

LAND USE COMMITTEE

Council of the County of Maui

MINUTES

November 29, 2006

Council Chamber

CONVENE: 1:32 p.m.

PRESENT: Councilmember Robert Carroll, Chair
Councilmember Joseph Pontanilla, Vice-Chair
Councilmember Michelle Anderson, Member
Councilmember Jo Anne Johnson, Member
Councilmember Danny A. Mateo, Member
Councilmember Michael J. Molina, Member

EXCUSED: Councilmember G. Riki Hokama, Member
Councilmember Dain P. Kane, Member
Councilmember Charmaine Tavares, Member

STAFF: Tammy M. Frias, Committee Secretary
Carla M. Nakata, Legislative Attorney

OTHERS: **Item 11:** Mihoko Ito, Esq., Goodsill Anderson Quinn & Stifel LLP

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

CHAIR CARROLL: . . .(*gavel*). . . This Land Use Committee meeting of November 29th, 2006 is now in session. We have with us this morning [*sic*] Members Anderson, Johnson, Mateo--

COUNCILMEMBER MATEO: Good morning.

CHAIR CARROLL: --Molina, and Pontanilla. Excused are Members Tavares, Kane, and Hokama. Members, this morning [*sic*] we have only two items on our agenda and these items are to recommend referral to the Council Chair for the term beginning January 2nd, 2007. I'm going to read these two items now. LU-2, Community--oh, excuse me, before we do this. At another meeting we almost forgot this and I have learned from past experience. We're now going to open public testimony. Public testimony is now open. Is there anybody wishing to testify?

MS. NAKATA: No, Mr. Chair.

CHAIR CARROLL: Hearing none, if there's no objection, we will close public testimony.

COUNCIL MEMBERS: No objections.

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CHAIR CARROLL: Thank you. Public testimony is now closed.

**ITEMS RECOMMENDED FOR REFERRAL TO THE COUNCIL CHAIR FOR
THE TERM BEGINNING JANUARY 2, 2007, PURSUANT TO
SECTION 19 OF THE RULES OF THE COUNCIL**

ITEM NO. 2: COMMUNITY PLAN DESIGNATION FOR 5.171-ACRE PARCEL AT SITE OF PREVIOUSLY PROPOSED KA ONO ULU COMMERCIAL DEVELOPMENT AND NEARBY 7-ACRE PARCEL (KIHEI) (MISC. and G.C. No. 02-1)

ITEM NO. 11: APPROPRIATE ZONING FOR KAA NAPALI GOLF COURSES (C.C. No. 05-151)

CHAIR CARROLL: Members, we have two items on the agenda, LU-2, Community Plan Designation for 5.171-acre parcel at the site of previously proposed Ka Ono Ulu Commercial development and nearby 7-acre parcel in Kihei. And we have LU-11, appropriate zoning for Kaanapali Golf Courses, and this is one that was transmitted by Councilmember Johnson. Is there any discussion on these two items before the Chair gives his recommendation to carry these two items forward? Ms. Anderson.

COUNCILMEMBER ANDERSON: Thank you, Chair. Just for clarification, all the other items in the Committee are automatic referrals?

CHAIR CARROLL: All the other items in the Land Use are automatic referral. The reason these two are like this, the only ones we have to do by motion are ones that were submitted by the Council.

COUNCILMEMBER ANDERSON: I see. Thank you.

MS. NAKATA: Excuse me, Mr. Chair. Just for clarification, there is one item that would be an auto file, and that's LU-13.

COUNCILMEMBER JOHNSON: What is that?

COUNCILMEMBER ANDERSON: And what is that?

MS. NAKATA: It's the one dealing with the Community Plan mapping error for the Doug White property.

CHAIR CARROLL: Yeah. Alright, any discussion, further discussion? If not, the Chair would accept a motion to recommend that the following items be referred to the Council Chair for the term beginning January 2nd, 2007, pursuant to Section 19 of the Rules of the Council, and these two items are LU-2 and LU-11.

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VICE-CHAIR PONTANILLA: So moved.

COUNCILMEMBER MOLINA: Second.

CHAIR CARROLL: Been moved by Mr. Pontanilla, seconded by Mr. Molina. Discussion? Seeing none, all in favor of the motion signify by saying aye.

COUNCIL MEMBERS: Aye.

CHAIR CARROLL: Opposed? Motion carried.

VOTE: AYES: Councilmembers Anderson, Johnson, Mateo, Molina, Vice-Chair Pontanilla, and Chair Carroll.

NOES: None.

EXC.: Councilmembers Hokama, Kane, and Tavares.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: Recommending REFERRAL of communications to the Council Chair for the term beginning January 2, 2007.

CHAIR CARROLL: Members, this brings us not only to the end of the meeting, but to the end of the year. I would like to thank everyone for all their service during this time. We have had an *incredible* amount of items before us. I'm very pleased, especially with the smaller ones, like in Paia where we managed to let this poor lady get her home built after so many years, and there's been a lot of other small ones that went through that I think we're all more proud of than a lot of the big ones. But thank you for all your work. I know it was Land Use, this Committee is probably one of the . . . committees that catches the most flack and the least appreciation, and it's always been so. And I appreciate your service to us, and especially Mr. Pontanilla, my Vice-Chair, who I know I could always count on if I wasn't available to chair the meeting. Any announcements before we adjourn? Ms. Johnson.

COUNCILMEMBER JOHNSON: I just wanted to say that I really appreciate, Mr. Carroll, the work that you've done as Chair of this Committee, but also in doing site inspections. I thought that it was really good. I know sometimes Staff has a hassle in going out and doing the site inspections, but I think it's really been a policy that has been very good, and we're going to miss you on the

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Council and you're one of the few people that can turn afternoon into morning. . . .(laughter). . .
And I say that with all due respect.

COUNCIL MEMBERS: . . .(laughter). . .

CHAIR CARROLL: Thank you, Ms. Johnson. It is a beautiful morning this morning, too.
. . .(chuckle). . .

COUNCIL MEMBERS: . . .(chuckle). . .

CHAIR CARROLL: Any. . .Mr. Pontanilla, followed by Mr. Molina.

VICE-CHAIR PONTANILLA: Thank you, Chair. I just want to commend the efforts that you did in
cleaning up the Land Use Committee agenda items. I know there were quite a bit. It's nice to
see that things that we took care of. . .that had pertained to when I was in the Planning
Commission, good to see those things move forward. So thank you very much and thank you to
your Staff for job well done. Thank you.

CHAIR CARROLL: Thank you, Mr. Pontanilla. Mr. Molina.

COUNCILMEMBER MOLINA: Yeah. Thank, thank you, Mr. Chairman, and you know it's, it's quite
refreshing not to have a three or four meeting for Land Use, but I wanted to thank you for all of
your efforts as well as the Committee Staff. As we all know, Land Use is one of the most
challenging committees, there's a lot of work that needs to be done, a lot of discussion with the
various applications that come to this Committee. So, I wanted to thank you very much for your
efforts, Mr. Carroll, and you will be missed on the Council as well. Thank you.

CHAIR CARROLL: Thank you, Mr. Molina. Mr. Mateo.

COUNCILMEMBER MATEO: Chairman, thank you very much. And, Mr. Chair, I understand that at
the start of this term when you initially started off the Committee, I understand your beard was
black?

COUNCIL MEMBERS: . . .(laughter). . .

COUNCILMEMBER MATEO: I just wanted to take this opportunity, Chairman, to, to say thank you
for your perseverance in, in helping to bring forward so many of the items and the issues that,
that you did. And I do understand the difficulty with the, with the Committee and, and your
determination in being sure that the items that you brought forward was actually *ready* to move
forward, and that was, you know, for myself, I really appreciated that extra effort. And to your
Staff, who really provided the assistance and, you know, allowed us the opportunity to call them
for our own questions and the like. So to you, Chairman, thank you for a successful term. You
will be missed, but I do know your phone number. And to your Staff, thank you all very much.
Aloha.

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CHAIR CARROLL: Thank you, Mr. Mateo. Ms. Anderson.

COUNCILMEMBER ANDERSON: Councilman, Member Carroll, thank you so much for running such a, a difficult Committee with, with real fair and reasoned approach to it. It, it made it much easier for all of us here. . .during times that are very stressful in this Committee. So, I want to thank you for that and thank you for being my neighbor for the last two years. . .

COUNCIL MEMBERS: . . .*(chuckle)*. . .

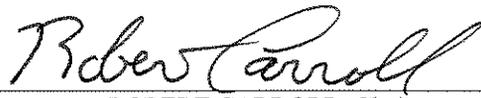
COUNCILMEMBER ANDERSON: . . .and shoring me up with M&Ms. . .*(chuckle)*. . .and we're going to miss you a lot, Bob. Mahalo and Aloha.

CHAIR CARROLL: Thank you, Ms. Anderson. Anything further from the floor. If not, I'd like to close again by thanking all the Council Members for their service, and especially our Staff, Tammy Frias and Carla Nakata, who without. . .we would have gotten nowhere. And even though I'm gone, the main people will still be here and I'm sure that we'll have a successful 2000. . .2008 [*sic*] year.

Hearing nothing else, this meeting of November. . .Land Use Committee meeting of November 29th, 2006 stands adjourned. . .*(gavel)*. . .

ADJOURN: 1:40 p.m.

APPROVED:



ROBERT CARROLL, Chair
Land Use Committee