

**LANA`I GENERAL PLAN ADVISORY COMMITTEE
REGULAR MEETING
DECEMBER 7, 2006**

John Summers, Long Range Planning Supervisor, called the meeting of the Lana`i General Plan Advisory Committee (Committee) to order at 5:00 p.m., Thursday, December 7, 2006, in the Old Lana`i Senior Center, 309 Seventh Street, Lana`i City, Lana`i.

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

A. CALL TO ORDER

Mr. Summers: I'm the chief of the Long Range Planning Division. We've brought you several staff over with us today we'd like to introduce. But before I do that I'd like to say that we don't have an official quorum for tonight's meeting. I count six and it's a thirteen member committee so it really won't affect our operations today because there won't be any vote, voting. It's for the most part a workshop with an overview. We thought it was very important before the end of the year, to come out to Lana`i and touch bases, because we had a bit of a recess since our last set of workshops. And a lot has happened in the last four months and wanted to give you an update and give you some direction where we're going with the project. We've been very busy the last few months working on the project, working with the Planning Committee, Chair Tavares, updating Bill 84, Maui County Code 2.80B, our favorite Ordinance. Fortunately with Council's help we were able to amend that Ordinance and streamline it. We'll talk about that later this evening. But I'd like to that this opportunity to introduce a couple of great new employees we've added in the last month. With that Jim Moore, would you like to say a few words?

Mr. Moore: Sure I'd just like to say. It's a real honor to be here. I started visiting Maui County in 1969 as a young surfer with a backpack and a bicycle and then back over 20 times and I'm just so honored to be here now to be a part of this process. My training in graduate work was in planning and architecture with an emphasis on land use and environmental planning and I've been working in and out of the public sector. I've worked for non-profit, taught for 10 years part-time, and also been a planning commissioner and I like to specialize in sort of smart-growth win-win strategies. So I feel like I've landed in planner heaven with a lot of the issues that you all are working on. I look forward to trying to help you in your processes that is so important going on here. So thank you for the honor of being here.

Mr. Summers: Thank you Jim. We feel so fortunate to have Jim and he has a tremendous wealth of experience and will be a huge asset on the project team. Both Jim and Erin will be part of our team in terms of the Countywide Policy Plan update. So we'll be seeing a lot each other in the next quarter. Erin Wade, also a recent hire. We are very blessed to have Erin. Erin would you mind saying a few words about yourself?

Ms. Wade: Sure, thanks John. I'd like to say my best planning credential for Hawaii is my husband's from Maui. He's a Maui boy and he actually has family on Lana`i too. I graduated with my masters from UH in Urban and Regional Planning and after working in Honolulu for a couple of years, moved back to Michigan where I grew up and did some planning consulting primarily in master plan, comprehensive plan processes like this one. And then I was the Planning Director in Grand Haven, Michigan, which a small town on the coast, the West Coast for 2 ½ years. Then Ian's dad wasn't feeling so good and it was time for us to come back to Maui. So I'm just glad to be here and real excited, like Jim, to be a part of the process. So, thank you.

Mr. Summers: Thank you Erin. We also have Leilani. Many of you know Leilani from the Planning Commission. And Joy Paredes, famous hula dancer. No, no, famous practicing the art, practicing the art. And we have Kathleen Aoki who was at our workshop last time. So we'll be seeing again a lot of each other this core group here as we move forward with the project. One of the issues with the amendment to Bill 84 was a requirement that we adopt Rules of Practice and Procedure. As part of our organizational structure we have to do that and elect a Chair and a Vice Chair. In order to adopt Rules we need to have a public hearing. Typically rather than just walking into a public hearing, we'd like to have a brief overview of the item before we have that public hearing. So that was also an important factor in terms of tonight's meeting. Before we get into that we will have a short workshop on the Rules of Practice and Procedure. We have placed on the Agenda the election of pro-tem Chairperson and Vice Chairperson's for the meeting. Now the pro-tem Chair and Vice Chair will be temporary. We can't elect a permanent Chair and Vice Chair until the Rules are adopted. However because we don't have quorum tonight we can't do that. So this item will be on the next agenda on January 10th, when we have our public hearing and we can attempt to have that election on that day in order to facilitate the public hearing. With that....(in audible) Fantastic.

Mr. Reilly: Uh, John. You mentioned the next meeting as January 10th and here it says January 17th. So I wanted to be sure that we're ...scheduling is very important. I mean, my days are tight so I wanted to make sure....

Mr. Summers: I am so glad that you caught that! It is January 17th. We have a number of GPAC meetings scheduled with Molokai and Maui and we're having a number, we having public hearings with all 3 General Plan Advisory Committees that week. So it is the 17th of January that we'll be having that public hearing. So with that we'll go into reverse a little bit here and we do have 7 members present. So it would be an opportunity again for us to elect a Chairperson to help guide us through tonight's meeting and the public hearing on the 17th. Again once the Rules are adopted we will have to re-do the election in order have a permanent Chair and Vice Chair appointed. It'll have to be an unanimous vote and a little bit of history on this, the Maui General

Plan Advisory Committee elected not to or were not able to elect a temporary Chair and a Vice Chair. Molokai however on Tuesday night were able to do just that.

B. ELECTION OF PROTEM CHAIRPERSON AND VICE-CHAIRPERSON

Mr. McOmber: I don't think we should do that until we get more members here. I'd feel more comfortable electing a Chair and Vice Chair with more members here. We don't want to isolate people before we get a chance, we get off the ground. So I would like to, maybe we could wait till the January 17th before we elect those. We can still run it this way.

Mr. Summers: Sure, that's certainly possible.

Mr. McOmber: That's just my input.

Ms. Okamoto: My humble opinion is the opposite. Because you're saying you want the temporary one to help with the meeting on the 16th, right?

Mr. Summers: 17th, right!

Ms. Okamoto: Whoops! I've got the wrong day already!

Mr. Summers: That's correct. We will have to re-do the election to elect a permanent Chair and Vice Chair. So it's simple, it's really a matter of assisting with that public hearing. So that would be today's meeting and the meeting on the 17th.

Mr. Reilly: As I thought about this, I'm just gonna make some general statements myself. Usually I find it once the temporary Chair is elected they're the permanent Chair. I mean, that's been my experience because that's the nature of the process. I would encourage, let me say it this way, I would encourage any younger person than me. Because, and the reason I'm saying that is that to be the Chair of a Planning Commission establishes for you a great credential. For those of you are interested in participating further in your life in the Community Plan process of Lana`i. So I would hope that our young people on the GPAC would consider taking the Chair. That's just my personal opinion. Thank you.

Mr. Summers: Any further comments? Would anybody like to make a nomination for a Chair and if not then we would presume that we will wait till the 17th.

Mr. McOmber: Following in Pat's line of thinking, this young lady sitting to my left, I'll nominate her for the temp Chair. (Mr. McOmber has nominated Ms. Mae Ulep.) Don't hit me that's.....

Mr. Summers: So we have a nomination for Mae.
Mr. Reilly: And I will second that nomination.

Mr. Summers: We have a second. All those in favor say aye by raising your hands. Ok, we have unanimous vote that Mae would be the temporary Chairperson for the Lana`i General Plan Advisory Committee. Alright. At this point I'll pass the baton to Mae for the election of Vice Chair. You do have a mic here so we'll keep this for the staff.

Ms. Arruiza: Can I nominate "Bubba" oh what's his name again, oh Frederick for Vice Chair?

Mr. Summers: Ok, we have a nomination for Mr. Frederick for Vice Chair.

Mr. McOmbler: I second that.

Mr. Summers: So all those in favor say aye by raising your hand. Alright! We have a unanimous vote and Angel just joined us for the recorders. Fantastic. (In audible) Okay we can move on to public testimony.

C. PUBLIC TESTIMONY

Ms. Ulep: Well this is new to me so I gonna need some assistance.

Mr. Summers: That's alright. Is there anybody from the public that would like to testify this evening? If not, we can move on to the next agenda item. Which would be our workshop on the Rules.

Ms. Okamoto: For some of the one's who are missing, I don't believe, some have not been to any. If they, if people do drop out is there a procedure to replace them or how does that work?

Mr. Summers: There is a procedure, excellent question. There is a procedure to replace members that have to resign for one reason or another. Essentially what it is, is those appointed by the Council would be re-nominated and approved via resolution from the Council. Those appointed by the Mayor would be reappointed by the Mayor and we would fill up the vacancies. We are going to spend a fair amount of time talking about that when we get in to the Rules. Because the quorum requirements are very important.

Mr. McOmbler: We didn't have any alternates on Lana`i's one. I know they have some alternates and they talked about it with the Council level on the Maui GPAC. But we

had no alternates on Lana`i did we?

D. WORKSHOP

Mr. Summers: No. We had a robust conversation with the Council about having alternates and the Council decided in the end, not to have alternates. But again we have had members replaced on Molokai. So that is a procedure that we're gonna have to carefully monitor that situation because of the quorum issues. In the event we start losing members, we'll have them replaced so we can move forward efficiently with our business. Right, so we'll move forward with the next agenda item, item D the Workshop. Again it's noted in the last 4 months as you recall back in March we had a big workshop. We were moving forward rapidly and there were some issues that came up regarding the interpretation of Bill 84 Maui County Code 2.80B. So the Department worked with the County Council's Planning Committee to amend that Ordinance and clarify a number of issues. We have a much better Ordinance at this time. But one of the provisions again was the requirement that the General Plan Advisory Committee's adopt Rules of Practice and Procedure and hold formal elections. In order to adopt Rules, we need to have a public hearing and this is a precursor to that and that we would then have that public hearing on the 17th of January. So this workshop is a real quick and dirty review of those proposed Rules. All of the Members should have a handout with a series of slides. In the first slide, hits the highlights of those Rules of Practice and Procedure. The Members should also have a set of the actual Rules, let me see, it's a 13 page document draft, a draft set of Rules. These Rules are very similar to Rules we use for the Planning Commissions and other Boards. Many of you have worked on the Planning Commission and are familiar with Rules of Practice and Procedure. We've taken the liberty to streamline these Rules, because we don't have contested case hearings. So these are a shortened version of some of the Rules that many of you worked with in the past. The Rules are very important in the sense that they allow us to have efficient meetings and in to insure that we have good communications that we comply with this State Sunshine Law and other things. Now at the meeting again this evening, rather than read through this list of Rules, I summarized some of the key provisions. Take some time to thumb through it. It is important stuff. I think the main thing, in terms of the Rules, we can't have formal voting until these Rules of Practice and Procedure are adopted. Again the State Statutes requires when we adopt the Rules that we have this public hearing. Once the Rules, we go through the public hearing process, the Rules will go to the Mayor's office for signature, and stay with the Clerk's office. So at our next meeting following the January 17th meeting, we would've adopted Rules of Practice and Procedures which would allow us to vote on items and start having a healthy discussion about policy issues. These Rules are based in large part on Robert's Rules of Order. How many of you have used Robert's Rules? Exciting document. But again, they allow us to conduct meeting efficiently. So we will be using Robert's Rules throughout this process. A lot of provisions in the draft about

compliance with the Sunshine Law. Specifically providing for public testimony at least 3 minutes of public testimony needs to be allowed at each meeting and provisions for the Planning Department maintaining a file and making information to the public and the like. One of the more important provisions in the Rules, and there were a number of questions on Maui about this, is the requirements for quorum. State Statutes requires that the minimum quorum be the majority of the membership entitled for the body. So in this case, it's a 13 member committee which means 7 would be required for quorum and also applies for voting. So it's very important that we have good attendance at our meetings and the Department will be working to notify members well in advance and if we do have an issue were we have reoccurring vacancies we will have to deal with that quickly. In terms of the Agendas, a typical 6 day posting requirement. That's a minimum per the Sunshine Law. As we get into the Planning document we should probably augment that and do actually some advertising to try to encourage members of the public to attend the meetings. So we'll meet the minimum requirement for Sunshine Law and we'll go over and above that with some advertising later in the process. Again the formal election of Chairperson and Vice Chairperson will occur after we adopt our Rules. It's very important to have a Chairperson. The Chairperson plays a critical role in our process. In terms of maintaining the meetings and ensuring that everyone has the opportunity to participate in the meetings that we have balanced representation. Kinda a "meeting manager" if you will. So in the event the Chairperson can not attend the meeting then we'll have the Vice Chair step in and fill that role. That's really it. Not interesting reading to be quite honest. But very important stuff.

Mr. Reilly: Madam Chair, may I ask a question. I'm going thru you to ask a question. Well, 2 issues. I know we are not going to do anything tonight but the one issue that you raised as far as filing vacancies will that be part of the Rules? Is that in here?

Mr. Summers: It's not a part of the rule making process. It's in the actual Statute. It's in 2.80B, so we'd have to follow that same procedure that we used to create the Committee.

Mr. Reilly: Yes, I just wanted to clarify whether that provision would be in the Rules or somewhere else. I'm looking at page 10 and I had some confusion about C. So page 10 of the draft, C. Which has to do with voting...and I've run into this before. So I want to be clear about it. It says, "unless a present member is disqualified from voting, the member's silence is a refusal to vote shall be recorded as a affirmative". Now I understand the second part, but what happens if they are disqualified or they recuse themselves, what is the status for majority vote and well let's just say majority vote in those 2 instances?

Mr. Summers: Right, it will always be 7 Members and that's why it's so important if we have a conflict in interest and that Member can't vote, if we have some vacancies for

the meeting...that all adds up. So conflict of interest, no vote. In terms of a no vote during the meeting it's, often times the Chair won't raise their hand or give an affirmative and that's counted as a "yes" vote.

Mr. Reilly: And I'm gonna follow up on that if I may. It says here, if I understand it correctly, you check me - "if a person is recuse their vote counts as affirmative"? You see that's the question I'm raising. If they refuse to vote, what this rule says, that's a "yes" vote. I'm asking the question about recusal. But the top votes says, the Members if they're disqualified right, unless they're disqualified, the Member's silence refusal is a "yes" vote.

Mr. Summers: Right.

Mr. Reilly: And then you tell me if they are disqualified their silence or disqualification or recusal is not a "yes" vote.

Mr. Summers: No, if there's a conflict of interest that conflict has to be made public before the vote and that Member has to recuse themselves from voting and then the silence at that point would basically, there would be no vote. There can be no vote if you have a conflict of interest. That's under..the paragraph on the top....

Mr. Reilly: Say that again, it's not counted.

Mr. Summers: Right.

Mr. Reilly: So if there are 8 people there and somebody recuse then 7 would still have to vote in the affirmative, right?

Mr. Summers: That's correct. That's right.

Mr. Reilly: But if somebody just says, "I'm not voting", that is counted as an affirmative vote.

Mr. Summers: That's correct.

Mr. Reilly: And I've seen that happen and that's why I want to be sure I understand that. Yes, ok. Thank you very much.

Mr. Summers: And that's very important when we to the tough votes. We will have some tough votes.

Ms. Okamoto: Same kind of question. So this is part of the actual Bill that we can't make any changes to. So this idea of it's the majority of the Members, not the majority

of the people who are here. Ok.

Mr. Summers: That's a State legal requirement. Big issue on Maui. They are very concerned about this. But our hands are tied. It's a State legal requirement.

Ms. Okamoto: Since Pat brought up about, you know, conflict of interest. What if someone feels there's a conflict in that person doesn't? You know, let's say that some voting and I don't say that I feel I have a conflict, but Angel says "yes you do", is there....and that means I do...if Angel says I do....how is that written down anywhere? How's that handled?

Mr. Summers: Well, if a member feels that there is a conflict of interest they should say it up front. In the event there is a concern that there might be a conflict of interest we have the Board of Ethics that one can go to and request an opinion as to whether there is in fact a public, a conflict of interest. I don't know, and this is, we don't have our attorney here tonight and this is maybe something we can get that and refer to James Giroux regarding the later part of your question. We'll get back on that specific issue on the 17th.

Mr. McOmber: But the Corporation Council will be sitting here, doesn't make the Ethics, he doesn't make a decision for the Ethics Board though.

Mr. Summers: Right, right, right. So.....

Mr. McOmber: What's he do make a decision whether it goes to the Ethics Board?

Mr. Summers: Well, see that's not what I'm clear on. They can write a letter of complaint. But I don't think they have standing to have require the items go before the Ethics Board and that is what I'd like to clarify with James Giroux.

Mr. McOmber: You see the last Community Plan we had both company people and not company people and some commercial people we never ran into a problem with, cause it's only one vote. You know, it's really only 1 vote. We never really ran into anything that would've tied up any decision making. It would have to really be something blatant. So I don't think in Lana`i you're gonna run in too much of that.

Mr. Summers: Right, right. But we could.....

Mr. McOmber: We'll accuse her of that outside, but not Let's hope we don't have only 7 members. Let's hope we can get much or most of um.

Mr. Summers: And I don't think that somebody from the public accusing somebody else of having a conflict and prevent that person from voting. It's just that there may be an

appeal process out there that needs to be researched. But we would have complete gridlock chaos on all our Boards and Commissions and the Council if one could simply complain about a potential conflict and that Member couldn't vote. It would be a great filibuster tool. Are there any further questions on the Rules?

In audible....

Mr. Summers: Right. Of course if you have a quorum and you have a majority vote and you have this question of conflict then it wouldn't be an issue. But when you're sitting on the fence like you could be this evening on a controversial issue with 7 votes, that's where it could be an item that has real relevance.

Mr. McOmber: But we would still need to address it if somebody does have a conflict, even though it may not sway the vote, it may be 9 people here and that doesn't gonna change the vote. We still need to find out if that's a concern of the public or the rest of the members on the...

Mr. Summers: Yes, yes absolutely. If there's anything that a Member feels they want to make public, that's very important to get it on the record. There's a real question of conflict. It's very important to seek that opinion from the Board of Ethics.

Mr. McOmber: One more thing before we get off this first page....Public Notices, are we going to are you going to post them or shall we post them if you know, who's gonna post them. That's the biggest problem have on this island of getting notices out to the public. They don't get out. They don't read News...there is only 30 Maui News delivered on this island everyday.

Mr. Summers: Right that kind of public notification is very important. Came up on Molokai as well. Same issue. We would like to have some assistance with that in terms of getting the Agendas.....

Mr. McOmber: Well we'd be glad to do that. But just get it us in enough time so that we can post them in the grocery stores and all that.

Mr. Summers: That would be wonderful.

Mr. McOmber: That could be, that'll be the Chair's responsibility. Lucky girl!

E. PLANNING DIRECTOR'S REPORT

Mr. Summers: And the coconut wireless. (In audible) That's a great idea. Great idea. Any further questions on the Rules of Practice and Procedure? If not, under item E, the

Planning Director's Report. All of the Members should have a summary table. It's a quick and dirty progress report and we felt that it was important to prepare this for tonight's meeting so that can give an overview of where we've been with the project and where we're headed. Fair amounts of change with the adoption of Bill 84 which we'll talk about in just a moment. But basically the way this is structured, and we will be doing this at every meeting. We'll prepare an update for the benefit of the Members. We've broken out this progress report into 4 planning phases. The typical planning phases that we've talked about in our orientation meetings. The first phase being some of our work product planning - developing the work program - of course we had to if you look at item 2 on that first page. The amendments to Bill 84, in the long run that's really gonna speed things up. We were successful fortunately with the help of the Council in getting that approved. We've also, as we've just discussed, developed the Administrative Rules of Practice and Procedure. We'll be having that public hearing on the 17th of January. So we should be 100% complete on that item with the majority vote on the 17th. Item number 4, GPAC organization and orientation...we did as you recall have that 2 day workshop. We do have a couple more workshop items for you, so we'll probably have that. We can talk about setting the Agenda later. But we've got a couple more important informational pieces we'd like to share with the Committee. We've also been involved extensively in developing some of the technical studies for the report. We've developed the 2030 Socio-Economic Forecast which is good to go and we'll have , that is one of the items we'll be talking about in a workshop down the road. Public Facilities and Infrastructure Capacity studies are being developed. We will be doing a Cultural Scenic Study for Molokai and Lana`i. Basically the idea there is photograph view corridors and GPS those sites with some of the new technology we have we can drop photographs, lay them on to a map and have a great way to visualize some of the impacts of our decisions. So we'll be working on that over the next 2 months as well as trying to get some of the important historical sites mapped on the island. If you turn to the second page, we have been involved with the public outreach. Many of you participated in the Focus Maui Nui project, and I know we talked about that in our orientation sessions. That's gonna be an important piece of work in terms of our Countywide Policy Plan document. During the General Plan Advisory Committee meetings, during our meetings in February and March that is going to be an excellent opportunity to get additional input. So that where advertising and the posting of these Agenda's is very important. Of course, that's really gonna kick up in the first quarter of next year and we'll leverage a lot of resources in terms of trying to get participation that way. We do have our website up. The work product as well as the Agenda's will be placed on our website. So that's another vehicle for us. And we did have project kick off meetings with the Council early this year. So we got that going we're back in the saddle if you will moving forward. In terms of the plan itself, the Countywide Policy Document, it's pretty much drafted. In order to have sustenance discussion on it we need the draft Rules. So it's our intent to distribute that document at the public hearing on the 16th and then, on the 17th...in audible... and then the following meeting, the

following meeting those Rules would go into effect and we could start to actually take votes and have a productive discussion. The Community Plans are very very important and one of the major changes in the Ordinance, if you recall from our orientation sessions - we had a Countywide Policy Plan and then we had an Island Plan for Molokai, Lana`i and Maui. And what the Council did was combine the Molokai Community Plan and the Lana`i Community Plan with those Island Plans. Because there was a lot of redundancy between those planning documents and there were concerns about inconsistency issues occurring and other things. One of the things that we've clearly articulated in our staff reports to Council was that we felt that it would be fair and just if Molokai and Lana`i be the first Community Plans taken in the new round of Community Plans. Because the island of Maui will be getting a fresh look with the development of that Island Plan. So we think we have a strong argument to go forward and have the Molokai and Lana`i Community Plans go first. And that would start in the first quarter of `07. The means to achieve that would be the Resolution, and we'll talk a little bit more about this when I discuss the changes to Bill 84. But the first thing we would do is draft a Resolution, I'll be meeting with in-coming Mayor Tavares in January to begin the work on this, and that would allow us to efficiently move from the Countywide Policy Plan document into the Lana`i Community Plan. There is an opportunity there to take the Members and of course the voluntary that the members of the General Plan Advisory Committee, there's nothing prohibiting those members transitioning to the CAC. So that would provide for continuation of the conversation on planning issues on Maui. And the Community Plan would be a lot more specific than this Countywide Policy Document so together it would an excellent opportunity to really do some innovative planning and protect a lot of the important things that make Lana`i unique. We may need your help on this, in terms of encouraging the Council to move forward with this Resolution.

Mr. McOمبر: Yeah, I think our discussion on that earlier was that a lot of things that are going to place on Maui island are really not gonna affect us and if you try to implement some of the things they were talking about planning on Maui and try to implement that on Lana`i as we saw in the Planning Commission, they rejected some of those things. Said, "no we want our own Rules". And I think this is why we are leading in that position to make sure that the Community Plan of Molokai and Lana`i and even Hana is some cases, because those are rural areas. So you're right! We really want to make sure that it is Island specific. Because there are things that we want or need or we're looking at things that are happening on Lana`i with water issue and other issues that we need to have. And we're so far ahead of the other islands as far as our Water Use and Development Plan. Our's is almost done. And you guys haven't even started. I don't know how you're gonna do a General Community Plan on Maui with out Water Use Develop Plan. That may just slow this process. But we're right on top of it here. So I encourage that resolution to be in effect. I would support that whole-heartedly. Thank you.

Mr. Summers: You're very welcome and Lana`i is really on top of it in terms of Community planning as well. The Lana`i Community Plan is really, I think, a model as compared to some of the other regions in the County. So thank you very much Ron. That's really it with the progress report. Are there any further questions for this on this, on this report?

Mr. Reilly: Hello Madam Chair, maybe you're gonna discuss it. I'm trying to get a feel for the overall time lines for our work here again. Can you review when are we expected to complete this task?

Mr. Summers: The Countywide Policy Document has a 120 day time requirement in 2.80B. So we have that Public Hearing on January 17th. If you go to this gant chart, we go to this gant chart, our Rules would go in to effect on February 1st, and that would be the meeting where the clock starts. So it would be 4 months out from February 1st. That'll be an interesting conversation because all 3 General Plan Advisory Committee's participate in the development of the Countywide Policy Plan. And both.....we'll cover this item Madam Chair we have here in further detail towards the end of the Agenda. Which ever you like? Or we can move the item forward and discuss it now if it's the will of the Committee? Shall we move forward? Let's go ahead and do that, it would make for a more efficient conversation. Right. Basically, this gant chart summarizes the work program that we've just discussed. It lays all out. The top of the chart has what the Planning Department requirements are. Again we been working on the technical studies, those are for the most part wrapped up. The Scenic Historic piece will be wrapped up at the end of January. We've also developed the Countywide Policy Plan we're massaging that document right now, dropping in photos, doing a little bit of organization. But that would be distributed on the 17th as the members leave that public hearing and the discussion on that document would start on February 1st. That's a 4 month review cycle. And if we drop down to the second row which is the General Plan Advisory Committee row, you'll see that we had our orientation meetings and then there was this recess for amendments to Bill 84. That was great fun. It was sport, I'll tell you that. And then we, we are in the process of doing the Rules and organization and then we have the review of this Countywide Policy Plan document. This is where it becomes very important that we get the Resolution through the Council so that we can begin this Lana`i Community Plan Update. And the nice thing about the way Bill 84 is structured now we can have the General Plan Advisory Committee or the CAC, if it's a Community Plan, help participate in the formulation of the plan. Where as the Ordinance was structured before we would have to give a complete document, of basically our first meeting, triggered the clock. So we couldn't have a conversation. We couldn't use the CAC as a vehicle for input. But this with these revisions we can do that. So upon the adoption of the Countywide Policy document we would have the opportunity to move forward with the update of the Lana`i Community Plan. Of course if you look at the third

row. We would have a number of outreach meetings and other venues for public involvement woven in to this process. Ron?

Mr. McOmbler: Question....Are we going to have the same type of scenario we had in the first CAC in 1993 or whatever the hell it was? That we have people that are going to develop and people that are going to, that are going to come in and give presentations to the GPAC or to the Community Plan? How is that going to work? I mean last time we invited all this stockholders. We had Castle and Cooke here we had Castle and Cooke Ranch was in here. We had a private entity on the other side who was thinking about developing something over there. And there's other people, like, you know, Trilogy, the harbors. All these things that now are starting to impact us, are we going to have those same type of presentations given to the GPAC? Site specific? Lana`i specific? Or is that what they are going to do on Maui too?

Mr. Summers: Right, the thought was that we would consolidate that in the beginning of the process. So we would invite those who have something to say and maybe we would take a ½ day workshop, this is just a proposal, we can bat it around and massage it. But one concept would be to consolidate that early in the process to try to hear from all the different applicants, from all the different non-profit groups and other interested organizations. That way once we have that conversation the Committee could focus on it's work through the duration. One of the things we're concerned about on Maui is having every meeting evolve into reviewing different project proposals. We want to get it consolidated up front so we can clear the back end of the schedule up before policy discussion.

Mr. McOmbler: Cause what we did last time was if like, MCC came in and gave a presentation, they needed so much land to expand their campus. And as we developed the Community Plan we factored that in the Community Plan to give them a location that they could have it. If they desired Affordable Housing was another thing, you know as we went through this whole thing, we had people come in and we had the State, we had DLNR, we had Harbors Division. Are you going to extend those types of invites to those people and have them come and give presentations for Lana`i specific?

Mr. Summers: Oh yes, absolutely.

Mr. McOmbler: Because we can't put this on a Community Plan or do, do the Community Plan if we don't know what other people may want down the road. And the Company included by the way.

Mr. Summers: Right, it's very important to get all the information out front early in the process. That would include getting the agencies in, getting applicants in, getting non-profit org's and other interest groups in to the Committee early on.

Mr. McOmber: MEO, the women's health center, and la-la-la-la-la right down the line.

Mr. Summers: Right, and if any of the Members have suggestions we would love to hear them. So we can get some of these meetings wind up. Again, the Community Plan will need the support of the Council on that, get that resolution passed.

Mr. McOmber: Well, we can lobby that.

Mr. Summers: Excellent! Madam Chair, any further questions on the schedule?

Ms. Ulep: It's gonna be twice a month?

Mr. Summers: That is the concept. To lay out some dates twice a month, 5 o'clock was a thought in terms of meeting start.

Mr. McOmber: If you bring pizza.

Ms. Ulep: Well for 5 o'clock, that's most, that's a time when a lot of us are just getting out of the office. Perhaps, 5:15p.m.?

Mr. Summers: Sure, we can go 6 o'clock if that's better? 5:30p.m.? (in audible)

Ms. Mirafuentes: I work where we don't really have an office time. So my time is, I'm done at 7p.m. But for as long as I have the schedule ahead of time, this is something I can work with. So 5:15p.m., you know a lot of us, I think, you guys are just finishing work right? I have to cook yet for my kids. Yeah, so I think, how about if we do a 6 o'clock?

Mr. Summers: 6 o'clock? We can shoot for that?

Ms. Ulep: 6 o'clock sounds alright if everybody is ok with that?

Ms. Arruiza: I don't have a calendar but what days are these? (In audible)

Mr. Summers: These are Thursday's.

(In audible)

Mr. Summers: Well, if I don't hear any objections we can move forward with that. And this is of course, we can modify this as we move forward.

Mr. McOmber: The only trouble is that the people you see sitting in this room and other people sits on other Boards and Commissions is like we're always hoping from one

meeting to the other to the other. And as long as we know what the fixed times are. Cause some of us sit on Boards and Commissions on Maui and a lot of people sit on Planning Commission or go to Planning Commission or other things. Not only County stuff, I mean, there's always some entity on Lana`i holding a meeting. Besides, these younger people have families to feed. Us older guys we can survive that, but the younger ones have to take care of... But as long as, these are all Thursday dates? Okay. Is today Thursday?

(In audible)

Mr. Allas: There is a lot of us that actually, like you said Ron, sit on different Committees and things like that. Notice that the dates here are, there's a lot of third Thursdays of the month Ron.

Mr. McOmber: Third Thursdays?

Mr. Allas: And if we start at 6p.m., 7p.m. is our next Committee meeting on third Thursdays. So that limits our time to an hour there. There's four of us here that also sits on the same Committee.

Mr. McOmber: The second, the third Wednesday, the third Thursday or both of them are County. One is for Planning Commission is on a Wednesday. The Thursday is a Hulapoe Park Council meeting right here in this room. So and like a County Boards are all at the beginning of the month. First Tuesday or second Tuesday and the second this so.....

(In audible)

Mr. Summers: Yeah we can look at the, well at the maybe the second and fourth Thursdays perhaps. That's going to be a back to back with the Maui GPAC but. Well that would be an option too, flip it with Molokai.

(In audible)

Ms. Okamoto: Except the 17th?

Mr. Summers: Yeah. Yeah we wouldn't be able to there may be an option to flip it with Molokai where we specify Tuesdays. So it would be Tuesday the same week. We can't do that for the upcoming meetings because we've already posted for Public Hearings. But and the members on Molokai are expecting Tuesday night meetings. But we can notify them by mail and see if there are any objections to going with Thursday meeting dates. Otherwise we could go to the second and fourth Thursday's.

(In audible)

Mr. Summers: So we could go with the second and fourth Thursday of the week at 6 o'clock.

(In audible)

Mr. Summers: That's correct.

Mr. McOmber: You guys don't want to do a long weekend.

(In audible)

Mr. Reilly: Just to clarify John that's January 17th right?

Mr. Summers: That's correct. Okay. Any further questions on the schedule?

Ms. Ulep: No.

Mr. Summers: Going back to the Planning Director's Report. We do have a quick synopsis under E2 on the Agenda. The overview of the amendments, Maui County Code chapter 2.80B and I can hit those real quick. Again, you have this in your packet. And I pulled out some of the major features. One of the most important improvements or upgrades to Bill 84 was the explicit recognition of this Countywide Policy Document. So now if you go in there and study that Ordinance you'll see that we've defined the content requirements for that study and we have explicit time requirements, review time requirements for the General Plan Advisory Committee's as well as the Planning Commission and Council. So that's a nice upgrade. It clarifies a lot of the issues that we had with the previous version of that Ordinance. Again, we talked a bit about the Lana`i and Molokai Community Plans and collapses and those with the Island Plans. One additional feature that was added to the Ordinance was the requirement to prepare a Near-Shore Eco-System Element. We've done, that will be an important part of the Community Plan Document. It's not required in the Countywide Policy Plan document but it is required in some of the other studies. So that's something that we'll be doing as part of this. Again, we talked about the Rules of Practice and Procedure and the process for adopting those Rules. The back of this chart provides basically a synopsis of how the system existed pre-19...pre-2004 when the original Ordinance was adopted. We had the pink General Plan and 9 Community Plans and with the adoption of Bill 84 in 2004 and the subsequent amendment to it this year, we have a new framework as articulated on this slide here. Which sets forth the requirement for this Maui Island Plan document. Which is a nice upgrade for Maui and really gets us to the same level that Molokai and Lana`i are at. Lana`i and Molokai Community Plans would fall directly under that Countywide Policy Plan umbrella. So it would be important and it's a

requirement to insure that our Community Plans are consistent with the Countywide Policy Plan document. The last page is simply a summary sheet of the time limits. If you go in to the Ordinance it's pretty heavy ready in terms of what's required when and what the review times are, so I tried to summarize that for all of our benefit. The main point to remember is the Countywide Policy Plan has a 120 day review limit for the General Plan Advisory Committee as well as the Planning Commissions. And the Planning Commissions, all three Planning Commissions review that document as well as the 3 General Plan Advisory Committee's. The Maui Island Plan and the Community Plans have a 6 month review limit. So it's a little bit longer because we're dealing with more detail and it will be more controversial as well. So we do have a longer review period there. There is an important distinction on the Community Plan and the Maui Island Plan piece and it comes from the Charter. The Charter requires that the clock start after the first public hearing. Where as the Ordinance specifies the first meeting. So there an important difference there which we will talk more later when we get into that process. The Council has a 1 year review limit on these documents. It would be a good idea if we could bring the documents together, the Countywide Policy piece, the Maui Island Plan piece and perhaps even the Community Plan piece is to get it before we get it to the Council so that we have a 1 year review on those documents instead of a 2 year review. We can talk a bit more about that at further meetings when we get into more of the specifics. This is an important issue with this Maui Island Plan debate that's going on right now. Ron did you have a question?

Mr. McOmer: Yes, Ron has a question. The last time we did the Community Plan we sun shined as soon as we were done and turned in our work. I understand that's different now. This body's work goes right on through?

Mr. Summers: Yes, that's an important upgrade in the new statute. Basically the Council wants to keep the Advisory Committee's active through the review process so that we can have a continuous common voice of input to the Council during their review. So provides us with an excellent opportunity insure the work that we've don't together is maintained through the review cycle.

Mr. McOmer: That was a frustrating thing last time. Because once we finished our body of work the Council got a hold, not the Council, but the Planning Commission got a hold of it and then it went from there to the Council. By the time it was finalized it didn't look like anything that this body had done. And that was REALLY frustrating. So I just want to make sure that, that I understand that's what Charmaine did. She made sure that this went right on through and that this body's work and what their decision was, was not negated by some other body.

Mr. Summers: Absolutely.

Mr. McOmber: Good.

Mr. Summers: Pat....

Mr. Reilly: Two questions. One related to that one is my understanding then that the Lana`i Planning Commission has no role in this process?

Mr. Summers: The Lana`i Planning Commission also has an important advisory role in the process. The Countywide Policy document will go from the GPAC's to the Planning Commission's for their review and comment. And then that full package will be sent up to the County Council. The goal of the Planning Department is to try to have an much unanimity between the Department's proposal, the Advisory Committee's proposal and the Planning Commission proposal, so that we can have a common voice of the Council. You know obviously there will be differences that we can't overcome. But if we can come together on most of the elements then we will have a much stronger voice when it gets up to Council chambers.

Mr. Reilly: Ok. I just have one follow up. I thought I heard you say, I'm looking at your Maui County Code third bullet, "the Near Eco-System Element was added to the Maui Island Plan" and I thought I heard you say that that was part of the Community Plan? That's a issue that I have a concern with. Is it part of the Lana`i Community Plan?

Mr. Summers: No, this Near Shore Eco-System Element was specifically included in the Maui Island Plan document. But it's the intent, I'd have to go back and look at the content requirements for the Community Plans. So no, it was a specific edition for th Maui Island Plan document. If we turn to Bill 80...2.80B and we go into the content requirements for the Community Plans....well this is 2.80B. And the Community Plans have a, their own set of content requirements. They are very very similar to the Island Plan requirement. But again, this Near Shore Eco-System, this Near Shore Eco-System Element was added towards the end of the Council's discussion on the amendments to Bill 84.

Mr. Reilly: Well John, I don't need an answer right now. But, I'm raising the issue. For me personally is that for all the islands it would seem that the relationship between the land and the ocean and where those systems meet is very important and it's certainly an issue I'm going to try to address. But I'm trying to clarify if that's a part of the Community Planning process.

Mr. Summers: And there's nothing preventing us from have more than the minimum requirements.

Mr. McOmber: The last series that we had, we had Bill Medeiros I think was our, was

our key person. And he was kind of there if it meant County, could we change this designation, could we do this, could we do that, without running into the County problem. Is the Corporation Council gonna play that role this time? Or is it going to one of you folks are going to play that role that tells us that we're going out of our boundaries. Like if we don't want a church or we don't want this or we don't want that or you know, changing designation within a Community Plan.

Mr. Summers: I think it would be both Corporation Council and the Planning Department.

Mr. McOmber: Does Corporation Council ease up on that kind of stuff?

Mr. Summers: He better be! Any further questions on the amendments to 2.80B?

Mr. Reilly: I'm sorry. There's one issue that hasn't risen, I hesitate to use this phrase, as we move forward, because I never know what direction forward is. But there are issues of planning that are happening while we are doing this. So things, possible zoning changes, land changes will happen while we are designing our Community, which we may not necessarily get to participate in while that happens in another arena. I'm sure we are not the only island that suffers that problem but can you reflect on that a little bit how that works?

Mr. Summers: It's an important issue not only with a Community Plan or a comprehensive plan update but for changes in zoning Ordinances or building code laws where occasionally there are important planning projects in the pipeline it could even be a functional planning study like the Water Use and Development Plan or it could be a large development proposal. And I think the main thing is to get the information as quickly as possible. To communicate any specific concerns about it and there are means out there in terms of dealing with these issues. The Maui, I'm sure many of you read about the Maui General Plan Advisory Committee's discussion of the a basically a letter from the Advisory Committee to the Planning Commissions and the Land Use Commissions or to the Council expressing concern of this very issue. So there are, there are a range of tools of options out there for this. And I think it is very important if we have these planning projects or large development proposal come forward, certainly we need to get that notified. We need to get that project mapped, get the information and have a healthy discussion about the best course of action. Once we have our Rules of Practice and Procedure and we get into our debate, we can start talking more specifically about potential courses of action related to this very issue.

Mr. McOmber: What happened the last time is we had somebody from the Company sit in every one of the Community Plan meetings and ever discussion we made and several things were countered, we wanted some things that was given to this

community thru Land Use Commission hearing and we never got those pieces, those parcels of land to expand the core of the city. And it was taken up by another development because it took so long from the time the GPAC or the CAC made their decisions and went to the Council or went to the Planning Commission that they had already jumped in and developed those lands. That's what I think Pat's referring to. It's frustrating to sit here and talk comm(inaudible) I like to see it this way and this way and then have supercede that and jump in and get permits pulled and go forward with development which negates what the community really wanted or as a future of their island.

Mr. Summers: It's a very real concern and something we need to keep our eyes on. It's happening on Molokai in a big way, it's happening on Maui as well. So there's not easy answer to this communities across the nation struggle with it but it can have a real effect on the efficacy of your planning process. So we will need to monitor this situation over time.

(In audible)

Mr. Summers: So we're finished. Absent any additional questions with the Planning Director's report. So that would be item F, the setting of the Agenda for the January 17th meeting. Again we will be having the public hearing on the Rules at that meeting. So it's important that we get as many members to the meeting as possible. Are there any other items that any of the members would like to have place on this January 17th meeting Agenda?

F. SETTING OF THE AGENDA FOR THE JANUARY 17, 2007 MEETING

Ms. Okamoto: After the adoption of Rules were you going to be prepared to start on the overall document?

Mr. Summers: The adoption of the Rules would occur on the 17th. We would distribute the document at that meeting. As the members leave the meeting they would take the document, so that at the next meeting that's when the clock would start. And that's when we'll have Rules that are in effect and we can start taking votes and moving forward.

Ms. Okamoto: So there wouldn't be a discussion of those at that meeting?

Mr. Summers: No.

Ms. Okamoto: That's fine.

Mr. Reilly: I think you mentioned earlier that we have to have a permanent vote for a

permenant chair so that would be on the Agenda.

Mr. Summers: That's correct. We will have a voting. Now I do have to clarify with James Giroux. Becuase he wassn't clear on this as to whether we could hold that election following the adoption of the Rules or whether we need to wait until the Rules go into effect. Which would be the meeting following the January 17th meeting. So I kinda have a feeling that James is gonna advise us to have the official vote at the meeting following January 17th.

Mr. Reilly: Just a follow up question...I guess for me there's certain issues in my mind but I don't know when they are going to come up in the process of discussing it. So as part of, I don't know, as part of the Agenda for the next time is, is having a general workshop or general discussion about things that we want to talk about at topics and then see where they fit in to the discussion of the document. I'm a little confused about island specific issues that I have in my mind versus this general document. I don't know if anybody else does, but that's an issue.

Mr. Summers: I think that's an excellent suggestion and one of the things we could prepare is a sort of a proposed specific topical list of items we will need to cover in the Countywide Policy document and that could be a starting point for this discussion. And also elaborate on the purpose of the Countywide Policy Plan and the purpose of the Community Plans. Again, in terms of getting into the items that require a lot of voting we will want to wait till we have our Rules of Practice and Procedure in effect.

Ms. Okamoto: What if you don't have the quorum at that January meeting? Does that mean, to adopt the Rules, we HAVE to HAVE the quorum there right?

Mr. Summers: We have to have the quorum there.

Ms. Okamoto: So we should make sure we have enough people. Ok.

Mr. McOmbler: I think we could work this out with the Chair but maybe we'll get a phone tree or something going on here, so that we can remind people to get them over here. But we can do that in-house, I think.

Mr. Summers: That would be wonderful.

Mr. McOmbler: This has to go. We can't...we were the first one's done last time and we're gonna be the first one's done this time, so that we can discuss our own problems. Okay thank you.

Mr. Summers: You don't want us showing up at your door.....that would be very helpful. I would very much appreciate that.

(In audible)

Mr. Summers: Any further questions on item F, setting of the Agenda? Adjourn the meeting.

Ms. Ulep: Meeting adjourned.

G. NEXT MEETING DATE: January 17, 2007

H. ADJOURNMENT

There being no further discussion, the meeting ended.

Respectfully submitted by,

Joy L. H. Paredes
Secretary to Long Range Division

RECORD OF ATTENDANCE

Members Present:

Angel Allas
Ron McOmer
Linda Kay Okamoto
Pat Reilly
Frederick "Bubba" Sandi
Cyndi Arruiza
Edith Mirafuentes
Mae Ulep

Members Absent:

Ricky Sanchez
Lisa Marie Kaniho

Lana`i General Plan Advisory Committee
Draft Minutes - December 7, 2006
Page 23

Kristi Alboro

Others:

John Summers, Planning Program Administrator
Kathleen Aoki, Long Range Planner
James Moore, Long Range Planner
Erin Wade, Long Range Planner
Leilani Ramoran, Secretary to Boards and Commissions
Joy Paredes, Secretary to Long Range Division