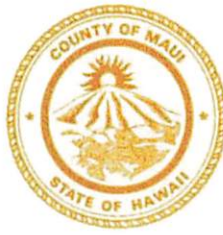


MICHAEL P. VICTORINO
Mayor
MICHELE CHOUTEAU MCLEAN, AICP
Director
JORDAN E. HART
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

July 15, 2021

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

 7/15/21
Acting Mayor Date

For Transmittal to:

Honorable Alice L. Lee
Chair, Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Lee:

SUBJECT: DIGITAL ZONING MAP FOR MOLOKA'I

Attached please find a proposed bill, entitled "A BILL FOR AN ORDINANCE ADOPTING THE DIGITAL ZONING MAP AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MOLOKA'I." The bill's purpose is to replace the old, paper zoning maps with a digital zoning map as the official zoning map for the Island of Moloka'i.

The Planning Department (Department) held an online public meeting on April 27, 2021 to share information with the community and receive input about the proposed bill and digital map. The Moloka'i Planning Commission (Commission) reviewed the proposed bill on May 26, 2021 and recommended approval, with modifications, by a vote of five ayes and one no. The Commission recommended that only two of the three proposed corrections, "Recommendation #1" and "Recommendation #2", be included with the adoption of the digital map. The meeting minutes and the Memorandum to the Moloka'i Planning Commission dated May 14, 2021 are attached for your review. We note that the Memorandum contains the three "Recommendations" as Exhibits.

The Commission did not support the inclusion of Recommendation #3, which is located in Mapalehu near the site of 'Ili'ili'ōpae Heiau and entails a misaligned 1984 Moloka'i Community Plan designation of AG (Agriculture) and Agriculture zoning. The 2001 Moloka'i Community Plan and 2018 Moloka'i Island Community Plan maps properly align with this site and designate it PK (Park). Recommendation #3 would correct the Agriculture zoning to Interim, in alignment with the 2001 and 2018 plan designations of PK. The Commission expressed that the current community plan designation of PK for this historical and cultural site is "culturally offensive to Native Hawaiians" and thus did not support a zoning correction from Agriculture to Interim. The Commission recommended that future

Honorable Michael P. Victorino
For Transmittal to
Honorable Alice L. Lee
July 15, 2021
Page 2

phases of the digital mapping project for Moloka'i include addressing both the community plan designation and zoning district of 'Ili'ili'ōpae Heiau with the creation of a new community plan designation and zoning district that would be more appropriate and representative to the protection of sensitive cultural and historical sites. The Commission expressed the importance of these sites, and that their cultural, spiritual and historical connections to them deserve a higher level of designation and protection than what currently exists in community plan designations and zoning districts. The Commission further recommended that a subsequent phase of the "DSSRT" (Dead Sea Scroll Replacement Team) project for Moloka'i address other cultural sites on the island, including the creation of a Cultural Overlay.

We request that the proposed bill and related items be referred to the appropriate Council committee for consideration.

Thank you for your attention to this matter. If you have any questions, please contact Planning Program Manager Kathleen Ross Aoki at kathleen.aoki@mauicounty.gov or ext. 7734.

Sincerely,



MICHELE MCLEAN, AICP
Planning Director

Attachments

xc: Kathleen Ross Aoki, Planning Program Manager (pdf)
John Rapacz, Planning Program Administrator (pdf)
Ann Cua, Planner Supervisor (pdf)
Jacky Takakura, Administrative Planning Officer (pdf)
Peter Graves, GIS Analyst (pdf)

MCM:KRA:rhl

S:\ALL\PID\DSSRT\Molokai DSSRT Map 1\Counciltransmittal.docx

ORDINANCE NO. _____

BILL NO. _____ (2021)

A BILL FOR AN ORDINANCE ADOPTING THE DIGITAL ZONING MAP AS THE
OFFICIAL ZONING MAP FOR THE ISLAND OF MOLOKA'I

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. The purpose of this Ordinance is to adopt the digital zoning map as the official zoning map for the Island of Moloka'i. The map shall provide a graphical portrayal of zoning designations established by ordinance.

SECTION 2. Section 19.06.020, Maui County Code, is amended to read as follows:

"19.06.020 Maps. A. In accordance with section 8-8.3(6) of the revised charter of the County of Maui (1983), as amended, the planning director must prepare and administer the County's zoning maps.

B. For the islands of Maui, [and] Lana'i, and Moloka'i, one zoning map for each island must be prepared and administered in a digital format, such as within a geographic information system and made available for public use on the County website. The digital zoning maps are incorporated by reference and are located online at the department of planning, implementation division's website at <https://www.mauicounty.gov/2159/Digital-Zoning-Map-Update-Project>. The most recently adopted digital maps on file, Maui digital zoning map (2), as amended, [and] Lana'i digital zoning map (1), and Moloka'i digital zoning map (1), are in addition to any original "land zoning maps" on file in the office of the county clerk; however, the digital zoning maps must be used to determine zoning boundaries and designations in the event of a conflict. Whenever a change in zoning is approved and the ordinance is filed with the county clerk, the island's digital zoning map must be amended to reflect the change in zoning.

C. The [areas] area of the [islands] island of Kaho'olawe [and Moloka'i] shown on original [maps] map entitled "Land Zoning [Maps,"] Map," on file in the office of the county clerk with certified copies being placed on file in the planning department, and the digital zoning maps for the islands of Maui, [and] Lana'i, and

Moloka'i, together with all explanatory materials, are part of this title.”

SECTION 3. Notwithstanding enactment of this ordinance, zoning conditions previously enacted by ordinance shall remain in effect, unless repealed by ordinance or operation of law.

SECTION 4. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 5. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

/s/ Stephanie M. Chen

STEPHANIE M. CHEN

Department of the Corporation Counsel

County of Maui

2021-0943

2021-06-30 Amend section 19.06.020

MOLOKAI PLANNING COMMISSION
REGULAR MINUTES
MAY 26, 2021

A. CALL TO ORDER

The regular meeting of the Molokai Planning Commission was called to order by Chairperson Lori Buchanan at 11:02 a.m., Wednesday, May 26, 2021, via BlueJeans Meeting No. 411165789.

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

Chair Buchanan: Good morning. Good morning and aloha, everyone, and welcome to the May 26, 2021 meeting of the Molokai Planning Commission. Under our Call to Order, there are many ways you can participate in this meeting today. It's all listed on the agenda. Also, public testimony will be taken today, and if you want to, you can sign up in the chat with our Board Secretary, Suzette Esmeralda. A reminder that the Commissioners shall not be contacted by the chat function. And -- and you may be asked -- not you may be, you're going to be sworn in prior to your testimony, and then anybody can ask you questions after that. So, thank you very much.

And before we move into item B., the Public Hearing, it is with a very heavy heart that I have to convey to everyone, and I believe the Commissioners were already contacted by our Board Secretary, that my dear friend and colleague and our Planning Commissioner, Mr. John Sprinzel, passed away this past weekend after a long bout of illness, and he's survived by his lovely wife Caryl. I've asked our Councilwoman's office to help and write up a resolution that we can read at the next Planning Commission meeting. But I was very, very sad because I spent much time with John on this Commission, in fact, three terms, and I don't know, most people don't even know that John, before moving to Molokai, was a big time professional racecar driver and very well known and famous for his work with Austin-Healey and many other corporations, and he was an engineer. And so, he was an awesome kupuna to me, he served our community with the utmost honesty, and he loved Molokai, and he loved our people, and he going be sorely missed. So, I just wanted to take just a few minutes in silence to remember him before we move on to item B. Thank you very much.

**A moment of silence was observed in remembrance of
Commissioner John Sprinzel.**

Chair Buchanan: Thank you, Commissioners. I going miss John. I sorry. I thought I was going be okay. Laa, you might have to pitch hit, but moving on to item B., Public Hearing, item number one:

Chair Buchanan read the following agenda item description into the record:

B. PUBLIC HEARING (Action to be taken after the Public Hearing)

1. A BILL FOR AN ORDINANCE ADOPTING THE DIGITAL ZONING MAP AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MOLOKA`I

- a. **MICHELE CHOUTEAU MCLEAN, Planning Director, transmitting a proposed bill relating to the digital zoning map for the Island of Moloka`i, respectively described as follows: A proposed bill titled “A BILL FOR AN ORDINANCE ADOPTING THE DIGITAL ZONING MAP AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MOLOKA`I.” The purpose of the proposed bill is to adopt a digital zoning map for the Island of Moloka`i. (K. Aoki)**

The Commission may provide its comments on the proposed bill.

Chair Buchanan: And most of you received paraphernalia in the mail, so I’m going to either hand it over to Sybil, if Sybil has anything to say; if not, then, Kathleen, welcome.

Ms. Lopez: Thank you, Chair. Aloha, Commissioners. I’ll turn the time over to Kathleen. Mahalo.

Ms. Aoki: Good morning, Commissioners. I’m Kathleen Aoki. I am the Division Chief for the Plan Implementation Division. Some of you have seen me before. And I have here with me Ann Cua. She is a Senior Supervisor for the Current Planning Division. And also with us, who’ll be joining us shortly, will be Peter Graves. He is our GIS Analyst.

Mr. Graves: I’m here.

Ms. Aoki: Oh, he is on. Very good. And we also have Johann Lall, from the Long-Range Division GIS, should we need anymore help in that area. So, today, what we have for you, finally, is a digital zoning map draft for the island of Molokai. This has been a long, long, long project that involved creating digital maps for the entire County, and we have a presentation to show you, and then we will go through sort of the recommendations that we have for the map, and we can be available for questions and continue the conversation. I would suggest that we go through the whole presentation first so -- so that your questions -- questions you may have may be answered through the presentation. If that’s okay, Chair.

Okay, so let me share my screen. Alright, we’re not at the beginning. Slide eight. Hold on a second. Sorry about that. Okay. Alright. So, Ann will take it away.

Ms. Cua: Good morning, Commission. Okay. So, as Kathleen mentioned, this project has quite a long history. We started this project during Mayor Apana's administration way back in January of 2001 with the County's GIS Division and staff temporarily loaned from the Planning Department to assist the GIS staff with this project. The project was officially transferred to the Planning Department in 2005 and, at that time, staff from each division within the Department were pulled together to create a team, which we called ourselves the "DSSRT Team," the Dead Sea Scroll Replacement Team, and the members on this team had longstanding with the Department as well as present knowledge of the County's land use changes, zoning, permit processing, etcetera, and then also had GIS staff, which had skillsets to verify zoning and aid the digital zoning layer.

So, you know, just for information purposes, we have to all realize what is zoning, and the importance of zoning. Zoning determines how anyone's property can be used; where structures may be placed; it promotes an orderly pattern of development; it separates incompatible land uses, such as we normally don't have a heavy industrial zoning district right next to a residential district. Zoning is the first thing a landowner must be aware of before developing their property, so it is extremely important.

There is often confusion with what zoning is and what zoning is not. People sometimes think community plan designations are zoning. It is not. We are quite familiar with the special management area. That is a layer that is -- that is also not zoning. It is an environmental layer, basically, is what it is. Also, FEMA, our flood maps, that is also something that we -- we deal with on a daily basis, you hear it all the time, but that is not zoning. And finally, State land use designations, agriculture, urban, rural, and conservation; that is also not County zoning.

How is property in Maui County zoned? Well, a number of ways. First, comprehensive zoning maps for Maui and Lanai only. Molokai does not have comprehensive zoning maps. Individual -- individual changes of zoning, which I think most of you are familiar with reviewing an individual request for a change in zoning. And then comprehensive land use ordinances, and we'll go into detail with that.

So, what were the goals of this project? Well, I think most of you are familiar that the County of Maui has some very old paper zoning maps, some of -- some of these paper maps are up to 50 years old, and the -- the thought is to replace those maps with a comprehensive digital map, another goal is to make these digital zoning maps available online for public use to confirm existing zonings for all parcels in the County of Maui, and to create a single digital zoning map that encompasses each island. We did have challenges though for this project. So, the age and the lack of detail on these original paper maps created huge challenges. The quality of these maps were poor. They were worn out, falling apart. If you seen them before, they've been taped -- taped together in places. We have handwritten notes on them. And then there were no single complete set of maps for the island, so zoning is kinda like a patchwork of, like we mentioned, our

State interim ordinance, our original 1960 zoning maps for urban areas, this does not apply to Molokai, County agricultural and rural ordinances, and individual zoning changes; that's -- that's what makes up our zoning in the County.

This project had -- has extreme benefits. It would confirm zoning accurately and efficiently. There would be or there will be greater public access to accurate zoning information. There will be an anticipated reduction in zoning determinations by our Department staff. Just for example, between Fiscal Year 2017 and 2020, staff processed almost 15,000 zoning verification forms, and those are our paper forms that come into the Department either in person or they get emailed to the Department, the Department has to go through a number of maps to be able to verify the zoning of a -- a parcel. Another benefit is that this -- this digital mapping process will improve coordination between governmental agencies, and this -- this digital map will play a key role in the upcoming County online permit process, the MAPPS process. This will be -- this will be a focal part.

So, where are we? Thirteen years later, zoning for parcels on Maui were verified; fourteen years later, parcels for Lanai were verified; and sixteen years later, here we are, parcels for Molokai have been verified. Corrections: Addressing mapping alignments, correcting digital designations due to poor quality maps and alignments, and correcting oversights have been completed. Given the complexity of this project, the Department has presented a digital map for each island individually. A digital map for Maui was completed in 2017 and adopted by the County Council in October 2018 with an updated adopted in November 2019. A digital map for Lanai was adopted in August 2020. For Molokai, the Department mailed letters to affected Molokai landowners advising them that there will proposed changes for their property, and there were 25 parcels that were notified. Another proposed change is for a County-owned parcel, Papohaku Beach Park. Similar as was done for the Maui and Lanai digital zoning maps, a public informational meeting was held to discuss the draft Molokai digital map and errors proposed to be fixed in this phase of the project. This online meeting was held on April 27, 2021. And after receiving the recommendations from the Molokai Planning Commission, the proposed digital map, accompanying Title 19 bill, and recommendations will be forwarded to the Maui County Council for their review and action. All proposed zoning recommendations for this digital zoning map are consistent with underlying community plan designations, and this sentence is underlined for a reason. There -- there were numerous additional changes that we thought -- that we discussed in -- on every island, but we felt, for this project to be able to move forward, we made sure that all zoning recommendations are consistent with community plan designations. Future phases of DSSRT will include recommendations to address other types of mapping issues, such as for parcels containing inconsistent zoning and community plan designations or updating zoning with community plan designations, all of which are not errors or a result of alignment issues. And, that concludes my part.

Ms. Aoki: So, Kathleen here. So, now we're going to move into just giving you a background of the -- of the project, but we think it's important that you understand the

words that are coming out of our mouth. I love that movie. So CP, when we say, “CP,” we’re talking about community plan. When we say, “ag,” we’re talking about agriculture whether it be a zoning district or a community designation, “PK” is for park, again, zoning district or for community plan, and interim is zoning only. So, I’m seeing I have poor network. Can you guys still hear me?

Ms. Lopez: Yes we can, Kathleen.

Ms. Aoki: Good. Thank you. So, let’s see, way back when, the beginning of time, there was no zoning until 1967. Then, at that time, the County adopted interim zoning, so you will see basically the whole island, except for Kalawao area was not included in that because it wasn’t part of the County, so that happened in April 1967. Then individual changes in zoning have occurred since 1969, and you will see just a little there kind of all spread out throughout the island. Pretty small ones except for the Kaluakoi one, which is pretty big. Then in 1997, the County adopted the rural zoning ordinance and did comprehensive zoning, and it’s important to understand that these ordinances had specific criteria to them, so if you did not meet this criteria, you will not change, and the criteria was you had to be community plan rural, State land use rural, be 15 acres or less or less than 15 acres, and not in the Hana Community Plan area. So, here you have, mostly along the coast, so you can see on like the Pukoo area and some in this area, was changed to rural. Yeah, the kinda greenish-bluish color. Then in 1999, the County adopted the comprehensive agricultural zoning ordinance. This -- this one had kinda different criteria. All it cared about was your community plan designation. If you were community plan ag, you got zoned ag, so it didn’t matter what your zoning was, it didn’t matter what your State land use was, you got zoned ag, so that’s all in the green area; all that area got zoned ag because it was community plan ag.

This is the way your current zoning map looks today. Now, what I’m going to do is I’m going to go through -- so, as Ann mentioned, there are different phases to the DSSRT project, and as we were going to through this project and realizing how many things could be fixed or corrected or comprehensively zoned, we really had to take it back and just pick the first phase and second phase, which was to fix things that are errors or mapping alignments, and that are consistent with the community plan. Anything outside of that will happen at a later date because we -- we know that we wanted to get these maps adopted and if we tried to do everything, they would never get adopted, so we had to take baby steps.

For Molokai, there are only three areas where we’re going to talk to you about making recommendations to fix mapping alignments, so it’s basically what these come down to. So, this first one is a subdivision, Kualaaaha Estates, hopefully most of you are aware of this subdivision, it was approved -- the subdivision was approved in 1987, but in 1984, if you look at this map where the red arrow is, that small little square was designated single-family in ’84, and in ’84, it was zoned -- the whole area was zoned interim. As I mentioned,

in '98, the agricultural bill got adopted, so what happened was this whole area, you guys hopefully should be able to see my pointer, this whole area got rezoned to ag; this small square remained interim because it was single-family community plan; this was all community plan ag, but you'll see that this subdivision over -- it overlaps on both the ag and where the interim was. So, now we go to the 2001 and 2018 Molokai Community Plan Map, and on -- in those plans, they properly follow where this subdivision is and identify the area as single-family. So, what our recommendation is is to correct the mapping area for these properties that were zoned -- actually, they're zoned ag, to make them consistent with the interim to make it -- make the whole subdivision interim. So, here's a before and after that, hopefully, will help you. So, the top part of the slide shows you what the current zoning is for this subdivision. This is where the majority of landowners were notified when we mentioned that we sent out 25 letters because they are either in interim, some of them have split interim/ag, and some of them are all in ag right now as it stands, and what we are proposing is that the entire subdivision be consistent with the community plan map, your current community plan map, and be zoned interim. And I -- what is -- what's important to -- to let you folks know is when this subdivision got approved in 1987, for all intents and purposes, everybody thought this subdivision was zoned interim; that's where these kinda mistakes and oversights happen because it wasn't until we spent so -- like years overlapping everything that we realized, no, this whole, it got split up because of the ag bill and the way that the 1984 community plan showed the area. So, that's going to be the first recommendation that we want input from you folks on.

The second example or recommendation that we have is for an area down at Papohaku Beach Park. Again, what we're showing here in the red arrow is the 1984 community plan map. One thing I didn't mention is, you know, you go back 1984, the community plan map, back in those day, you know, we didn't have GIS, we didn't aerial Pictometry, we didn't have all these wonderful things that we get so much more precise these days, so these maps, if you want to call them "maps," were really just more figures, and this is a result of that because the -- the community plan in 1984 showed the park on the map but showed it here. Papohaku Beach Park is actually physically located here in this parcel. So, once again, you have the 1998 comprehensive ag bill come in, it takes all of this land that's community plan ag and zones it ag, and leaves this area in interim, which was the right thing to do when it's just looking at an old kinda figure, but now you have 2001 and 2018 Molokai Community Plan Map that properly designates your park right here where it's located, so the recommendation is to correct this mapping error and take the -- it's better for me to show it to you this way. So, here you have your current zoning on the left, as I mentioned, the interim is kinda overlying these four parcels, and you have your park zoned ag, based on that old community plan map. On the right, is what we want to correct. Put the park in interim where it should have been, and put these people back into having all ag zoning, and there are -- there is structures that exist right now, I think it's on this, I believe it's on this parcel, and all approvals and building permits given to that parcel and those structures were based on the fact that everybody thought it was

ag. And again, it wasn't until we started digging through and overlapping things that we realized that it was actually split interim and ag.

So, the last kind of question that we have, this -- this one, I mean, it's not so much as a recommendation, we can go through the specifics on it, but we did need to call it out to you because it is an alignment issue. Here we are, we're kind of in Pukoo, and we have a small area here that is on the 1984 community plan map as park, everything around it is -- was ag. We had a 1998 comprehensive ag bill so, of course, it came in, it zoned this all ag and left this interim because it was community plan park. So, you look at your 2018 Molokai Community Plan Map though and you see that it's moved. It's here. So, this is what the zoning would look like today. Where the interim currently lies, there is -- it's fallow, however, there is a heiau that exist underneath this property, and I have some pictures for you. So, again, we have the 1984 map, community plan map, this is where it's currently zoned interim. This is your 2018 community plan map, which shows the park in this area. And this was the closest kind of aerial photo I could get of the Ili'ili'opae Heiau. Again, we go to the top of the map, this is where the interim is located but it's incorrect, and so the proposed zoning could be to revert this to ag and put the interim in the area where it's currently CP park. We ...(inaudible)...you guys want to have discussions about it.

Now, I will -- so that's -- with our three recommended changes or two-and-a-half, because we don't quite know what to do with Ili'ili'opae, this is what the adopted map would look like, and the point of showing this is just to show you there really is no -- no significant changes between -- well, there's only three corrections that we're kinda looking at right now.

So now, just real quick, and then I'll stop, I just want to go over the amendments to Title 19 because there is a bill that we need to change Title 19. You know, adopting this change, we have the authority under the County Charter and the Maui County Code to keep the official zoning maps on file and to prepare and administer them, so our position is that it's consistent with the Charter's authority, it recognizes a digital map as the official zoning map, we updated the standards, not so much for Molokai, this was more of an issue on Maui, and doing this really does further all of our general -- many, many of General Plan policies, which I just listed a few on there, but some, you know, you can read, to advance technology, to expand online services 'cause, as Ann mentioned, once we get this adopted, we will get it on the Real Property Tax website and people will have access to looking at their zoning right online and they won't have to contact us or send us one of those forms. So, for all of you, you can see areas that are bracketed are things we're going to take out, areas that underlined, we are adding, so basically we would be adding Molokai citing to have a digital map, and then here on the bottom, again, adding in a digital map, zoning map one, and then taking out the hard copy maps in the language because you would have only a digital map, and so it's pretty -- pretty benign changes to Title 19, it's basically adding in that Molokai will have a digital map.

And that's all I have as far as the presentation is concerned, so we can answer your questions. I do want to let you know I believe I saw that Annalise Kehler was also, Kehler, is also on the meeting, she is our wonderful Cultural Planner and I asked her to be available if there were any questions that I can't answer on the heiau. With that, I will stop sharing. Thank you for your patience.

Chair Buchanan: Thank you very much, Kathleen and Michele. Okay, at this time, we can open for public testimony or if the Commissioners have any burning questions right now on the presentation, if not, we can open for public hearing testimony and then come back for questions. I have a few questions myself, and so that might take some time. Okay, if there's no opposition, then I'm going to open public testimony on this agenda item. If there's anyone in the public wishing to testify on this agenda item, please unmute yourself, state your name for the record, I will swear you in, and then you can provide testimony. And then also, Suzie, if anybody is signed up to provide testimony.

Ms. Esmeralda: Hi, Chair. This is Suzie. I don't have anyone signed up.

Chair Buchanan: Okay.

Ms. Lopez: Hi, Chair. This is Sybil. I have no one here willing to testify. Mahalo.

Chair Buchanan: Okay, thank you. So, last call for anyone in the public wishing to testify on this agenda item, the digital maps. And seeing none, then I will close public testimony, and then go back to, Commissioners, you guys have any questions for staff and the presentation? Commissioner Machado.

Ms. Machado: Regarding the identification of the PK park at Pukoo, the correct location is Mapulehu. Am I correct, Louella? So, that needs to be corrected that it's not Pukoo, its Mapulehu area. The Ili'ili'opae is located at Mapulehu and --

Ms. Aoki: Okay.

Ms. Machado: I think -- I think there was issues relating to the park status. If your specialist is there, why is it still considered what you call "PK" -- let me see what's in my notes. You indicate that the alignment is, in 1984, the alignment was designated as park, but you were willing to change it to interim/ag. Is there a higher level for cultural -- cultural -- a site that is highly culturally relevant or respected as a -- as a -- as a higher level than just a park? I feel offended, that's my point, that we wanted to give it a greater -- greater status of it rather than just PK, interim, ag, and this is not the first time I've raised that with you, Kathleen.

Ms. Aoki: I can -- well, what I can do is, understanding your question, the question is the community plan designation is PK, and is there any other community plan designation that takes into account sort of cultural areas or significant areas. Is that the question, like is there another designation, and so why was it designated park?

Ms. Machado: Exactly because it's equivalent to even our -- our Kukui Nut Grove here at Puu Hoku Ranch. It's highly significant for us on Molokai. It's a -- it's also a John Kaimikawa connection to our relationship to this area. He has a long story about this -- this area, and it's highly sacred, I would say, and we need to raise the level and not give it an interim/ag 'cause it's a -- it's kind of offensive I know for me, as a Native Hawaiian, and I believe that Louella, Opuulani has been one of his star students with her sister that's studied under John Kaimikawa.

Ms. Albino: Yes.

Ms. Aoki: So, let me, hopefully, I can try to address this as best I can. So, in 1980 -- your 1985 community plan, your -- the designations that were available and used at that time, you had conservation, ag, rural, open space, single-family, multi-family, business, you know, various things, and they had park. For whatever reason, it was decided by the Commission, the Council to designate that area PK. Open space, I would say, in this day and age, is more restrictive than PK. Conservation was likely used only in those areas where you had State land use conservation. So, that continued on with the 2001 and 2018 maps. My understanding was no changes were made on the 2018 map, so it continued on with that PK designation. Now, that heiau is in the National Historic Register, it's on the Hawaii State Register, so it's -- it's got a lot of -- a lot of sort of entitlements or layers that protect it, so regardless, I'm not dismissing the PK community plan, I just want you folks to know that there -- that it has all kinds of other layers to it that would scrutinize anything that would ever be proposed in that area, and Annalise would be able to offer you a little bit more detail on that. But, so, to answer your question, the only other designation, in my opinion, would have been open space, which probably would have been a little more restrictive, but it -- it wasn't placed in that and it wasn't adopted as that.

Ms. Albino: Chairman, I would like to make a comment, if I may. Kala mai, Colette. Do you have some more comments to make?

Ms. Machado: No. No. I just wanted to say I'm done. I put it on the record, and this is not the first time I've raised, it so I'm done, Madam Chair, with this question on the Ili'ili'opae status as a park. Mahalo.

Ms. Albino: Mahalo, Colette. Aloha. Aloha, everyone. I, too, upon hearing of this, wondered who were the people, with respect to them who were on the Commission, who did know or did not know the moolelo, and that's my concern, a lot of the decisions being

made, till today, have been made without knowledge of the areas, that's one of the -- the questions I have, and I am an advisory to Kupuna O Kala, the halau of John Kaimikawa, one of the advisors, the other is my sister, Vanda Hanakahi. Now, the moololo, if you understand it, would have been designated sacred and restrictive, and so I see that, and I don't know who were on the Commission, but they should not have a park nearby, and the park designation is in Mapulehu, not Pukoo. Now, it has been up for sale recently but the sale has not gone through, so it's now in the hands of the Houlehus, who's property it is that -- that consist also of Mapulehu. Historically and culturally, it is not appropriate to have a park there, and there are some places on that map that have not been identified as culturally significant because the State has -- has planned, Department of Hawaiian Home Lands have plans in the making for a 500-acre area behind of Kilohana, for instance, and I don't know the zoning for that, but there are three significant heiau in that area and they should not be in that plan without proper education regarding those places because that's what's happening, they are zoning these -- these sacred significant Hawaiian areas without proper knowledge of what they really are. I support what Colette is -- is stating before the Commission. With the issue of Lanikaula, that is so significant and I -- I believe that the County has not looked into all of these areas. When you do your mapping, what -- what overlay do you have? What names have you decided to be significant to keep from the old maps to be placed on this digital map? Those are questions I have that -- that I don't think has been -- they haven't been addressed. I would like to look at that and see if you can answer that and bring that to our attention as a Commission. There are many places on Molokai that have not been identified on the register either State or with the Federal Government also because I sat on the cultural commission and know these places have not been identified, and so to prevent over development or encroachment upon these areas, we need to have that designated in this digital map, properly designated, and -- and I don't think open space, as you've mentioned, should be an appropriate title for these places because when you remove the significance of the place with a different title, future, from here on in, their moololo will not be kept in the proper way it has been intentionally kept by kupuna, and so they're not here, but we're here, and we'd like it to be preserved for Molokai and caring about Molokai. It's significant in the planning of Molokai's future and present.

Chair Buchanan: Thank you, Commissioner Albino. Does staff want to respond to that? If not, I'll take -- Director McLean?

Ms. McLean: Aloha, Chair. Aloha, Commissioners. Nice to see all of you. It's been quite a while. A couple -- I would just like to say a couple of things. This discussion demonstrates to me why the process is working because we're getting your feedback. It also shows me that we are somewhat limited with the existing land use designations that we have to work with. The Molokai Island Community Plan was updated recently, and the designations - excuse me - that it uses, obviously, don't accurately describe these types of areas. We're working on the West Maui Community Plan now, and we are proposing different land use designations, not specifically to address these kinds of

situations, but in recognition that our existing designations don't do what we need them to do. For these areas in particular, right now, we are limited. We only have what's already in the community plan, and we only have a few options with zonings to -- to match up with those. So, your options for this are to just not move forward with it, it doesn't improve the situation, and would take more time to go back, for example, to amend the community plan, to add a new designation, and to designate these areas with that new designation. We could also add a new zoning district that would line up with that for protected areas, and then propose something then on the map. So, really to answer your comments, we could either do a Band-Aid and go along with the concept that Kathleen and Ann had presented or just put it on hold for those particular properties and go for an appropriate fix, which would take a longer time, so both of those are viable, both could be done, or one or the other could be done. So, there are options for you and, you know, going through this process, it's how these issues are brought to our attention, but we hope you can also see the confines that we have and, apparently, we need to broaden those to make it work, so thank you for letting me respond, and thank you for your feedback.

Chair Buchanan: Mahalo, Director. Commissioners, anyone else have questions or comments for staff? Commissioner Mowat.

Ms. Mowat: Good morning. Can, for the -- for my benefit, can you just kind of briefly explain what -- what is interim, and how do you get to that designation interim? Thank you.

Ms. Aoki: Good morning, Commissioner. So, interim was a blanket temporary zoning district, as you saw in that 1967 map, that basically blanketed the whole County, so it was supposed to be sort of this temporary zoning that allowed for certain kind of uses and single-family was one of them, a duplex was another, ag was another, I believe public-quasi-public uses were in there, so it -- it actually has quite a bit of different uses in it, but it was only supposed to be temporary. Then the County came in and, like I said, you had the rural bill, you had the ag bill. In Maui County, we had the business country town district bill. You had individual changes of zoning that have come in and incrementally taken away that interim and given it a designated zoning. For Molokai -- sorry, let me back up one more. There were also other comprehensive zoning maps especially on Maui. We had large comprehensive zoning maps that came in in the '60s, '70s that zoned entire areas, like Kihei, zoned Central Maui, zoned Lahaina. Lanai had its own little comprehensive zoning map for Lanai City. For Molokai, this never happened. There was never a comprehensive zoning map that came in aside from that rural bill and ag bill that zoned the area, so that's -- that's why Molokai has a lot of interim because there was never this, you know, kind of large swath land zoning map that came in, everything that's happened on Molokai has either been these little individual changes in zoning, or the rural bill, or the ag bill. So, you have a lot of interim.

Ms. Mowat: Thank you. But -- but why are we still doing -- why are we still zoning interim, like why are we zoning the Papohaku Beach Park as interim, and why are we -- our communities, why are they interim?

Ms. Aoki: That is a great question. That is an awesome question. 'Cause of the phase, as I mentioned, there are phases to this project, this first, this phase is only to correct mistakes, so it is odd to be saying why, yeah, why are we zoning this interim because we don't zone things interim anymore. Interim happened, and now we, you know, do other changes to them. So, the next phase of DSSRT would be to -- to zone say Papohaku Beach Park, park, PK. That would be the next phase. Now, you, as Commissioners, could say thank you for your recommendation in making, you know, suggesting that we zone the park interim, you know, shift, make that -- clear up that error 'cause that's all it is, it's a mapping alignment. But why can't we just zone it PK? You could make that recommendation and we can take that to Council, or if you, you know, it's up to you, but we were -- we're doing this in baby steps and that's why we are proposing zoning it interim. We would never do that in any other situation other than you folks have so much interim and it's just in the wrong place and that's why we're moving it and shifting it. Does that answer your question?

Ms. Mowat: Yeah. Very, very, very good. Thank you very much.

Ms. Aoki: You're welcome.

Chair Buchanan: Thank you, Commissioner. Thank you, Kathleen. Commissioner Poepoe, you had a question or, Commissioner Moore, comment? Commissioner Poepoe?

Mr. Poepoe: Recommend zoning Ili'ili'opae Heiau as conservation. And I'm aware of the inconsistency with ag zoning, just disregard that. That's the simplest straightforward thing to do, in my opinion anyway, and I do know that ...(inaudible)... SHPD designations don't protect from destruction because it's been done before, so anything to add more protection to our cultural sites would be a lot better than ...(inaudible)... as a public park where can play kickball, and that's my comment for now. The other two are fine, Kaluaaha and Papohaku.

Chair Buchanan: Thank you, Commissioner Poepoe. You was coming in little bit broken up, but that's okay, we got the gist of everything you said. Commissioner Moore, you have any comments or questions for staff?

Mr. Moore: I'm kinda like Bridget, I don't know what the purpose of interim is because "interim" means meanwhile, it means we'll call it nothing until we come up with something, so when you name something "interim," you're not protecting it. You can do anything on interim land because there's no restriction. And that's all I wanted to say.

Chair Buchanan: Thank you, Commissioner Moore. Okay, I do have questions for Kathleen and staff about the presentation, and also, thank you for providing the memorandum, and so I had some questions. So, my question is, on Molokai, you are trying to correct 26 parcels. We saw 3 of the 26 parcels. Where are the other 25 parcels? Well, yeah, where's the rest of the parcels?

Ms. Aoki: So, one of them is the -- four of them are the ag parcels down by Papohaku Beach Park.

Chair Buchanan: Okay.

Ms. Aoki: Where it's overlaid, the interim is overlaid on those four. So, those are four. One of them is the Ili'ili'opae parcel, which is a huge parcel.

Chair Buchanan: Okay.

Ms. Aoki: All the rest of them are -- is that subdivision.

Chair Buchanan: Okay.

Ms. Aoki: So, all of those lots, all those parcels were notified. It's one recommendation with many parcels so you'll see all the TMKs listed.

Chair Buchanan: Okay, thank you. So, when you said that the Kaluaaha Estates residents have been notified, how were they notified?

Ms. Aoki: We got -- I got the addresses for every -- I researched, got their addresses off the Real Property Tax website. Some of those parcels are actually leased, and they're still under the State Department of Housing, the Housing Authority --

Chair Buchanan: Okay.

Ms. Aoki: So, they were -- the Housing Authority, I also sent letters to them. I was like I'm going to let everybody know. I did get one -- one letter returned but, otherwise, which was actually to be pretty successful because that means everybody else got their -- their notification.

Chair Buchanan: Okay. Thank you, Kathleen. In your memo to us, you said because the proposed recommendations are aligning zoning with existing uses and current community plan designations, there should be no noticeable effects. Real Property Tax classifications and other land use-based elements will not change. So, I wanted to address up-zoning and downzoning. I'm not familiar -- I don't know if my Commissioners

are familiar with what up-zoning is and what downzoning is when you change designations or zoning classifications, so specifically for Kaluaaha Estates, if my house is in ag, which -- which it is now and being proposed to be single-family residential, you saying that the real property taxes that each family in Kaluaaha, whose designation will change, is going to not see a difference in their tax bill?

Ms. Aoki: Great question. So, the answer is no. I went through every single property. None of these parcels are getting ag tax rates. And again, this is likely because the Real Property Tax Division doesn't even know that these properties are zoned ag, not that it would matter in a sense because they look -- not only do they look at zoning, but they look at use, so the properties are all being taxed on some kind of residential rate so that's why changing the zoning from ag back to interim, interim allows single-family use, so it would be consistent with the single-family community plan designation, and I did call RPT, Real Property Tax, and spoke to a supervisor, who I have been contact with for years because, you know, I always want to make sure that the information we give out to you folks is -- to everybody is correct, so there will be no impact on real property tax. Same goes for the properties that are down at Kaluakoi that are ag, right, and have that split interim on top of them, or not on top, but, you know, split zoning, they are currently assessed at ag rates, they're not being assessed at any kind of single-family or any -- except for the parcel that has the house on it, that has some single-family residential, I should say "single-family" 'cause it's a residential tax rate, but the other parcels that are undeveloped, they're all being assessed ag, so taking away that interim and putting it as the park is not going to affect their tax rates either.

Chair Buchanan: Okay. Thank you. Because I do know ag pays a lower rate than single-family dwelling in interim and that -- that was my concern, and that was my concern with notification of the families living 'cause it was -- the monies that came for that development was from the Federal Government, part of that is that's why they're under Housing and Urban Development because the funds to build that subdivision so I did not want them to be affected by the changes in designation, so that's why I was curious to see if anybody caught it because, myself, I get mail that I no open and so, you know, one day I paying hundred dollars and then next day I paying five-hundred dollars, going be hard for me to come back and mitigate that, and then I going find out that somebody just came on my behalf or decided to change my designation, so thank you for that response. I'm more comfortable now. And so I wanted to thank you for the look back about how we got so messed up in the back and being messed up and acknowledging that we messed up, I have to agree with my Commissioners in all their concerns, I also -- I strongly support all of their concerns. It's going to be very difficult for us to say that it's okay to move forward with a PK designation on a sacred site. I don't think that's going to happen, to be honest, and then I also appreciate Director's comments about if we have to put that on hold and come up with a new zoning district, in the past, Long-Range was working on a cultural overlay for Molokai, the project started, it stalled, and then it got dropped, and I happen to know that Nancy McMann was working on a cultural overlay because this -- Molokai

has been providing testimony to have the highest protections for sacred sites that we could do, and we've conveyed that to County Long-Range Planning forever and ever, and I wanted to also put on the record that I was part of the last CPAC, and we consistently brought up these issues about zoning, and we were told that it was not our job to address zoning in the community plan update, and I still have a bone to pick about that to be very honest, and Michele knows, she's heard it before from myself, and so I'm not going to blame the community plan because I have proof and I have emails going back and forth many, many years that state our concern for the protection of sacred sites on Molokai, it's not our fault if the County cannot come up with this type and just say that we have to settle for conservation, which I don't even think the County has a designation of conservation, so there's a mix-up there too, Kathleen. Can you briefly explain to the Commissioners and I think I asked you to provide a slide of the State zoning classifications versus the County zoning or designations because that's where a lot of confusion comes in?

Ms. Aoki: Between the State land use and the County zoning?

Chair Buchanan: Yes. Yeah.

Ms. Aoki: So, I actually had --

Chair Buchanan: You have a slide for that?

Ms. Aoki: Well, I have an example.

Chair Buchanan: Okay.

Ms. Aoki: I have an example, so I will share my screen. So, I have here just an example of the State land use map down in the Pukoo area, and so State land use, as Ann mentioned, there's only four categories. There's conservation, there's rural, there's ag, and there's urban. Yeah? So, way, way, way back in the day, in the '60s and the '70s, the State did these maps and they very rarely update them, they're supposed to, but, you know, like everything, it doesn't quite happen as often as you want it to, but you will have individuals come in and do their own district boundary amendment to say change from ag to urban because they want to urbanize the property and then get the appropriate community plan and zoning designations. So, in this area, I highlighted because there was a question and, Commissioner Machado, you had asked this question about this area that's still hotel zoning on it and why didn't it become rural, and the reason why is ... (inaudible) ...

Chair Buchanan: Kathleen?

Ms. Aoki: Yeah?

Chair Buchanan: I think we looking at one wrong slide.

Mr. Graves: We just see your mailing list.

Ms. Aoki: Oh. Shucks. Sorry.

Chair Buchanan: Okay, there. I was like, okay --

Ms. Aoki: How did that happen?

Chair Buchanan: I think we looking at the wrong --

Ms. Aoki: Do you see a map? Do you see a --

Chair Buchanan: Now we see a map. Thank you.

Ms. Aoki: So, that is weird. Sorry about that you guys. One screen had worked and now the opposite screen. So, now you got to look at everybody who got contacted, so I have proof. I have proof, Lori. So, anyway, sorry about that. So, this is the State land use map, and this area that I've highlighted in yellow is to show kind of an example of why the rural bill did not change the zoning in this area and it was because the State land use map show these -- designated these parcels urban, so they -- it is, Chair Buchanan, it does get really complicated and confusing between the State land use and the County zoning, they're -- they are two completely different things but sometimes they do have an affect on each other, and such is the case in the rural bill and ag -- well, not the ag bill, but just the rural bill because the rural bill said you will become rurally zoned only if you have rural State land use designation and rural community plan designation. So, if you had community plan rural, which you did in this area, but you had urban State land use, you didn't -- your zoning didn't change. So, that's why that area ...(inaudible)... and I just -- I do want to qualify, Commissioner Moore mentioned about the interim zoning, there are standards. I mean, it is a district in our zoning code. So, you're absolutely right with the term and the definition of it, but there are standards, setback standards, lot size standards, the use standards in -- in the code.

Chair Buchanan: Okay.

Ms. Aoki: Is that helpful?

Chair Buchanan: Yeah. Okay, so thank you, Kathleen, I did want to say something about interim. I love interim. I know everybody hates interim, but this Commissioner absolutely loves interim, and I going tell you why. Interim is the whole -- the finger in the dike before the flooding comes, and interim, if you read in the State definitions and stuff of interim,

like you said, there are stuffs that are in there to protect and, for myself, it was a placeholder and that's how come it's very dangerous not to do comprehensive zoning where you -- you cannot, and for Title 19, I'm always opposed to spot zoning, and so for interim, I love the fact that interim was placed by somebody really smart back in the day that knew that zoning was kinda new, I mean I was seven years old when zoning happened on Molokai, and I wish I wasn't seven years old because I would have been at every planning meeting to show that what occurred in West Molokai was not appropriate because there was absolutely no water. It didn't make sense to put your big developments, like Kihei, where there's no water. And so, we know why those zoning and develops occurred, so, again, to get back to why would we continue to perpetuate bad planning or bad zoning or inappropriate zoning in areas we know you cannot fit one square peg in a round hole. So, we absolutely cannot support a park designation on Ili`ili`opae, and I already stated for the record as a CPAC member that I was never -- our concerns from members to Long-Range Planning was never really taken seriously when we said we ...(inaudible)... our sacred sites and, you know, we want to address zoning and we was told we could not address zoning or designations. So -- so now we here. So, what we going do? I'm glad that West Maui is doing something, you know, but we like do something too, so I know we not going -- it's obvious that the lines was just one GIS kinda error, you know like how they do NAD 83 and stuff, where you do geo-referencing, taking the old map and overlaying it with the new, and so other -- my concern with Kaluaaha and taxes has been addressed, and now we back to Ili`ili`opae, but I'm glad 'cause this going put the cultural overlay back on everybody's radar 'cause a lot of work was already done, we talking fishponds. I wanted to go back to what Commissioner Poepoe said, we already know that the State Historic Preservation Division, historically, has had a hard time protecting sites throughout the State of Hawaii, and we have learned that we cannot give them the authority to protect our sacred site, that, locally, we have to do it, so, you know, I know the special management areas were under Coastal Zone Management, but going back to what the Director said, maybe we need to put that on hold till we come up with new zoning districts or one cultural overlay or one appropriate fix.

Ms. Aoki: So, we could, you know, move forward with the other two changes, the recommended changes, leave as is, and that's how we presented it, like we wanted your comments on the situation because we respect that it's a sensitive issue, and then come back with, and again this could be a phase of DSSRT, is coming back with a new zoning district and community plan designation and comprehensively looking at Molokai, the entire County for that matter, but again, better to do it in baby steps than try to do it all together because it just takes too long, so that could be, you know, the recommendation or comments from the Commission that we could take forward to the Council. We are working, as an aside, just to let you folks know, we are working on a Title 19 zoning update, right, that we talked to you folks about, and we recently just directed the consultant to work on a conservation-type zoning district because, like you say, Chair Buchanan, we don't have one. We don't have a conservation zoning district. So, that's -

- that's a little bit down the ways, but we do recognize, as Director McLean said, where we're kind of lacking, and the more we get comments, the more we realize we need to work on more things.

Ms. Cua: And if I could just add one more comment, Chair. When I went over the goals of this whole project, you know, one of the main goals for -- for every island was, within Maui County, was to equip them with a digital zoning map for their use. This will be highly beneficial to the residents there; to everyone. It's -- it's just going to -- it's just going to going to make all these kinds of possibilities for you. So, you know, if we have -- if there are issues with one area, and we defer that, you know, and move forward with getting you a map, then I think the project, for now, would have been successful. And in -- in Maui already, we've had two additional maps where we found additional things. You know, is this the last map we're going to ever do? Of course not because we're going to uncover things, like how you're bringing things to our attention. You will continue to bring things to our attention. Other people will come forward and bring things to our attention. But we -- that illustration that Kathleen -- one of the slides with the -- with the ostrich with the head in the sand, I mean, that's what has been happening for years. We've been saying oh my gosh we have all these issues. We have all these issue. It's so big to conquer. We finally just says we just need to -- we just need to move forward. We need to do something. Give the people something. And that's why we're here. Maui has a digital map, Lanai has; we want Molokai to have one also. Is it going to be perfect? No. It's going to be as best as we can do for today, and we're going to need to work on subsequent phases, like we're going to do for all islands.

Chair Buchanan: Thank you, Michele. Commissioner Machado.

Ms. Machado: You know, for all intents and purposes, is there a way to separate out what we call "bifurcating" the Ili'ili'opae park if you want to have this measure move forward? I mean, you saying we could go back, nobody gave a timetable on how long this process would be to organize it to get it to where you folks would be okay, and we would be okay in highly elevating the site to a highly sacred level. Do you have any idea on how long that would take if we did -- if you folks did move to try to correct that, the PK status, and moved it up to a higher level? I mean I'm --

Ms. Aoki: I think I'll defer --

Ms. Machado: To either you or Ann or whoever.

Ms. Aoki: Director McLean. Let's nominate her.

Ms. Machado: ...(inaudible)...

Ms. Aoki: ...(inaudible)... because it's going to take more than just -- you're going to have to get Long-Range probably involved so --

Ms. Cua: And Council.

Ms. Aoki: And Council and, anyway, there she is.

Ms. Machado: Hi, Michele.

Ms. McLean: Aloha, Commissioner Machado. For us to do what I think you're -- you're asking probably take, I'll give an estimate, about six months. We would have to draft community plan language, and we'd have to draft a zoning district, and then those would have to go to the Planning Commissions, and the zoning district would have to go to the other two Planning Commissions, and then go to Council for adoption. All the Planning Commissions are generally current with their work so I don't see much delay at the Planning Commission level if everything goes smoothly; then it would be how long will it take for Council to do it, Tamara Paltin's Planning and Sustainable Land Use Committee is pretty busy, but given the nature of this, maybe it would go to a different committee if it's focused on cultural resources and -- and preservation areas, perhaps it could go to a different committee that might be able to get to it more quickly. I'd give a rough estimate of six months.

Chair Buchanan: Okay. Thank you, Director. Commissioner Mowat.

Ms. Mowat: I kinda like to just wait and go with the -- the six-months wait before we touch -- I kinda -- if I going -- if I going polish my floor, I going make sure it's clean first, so I kinda go along with Commissioner Machado and to go for it and -- and do it right.

Chair Buchanan: Commissioner Albino. You're muted, Louella.

Ms. Albino: Oh, I'm sorry.

Chair Buchanan: Okay.

Ms. Albino: Okay, I -- I have a question and also want this to, and it depends on the answer to this question, when does the designation change from one category to another, and who decides that before we get to look at what already appears before us as a Commission? And that's what concerns me because there's development happening especially in the Mana'e area where -- where things are happening and the community does not know about it until it's already in progress. So, the designation from one to another type of designation, I have a question on that, and how long does it take, who decides when that happens, and -- and does the community have a say. So, based on that, I would like to have it changed rather than it rushed through because, apparently,

we're at a point where not enough information, culturally, has been presented and -- and decided upon by County and State officials and, to me, that's a disservice if we're going to pass it over and, you know, a lot of us are not going to be here forever, we're looking at, historically, what's been happening over, like 20 years, nothing has -- so we want to make it happen. We want to give it an opportunity to move forward. I'm all for waiting for it to happen. Let's look at what designation and overlay you're going to give these significant cultural places before not too many people know about them. You ask people about the moololeo of a place you drive to, they don't know. So, this has to be included. We have to use information we now have to implement into this plan or map that you have. That's my -- that's my respond -- response to this -- this plan. Mahalo.

Chair Buchanan: Director McLean.

Ms. McLean: Thank you, Chair. If I can respond to that. No designations could change without this Commission first reviewing them. The County Council has final authority over any changes. Your meetings and the Council meetings are open to the public. For this DSSRT project in particular, we do some community outreach in advance, which Ann and Kathleen have probably described to you. What -- what my thinking was, for this, was only to propose this new protective designation for the couple of areas that we're talking about today. We're not proposing to go all around the island and designate other areas. That might happen in a later phase because, again, we're just in the first phase to make corrections to mapping errors. There are probably plenty of areas on Molokai, Chair Buchanan might not think this way, but that could be rezoned consistent with the community plan in a more comprehensive way, we're not there yet. That step, that future phase would require a lot of community interaction, a lot of input, and a lot of outreach. Right now, again, we're just talking about correcting errors on the map and, obviously, for you folks to correct those errors, we don't have the tools we need right now. So, if we create those tools and come back, we would only be proposing to apply those -- that new designation to the couple of areas talked about today. Applying them to other places could happen at a later phase.

Chair Buchanan: Thank you, Director. I think I have a legal question and it's about notification. So, and in the meantime, if everybody can turn to the staff recommendations, page -- this one, where they gave us the options in the end, because I noticed, Kathleen, that you said the future phases of the DSSRT project will include proposed changes to zoning designations for properties throughout the County with long-established uses that are consistent with the community plan but not with zoning, and then you set an example as Maui High School, which is designated public/quasi-public in the Wailuku-Kahului Community plan, but it's zoned R-2 residential district, so we have the same issue here with, you know, the interim and the park designation, so I don't know how you guys are addressing that, and I don't know, if we get to the bottom on recommendations and options 'cause I feel your pain, and I sorry for calling you Michele, Ann, I feel your pain about just getting it done and, with respect to Director McLean's suggestion about, you

know, the thought of spot zoning came up absent and outside of the whole redo of Title 19 for zoning, but in this case, I think it's appropriate to try and do that one -- one zoning, you know, in order to make the project up and ready to role. So, in the recommendation and options portion of -- from the Commission today, it says we have the following options, and we not going do option one, we not recommending approval, we might recommend approval of the bill with amendments, and I see those amendments as kind of part of the conditions where you cited Maui High and the use is not appropriate with the zoning, or we could deny, or we can defer. So, if we defer, not knowing that we can be solid on the six-month change, so I don't know what -- what would you -- you have any comments for us or direction?

Ms. Aoki: On? I'm sorry. On the recommendation?

Chair Buchanan: Yeah.

Ms. Aoki: Or you're ...(inaudible)... I, you know, I'll be very frank, our goal for this project has always been to get a digital map for you, and for everybody, and, as Ann said, it's not perfect. Maui's wasn't perfect. Lanai's wasn't perfect. But we had to break this up into phases or it will never get adopted or it will take a long time. Your recommendation, it's up to this body to decide what you wanna do. Maybe -- I mean, I -- I would say number two to recommend approval but with your -- whatever your concerns are. Whatever your amendments are.

Chair Buchanan: Okay.

Ms. Aoki: Whatever your conditions are that we can --

Chair Buchanan: ...(inaudible)...

Ms. Aoki: ...(inaudible)... to Council.

Chair Buchanan: Okay. How does this sound then, Kathleen and Commission Members, so we could recommend approval of the proposed bill and map, and -- and if you want name your Maui maps number one, then we can say we recommend approval of the -- of phase one of the Molokai DSSRT map, and then with the amendment or the condition that the second Molokai map will address specifically the designations of the park designation in Mapulehu, and, geez, we can come up with one third phase of the cultural overlay. Go for it. We going do it. We throw everything inside there. So, then that will -

Ms. Machado: You need a --

Chair Buchanan: Approve everything up until Mapulehu with the -- and putting on black and white that we want to address the cultural sites on Molokai with another special

designation. What you guys doing in West Maui that we don't know? What you guys doing?

Ms. Machado: Madam Chair, I think that's an excellent approach to resolving some of our concerns over the PK status at Mapulehu, so I support your -- your amendments to this approval for this -- what is the bill called? The ordinance on what -- was it 19? Is it - what is it called, Lori, the --

Chair Buchanan: Yeah, it's on this paper that they gave us.

Ms. Machado: Right.

Chair Buchanan: A bill for an ordinance --

Ms. Machado: 19- -- 19.06.020 --

Chair Buchanan: Yeah.

Ms. Machado: 'Cause we have to approve that too.

Chair Buchanan: Yeah.

Ms. Machado: The ordinance bill too. That's wonderful. Make that crooked road straight for Mapulehu. That's our goal.

Chair Buchanan: Any -- any comments from staff or Commissioners? Commissioner Albino. You muted, Louella.

Ms. Albino: ...(inaudible)... Mapulehu that we looking at. Are you hearing? Can you hear me?

Chair Buchanan: Now we can hear you.

Ms. Albino: Hello. Okay. I would prefer to defer because they're not -- Mapulehu is not the only issue, but I would -- I would like to see a few other designated areas, and not so much interim because interim leaves me to think the State and County can do whatever they like after we approve it because we're really -- we're really at their mercy at this point and I cannot believe that it has gone this far and no input as to the cultural overlay to preserve and protect significant places, so I would ask -- I would vote to defer action. I'm sorry. That's my mana`o.

Ms. Machado: Lori, just to clarify that your input allows for three phases to include the cultural overlay, to make the corrections currently from PK to a higher level of status, what

was the other phase you had? You had specifically identified the -- the zoning map, like they did for the Maui one in the staff report. So, there were three phases you were recommending us that would be part of the cleanup process, Lori. Can you review that again?

Chair Buchanan: Yeah, sure. That the first -- let me go back to our recommendation page.

Ms. Machado: Yes. That was excellent.

Chair Buchanan: That we recommend approval, on the number two --

Ms. Machado: Yes.

Chair Buchanan: Recommend approval of the proposed bill and map, but we going title it, "Phase one," yeah?

Ms. Machado: Yes.

Chair Buchanan: Okay. Yeah. So, that's what we doing. On the condition that phase two will look at the appropriate designation of Ili'ili'opae in Mapulehu, and that phase three will address a cultural overlay for all historical sites --

Ms. Machado: Yes.

Chair Buchanan: On Molokai.

Ms. Machado: To me, those points provides clarity for the DSSRT staff, and then we have a time table for them to work at it, and we can periodically checkup on how much progress they're making just as communications can expand at our level at the -- on the agenda. This is a, to me, a check and balance for them 'cause we're quite serious about this. If we're going to wait without this kind of detailed clarification, it might just get lost in the framework. That's just -- so excellent approach, Lori. Excellent.

Chair Buchanan: You wanna comment, Kathleen?

Ms. Aoki: Ann and I were just saying this is excellent recommendations.

Chair Buchanan: Okay.

Ms. Aoki: ...(inaudible)... provide clarity, it -- you know, just to address Member Albino, the map, I don't want to -- the map is a map. It is -- zoning is the way that it is and all -- that's all this project is about. It's about taking what's paper and making it digital. So, we

hear the concerns. We've been hearing for years now on all these different issues, and that's why I kind of -- I really appreciate the amendments that you're proposing because you're being very specific on what Molokai wants us to look at first. We do have our own phase -- phase kind of notebook on what DSSRT meant for us in these different phases, but we're open to hearing, you know, what you guys want, what each island wants, and moving forward based on those priorities. So, I really appreciate this.

Ms. Cua: And one additional comment. Again, I believe something I heard from Commissioner Albino saying --

Ms. Machado: Albino.

Ms. Cua: Albino, sorry, Albino. You know, once the digital is accepted, again, it's just - it's just a digital map of what the zoning is, it doesn't give the County any -- any other leeway to do anything. I mean, it just -- it is what it is. It's what you know it to be; it's what we know it to be; it's a, like how our paper map was a public document, you know, this is going to be accessible to everybody. Any change, like the Director mentioned, any change to zoning, any change to a community plan designation, that has a separate process, it has to -- it has to go through the Planning Commission for a public hearing, it has to go to the County Council for action, so the Department is not able to do anything independently with regard to zoning and community plan. You are all part of that process and your process makes the public part of the process because you have public testimony at every single meeting.

Chair Buchanan: Thank you for that, staff. Hang on, Bridget. Yeah, thank you about saying that. I think, you know, we no less disrespected by the park designation, but, Corp Counsel Chen, you have a comment?

Ms. Chen: Thanks, Chair. And thanks, everybody, for the discussion. I just wanted to clarify that, right now, the Commission is discussing to recommend approval of the proposed bill and map, as drafted, to the Maui County Council, right, with the recommendations that the Department look at subsequent phases? That's not correct?

Chair Buchanan: Um, no. No. That's not correct.

Ms. Chen: Okay. Can you clarify for me, please, then what the -- I just want make sure that if you're trying to place conditions -- recommending conditions on the approval, recommended approval of the bill, that they're conditions that we can actually write into that ordinance. So, what you have in front of you is what you can comment on it. It's a little difficult to put conditions in for subsequent drafts of maps. Does that make sense?

Chair Buchanan: Yeah.

Ms. Chen: So, why don't, Chair, why don't you clarify for me first so that we're on the same page and then --

Chair Buchanan: Okay. Thank you, Corp Counsel, 'cause I think I know what you saying. You saying that we only here to give recommendations and it's the County Council that actually has to pass this bill, and so we recommending to the County Council that we recommend approval of the proposed bill with the name, but we adding that it's draft one or version one, and with the condition that the phase two will address specifically the designations of Ili`ili`opae in Mapulehu, and the condition of phase three, which will address a cultural overlay of all historical sites on the island of Molokai, and the point of that is to have a special designation or layer.

Ms. Aoki: Chair?

Chair Buchanan: Yes, Kathleen?

Ms. Aoki: So, we just wanna make sure that we're understanding that the recommendation would be to approve the digital map with the recommendation to fix the first two examples, they're the two areas that we talked about, so we will -- we will take that, those forward to County Council. We will not do anything with Ili`ili`opae, recommendation is to just leave it as is. I just wanna clarify that I think I -- I think I understand where Corp Counsel Chen is coming from. To say that there's a condition that phase two and phase three happen may have to be put into the actual language of Title 19 versus saying we approve this map, we want one and two fixed, not three, and we recommend to the Department that future phases of DSSRT include, you know, looking at Ili`ili`opae and the community plan, so it's not part of the actual Title 19 ordinance, but it's a recommendation that the Department move forward in these other areas of fixing the map, of addressing these concerns. Is -- is that fair? Does that make sense? And I'll let Corp Counsel add in.

Ms. Chen: Thank you, Kathleen. That -- that was -- I think that's the cleanest way of doing it, Chair, moving forward with the two designations that the Commission, you know, has discussed and is okay with, and then putting on hold the Ili`ili`opae designation with the recommendations, as Kathleen outlined. Is that -- if that works for the Commission, I think that's the cleanest way to ensure that the Commission's, you know, suggestions and recommendations are actually going to be put into effect right away.

Chair Buchanan: Commissioner Mowat.

Ms. Mowat: Um, can you kinda just clean that up and kinda put it in a -- put it how you but where it's not so -- thank you.

Ms. Cua: A motion ...(inaudible)...

Ms. Aoki: Yeah, so --

Ms. Cua: Okay, so I think what we're hearing is that you recommend approval of the digital zoning map, and we can call it "Number one," which would advance the two areas we talked about that everybody's in agreement with and would not take any action on the park site, that's what you would advance to Council, and you would make a recommendation that in subsequent phases of the DSSRT project, specifically the second phase, would address the designation of --

Chair Buchanan: Ili`ili`opae.

Ms. Cua: Ili`ili`opae, and in the third phase, address all other cultural sites in Molokai.

Ms. Aoki: Cultural -- I have it written down as a cultural overlay.

Chair Buchanan: Okay. Hmm. Hmm. The reason why I hmm is because I don't know if that's enough teeth or bite, and what I mean by that is I'm looking at the actual bill, and so on the actual bill, there's no talking about the DSSRT map phase one, phase two for Maui, that was an internal decision on your guys' part, right, to come up with phase one?

Ms. Aoki: So, just to clarify, Chair --

Chair Buchanan: Okay.

Ms. Aoki: ...(inaudible)... Title 19 --

Chair Buchanan: Right.

Ms. Aoki: That you're looking at, is only about adopting a map.

Chair Buchanan: Right.

Ms. Aoki: It's not about the phases of DSSRT.

Chair Buchanan: Right.

Ms. Aoki: So, Title 19 requires some kind of language in there to talk about zoning maps so before it used to just talk about hard -- it's about three sentences long, it was this big -

Chair Buchanan: Yeah.

Ms. Aoki: And it just talked about paper maps.

Chair Buchanan: Okay.

Ms. Aoki: So --

Chair Buchanan: I sorry to interrupt, Kathleen, but -- but, okay, we got it. So, what we being asked today, Commissioners, is just to adopt the map, take out the Ili'ili'opae, not adopt that, but adopt everything else but that, and that to let the County Council know that our recommendations is to have the DSSRT team go back and do a phase two and three, specifically to address all of our cultural issues and with that map because, reading this, the actual bill, on the back of the bill, under Section 3, it says, "Notwithstanding enactment of this ordinance, zoning conditions previously enacted by ordinance shall remain in effect unless repealed by ordinance or operation of law." So, that's the process part for us having to change anything else in part two and three. So, if we can live with that, then we can recommend that. And if we cannot live with that, then I -- then we can go with the suggestion from Commissioner Albino, and then in the meantime try to work with Planning. So, up to you folks what you guys like do. And then we can have one motion and which will be followed by discussion. So, the floor is open for a motion. Commissioner Machado.

Ms. Machado: Well, I like the details, Lori, so if we're going to support anything, it should be item number two as on the sheet, on page three of three, that says, "Recommend approval of the proposed bill and map with amendments to the Maui County Council." I mean, I just wanted to clarify if we were at that -- that particular level for the motion, and then the details is what you've just described succinctly, and we've trashed it around so many time, like Bridget, I got lost in-between, but I'm like Bridget, she said if we're going to clean the floor, let's do it right now, you know, do it correctly now. So, if that's the correct, I don't know the details on the motion. I don't know. We've -- we've rehashed it out so many times, so if we're on that page for number -- the following options, as number two, I'm kinda open to allow anybody else to add and then we can do the -- the first and the second motion, if that's necessary. Move to approve.

Chair Buchanan: Okay. That sounds great, Commissioner Machado.

Ms. Machado: Maybe -- maybe, Bridget, you make the motion, Bridget, and I second.

Ms. Mowat: Oh, oh, oh wait a minute now. I was -- I was going to go on a whole different thing because, you know what? I --

Ms. Machado: Okay. Okay.

Ms. Mowat: I understand --

Ms. Machado: Go, go, go.

Ms. Mowat: I understand Kathleen and then Ann and their goals and all of that, but then you need -- but then I stay kinda like -- I kinda not sure what I like do because, you know, our sites, like Ili`ili`opae, it's -- there's -- it's a sensitive -- it's a very important and cultural site for us and we really feel that's part of us, so I gotta be real careful what I wanna do with this because, at this point, I may want to go along with Aunty -- Aunty Opuulani and defer and so we can work out something with -- with the Planning. So, I kinda like -- so I kinda like number two sound good too as -- but -- but how far does that carry this, us putting in the phase twos and the threes, and will it -- will it meet our -- so I -- I don't know. Go ahead somebody.

Chair Buchanan: This is Chair. I have a suggestion. The suggestion would be to do number two, recommend approval of the proposed bill and map with amendments to the Maui County Council except for the designation of Ili`ili`opae in Mapulehu. So, that will go and let them go forward with a map, actually doing a map, and then we have to write a second correspondence to the County Council and to the appropriate committee stating our recommendations and our concerns, why we left Ili`ili`opae out and the park designations, and that we wanna see that taken up along with the other cultural sites, and so having a specific designation or something new, even if we have to create it, because guess what? Planning went create special mix-use designation. That wasn't there couple years ago. They never define that. You know, I went beef with that. So, they can come up with designations if they like, and I no see why we cannot work on this as one second this, but that shouldn't have to delay that the map and everything else is consistent. So, number two, with the exception of amendments to Ili`ili`opae in Mapulehu, and then a second correspondence on our recommendations. That's food for thought. Commissioner Poepoe.

Mr. Poepoe: Are we ready to put a motion on the floor?

Chair Buchanan: Yep. Oh, Commissioner Machado, you muted. But yeah, Commissioner Poepoe.

Ms. Machado: I believe that the Chair is ready, Laa.

Chair Buchanan: Yeah. The floor is open for a motion and discussion.

Mr. Poepoe: I'd like to move the motion as stated by the Chair.

Ms. Machado: I would like to second that motion because I believe that our Chair has deliberated this and she's very succinct and clear about what we can extract out of this process, and this is probably the best we can get right now in allowing for the phasing to occur. And as a -- as Commissioners for the Molokai Planning Commission, we have an

obligation to monitor the work that they're doing on a -- on a -- on a monthly basis as we do communications with the DSSRT staff.

Chair Buchanan: Okay, thank you. It's been moved and second for item number two, recommending approval with the exception for Ili`ili`opae in Mapulehu, taking out the amendment to that. We are now in discussion, and chair -- Commissioner Machado just had a discussion. Anybody else have a discussion? Commissioner Albino.

Ms. Albino: All the respect to all of the comments that have come forward, I will still vote to defer action because I've been -- I have seen that these things, when the overlay was not approved and worked on, it fizzled out; that cultural overlay specifically, I remember being at that meeting, nothing happened. And, so I will -- I will vote to defer action, with due respect, I know where everyone is coming from, but the kupuna cannot speak for themselves that we're moving very quickly into the future and, culturally, we have a -- I have a kuleana to represent them, whose voices cannot be heard, and I -- I've just been around long enough to see the desecration of many sites because people just don't know, we just cannot take it for granted, so I will vote to defer. But thank you everyone else for your time.

Chair Buchanan: Thank you, Commissioner Albino. I totally agree with your hesitancy. We've all seen it, so your concern is valid. Any other Commissioners want to comment on the motion? Okay, Commissioner Poepoe? No?

Mr. Poepoe: That if we don't clearly mark the boundaries of Ili`ili`opae with the updated map, then we're still -- it's still vulnerable to -- to misuse or even the point of destruction if so decided by the current owners and -- and as well as what was done in -- in Kahananui with Waiowia and Malukoi Heiaus that no longer exist. They were slated for data recovery, marked, or drawn out on a map, and then bulldozed. Now they're open pasture. So ...(inaudible)... marking it accurately right on top of Ili`ili`opae give us the opportunity to accurately designate and zone just the County side, separate from whatever rinky-dink protections SHPD is providing us right now. Just to have this one more added layer of protection and -- whether it's the -- the correct route to what is -- whatever the -- according to what the limitations of the County is. I still going do my own thing, going over there kicking people out that not supposed to be over there, but would be helpful to have a little bit more backup with County designation and stuff.

Chair Buchanan: Okay, Commissioner Poepoe, okay, just what you said, are you suggesting that we adopt the map without taking out the with the exception of Ili`ili`opae that actually letting the digital map, as presented, go through?

Mr. Poepoe: No. I just wanted for have that opinion stated.

Chair Buchanan: Okay.

Mr. Poepoe: It's in the right direction.

Chair Buchanan: Okay. Alright. Thank you very much. That was -- that's good discussion. Kind of like half a -- like the old folks say, "Half a loaf of bread is better than none." Yeah. I know. We used to to have only half-load and less-loaf of bread. Okay. Alright. If there's no more discussion, I can call for the vote, and I'll do a roll call for the vote, but that was good discussion, Commissioner Poepoe, and Albino, and Machado. Commissioner Mowat?

Ms. Mowat: Um, aye.

Chair Buchanan: Commissioner Machado?

Ms. Machado: Yes.

Chair Buchanan: Commissioner Moore?

Mr. Moore: Yes.

Chair Buchanan: Commissioner Poepoe?

Mr. Poepoe: Aye.

Chair Buchanan: Commissioner Albino?

Ms. Albino: No.

Chair Buchanan: Okay, so we have four votes in the affirmative, one no vote, and the Chair votes in the affirmative. Motion carried.

It was moved by Commissioner Laakea Poepoe, seconded by Commissioner Machado, then

VOTED: to recommend approval of the proposed bill and map, with amendments, to the Maui County Council except for the designation of Ili'ili'opae in Mapulehu, and that a second correspondence be written to the County Council, and to the appropriate committee, stating the Commission's recommendations and concerns as to why it left Ili'ili'opae out and the park designation and that the Commission wants to see that taken up along with the other cultural sites by creating a specific designation for those sites.

(Assenting: L. Buchanan; C. Machado; W. Moore; B. Mowat; L. Poepoe)
(Dissenting: L. Albino)
(Excused: J. Pele; J. Sprinzel)

Chair Buchanan: So, now let's work on the recommendations and, Sybil, are you there, Sybil?

Ms. Lopez: Yes, Chair.

Chair Buchanan: Can you help us with our recommendations to the Council and to the DSSRT team?

Ms. Lopez: Okay, I think would defer that to Kathleen since she's been working on that.

Chair Buchanan: Okay, Kathleen, you not off the hood, Kathleen.

Ms. Lopez: But if Kathleen's okay, if Kathleen's okay with that. Thank you, Kathleen.

Ms. Aoki: We're totally okay with that.

Ms. Lopez: Okay. Thank you.

Ms. Cua: Yeah, so -- so what we can do, Chair and Members, is what we've done in other cases where we have a matter that has gone through a Commission and is getting -- the Commission has made a recommendation to the Maui County Council, we, on your behalf, prepare a transmittal to the County Council, it is going to give your recommendation, and at the end of the transmittal, we can say -- so -- so it's going to say that you recommended approval of the map with the exception of the Ili`ili`opae site, and then the Commission -- the Commission also recommended that the Department, as part of their subsequent phases, look at Ili`ili`opae in -- in its second phase, and all other cultural sites in its third phase. So, you're just -- you're just expressing, through the transmittal that we do up to County Council, your support of the map, and then your -- your nonsupport of the one site, the Ili`ili`opae, and then your recommendation to the -- to the Planning Department of how you would like subsequent phases to happen for your cultural sites on Molokai. So, we could do that.

Chair Buchanan: Thank you.

Ms. Cua: Instead of doing of a separate letter, if that's okay.

Chair Buchanan: Okay. Yeah, that is okay. Thank you, Ann. But I think we wanna go a little bit further ...(inaudible)... adopt Ili`ili`opae designation. And I -- and I do want you

guys to include the words that this Commission has used that we found that the park designation of a sacred site is offensive to Native Hawaiians, it's culturally offensive, and then if Commissioner Albino, or Machado, or Mowat, or Poepoe want to add to that, that's specific words that I want used in conveying our reasons for not adopting a portion of the map. Anyone wanna, else, add to the comments? Oh, that -- that -- then that must hit the nail on the head. We kinda offended.

Ms. Machado: Absolutely.

Chair Buchanan: We offended by the park designation of a sacred site. So --

Ms. Machado: You're right, Lori.

Chair Buchanan: In our dealings --

Ms. Machado: You're very right, Lori.

Ms. Mowat: Yeah and --

Chair Buchanan: Go ahead, Commissioner Mowat.

Ms. Mowat: And that we, as a people on Molokai, find our sites culturally, spiritually, and very, very close to us or, I don't know the words, but they're important and they should be addressed at a higher level, like -- like how Colette said that, you know, and, therefore, you know, they should be treated especially with sensitive -- sensitivity in our -- in ... (inaudible)...

Chair Buchanan: Thank you, Commissioner Mowat.

Ms. Mowat: And that kinda like explains that, but then then go into, you know, what we want, you know.

Chair Buchanan: I think -- thank -- thank you, Commissioner Mowat. I think in a recent dealings at the County Council when they addressed repelling off of waterfalls, the -- and they had to outlaw repelling off of waterfalls, the comments was that -- that they outlawed that also -- made a rule that that is not appropriate on the island of Molokai either 'cause we're not Disneyland, and so when you talk about a park, you know, you think about Disneyland and our sacred sites are not parks or -- or have the uses of parks. But I think the other -- the other item I wanted to just raise with you folks 'cause you guys are doing -- and it's more maybe for Long-Range and is, when we were doing Federal stuff and the cultural overlay, like Commissioner Albino was part of that cultural overlay push back in the day, with Nancy McMann before she started working for Department of Hawaiian Home Lands, and, at that point, I proposed that we wanted a Federal designation as well,

so we were petitioning the Federal people for a traditional cultural property, a TCP, and because that would give the highest level, and we wanted the entire island of Molokai to be a TCP. The only other places in Hawaii I know that has that type of designation is the island of Kahoolawe. Island of Kahoolawe is designated as a traditional cultural property, which simply means that everything in that entire boundary is considered a cultural of high cultural significant value, and we met the criteria, and so that should -- we should look at that again, I just letting my Commissioners know that, and it's just oversight, yeah, like SMA, jump through the hoops, and then community involvement. Thank you very much. If there's no more comments, okay. That's it. Thank you very much.

Ms. Cua: Thank you.

Ms. Aoki: Thank you very much.

Chair Buchanan: Thank you, DSSRT team. Good job you guys. Thank you for all your hard work.

Ms. Aoki: Thank you for your patience in -- in going through this with us. We appreciate it.

Chair Buchanan: Thank you for listening to all of our poor thing, our heartache kind stuff. We appreciate that. Okay. So we going power through, people. Okay, let me -- I lost my agenda. Oh, here it is. It fell on the floor.

C. UNFINISHED BUSINESS

1. **Memorandum, dated March 22, 2021, from the Charter Commission requesting submittal of Charter amendments and/or recommendations from County boards, commissions, and committees. (The Commission deferred this item at its April 14, 2021, April 28, 2021, and May 12, 2021 meetings.) (Commissioners: Please refer to documents previously distributed for the April 14, 2021, April 28, 2021, and May 12, 2021 meetings.)**

The Commission may provide its comments and/or recommend amendments to the Charter Commission.

Chair Buchanan: So, item C., Unfinished Business, number one, the memorandum dated March 22, 2021 from the Charter Commission requesting amendments, and Suzette provided a bunch of links as well as some paper docs, and we are asked the Commission may provide its comments and/or recommend amendments to the Charter Commission. Sybil, I thought that just went and was approved. Are you asking us for approval again? Deputy Director? Okay, McLean.


MICHAEL P. VICTORINO
Mayor
MICHELE CHOUTEAU MCLEAN, AICP
Director
JORDAN E. HART
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

May 14, 2021

MEMORANDUM

TO: MOLOKA'I PLANNING COMMISSION
FROM: MICHELE CHOUTEAU MCLEAN, AICP, PLANNING DIRECTOR 
SUBJECT: MOLOKA'I DIGITAL ZONING MAP

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.06, MAUI COUNTY CODE, RELATING TO DISTRICTS AND BOUNDARIES

Background

Over the last several years, the Planning Department (Department) has undertaken a project to replace the County's official paper zoning maps with digital versions, available on the internet, as many other municipalities across the nation have done or are considering. The existing paper maps are, in some cases, old, worn and outdated. They are affectionately known among the staff and in the community as "the Dead Sea Scrolls." The staff who have worked on this project have been dubbed the Dead Sea Scrolls Replacement Team, or DSSRT. Successful implementation of the DSSRT project will allow for precise, up-to-date Geographical Information System-based maps to be the official zoning maps for the County. This will increase zoning maps' accuracy, clarity, and ease of use.

In 2017, the Department presented the first digital map for the island of Maui with accompanying amendments to Chapter 19.06, Maui County Code, to the commissions and, later in 2018, to the Maui County Council. Maui's Digital Zoning Map 1 was adopted and became effective on October 10, 2018. As was stated at the time, additional revisions and corrections would likely continue to be discovered after a map's adoption, and the Department subsequently brought forth a revised draft Map 2 for Maui. Maui's Digital Zoning Map 2 was adopted and became effective on November 13, 2019. The Lana'i Digital Zoning Map was subsequently adopted the following year and became effective on August 31, 2020.

The DSSRT has now completed its review and recommendations for a draft digital zoning map for the island of Moloka`i. This required review of all known associated hardcopy and digital information available to the Department (including State land use boundary maps and layers, adopted individual District Boundary Amendments, community plan designation maps, current zoning designations resulting from Change in Zoning ordinances, and boundary interpretations). Utilizing Geographical Information System (GIS) tools, the team digitized this information collectively, rectified the applicable information into geographic space, and finally, examined each of these parameters at the parcel level in a digital zoning map.

Unlike the draft digital map for Maui island, which contained over 900 parcel corrections, zoning designation updates and mapping alignment revisions, the draft Moloka`i digital zoning map contains proposed updates for 26 parcels. Of these 26 parcels, one is owned by the County of Maui. Applying the same methodology used for the other digital zoning maps, the Department is asking the Commission to consider the recommendations made to correct mapping errors that resulted from misalignments with older, and much poorer quality, maps and to correct oversights that were made consistent with the community plan designations mapped at that time. The Department notified the property owners of these parcels and conducted an online public informational meeting on April 27, 2021 to present the project, the proposed zoning recommendations and the draft digital map. These proposed zoning recommendations are attached as Exhibits "1-3".

Because the proposed recommendations are aligning zoning with existing uses and current community plan designation, there should be no noticeable effects. Real property tax classifications and other land-use-based elements will not change.

Once the map is adopted, the digital zoning layer will be added to the Real Property Tax website and otherwise made available to the public on the State of Hawaii, Office of Planning, Hawaii Statewide GIS Program website. While we still encourage the public to confirm zoning with us, this will give everyone access to zoning information.

A proposed bill to adopt a digital zoning map for Moloka`i, titled, "A BILL FOR AN ORDINANCE ADOPTING A DIGITAL ZONING MAP AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MOLOKA`I," is attached as Exhibit "4".

Passage of this bill would be consistent with a number of General Plan policies, goals, and objectives, including the following components of the Countywide Policy Plan (Ordinance 3732):

- "Government services will be transparent, effective, efficient, and responsive to the needs of the residents" (page 78).
- "Facilitate the community's ability to obtain relevant documentation" (page 79).
- "Use advanced technology to improve efficiency" (page 79).
- "Expand government online services" (page 80).

Future phases of the DSSRT project will include proposed changes to the zoning designations for properties throughout the County with long-established uses that are consistent with the community plan but not consistent with the zoning. An example is Maui High School, which is designated Public/Quasi-Public in the Wailuku-Kahului Community Plan but is zoned R-2 Residential District. These future phases will also be discussed at public meetings, reviewed by the applicable planning commission and forwarded to the Maui County Council for adoption.

Recommendation and Options

The Department recommends and requests the Commission's favorable recommendation to the County Council for the proposed bill and the adoption of a digital zoning map for the island of Moloka'i. Enactment of the bill will effectuate the DSSRT project's final digital zoning map for the County.

The Commissions have the following options:

1. Recommend approval of the proposed bill and map as drafted to the Maui County Council.
2. Recommend approval of the proposed bill and map with amendments to the Maui County Council.
3. Recommend denial of the proposed bill and map to the Maui County Council.
4. Vote to defer action on the proposed bill and map in order to gather specific additional information.

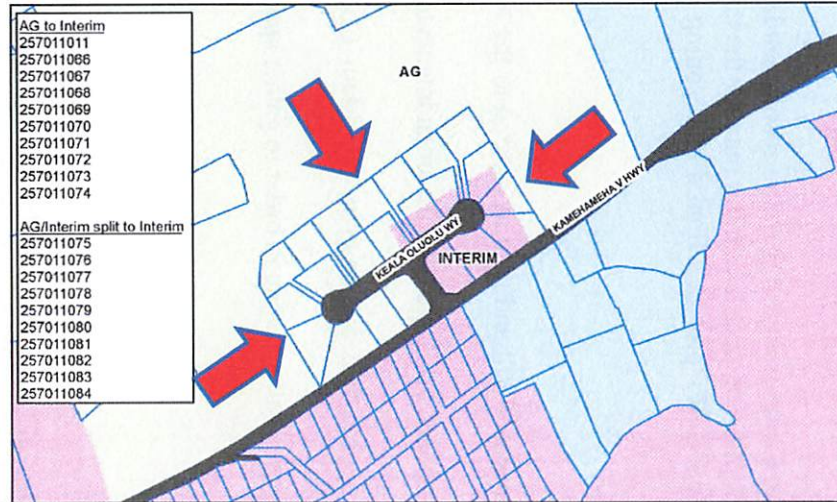
Attachments (Exhibit "1-4")

MM:KRA:rhl

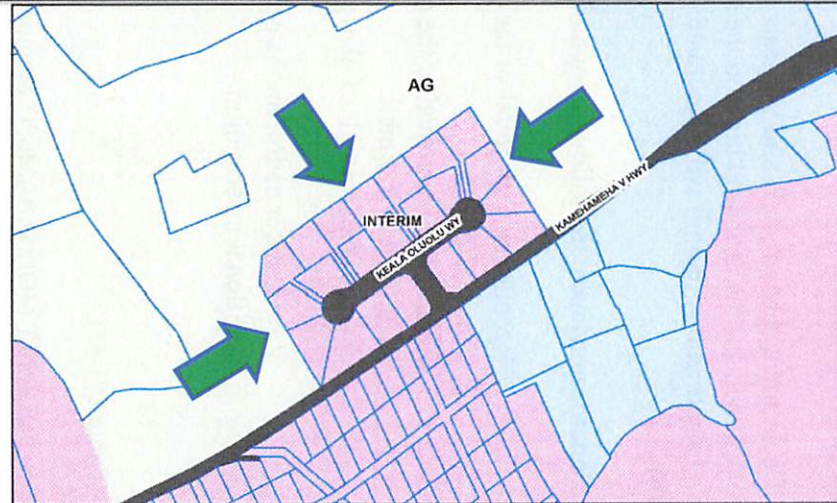
S:\ALL\APO\19.06\DSSRT MOLOKAI\MoPC Memo_May2021.docx

Moloka'i Digital Zoning Map 1
 Recommendation #1

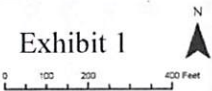
Current zoning



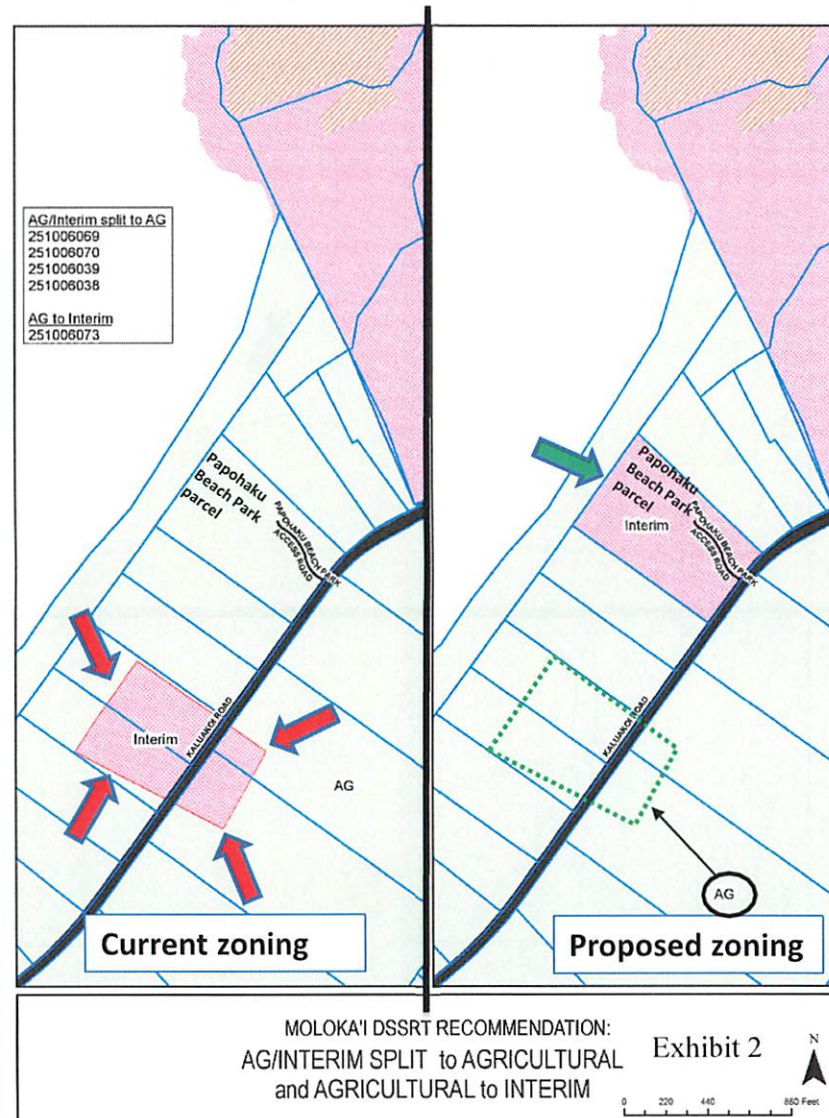
Proposed zoning



MOLOKA'I DSSRT RECOMMENDATION:
 CHANGE IN AG/INTERIM SPLIT



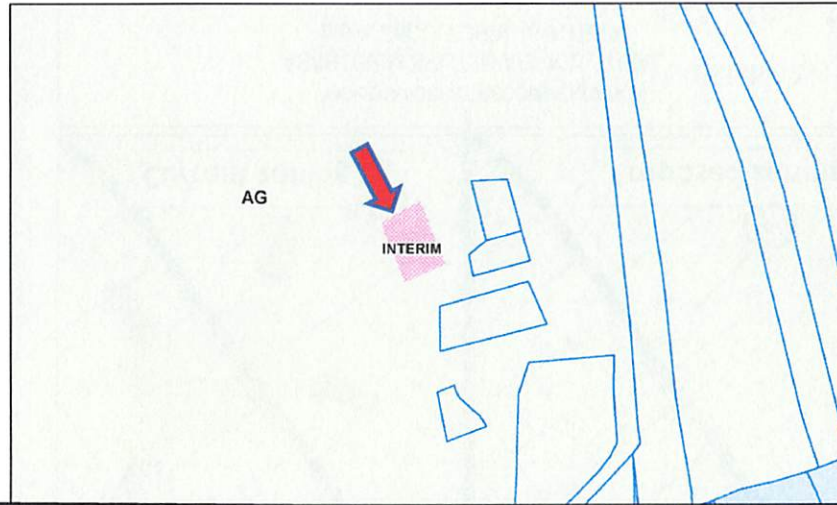
Moloka'i Digital Zoning Map 1 Recommendation #2



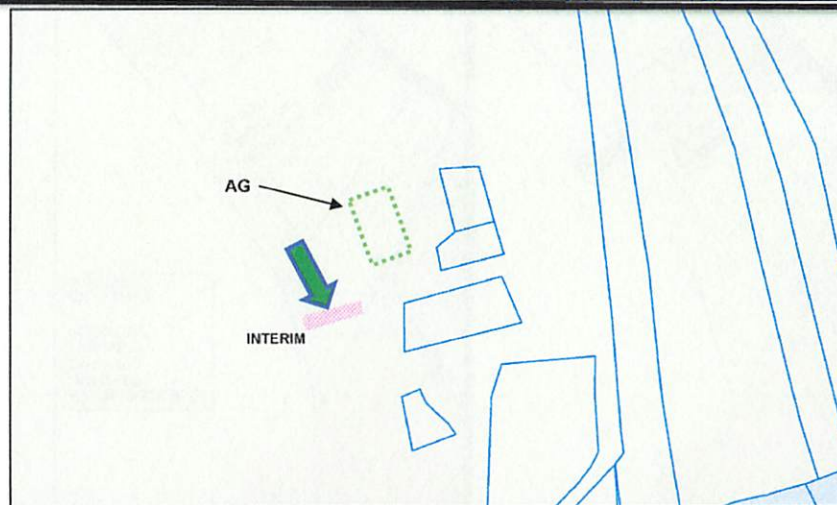
**Moloka'i Digital Zoning Map 1
A possible recommendation?**

**Or leave as is? Or address in a
future phase of DSSRT?**

Current zoning



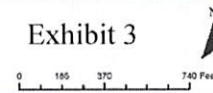
Proposed zoning



TMK: 257005002

MOLOKA'I DSSRT RECOMMENDATION:
CHANGE IN AG/INTERIM SPLIT

Exhibit 3



ORDINANCE NO. _____

BILL NO. _____ (2021)

A BILL FOR AN ORDINANCE ADOPTING THE DIGITAL ZONING MAP AS
THE OFFICIAL ZONING MAP FOR THE ISLAND OF MOLOKA`I

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Purpose. The purpose of this ordinance is to adopt the digital zoning map as the official zoning map for the Island of Moloka`i. The map shall provide a graphical portrayal of zoning designations established by ordinance.

SECTION 2. Section 19.06.020, Maui County Code, is amended to read as follows:

A. In accordance with section 8-8.3(6) of the revised charter of the County of Maui (1983), as amended, the planning director must prepare and administer the County's zoning maps.

B. For the islands of Maui, [and] Lana`i, and Moloka`i, one zoning map for each island must be prepared and administered in a digital format, such as within a geographic information system and made available for public use on the County website. The digital zoning maps are incorporated by reference and are located online at the department of planning, implementation division's website at <https://www.mauicounty.gov/2159/Digital-Zoning-Map-Update-Project>. The most recently adopted digital maps on file, Maui digital zoning map (2), as amended, [and] Lana`i digital zoning map (1), and Moloka`i digital zoning map (1), are in addition to any original "land zoning maps" on file in the office of the county clerk; however, the digital zoning maps must be used to determine zoning boundaries and designations in the event of a conflict. Whenever a change in zoning is approved and the ordinance is filed with the county clerk, the island's digital zoning map must be amended to reflect the change in zoning.

C. The area[s] of the island[s] of Kaho'olawe [and Moloka'i] shown on original map[s] entitled "Land Zoning Map[s]," on file in the office of the county clerk with certified copies being placed on file in the planning department, and the digital zoning maps for the islands of Maui, [and]

Lana`i, and Moloka`i, together with all explanatory materials are part of this title.

SECTION 3. Notwithstanding enactment of this ordinance, zoning conditions previously enacted by ordinance shall remain in effect, unless repealed by ordinance or operation of law.

SECTION 4. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 5. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui