarin: I will not be here.

Mr. Hunt: So our Vice Chair will be running the meeting. He has a flight in the late afternoon to Kona for the planners conference. So if we go into the late afternoon we'll have to elect a temporary chair to continue with the meeting.

## **G. ADJOURNMENT**

The meeting was adjourned at approximately 5:00 p.m.

Submitted by,

CAROLYN TAKAYAMA-CORDEN,  
Secretary to Boards and Commissions II

## **RECORD OF ATTENDANCE:**

### **PRESENT:**

Johanna Amarin, Chair  
Wayne Hedani, Vice-Chair (1:15 p.m. to end of meeting)  
Kent Hiranaga  
John Guard, IV  
William Iaconetti  
Jonathan Starr

### **EXCUSED**

Bruce U'u  
Joan Pawsat

### **OTHERS:**

Jeff Hunt, Planning Department  
James Giroux, Department of the Corporation Counsel  
Mike Miyamoto, Department of Public Works