

# MINUTES

of the

## COUNCIL OF THE COUNTY OF MAUI

April 1, 2016

THE SPECIAL MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, APRIL 1, 2016, BEGINNING AT 1:32 P.M., WITH VICE-CHAIR DONALD S. GUZMAN PRESIDING.

VICE-CHAIR GUZMAN: Welcome to the special meeting of April 1, 2016.

Mr. Clerk.

### ROLL CALL

PRESENT: COUNCILMEMBERS ROBERT CARROLL, ELEANORA COCHRAN, DONALD G. COUCH JR., S. STACY CRIVELLO, G. RIKI HOKAMA, AND VICE-CHAIR DONALD S. GUZMAN.

EXCUSED: COUNCILMEMBERS GLADYS C. BAISA, MICHAEL P. VICTORINO, AND CHAIR MICHAEL B. WHITE.

DEPUTY COUNTY CLERK: Mr. Chair, there are six Members present and three Members excused. A quorum is present to conduct the business of the Council.

VICE-CHAIR GUZMAN: Thank you. I'd like to remind everyone if you have a cell phone, please put it on silence mode.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with the presentation of testimony on agenda items.

We have established limited interactive communications that enables individuals from Hana, Lanai, and Molokai to provide testimony from our District Offices.

Individuals who wish to offer testimony from Hana, Lanai, and Molokai should now sign up with District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located in the eighth floor lobby just outside the chamber door. Testimony at all locations is limited to the items listed on today's agenda.

Pursuant to the Rules of the Council, each testifier may be allowed to testify for up to three minutes. When testifying, please state your name and the name of any organization you represent.

Hana Office, please identify yourself and introduce your first testifier.

MS. DAWN LONO: Good afternoon, this is Dawn Lono at the Hana Office, and there is no one waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Lanai Office, please identify yourself and introduce your first testifier.

MS. DENISE FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez on Lanai and our first testifier is Ron McOmber.

DEPUTY COUNTY CLERK: Excuse me, Mr. Chair. Denise, if you don't mind enabling your video for the Councilmembers to be able to see.

MS. FERNANDEZ: Oh, yes, sorry about that.

### PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. RON MCOMBER:

There's my ugly face.

MS. FERNANDEZ: There we go, sorry about that.

MR. MCOMBER: Good afternoon, Chair and Members of the Council. We're here today to discuss the community plan that fell short, information, some of the information that was brought forth to us we were not happy with. And we would, we need to have the Council look at what Riki had presented and about the airport and a few other items and have you vote on that and look at that.

We were, I was really concerned with the meeting that we had on, on Lanai. You only gave us three minutes to talk to you, you only came over there for one item and you brought the whole Council over there and we did not get to talk any more than three minutes . . . and it was kind of frustrating, you know that you spend all that time and we couldn't talk about the items . . . So this community plan, we put nine months into this and we need to have . . . We only, we only got three minutes.

But anyway, Riki had presented to you folks revisions . . . our desires that stemmed from that meeting that we'd like to have you vote in positive that and remove some of the items . . . Thank you.

VICE-CHAIR GUZMAN: Sorry, excuse me. Members, do you have any questions for the testifier?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

And, thank you, Mr. McOmber for being here. You mentioned some language being removed, or being added back in that was removed from the original, from the old community plan, not the one that, that we're discussing now. Is that, is that the language.

MR. MCOMBER: The one that I was concerned was the airport that was taken out of our community plan, the original 1998 Community Plan never showed up in the community plan that we're looking at now.

COUNCILMEMBER COUCH: Okay. Did the Community Plan Advisory Committee discuss that at all? I mean you, you had nine months to discuss that language and you didn't put it back in and now you want it back in, is that what I'm hearing.

MR. MCOMBER: Well, well the trouble with that Mr. Couch is that that was never discussed. We, we assumed that the community plan was going to be an update and not remove the, the original community plan, but was going to be an update.

Well taking the airport land, runway and, and those facilities out of it completely opened up the door where they may extend the runway and we didn't want that in the 1998 one and we still don't want it today. We don't want that runway extended towards the city. It could cause all kinds of problems. But it never showed up in the plan that we have--

COUNCILMEMBER COUCH: Okay, thank you, Chair.

VICE-CHAIR GUZMAN: Thank you. Any other questions or comments for the Members.  
Seeing none, Mr. Clerk.

DEPUTY COUNTY CLERK: Molokai Office, please identify yourself and introduce your next  
testifier.

MS. ALCON: Good afternoon, Chair. This is Ella Alcon on Molokai and there is no one  
here waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Mr. Chair, we have three individuals who have signed up to testify in the Council  
chamber. The first person to testify in the chamber is Lynn McCrory, testifying on the  
proposed bill relating to the Lanai Community Plan as well as County Communication  
16-63. She will be followed by further testimony on, at the Lanai District Office.

MS. LYNN P. MCCRORY, PULAMA LANAI:

Good morning, Chair and Members of the Council. I'm Lynn McCrory with Pulama  
Lanai and I am testifying in strong support of the community plan as it's written and  
also the amendment 16-63.

This has been a very long and difficult process that has a range of emotions that  
have gone from looking into the future and then trying to take positions that these are  
important things in the future and what will it be and at the same time acknowledging  
that there is three people who did work on this plan and won't see the future and  
three people that will.

So, the Lanai Community Advisory Committee met for nine months and they  
reviewed this document page by page and sometimes word by word. All of the  
proposals that we submitted were submitted during this period, during this nine  
months. We made a very small change to the airport, the additional footage of the  
500 feet was added in in that period and that time. After the community, after the  
CPAC Committee we made no further changes to the plan nor suggested any.

So the Planning Commission was able to see everything that CPAC members also  
saw. And both groups worked, worked very hard and very detailed to craft this  
document that was sent.

So it's now in the final steps and we thank you all for doing the work that you've been doing so. I also want to just sincerely support and thank Long Range Planning Division and Director Will Spence and Michele McLean. The Council staff and the Councilmembers' staff have been incredible in the assistance to move all of this forward and get you back and forth to Lanai multiple times. So, we thank you all for all the help, all the cooperation, and once again we ask that you support the Lanai Community Plan with the amendment Communication 16-63. Thank you.

VICE-CHAIR GUZMAN: Thank you. Members, have any questions for the testifier? Seeing none, thank you, Ms. McCrory for your testimony.

DEPUTY COUNTY CLERK: Lanai District Office, please introduce your next testifier.

MS. FERNANDEZ: Our next testifier is Deborah dela Cruz, testifying on the Lanai Community Plan.

MS. DEBORAH DELA CRUZ:

Thank you for the opportunity to address the Council. My name is Deborah dela Cruz, and I'm a member of the Lanai CPAC. This is very distracting having this camera here.

I support Councilman Hokama's amendment. I concur with Chair Couch's proposed amendment deleting language on page 9-3.

I concur with the first paragraph of Chair Couch's amendment to Appendix 9.2. In my March 8, 2016 written testimony, I merely requested the deletion of wording in the first paragraph. I was travelling and didn't have my notes. I failed to also request deletion of the entire second paragraph in Appendix 9.2 which also mentions that the community plan land use designation does not limit any uses established by the property's zoning unless specifically prohibited or restricted.

The Lanai CPAC wasn't watching for specific prohibitions or restrictions as we developed the plan. We were following Planning Director Spence's advice to us on January 9, 2013 when he advised us to keep the level of detail in the plan at a macro level and not to use the plan as a zoning.

I see the unless specifically prohibited or restricted wording as an attempt to weaken the authority of the plan. We saw a similar attempt when the previous version of the plan contained new wording as follows: "Community plan land use designations are not regulatory". This was buried on page 201 of the 203-page document. That

sentence was deleted, and the objectionable language on page 9-3 and Appendix 9.2 added December 20, 2015.

The community . . . repeatedly that the new language is meant to clarify how the differences between zoning and the community plans are handled. A community plan is not the place to resolve the differences. The resolution should be at the County level. And pardon the paranoia, but I and others think that this has been a way to get the procedure in through the back door. That the changes are being proposed for our plan . . . small so the rest of the County isn't paying attention.

If you leave in the second paragraph, Appendix 9.2, I again request that the CPAC and Lanai Planning Commission be allowed to reconvene and that we be given extensive zoning training and be allowed to review the plan for prohibitions and restrictions.

I also ask that future plans be left intact to the maximum . . . possible. Chair Couch, stated in previous meetings that they didn't use half of one CPAC's plan. Something fundamentally wrong with that. I think the changes should be restricted to areas that are incorrect, illegal, unenforceable, and . . . I recall--

DEPUTY COUNTY CLERK: Three minutes.

MS. DELA CRUZ: --got done with the plan, the County reviewed the plan and added the following language and reference to Larry Ellison's purchase of Lanai. After the purchase, Ellison established a new management company, Pulama Lanai, and pledged to invest millions of dollars in improvements throughout the island. His commitments have raised hopes of achieving crucial diversification and long-term stabilization of Lanai's economy.

I have nothing against Mr. Ellison, but why was it necessary to say more than he established a new management company? Please let each community plan be the community's and that's and "apostrophe s" plan.

Lastly, shortly before this meeting someone pointed out that in Appendix 9.3, under uses envisioned, each of the items says "Envisions" except for the last item which says "Indicates". I request that it be changed all to--

DEPUTY COUNTY CLERK: Four minutes.

MS. DELA CRUZ: --to reflect, to say "Indicates" as that would be stronger wording. Thank you.

VICE-CHAIR GUZMAN: Thank you. Members, do you have any questions, comments for the testifier.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, not a question for the testifier, I just find this mode of communication to be insufficient for the needs of the Council, particularly when the communication is garbled and interrupted and disturbs the accuracy of what the testifier is trying to communicate to us. So I would ask that we do this better in the, in the future because I'm not pleased with the way it's currently being operated this afternoon. Thank you.

VICE-CHAIR GUZMAN: Do, actually let's take a recess, there's, there's some kind of technical difficulty going on. We'll take a brief recess at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 1:46 P.M., AND WAS RECONVENED AT 1:52 P.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR MEMBERS BAISA, VICTORINO, AND CHAIR WHITE, EXCUSED.)

VICE-CHAIR GUZMAN: The April 1, 2016 special meeting shall now reconvene. We will turn our attention back to District Office on Lanai.

Ms. Fernandez, are you still there? Hello.

DEPUTY COUNTY CLERK: Denise, could you call your next testifier, please.

MS. FERNANDEZ: Okay our next testifier is Butch Gima testifying on the Lanai Community Plan.

MR. BUTCH GIMA:

. . . Butch Gima. Couple of things, one in trying to follow all the changes, it's, it's, it's tough to do because the newer versions are not either dated or noted that it is a version 3.5 or 5. So in future proceedings, please do that, it would make it easier to follow. Keep in mind also that the CPAC covers a lot of stuff that we started in January of 2013. Most importantly, I think unless you adopt what Debbie recommended a few minutes ago . . . approve this community plan.

I'm a bit concerned because at the meeting on Lanai several weeks ago, the agreement was that you were going to recess and you were going to send over a draft to the general public to review. What we got instead was somewhat late and

the Chapter 9 language is inconsistent with the Appendix 9.2 language. And also you have Ramseyer editing in Chapter 9, you don't have that in the Appendix 9.2. So, as a politician once said, even though you put lipstick on a pig it's still a pig. So chapter, Appendix 9.2 is still the same as what it was a couple weeks ago.

And lastly, I had a, several questions in my testimony several weeks ago and they have yet to be answered. As I, as I had testified back then, you know, if, if those questions were answered, it they had given the CPAC and LPC more information to make an informed decision. And it may have changed our minds, you know, regarding the language that we now, that we have opposed for several months now.

Thank you.

VICE-CHAIR GUZMAN: Thank you. Mr. Clerk.

Are there any further questions or comments?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you. Thank you, Mr. Gima for your testimony.

I just want to clarify, make sure I got it straight. I seem to recall at the meeting on March 12, you said that if we added that table, the column of the land use designations, State Land Use designation to the existing change that we had, you were fine with it. I have, we have that on testimony. Is that correct?

MR. GIMA: I can't hear you very well.

VICE-CHAIR GUZMAN: Mr. Clerk.

Can, can you repeat the question.

COUNCILMEMBER COUCH: Sure. Is this better? Can you hear me now?

MR. GIMA: A little, we got, we have some exterior noise that's making it difficult so if you could shout, it, it may help.

COUNCILMEMBER COUCH: Recalling the March 12, meeting there, your request was to add the State Land Use designations to table, the table. And, and I asked you if we did that is, would that be sufficient and you said yes on public record. Are you changing that now, is that what you're telling me.



MR. GIMA: No, I'm not.

COUNCILMEMBER COUCH: That's exactly what we did, we just added that one column to the table as we said we would and you agreed would be sufficient. So I'm not sure what has changed between now and then.

MR. GIMA: . . . what I testified to in support of what others had testified, we were not in agreement with the prohibition language in, in the appendix. And so the agreement at the March 12 hearing was that was going to be removed and that Chapter 9 language was going to be removed to make both consistent. What I'm saying today is in Chapter 9, it has been removed through Ramseyer in the Appendix 9.2, it has not been removed, thus what Debbie was saying earlier about removing the second paragraph in Appendix 9.2.

COUNCILMEMBER COUCH: Have you, I'm sorry, have you looked at the posted Communication 16-63 which has the new table in it?

MR. GIMA: I can't understand what you're saying.

COUNCILMEMBER COUCH: Have you, can you hear. Have you looked at item, County Communication 16-63 which has the new table in it as we said we would do?

MR. GIMA: I'm just going by what Greg Garneau sent in an email, so I'm going based on that email in terms of what's in Chapter 9 and what's in Appendix 9.2.

COUNCILMEMBER COUCH: Do you have a date of that email? That, unfortunately that is not a posted item, the, the item was posted should be the same item, but, do you have a date on that?

MR. GIMA: . . . I didn't understand what you said, you're coming in muffled.

VICE-CHAIR GUZMAN: Mr. Couch is asking, can you hear me. Mr. Couch is asking whether you have a date on that particular--

COUNCILMEMBER COUCH: Communication.

VICE-CHAIR GUZMAN: --communication.

MR. GIMA: Do I have a date on Greg's email.

VICE-CHAIR GUZMAN: I believe so.

MR. GIMA: Is that your question.

VICE-CHAIR GUZMAN: Yes.

MR. GIMA: I think it was March 29.

VICE-CHAIR GUZMAN: March 29.

Mr. Couch.

COUNCILMEMBER COUCH: So, and on that email, you've got the new table 9-2 in landscape mode with the State Land Use Districts on there.

MR. GIMA: Yes.

COUNCILMEMBER COUCH: Okay, and you not, you don't like that, is that what you're saying.

MR. GIMA: No, Don, I don't think you're listening. I didn't testify about the matrix, I'm testifying about the second paragraph in Appendix 9.2 being inconsistent with Chapter 9's deletion of that similar language.

COUNCILMEMBER COUCH: On what, and what page would that be.

MR. GIMA: It's the last paragraph on, in the Land Use Chapter 9. They did the Ramseyer on that, that language.

COUNCILMEMBER COUCH: Page 9-3, no, no further on. Yeah, page 9-3 is that where you're talking about.

MR. GIMA: I don't have it right in front of me because we had to move to the telephone away from the--

COUNCILMEMBER COUCH: Because all we have is the last paragraph says "The Lanai community plan land use map (collectively, Maps 9.2 through 9.6) has been prepared in compliance with the requirements of Sections 2.80B.070(A) and (E)(14), Maui County Code. For site-specific determinations of community plan land use designations and zoning, please contact the Department of Planning, Zoning Administration and Enforcement Division."

Is that the paragraph you don't like?

MR. GIMA: It's the second to the last paragraph on page 9-3 where there's a Ramseyer bracketing.

COUNCILMEMBER COUCH: Oh, unfortunately we don't have a Ramseyer version so.

MR. GIMA: Well I'm just going by what Greg sent us. I don't know, I don't know who Greg is . . . Office of Council Services, attorney.

COUNCILMEMBER COUCH: Yes, he's the one that helped you sit down the other day.

VICE-CHAIR GUZMAN: You know, you know, Members, without objection, I'm going to take a quick recess.

COUNCILMEMBER COUCH: Let's see if we can--

VICE-CHAIR GUZMAN: And, and we'll try to get this straightened out.

COUNCILMEMBER COUCH: We get, see if he can get his paperwork--

VICE-CHAIR GUZMAN: If we can get some paperwork to Lanai so that there's a better communication and understanding.

COUNCILMEMBER COUCH: Yup.

VICE-CHAIR GUZMAN: So at the Chair's call, I'd like to take a recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 2:03 P.M., AND WAS RECONVENED AT 2:09 P.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR MEMBERS BAISA, VICTORINO, AND CHAIR WHITE, EXCUSED.)

VICE-CHAIR GUZMAN: The Council meeting shall now reconvene. Turning back to the District Office of Lanai. We have the testifier on line, can you please state for the record, your concerns with the significant, I believe 9.3 or 9-3?

COUNCILMEMBER COUCH: Oh, you need the mike.

VICE-CHAIR GUZMAN: Hello. Oh, I need a, Mr. Clerk, I need a mike on the phone.

April Fool's.

(Attempted to call District Office.)

VICE-CHAIR GUZMAN: Okay, Members, take a quick recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 2:10 P.M., AND WAS RECONVENED AT 2:28 P.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR MEMBERS BAISA, VICTORINO, AND CHAIR WHITE, EXCUSED.)

VICE-CHAIR GUZMAN: The April 1, 2016 special Council meeting shall now reconvene. Members, due to technical difficulties with communication, without objections, I am going to recess this--

DIRECTOR OF COUNCIL SERVICES DAVID RAATZ: Mr. Chair.

VICE-CHAIR GUZMAN: Yes, I'm going to let, let me inform my Members what the plan is. I'm going to recess this special committee *[sic]* meeting and call it for date certain April 8, 2016 at 2:30 p.m. on Lanai, Senior at the Lanai Senior Center. Before I go ahead and recess, I would like to ask the, I guess constituents or people who want to testify who are remaining in the chambers to do so and I will keep the testimony open until we get to reconvene after the recess.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And thank you for doing that. And, as far as testimony on Lanai, we had, one, two, three people from Lanai testify and we had hard time hearing them so, I would ask that we would be allowed to have them come and testify again.

VICE-CHAIR GUZMAN: Yes, yes, I believe that would be appropriate to the fact that the first--

COUNCILMEMBER COUCH: I don't know if that's against our rules or whatever but I would ask that they be allowed to testify again.

VICE-CHAIR GUZMAN: Yeah, without objections, I, I believe that is the, should be reasonable.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you very much for this consideration of a recess and returning this special Council meeting back to the island of Lanai for us to deal with this in front of the Lanai community. So thank you very much for that consideration from yourself and the Members.

I, I will say though, just so that you are aware, I will be adjusting the Budget schedule deliberations and review. So Members, while we are happy to make this revision, I'm going to tell you we are still going to follow the schedule so expect longer days and longer nights. But we will accomplish the needs of the Budget Committee so please make appropriate adjustments. But at this time Chairman, we are happy to provide space and time for the Council's requirements. Thank you.

VICE-CHAIR GUZMAN: Thank you, Mr. Hokama, for making the adjustments on the Budget schedule, we appreciate that.

At, at this time, without objections I'm going to continue with the public testimony here in the chambers.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify in the chamber is Lloyd Fischel, testifying on the proposed bill relating to the Lanai Community Plan.

MR. LLOYD FISCHEL:

Good afternoon. Good afternoon, Mr. Chair, Committee Members. On March 22, a public notice in the Maui News for Tax Map Key (2) 4-9-006 indicates that the Lanai Community Plan, not the Maui Island Plan is controlling land use designations on Lanai. Why? Because we know the State's land use district boundaries were created by recognized law.

HRS 205 establishes four specific land use districts: ag, rural, urban, conservation. The County plan does not designate land use. If you want to change a designation, you have to be in compliance with the community plans or take specific steps to make the change.

HRS 226 establishes that boundaries need, boundaries need to be consistent with community plans, which must be consistent with the Charters. Our Charter is clear that all land designations must be identified in the community plans and that community plans set the boundaries.

To get around this, it is proposed here to take out the appendix with the land use designations. Is that what is in store for us in Haiku when you take up the Haiku Community Plan.

The EIS statute, HRS 343 says that when you change a plan boundary, an EIS is required. This is a big reason you're having trouble with this proposed bill. The bill creates dysfunctions within the Planning Department. These actions in cahoots with the Planning Department try to change well established State laws and our Charter that protect the aina for future generations.

The public notice points out that the fiction that the community plan boundary has set up in the Maui Island Plan is the same as the State's land use district. The County Plan integrates the corruption of breaking down the community plan boundaries and putting fictitious boundaries in place of the community plan boundaries.

Land use designation does not control community plan boundaries. If the Appendix is eliminated from the Lanai Plan, then similar Appendices must be eliminated from all the community plans, a violation of State law as well as equality for me and the rest of us.

As it stands, this bill is a mockery. There is no compelling reason to revise the existing Lanai Plan. In this circumstance it would be better to not revise the plan. Vote no to adopt this bill. Thank you.

VICE-CHAIR GUZMAN: Thank you. Any questions for the testifier.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, thank you, Mr. Fischel for being here. Which table are you saying was being removed, which Appendix is, are you saying is being removed.

MR. FISCHEL: Is there an Appendix that was proposed to be removed.

COUNCILMEMBER COUCH: No.

MR. FISCHEL: Okay, that's fine then.

COUNCILMEMBER COUCH: Thank you.

VICE-CHAIR GUZMAN: Thank you. Any other further questions for the testifier. Seeing none, thank you very much.

Next.

DEPUTY COUNTY CLERK: The next person to testify is Albert Perez, testifying on the proposed bill relating to the Lanai Community Plan and County Communication 16-63. Mr. Perez is the last individual who has signed up to testify in the Council chamber.

MR. ALBERT PEREZ:

Aloha, Councilmembers. Chair Guzman. Maui Tomorrow is opposed to any of the revisions that had been proposed after the Lanai Planning Commissions version of this community plan. The Lanai community has not had sufficient time to consider the proposed revisions that were made after the fact. You folks have had one meeting over there, I believe, maybe two. But, as Mr. McOmber said they were limited to three minutes in testimony and there hasn't really been a dialogue like has occurred at the Community Plan Advisory Committee level and at the Planning Commission level.

Getting to the specifics of the recent proposal, that proposed amendment. My comments are that there are vague words in there such as "typically" and "envisioned" and those need to be eliminated from the plan in favor of words like we use to have in that plan like "definition of the land use district" and not just "uses that are envisioned" because those types of words are really open to interpretation and that's not what the community was expecting, not what they were told.

Also, Appendix 9.2 the way that its constructed right now, it will not work because there are uses that are not going to be protected. We're lumping everything together in, for example the Heavy Industrial District, it includes Light Industrial and Business Commercial. And also the Light Industrial District includes Business Commercial. So what happens is that raises the price of land beyond the capability of the Heavy Industrial and not Light Industrial people to afford, causes them to have to move and that's a business hardship. So we need to protect our, our Light Industrial and our Heavy Industrial businesses.

My recommendation would be that we go ahead and fix the zoning designations and then apply them in accordance with the will of the community. Specifically, this tax zoning is continuing to create problems in not protecting existing uses, people in Light Industrial and Heavy Industrial have to move because they're competing with business users.

I ask that the Council go back to the Lanai Planning Commission version that was supported by the Lanai community. And I just wanted to comment on the previous testifier, I think that the problem is that Appendix 9.2 has been added. So, I'd like to

see it removed and go back to the old Planning Commission version so that it was just an update instead of all these wholesale changes afterwards. Thank you.

VICE-CHAIR GUZMAN: Thank you. Members, any questions for the testifier?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Thank you, Mr. Perez for being here. So did you go to all the Lanai Community Plan meetings?

MR. PEREZ: No, of course not.

COUNCILMEMBER COUCH: Okay, did you go to the four meetings that we had on Lanai with the Council?

MR. PEREZ: But I did review some of the minutes.

COUNCILMEMBER COUCH: I'm, I'm asking--

MR. PEREZ: Yes.

COUNCILMEMBER COUCH: --did you go to the meetings.

MR. PEREZ: I did review some of the minutes of the most recent Lanai--

COUNCILMEMBER COUCH: Mr. Chair, I didn't ask that question.

I asked if he went to the meetings.

MR. PEREZ: Of course not.

COUNCILMEMBER COUCH: Okay, were you aware that we had a very unusual meeting with the Lanai community for a very long time where we had a give and take with the whole community that was there. Quite a few people.

MR. PEREZ: I read the minutes of that meeting and I also listened to the testimony of the--

COUNCILMEMBER COUCH: Thank you, Chair.

MR. PEREZ: --Lanai people today



VICE-CHAIR GUZMAN: Thank you. Is there any other questions for the testifier? Thank you very much for your testimony, Mr. Perez.

MR. PEREZ: Mahalo.

VICE-CHAIR GUZMAN: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Dick Mayer, testifying on the proposed bill relating to the Lanai Community Plan and County Communication 16-63. Mr. Mayer is the last individual who has signed up to testify in the Council chamber.

MR. DICK MAYER:

My name is Dick Mayer. I'll comment on the question that Mr. Couch just asked the previous person. I can answer that, I also read the minutes and found that there were many misleading statements said to the community during that testimony and so I'm, just want to put that on the record.

I'm also upset that the community made its recommendations in Lanai and then so many changes have been reintroduced, or introduced by the Planning Director and then by the Planning Chair over the, in fact one of the sets of recommendations, the word "envisions" etc. was all introduced after public testimony at one of the meetings. This is a very bad practice and I'm afraid that when my community goes up for a thing that the Planning Director will make many changes after our community has made its recommendations.

With regard to the sentence that you had all confusion on that one, that was deleted in Chapter 9, that a version of that same sentence remains in Appendix 9.2 essentially saying the same thing. If you're going to eliminate it one place as the community asks, it should be eliminated in both places. That's the first sentence in the Appendix 9.2 that, in the second paragraph, that sentence should be eliminated.

I'm also concerned that many new definitions have been put into the community plan area on that Appendix that were not recommended by the Lanai community in terms of adding commercial uses, some of the things that Mr. Perez just mentioned that may cause prices of land to be more expensive if certain zoning things are allowed in the Heavy Industrial, Light Industrial area.

There are a number of problems so my recommendation is go back to what the community recommended, and both the Advisory Committee and their Planning Commission, and not what Mr. Spence and then Mr. Couch recommended to you. I think you're going down a dangerous road with the County Code, what it describes, what the process should be.

It says that the Planning Director should prepare a draft, the Advisory Committee should make its recommendations, the Planning Commission in that area should also make its recommendations, and then it comes to the Council. Nowhere does it say that the Planning Director should continually come, come to you and make changes and recommend changes after those bodies have met. They have their first chance, they prepare the draft, and it's up to the community to tell you what they want, not to have the Planning Director keep giving you revisions to the plan.

And I'm very upset with that process and I would not like to see that happening on Molokai and I would certainly not like to see that happening on this island as the various communities are being asked to make their plans and their recommendations over the next several year. Please vote against this revision and please go back to, and reinsert back in the Appendices that were advised by the people on Lanai. Thank you very much.

VICE-CHAIR GUZMAN: Thank you. Members, any questions for the testifier? Seeing none, thank you very much, Mr. Mayer.

MR. MAYER: Thank you.

VICE-CHAIR GUZMAN: Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair there is no further individuals who have signed up to testify in the Council chamber and we have received no communications from the District Offices regarding additional testifiers from those areas.

VICE-CHAIR GUZMAN: Thank you. Members, as stated earlier, we have technical difficulties with the communications on, with, with the District Office of Lanai. Mr. Hokama has graciously accommodated us in the Budget schedule to have a, to recess this, this meeting and reconvene it on April 8, 2016 at 2:30 p.m. at the Lanai Senior Center. So without objections, Members, I would like to recess this meeting.

MEMBERS VOICED NO OBJECTION.

VICE-CHAIR GUZMAN: Thank you.

COUNCILMEMBER COCHRAN: Chair, Chair, Chair.

Before we closed up, then means that no testimony will be taken on that island.

VICE-CHAIR GUZMAN: No, it will remain open--

COUNCILMEMBER COCHRAN: Oh, okay.

VICE-CHAIR GUZMAN: --and, and as stated earlier, I will allow, we'll place it in the minutes that we will allow, without objections, allow those who have already testified to re-testify due to the fact that the communication was garbled.

COUNCILMEMBER COCHRAN: Okay, very good, excellent. Thank you very much, Chair.

VICE-CHAIR GUZMAN: Okay, okay, thank you. Thank you, Members. Meeting is now recess, in recess.

**THE COUNCIL SPECIAL MEETING OF *APRIL 1, 2016* WAS RECESSED BY THE VICE-CHAIR AT 2:43 P.M., AND WAS RECONVENED BY THE CHAIR ON *APRIL 8, 2016* AT 2:38 P.M. AT THE LANAI SENIOR CENTER.**

CHAIR WHITE: The recessed special Council meeting of April 1, will now be reconvened. Today is April 8, 2016 and before we proceed I would like everyone to turn off their ringers on their cell phones including me.

And as you will recall at our last special meeting there were technical difficulties with the folks testifying from Lanai. So, we are here to hear the testimony of, of the three people whose testimony we couldn't quite hear consistently and will also take testimony from whoever else is interested in providing testimony today.

So, today we have with us Member Bob Carroll, Elle Cochran, Mike Victorino, Don Couch, myself Mike White and Riki Hokama. And we also have Will Spence from the Planning Department, Michael Hopper from Corp. Counsel, and our staff as well.

So with that, Mr. Clerk, will you please proceed.

### ROLL CALL

PRESENT: COUNCILMEMBERS ROBERT CARROLL, ELEANORA COCHRAN, DONALD G. COUCH JR., G. RIKI HOKAMA, MICHAEL P. VICTORINO, AND CHAIR MICHAEL B. WHITE.

EXCUSED: COUNCILMEMBERS GLADYS C. BAISA, S. STACY  
CRIVELLO, AND VICE-CHAIR DONALD S. GUZMAN.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with the presentation of testimony on agenda items.

Individuals who wish to offer testimony please sign up at the desk located in the front. Testimony is limited to the items listed on today's agenda.

Mr. Chair, we have six individuals who have signed up to testify. The first person to testify is John Ornellas. Mr. Ornellas if you could come to the front, and then the next person following Mr. Ornellas is Pat Reilly.

### PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. JOHN ORNELLAS:

Aloha, welcome back to Lanai. Hopefully the light at the end of the tunnel is not a train. All, you know, I'm not going to say too much, which is unusual for me. But, this, this community plan process has been a total fiasco. We need, we need you guys to be, and working with the Planning Department, need to be smarter on how we do this process. You're going to catch a lot of crap from Maui people because I can see them already lining up talking about the process.

So, I mean, I'm going to defer to, to Debbie, and to Butch who has put in a lot of time and effort into researching all this and make sure that the, that the comments that was made two and a half years ago are correct. So all I'm saying is if, if, if you're not going to support, support Lanai, then you know what, let's just keep the plan as is, the present plan, the '85 plan until you guys do all the rest of the community plans and then after that, then come back and then let's rehash it again. So, hopefully by that time, we'll all be smarter as far as how we do the community plans. Thank you.

CHAIR WHITE: Thank you. Members, any questions for the testifier. Seeing none, Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Pat Reilly. Following Pat Reilly will be Deborah dela Cruz.

MR. PAT REILLY:

Thank you, thank you very much for coming today.

CHAIR WHITE: You're welcome to use the chair, if you'd like to.

MR. REILLY: You know what, I think I can do it today.

CHAIR WHITE: Okay.

MR. REILLY: I can do it.

CHAIR WHITE: All right, go with it.

MR. REILLY: I don't think we'll be here that long. Pat Reilly, 468 Ahakea Street. I'm looking at Appendix 9-2 and the first two paragraphs of the language that's precede the table. I'm not sure what the intent of that was. To me, my recommendation right away was it doesn't belong here, it maybe belongs in the Code somewhere to cover all the community plans. And, all due respect to the language, I think if you got about four attorneys in the room, everybody would have a different interpretation of that.

So I would just say, my recommendation is to remove that, put it somewhere else that covers all the community plans and try to clarify exactly what it means. Because in the specificity to any individual project or community plan designation, I'm not sure how this would work. In other words, in general maybe I could figure it out, but when I apply it to a specific land use designation, I would have no clue about what this means. Thank you very much.

CHAIR WHITE: Thank you, Mr. Reilly. Members, any questions for Mr. Reilly. Seeing none, Mr. Clerk, next testifier.

DEPUTY COUNTY CLERK: Next person to testify is Deborah dela Cruz. She will be followed by Butch Gima.

MS. DEBORAH DELA CRUZ:

I also brought testimony from Beverly Zigmond, I understand I won't be able to present it so I gave a written copy to Danny Mateo. And I just wanted to say since Danny is here, he was so helpful when I was on the mainland trying to send my

testimony, my written testimony in and he called and let me know. So thank you, thank you, thank you.

Thank you for the opportunity to address the Council. My name is Deborah dela Cruz and I am a member of the Lanai CPAC.

I concur with Councilman Hokama's amendment. I concur with Chair Couch's proposed amendment deleting language on page 9-3. I concur with Chair Couch's amendment to the first paragraph of Appendix 9.2, but I don't concur with his change to the second paragraph of Appendix 9.2.

In my March 8, 2016 written testimony, I merely requested the deletion of wording in the first paragraph. I was travelling and didn't have my notes and failed to also request deletion of the entire second paragraph in Appendix 9.2. It states that the community plan land use designation does not limit any uses established by the property's zoning unless specifically prohibited or restricted.

The Lanai CPAC was not watching for specific prohibitions or restrictions as we developed the plan. We were following Planning Director Spence's advice to us on January 9, 2013 when he advised us to "keep the level of detail in the plan at a macro level and not to use the plan as a zoning code".

I see the "unless specifically prohibited or restricted" wording as an attempt to weaken the authority of the plan. We saw similar attempt when the previous version of the plan contained new wording as follows "Community plan land use designations are not regulatory". This was buried on page 201 of the 203-page document. That sentence was deleted, and the objectionable language on page 9-3 and Appendix 9.2 added in December 20, 2015.

The community has been told repeatedly that the new language is meant to clarify how the differences between zoning and the community plans are handled. A community plan is not the place to resolve the differences. The resolution should be at the County level, and pardon the paranoia but I and others think that this has been a way to get the procedure in through the back door and that the changes are being proposed for our plan as we're small so the rest of the County isn't paying attention.

It could set a precedent for future plans. If you leave in the second paragraph of Appendix 9.2, I request that we simply revert to the 1998 Community Plan. It is amazingly still current.

Since so few actions have been implemented aside from the new Police Station, there's more than enough to keep the County busy until the next plan.

Also, since Pulama has changed many of its plans, it would perhaps be simpler to revert to the 1998 Plan as it plainly states the community's vision without plans that aren't being seriously considered.

DEPUTY COUNTY CLERK: Three minutes.

MS. DELA CRUZ: I also ask that the future plans be left intact to the maximum extent possible. Chair Couch stated in a previous meeting that they didn't use half of one CPAC's plan. There is something fundamentally wrong with that. There was a lot of unnecessary wording added to our plan and changes made to areas the CPAC considered important. I think the changes should be restricted to clarification in, in parts that are illegal, incorrect, or unenforceable.

Please let each community plan be the community's "apostrophe s" plan. Thank you.

CHAIR WHITE: Thank you, Ms. dela Cruz. Members, any questions? Seeing none, thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Butch Gima. He will be followed by Ron McOmber.

MR. BUTCH GIMA:

Good afternoon. My name is Butch Gima. Just to piggy back on Debbie's testimony. One of the things that I pointed out in the testimony that you guys did not hear the other day was that there's some inconsistencies in that on page 9-3, the language there is inconsistent with the language in Appendix 9.2. It was my understanding after the last hearing before Council that the "unless specifically prohibited" language was going to be deleted from both the Appendix and 9-3. So I was quite surprising to still see it in the, in the latest version.

As I also testified the other day, it is very frustrating that we are all volunteers so we're, we're not on this every day and it's hard to follow when we don't know which version is the current version, you don't have 3.1, you know version 2, version 3, so it has been really tough for us to follow.

In Will Spence's letter dated November 13, 2015 to the three Planning Commissions, he references the proposed amendments to Chapter 2.80B and it has some similar

language to the language that we're kind of worried about but it was, it's worded differently. And it was not clear if that's on the table today, it's not clear to me.

The other thing that I was concerned about when I testified the other day was you reference Ramseyer formatting, so there was Ramseyer formatting on page 9-3, but there was none of Ramseyer formatting in Appendix 9.2. So, you took out some of the wording, but the content remained the same. And so the, the term I used when I was testifying last week, even if you put lipstick on a pig, it's still a pig. So even though you change the wording around and made it appear that you guys took it out, it, it still remained in there. And because you guys didn't do any Ramseyer stuff on Appendix 9.2.

I'm hoping that Council is not trying to approve this real quick so you guys can get to your Budget hearings. And as I said in two prior hearings, hoping that your deliberations and decisions isn't like the tail wagging the dog. We're getting a lot of chatter from Maui saying that if we pass, if you pass this in its current form--

DEPUTY COUNTY CLERK: Three minutes.

MR. GIMA: --it's going to set precedence for future deliberations for you guys or future Council's when the other planning, when the other community plans come before you.

So I would rather have a well thought out, well informed decision made by the Council even though it takes longer, because it's going to impact our community. So, please don't rush this, make sure you guys are, are solid with, with the decision that you guys are well informed and taking into consideration what our community has shared with you in our testimony both written and oral. Thank you.

CHAIR WHITE: Thank you, Mr. Gima. Members, questions for Mr. Gima. Seeing none, thank you for being here.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Ron McOmber. Mr. McOmber is the last individual who has signed up to provide testimony.

MR. RON MCOMBER:

Welcome to Lanai again. Seems like a weekly occurrence here. I agree wholeheartedly with what Butch and Debbie have said. I'm not going to go into that.



My pet peeve is that the community plan that we had in 1998 is a complete plan. I think we should go back to that as our basis. When we looked at the community plan, somebody somewhere took out the heart and essence of what that plan was. And, and a lot of it had to do like with the runway extensions, and runway stuff. This is not acceptable.

We've sat down at the, at the table for nine months looking at a community plan that we thought we were enhancing the community plan. We didn't enhance it. We, we put a lot of stuff in there, cause Pulama threw stuff at us like crazy to try to work into the community or future of Lanai. But there's stuff taken out of that plan, the original one you should have never touched it.

On page 53 for instance, it has to deal with runway, with the airport. We're being bombarded over here with possible heliports, extensions of runways, more flights. Now I understand they have a helicopter stationed at the airport. This is not acceptable. We need to address these problems and we need to have them in the community plan. And if you take them out of the community plan, that's what happens. You trash our old community plan and we got hoodwinked.

We asked when this, right in this room, we asked what are, what is Pulama going to do, what are they going to do. They threw stuff at us, we were overwhelmed and, and that's not an excuse for us to miss it, but we did. One of the things they threw at us, guess what was going on while we were holding the community plan, desal plant. We thought this was the greatest thing since popcorn because we need water here and we could do agriculture here. By the time it got to the Planning Commission, they'd already decided that if they didn't get 30 years, they ain't going to do anything. But we didn't get to address that. We didn't even talk about it at the CPAC meeting. If we had, we would have asked some of those questions.

So all I'm asking is I'd like to see us revert to our original 1998 Community Plan which is a complete document. And if not, then let's delay this until all the other CPAC's are done and then we'll come back and discuss it. And we should hold, come back and let us talk about it as a community. Thank you very much.

CHAIR WHITE: Thank you, Mr. McOmber. Members, any questions for Mr. McOmber.

MR. MCOMBER: They're not that silly.

CHAIR WHITE: Is there anyone else who would like to testify this afternoon? You know, we, we understand there are concerns and I don't know if you have noticed but we have put a, we have filed, we have transferred to Council an extension until July, no, June, is it June 30?

COUNCILMEMBER COUCH: Yeah.

CHAIR WHITE: To June 30 to pass this out. So, we wanted to come back and, and hear the testimony directly from you and we will be recessing this meeting to immediately following our April 15 meeting, this coming Friday.

Oh, okay, please--

MS. WINIFRED BASQUES:

Good afternoon.

CHAIR WHITE: Good afternoon.

MS. BASQUES: How are you folks.

CHAIR WHITE: We're doing fine.

MS. BASQUES: Maikai no. Pololoi.

Okay, several weeks ago my granddaughter came to stay with my--

COUNCILMEMBER VICTORINO: Could you identify yourself.

MS. BASQUES: --okay, Winifred Basques, live on Lanai 53 years as of February 28, of this year. Okay, my granddaughter came with me and I took her to meetings. She was astounded to hear what she had to say. Now she's only 13 years old. She come from Kapolei Middle School. And I gave her the stack of papers. She said you know what Grandma; it doesn't make sense.

Here this people trying to get together, do what they can do but it doesn't come out that way. Thirteen years old now. I tell, are you sure. Yeah. So, when I going to, take her to the Capitol to see what it's all about. Legislators and the Senate, how they go about doing their bills, their propositions, what they have to do for each island, each community, what it's all about.

Okay, the second one is about this Lanai City expansion, the road. Talk about road, I know about road because my husband and I work on the road. Lanai, Kaunalapa'u Highway, Manele Boat, then you have is, there is another, the Airport Road, and there's Kaupili Road. I been working with my husband . . . 29 years. He was a

supervisor, highway supervisor, Department of Transportation, Highway Division, 29 years.

So I look at this paper here, you know, when I go meeting, they talk about road, I can tell you everything about road. I can tell you when you got to do it, how much got to be, what is the . . . who's going to be involved with the construction, the rail, the painting. I can tell you everything about that.

And did you know I learned a lot from him. When they lead, that resurface that road, it has to be four inches thick, okay, compound it has to be 98 percent with the core that has to go Honolulu to be inspected in Honolulu now. And if it's not . . . he reject the whole thing and there goes the money, right then and there. When you talk about roads, hey I can be on the road, I can tell you where everything stay, the, the drainage ditch everything.

But, the thing is that when coming back to the CPAC, excuse me, I do not know anything about the CPAC.

DEPUTY COUNTY CLERK: Three minutes.

MS. BASQUES: Or Lanai Planning Commission meetings. I just go to the meetings and listen and hear and see what it's all about. The commotion that comes out isn't very good. I don't think so. Because people here is so humble, they thinking about oh, my goodness, what is going on over here. We live the life that we live. I came from Honolulu, I live in Kalihi, that's a big city to come to this small island, country and I love it. So please don't try to make something more important than what's supposed to be even though the landowner, hello, he wants to make everything available, no, no, no. A`ole pilikia. Mahalo.

CHAIR WHITE: Thank you, Winnie.

MS. BASQUES: You're welcome.

CHAIR WHITE: Anyone else wishing to testify? Okay seeing no further testimony, we will recess this to immediately following the April 15, Council meeting. We're in recess.

**THE RECONVENED COUNCIL SPECIAL MEETING OF *APRIL 1, 2016* WAS RECESSED BY THE CHAIR ON APRIL 8, 2016 AT 2:59 P.M., AND WAS RECONVENED BY THE CHAIR ON *APRIL 15, 2016* AT 12:05 P.M. IN THE COUNCIL CHAMBER.**

ROLL CALL

PRESENT: COUNCILMEMBERS GLADYS C. BAISA, ROBERT CARROLL, ELEANORA COCHRAN, DONALD G. COUCH JR., S. STACY CRIVELLO, MICHAEL P. VICTORINO, VICE-CHAIR DONALD S. GUZMAN, AND CHAIR MICHAEL B. WHITE.

EXCUSED: COUNCILMEMBER G. RIKI HOKAMA.

*(Councilmember Hokama was not present when the roll was called; however, he arrived at 3:30 p.m.)*

CHAIR WHITE: The recessed meeting of the special Council shall come back to order. And this is for the purpose of discussing the Lanai Plan. And Members, as I mentioned earlier, we plan to move the discussion till after, immediately following our Committee of the Whole meeting this afternoon. The Committee of the Whole meeting is going to start at 1:30, we anticipate it concluding in the neighborhood of 3:30 but we will start the discussions immediately following COW, as soon as we can get the, the folks from Planning to come over here.

So, one housekeeping item is that I neglected to close public testimony while on Lanai, so without objections, we will close public testimony. We have, well actually, Mr. Clerk, would you like to check with Lanai to see if anyone is.

DEPUTY COUNTY CLERK: Mr. Chair, we have checked with all the District Offices, there are nobody there waiting to testify.

CHAIR WHITE: Okay, and there's no one in the chambers. So, without objections, we will close public testimony.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you very much. And we will be in recess until after--

DEPUTY COUNTY CLERK: Mr. Chair, excuse me. Sorry, if we could also request that written testimony be received into the record.

CHAIR WHITE: Yes, thank you very much. Members, any objections to receiving the testimony into the record.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

**THERE BEING NO OBJECTION, WRITTEN TESTIMONY  
RECEIVED FROM THE FOLLOWING WERE MADE A PART  
OF THE RECORD OF THIS MEETING:**

1. Lynn P. McCrory, Pulama Lanai;
2. Deborah dela Cruz;
3. Kamana`opono Crabbe, Office of Hawaiian Affairs;
4. Lloyd Fischel;
5. Beverly R. Zigmond;
6. Rick Dunwell;
7. Susan Matsumoto;
8. Aimee D. Donoho;
9. Tom Roelens;
10. Noemi Barbadillo;
11. Charles Palumbo;
12. Monty Gamble;
13. Michael, Joni & Makai Inouye;
14. Stuart & Kathleen Marlowe;
15. Seril Shimizu;
16. Alec Pascua;
17. Doug Stephenson;
18. Mike & Kathy Carroll;
19. Ken & Jan Dunford;
20. Howard & Donna MacNair;
21. William Patterson;
22. John Stubbart;
23. Nancy & Wallace Tamashiro;
24. Scott Stein;
25. Gail Riener;
26. Rob & Tammy Sanches;
27. Ron McOmber;
28. Arlan Chun;
29. Keri Goto;
30. Roxanne Catiel;
31. Melvin Catiel;
32. Henry C. Richardson;
33. Scott Ashworth;
34. Jennifer Lichter;
35. Alexandra E. Read;
36. Kelly Ruaburo;
37. Juliet Baptista; and
38. Sally Kaye.

CHAIR WHITE: Anything else, Mr. Clerk. Thank you. We are in recess until following the COW meeting.

(THE MEETING WAS RECESSED BY THE CHAIR AT 12:07 P.M., AND WAS RECONVENED AT 3:30 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR WHITE: This special Council meeting of April 1, 2016 will now be reconvened. We have Members Bob Carroll.

COUNCILMEMBER CARROLL: Good afternoon, Chair.

CHAIR WHITE: Gladys Baisa.

COUNCILMEMBER BAISA: Good afternoon, Chair.

CHAIR WHITE: Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha, Chair.

CHAIR WHITE: Don Couch.

COUNCILMEMBER COUCH: Aloha, good afternoon, Chair.

CHAIR WHITE: Stacy Crivello.

COUNCILMEMBER CRIVELLO: Good afternoon, Chair.

CHAIR WHITE: Riki Hokama.

COUNCILMEMBER HOKAMA: Chairman.

CHAIR WHITE: Don Guzman and Mike Victorino.

COUNCILMEMBER VICTORINO: Aloha, and good afternoon, Chair.

CHAIR WHITE: Thank you.

Okay, Members the, we've asked the Planning Department to come and, and make a presentation today to try to put a little, greater level of understanding as to what the differences are between the Advisory Committee plan, and the Commission passed

plan, and then the plan that is being recommended by the Planning Committee for passage.

So Mr. Director, if you would--

COUNCILMEMBER HOKAMA: Chairman.

CHAIR WHITE: Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: Before you recognize the Department and Director Spence, I'd like to present to Corporation Counsel a question. I do not consider a, this a properly re-adjourned meeting. When we recessed on Lanai, we did not give the community and the rest of the public a time certain on this recessed meeting's reconvening. We just said we going to be after the Council meeting. In all my years of serving on this body, we have never recessed an official Council meeting without a time set in place, certain. How does the community on Lanai know when to participate or observe our official conduct when there is no mention of time of this reconvening. How does others in this community watch the process of what we doing since there is no set time for this meeting.

You know, again, I am not a happy camper with this process. So, Mr. Corporation Counsel, is this a appropriate meeting for us to reconvene in since we never recessed according to our rules and procedures, standard procedures.

DEPUTY CORPORATION COUNSEL MICHAEL HOPPER: Mr. Chair. Thinking, dealing specifically with Sunshine Law, in this case the recess was done to the, at the close of the Council meeting today. At the close of the meeting today the, that, this, the meeting from Lanai was again recessed to this afternoon, subsequent to this, to the Committee of the Whole meeting. So I think notice was provided to, at least in the Sunshine Law requirement to when the, the time would be subsequent to the Council meeting. So I think there was notice to the public as to when the meeting would occur. So in, in this case, I, I under the Sunshine Law, I believe that is adequate.

Whether under Council Rules, I've not looked at that particular issue. On, on the, under the Council Rules if we need to recess and I'll take a look at that with staff, I would be willing to do that.

But, again for Sunshine Law purposes, the public did have notice that subsequent to the Council meeting, so it would have been able to follow the Council meeting and know when, when that would be. Of course, if the Council wishes to hold other,

additional meetings on this, recommit the item or, or any other of those options, it certainly can do that.

COUNCILMEMBER HOKAMA: Thank you, Mr. Hopper. I just feel that myself and our community on Lanai is getting jerked around too much on this--

CHAIR WHITE: Let's, let's take a couple minute recess so that Mr. Hopper take a look. And we'll be in recess at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 3:34 P.M., AND WAS RECONVENED AT 3:38 P.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR MEMBER VICTORINO, EXCUSED.)

CHAIR WHITE: Okay, Mr. Hopper.

DEPUTY CORPORATION COUNSEL: Thank you, Mr. Chair. The Rules state that recesses of "Council meeting, public hearing, or committee meeting may be recessed to a reasonable date, time, and place, but not for more than 14 consecutive calendar days and not to a date more than 60 consecutive calendar days from the date of the originally noticed meeting. The date, time, and place for the reconvened meeting or hearing shall be publicly announced by the presiding officer prior to the recess."

So it, in this case the Chair announced that the meeting would take place, would take place subsequent to the Council meeting today. And, you know, the Chair does have discretion under the Rules to interpret the Rules and, in this case apparently has interpreted the Rule to allow for this, this meeting this afternoon after the, after the, the recess taken at the earlier meeting today which was after the, the Council meeting as it was done.

So that, that's, that's where we are right now, again the Council has the option of if it wants to recommit this or, you know, look at this issue further. I, I could do more research on the issue but, you know, right now, looking at this, it, it, under your Rules which again are subject to interpretation by the Chair, notice was given that this would happen subsequent to the Council meeting today.

So the general public would have been able to follow the Council meeting today and see subsequent to that meeting, the action taken, or the, the recess which was to this afternoon.

Now above and beyond what the Sunshine Law requires, you know, the Council has the option if it is dissatisfied with the, with the notice that the public has to, to take



appropriate action which could be to re-notice yet another meeting or recommit the item. So that's another option that the Council has.

(Councilmember Victorino returned to the meeting at 3:40 p.m.)

CHAIR WHITE: Thank you, Mr. Hopper.

And the Chair will just say that, you know, I know when, in no way intended to jerk anybody around. But as we all know, we have often had to recess one meeting to start another and then recess it again and, and it's a process that the Chair feels is, I mean not all, all that helpful. So this was not meant to inconvenience anybody, but simply, similar to when we recess at the call of the Chair. We don't have a specific time to come back, it's at the call of the Chair.

For me the, the issue is somewhat inconsequential because it's, it's the Chair's feeling that we would go through this presentation today, get as many questions answered, and as many concerns out there for the department and the committee to work on, the Committee staff to work on so that we can, we can then move forward with, with getting this issue put to rest one way or the other.

And so, if we send this back to Committee, then this issue is moot anyway because it doesn't, you know, it would only have a negative bearing if we took action. It's the Chair's feeling that this is within the Rules, it doesn't say a specific time, it doesn't, says date and time, and so I think we're within the Rules. But at the same time I think this issue is going to require some additional focus and, and time, so I didn't feel that we would get everything done today anyway.

So, it's at the pleasure of the Committee if you want to simply have a short discussion today or a long discussion today and, and then come back in Committee later on. But I think at a minimum, we need to have some clarity as to what the specific issues are that remain with the plan. And so I would ask all the Members, to identify the issues that you have with the plan that the, the changes that the Council has made, not the, not the changes that the Lanai Planning Commission made, but the changes that the Council made that are at, you know, that remain at issue for you so that we have a clear roadmap as to how to get from "Point A" to "Point B".

So, my preference is to have the discussion so that we get as much of an understanding as we can from the Department as to the various perspectives and then we'll look at recommitting this to Committee. So, are there any objections to proceeding as such.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, Mr. Spence.

PLANNING DIRECTOR WILL SPENCE: Thank you, Mr. Chairman, Councilmembers.

As Chair White said, he wanted to see a summary of the changes that were made to the plan throughout the process. I have a couple of things for you. Normally, these plans, everybody focuses on the land use maps, so I pulled, quickly pulled together side by side presentation on what has changed through the process.

So, starting with, Lanai City, the primary changes that, the map on the left is what the, the Community Plan Advisory Committee and the Planning Commission voted for, they are virtually identical. Then, what passed through Committee, Planning Committee is identical with, with what the CPAC and the Commission set. There are, within the text of the plan, there are descriptions of what the new designations mean, there are specific intents and descriptions of, you know, what the, for instance the, the public/quasi-public designation that's for a university campus. That's specified in the plan, that went from, that originated with the CPAC, went to Planning Commission, and also passed out of Committee. There are certain prohibitions and, and things like that, or certain specifications maybe I should say. Okay.

Manele, the map on the left is what the CPAC voted for. The map on the right is what the Planning Commission and the County Council voted for. There are minor differences, CPAC--

COUNCILMEMBER HOKAMA: Chairman, correction, Planning Committee, Council has yet to give a decision on this documents.

PLANNING DIRECTOR: Okay, and my apologies, Mr. Hokama. Okay, the CPAC map on the left, particularly up towards the top of the map, they voted for some single family residential, some park space and a very small amount of commercial. And that, the idea is to provide additional housing opportunities, mostly for the island, the residents of the island.

The, nothing really changed with the Project District, there's a little, the, with the Commission and Planning Committee, they made a change from that single family, the park, and the business commercial, over to the right and they redesignated it mixed use.

CHAIR WHITE: If you could, Mr. Spence, if you could hold off for a second. Could you get him a pointer.

COUNCILMEMBER COUCH: It doesn't--

PLANNING DIRECTOR: It won't show on the--

CHAIR WHITE: Oh, that's right--

PLANNING DIRECTOR: --the mouse.

COUNCILMEMBER COUCH: --you got to do the mouse.

PLANNING DIRECTOR: Okay, give that a try.

COUNCILMEMBER COUCH: There you go.

PLANNING DIRECTOR: Okay, so this area, this area here, you can see it changed from the CPAC recommendation, it changed to mixed use. It's almost semantics. We will at some point come up with a mixed use zoning ordinance, but it will have residential, it will have a small amount of commercial, and it will have park space.

Okay, then at the bottom of the map, down here there's a little bit more designation of open space, and if you look at this open space designation down by Manele Harbor, the shapes are just slightly different, those are just to follow some property lines.

At Kaunalapa`u, again the CPAC designated some single family residential down by the harbor. These were supposed to, these were supposed to be view lots. Again, just some additional housing opportunities. The Planning Commission and the Planning Committee did not change that, the, did not change except to say its again a mixed use and that the, the thought is to provide a little bit of flexibility and some design characteristics at a later date. And then this open space just above the harbor.

The Airport Runway, the, a lot of discussion about the runway and what should be done with that. At one point the, Pulama Lanai said maybe we should do a second runway. The idea was to allow for larger planes to come in and out and be able to get freight in easier, those kinds of things. The, so the CPAC recommended to identify where a second runway would go.

When it got to Planning Commission and I looked at the minutes, the, and also a secondary thing on the, on what the CPAC was recommending was, there was a whole lot of discussion as there was in the 1998 plan about flights taking off and going over the city. So that was, there was a lot of discussion at that, at a CPAC level and that was part of the reason for the recommendation for the second runway.

At a Planning Commission level, the discussion was, you know what, planes are changing, they are, instead of across the country modifying all of the airports for additional runways and longer runways, the, the thought has been with the plane manufacturers, just create planes that take off and land in shorter distances. So, they recommended, the Planning Commission recommended that the second runway come out and that they, they supported a 500-foot extension of the runway. It's, when you look at the map and, and I have that with me if you want to see, that extension is very short and it's just for safety purposes. This also went through Planning Committee.

At Kahalepalaoa, the CPAC has done Club Lanai. The CPAC had recommended the new resort with some rural residential and then there was a big band of conservation around it. I forget the exact distance, and that was, they were saying okay to this new resort and to this new rural residential. And then the Commission made a very slight change to it by calling that conservation piece . . . okay. This here, this conservation strip here, this buffer, the Planning Commission just changed it to call it open space. That's the sum total difference between the two. And then of course, when we got to Planning Committee, the Council recommended removal of that. That's really the very largest change between what happened on Lanai with the, with the CPAC and with the Planning Commission. This is, the removal of this second, or excuse me the third resort, that's the very largest change.

And, that's pretty much it for the, for the maps. The, here, I do have, I did bring this one more slide. This here is the, it's the diagram of the airport, just explaining the, the 500 foot. This little red area here within the whole distance of the runway, that's what the Planning Commission voted to support. It's not very long, it's just a safety feature.

The, okay, and Mr. Chairman, that concludes the PowerPoint. The changes, we can, we could call them substantive, but the support through the process for a University campus, for mixed use, for you know, new residential areas, those things remained in support from the CPAC through the Planning Commission and through the Planning Committee.

CHAIR WHITE: I think the other, the other questions would be regarding the changes in the text, through the plan. Do you have comparisons of that?

PLANNING DIRECTOR: I don't have a comparison of that. But in January 26, 2015, we sent a letter to, at that, to Chair Couch and we outlined, we provided a summary, a two-page summary of the differences. I can read those, that's a part of the, the binders. The--

CHAIR WHITE: Do we have copies? I know the, the staff is making copies of the maps for all of you and why don't we make copies of this and--

COUNCILMEMBER COUCH: Mr. Chair, it was in the Committee binder. It was part of--

COUNCILMEMBER VICTORINO: But we don't have the Committee binder.

CHAIR WHITE: We don't have it with us.

COUNCILMEMBER COUCH: --we don't have it any more.

CHAIR WHITE: Let's just take a recess at the call of the Chair, get you copies of the maps and the letter. We are in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 3:54 P.M., AND WAS RECONVENED AT 4:07 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR WHITE: This meeting will come back to order. Members, you've been distributed copies of the maps that were shown up on the screen as well as a letter that Mr. Spence referred to dated January 26. So, Mr. Spence.

PLANNING DIRECTOR: Yes, thank you, Mr. Chairman.

The first part of this letter that summarizes the, are things that, that we worked on between the CPAC and the draft, and what went to Planning Commission. Planning Commission was aware of this.

I, I have notes from staff that this was actually changed by Planning Committee, no, okay, never mind. We filled in some gaps with the 2.80B requirements: population and multi-modal transportation plan. We removed redundancies between Policies and Actions; and some Policies were made into Actions, or vice-versa. We made the Issues and Strategies more concise. The, and some things were moved to Actions. The, added and edited introductions.

All of these things, these were all reviewed by the Planning Commission. And the Planning Commission went line by line through them all.

The, when we get to Chapter 1, the Planning Commission voted to remove "Employment" data from the Fast Facts Table on page 1-8.

Chapter 2, and these are the substantive things that relate, and it's up to the Committee if they are, pardon me, Members if these are substantive or not. There was a Chapter 2, there was a thorough discussion on the Population section and those revisions were made. Revision, sub-section D, to clarify the relationship of the chapter elements with sustainability and climate change adaptation. That's a requirement of State law that this be included in all General Plans now throughout the State.

Chapter 4, there was revisions to address hurricane hazards and shoreline hazards, including sea level rise.

Chapter 5, added some, added some description, Policy and Action to include the World War II internment sites.

Chapter 7, they added some verbiage about the LWAC, about the Lanai Water Advisory Committee and to policies and actions. Added some language to support wastewater treatment to R-1. Address landfill capacity issues and voted to add a recycling action. Through the discussion there were revisions to Transportation sub-section on multi-modal transportation. Added language to have low-cost transportation options for residents.

Chapter 8, the, the Commission voted to make revisions and focuses on policies and actions to strengthen police force, emergency road access to Manele, for education to build future workforce from island residents, and to support health and human services, particularly substance abuse issues and behavioral health issues.

And on Chapter 9, they added a table in the Land Use Principles and Standards. The, there was a statement on the desired sequence of new development was added in the Future Conditions. A statement was added that the CPAC predicated their decisions on the availability of water resources. And the Mixed-Use Residential designation was added for three areas in the Lanai City Expansion Area, Manele Mauka, and Kaumalapa`u. And, and we already went over the, the maps for that chapter.

Chapter 10, in Urban Design, they added some principles.

Chapter 13, in implementing actions, they prioritized all of the actions.

And then, of course you've seen the maps.

So those are the substantive changes between what the CPAC said and the, and the Lanai Planning Commission. The CPAC was very active, they were at every

meeting. Testified twice at every, at least twice at every Planning Commission meeting. There was a lot of discussion and in the end, maybe the Members would disagree, but they pretty much came to agreement on all of these things.

So, thank you, Mr. Chairman, that summarizes the changes.

CHAIR WHITE: Okay, thank you, Mr. Spence.

Members, questions for Mr. Spence.

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Mr. Spence. And I mean, I thought the matrix I would see were the ones that we saw, we had when we did the Maui Island Plan, when it had the GPAC category to the Planning Commissions, to the change. You know, for me that was really helpful to cross-reference the evolution of the, you know how it evolved into the final end result.

And so I, I understand what you're doing here, it was kind of last minute that we wanted a kind of big overview. But, for the future, the maps, although they weren't a whole lot of changes in the maps, in future districts will, can you do something like this to cross-reference. I mean can you make it like a regular occurrence that something like this can occur so people can follow. They weren't there, they can pick up a binder or folder, something, pamphlet and say oh, these are the changes that occurred and, you know, the, in color form where it's easier to decipher rather than words, that's really hard, and also with the text. I mean to literally have that matrix of for, during, after, what's, and, and that type of timeline sort of thing.

PLANNING DIRECTOR: Okay. The, I listened to the discussion earlier today and I know there is, you know, a lot of comments on a matrix and stuff. Let me explain. And, and really, I like Member Couch's suggestion that we just, we have a good open discussion on the community plan process in the Planning Committee because it'll give a little more time to really discuss what the Members are looking for in, you know, the changes that take place along the way. The proper form that that should go in, those kinds of things.

Because there's a lot more than just providing a document that says, it's a, you know, it could be a big massive table, you know. Honestly, if, if you want to go commas to semicolons. If you want to go changes shoulds to coulds or mights or something like that. You know, some Members may think that stuff is substantive, some Members

may not. Things that Planning Committee may think are substantive, we might not think so, or individual Members.

So, that's a whole discussion for another time. I know something we're planning for doing for Molokai is sending a redline copy up so you can actually see, excuse me, what the discussion was and where the changes took place. The, you know, that's certainly one way to do it.

When we were done with the Maui Island Plan, I went around to the different Members at that time and I, I asked them, you know, cause that was quite a process. And it took, it took six years to get through the Maui Island Plan. And nobody liked that process. So, here we are, we're, we tried something different and outside of what was the normal process and this is after discussing with the different Members, we don't like this process, we need to do something different.

So we did something different and basically we're asking to return to the, the old process. Ideally, Planning, when you do a community plan like this it evolves from one place to the next. And you look at it as a whole. Our concern with just doing a matrix with, you know, just the changes and what those are substantive and what aren't will be a huge matter of debate.

But, you're focusing your time gets on this great big massive table, rather than is this a good plan, is this a bad plan, what are the big issues, what are the you know, what are not the big issues. Everybody focuses on the matrix. And so that's why we chose not to, to do a matrix for this. We followed the law, we followed the requirements of 2.80B and that's where we're at.

I, I can appreciate after listening to all the discussion, want a little more definition on where the, where the, how things change through the process and that's one reason why we're sending up a redline version of Molokai.

CHAIR WHITE: Mr. Spence, is there available a Ramseyered version of the, of the text of the plan from the, from the Lanai Planning Advisory Committee to the Planning Commission version. The, what changes were done by the Planning Commission based on the Advisory Committee's recommendation.

PLANNING DIRECTOR: Yes, those, those are available. I think we've already given those to Council staff.

CHAIR WHITE: Do, Mr. Couch, do you know whether the Committee has distributed a Ramseyered version of the plan showing the Planning Commission's changes. I don't recall.



COUNCILMEMBER COUCH: I don't recall that either. I, I would have to check in the old binder.

CHAIR WHITE: I, I think it's important that we have the Ramseyered version of the changes made by the Planning Commission, Lanai Planning Commission to the Planning Advisory Committee's recommendations. And then, our staff should be able to do a Ramseyered version of the plan that's before us today to the, the one that came from the Planning Commission.

And i would suggest that that's probably the first, the first step. I think, I think it's, I would still like to see a matrix done because it, but I think it's, it's fair to at least take a look at the Ramseyered version just, just to see the magnitude of the changes. But, I think the, it won't take any work to get the Ramseyered versions and I think we're willing to have OCS staff assist with developing the matrix, especially of the changes that we made to the, the Planning Commission's recommendation. If you can assist with, with taking a look at doing the matrix for the changes from the Advisory Commission to, Advisory Committee to the Planning Commission.

PLANNING DIRECTOR: Chairman, if I may.

CHAIR WHITE: Go ahead.

PLANNING DIRECTOR: The, couple of things. I, one, I think a Ramseyered version would be much, if, if you, if you were looking at the plan as a whole, a Ramseyered version is much more useful because you're seeing the changes in their context rather than a table here and a text over here, and switching back and forth. You know, you, I know it's easier for me to read when I, when I pick up documents that staff wants me to review. That's one suggestion.

The other, I'm not sure how to resolve this, but once we transmit to Council, it's no longer the Planning Department's document, it's no longer under our purview.

CHAIR WHITE: Yeah, and that's why I say I think it's appropriate for us to have the matrix of changes made by Committee done by our staff. I think that's, that's the--

PLANNING DIRECTOR: We can get you the, you know, whatever documents I, like I said I think we've already given them to staff but if not, that's pretty easy to do.

CHAIR WHITE: Okay, and then Mr. Couch, I would appreciate it if you take a look at the Ramseyered version between the Lanai Planning Advisory Committee and the, and the Lanai Planning Committee [sic] to see whether, how much work is it going to be

to do a matrix for that, those changes and, and if necessary then, then we'll require that of the Department. Actually not require it, but we'll certainly ask and we'll help to whatever degree we can.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Yeah, I can work on that. As I mentioned in the, in the extension discussion, the time extension discussion, the, the process and, and I think the Department knows this too, the process is broken. I've drafted a letter, I'm going to be submitting it to the County Clerk, so it goes to our next meeting and then if it comes to the Planning Commission, I will, Planning Committee, I will bring that up right away, at the next available meeting, next meeting period. I'll push everything else out of the way.

As far as the matrix is concerned, that you were talking about, you know, we have, we have pretty good staff downstairs, really go staff downstairs. And in, in three hours, I asked them to start it at 12:30 and by 3:30 we have a summary matrix done. It could be a little bit better as far as words and stuff, but for, for, of every change in every chapter is done. So it can be done.

And, you know to fill in this, I would ask that we work with the Department, the staff can work with the Department to fill in the pukas where, where we would have words instead of checkmarks and we'll have a pretty solid matrix. And it only took three hours to do this, this part. So, it can be done.

And I, I think we can have the discussion when we come to Committee on what we really want to see. But to get this going, I understand you're going to want to, you'd mentioned on, on, at the beginning of this meeting that you're considering recommitting it to the Planning Committee. If that were the case then we'll get all this stuff, get it ready, get it out again to the community, as we've done before, get it out to the community to give them a chance to comment on it and then, you know, get this passed.

It's one of those things where we got it passed, we got it passed at a, that everybody was okay with it and then somebody, I don't know what happened. So, I'm ready to go and do that, commit to doing that.

CHAIR WHITE: Can we have, can we distribute copies of that matrix to the, to the rest of the--

COUNCILMEMBER COUCH: I certainly can.

CHAIR WHITE: --folks. The Chair's, the Chair's request of all Members is to, we'll get the Ramseyered copies from the Department and from our staff. Distribute, what I would like to do is distribute the Ramseyered versions and the version of the, of the matrix that we've come up with today, like those distributed to all Members. And then each of you has an assignment to go through, you know, those three documents and come back to the Planning Committee Chair with your list of recommended, or concerns and recommended changes. Because as we've said earlier, this is, I don't think we're too far from having something that we can work with. And that we need to focus on where the, where the issues and challenges are. So when we get back to Committee we have all that we need to work with.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair. Yeah, and I mean after all the traveling to the island and this and that, I thought it was going along quite smoothly too. Until that one sentence popped out and it seemed to have blindsided according to the community there, the CPAC members, and whatever, it was that "unless specifically prohibited" that one sentence, and all of a sudden, oh my god everything hit the fan and here we are today, and, and that triggered it.

And I swear if we had a matrix going on, and everything was shown when the changes were made that would have been there, we have been discussing it, the community would have heard it. I mean that's where, and, and I don't recall being asked, I don't, or being asked after last General Plan discussion and saying how can we better this that I don't want a matrix. Personally I really, yeah it was huge and it was, I had writing all over in different color highlights, I mean it was tagged and it was dog eared and it was whatever, but the point was it kept my thought on the document, sort of in check to figure out where everything went.

And yeah we honed on, on punctuation marks, we honed in on "shall" and "may" and everything. But it made a difference. And in the end, we voted on those sentences which collectively created that entire document. And so for me to think that oh let's just generally talk about it and do changes and then put it in and we all reread and go oh yeah sounds good, lets pass it through, no I want to remember why we said what we said. Why did things change the way it did. I think it's really important because these documents are supposed to be here for ten years too, and guide the future of where ever the district is.

So, you know, that's, I, I think the initial reason why this was kind of came to a dead halt is because of that one sentence. And nobody here could figure out where, how, why it came in there. And supposedly it's to just clarify, but some people seem to beg to differ. So, personally, my changes are going to be what the community wants,

what Mr. Hokama is looking to get done for the island that he represents. So I don't personally have any nitpicky things that are glaring at me, but I take the feedback of the people who live there.

And so that's kind of where I'm at and I would just love to, you know, maybe I'm crazy, but yes I would like to see it line by line, why it was done. So, that's just my take on it.

CHAIR WHITE: Well I think, I think we all agree that the Department in some ways spoiled us during the Maui Island Plan but they, in doing so they raised our expectations of what we would have as our tools. And so I think that's, that is part of the challenge that we're facing now. But I would like to have Mr. Spence address the, the language that you brought up and the, explain. I don't know who, who recommended that, where it came from but, let's talk about the, what it does.

Mr. Spence.

PLANNING DIRECTOR: Thank you, Mr. Chairman. And first off, contrary to popular belief, the Planning Department did not change this language. Okay, this was done at Committee and it was properly noticed, and it was properly posted. The, why that took place is there's this confusion over the designations in the community plans and what they mean. And really what that language does, and it's a little bit legalese. For instance, the, what it does is it says so much that at the time of zoning, it says two things really, it says at the time of zoning you have this description of say the University where there's description in the plan approximately 524 acres proposed for University and research institute. So that public/quasi-public designation is not a generic designation, it's for a specific purpose. And it excludes all the other public/quasi-public uses.

(Councilmember Crivello was excused from the meeting at 4:32 p.m.)

PLANNING DIRECTOR: The proposed light industrial for the movie studio, by describing it as a movie studio, it excludes, when, when the company comes in for zoning, it will exclude food processing, it will exclude all the business uses, it will exclude all those things. This, that language, to me, it specifically prohibits all these other uses. That area is for a movie studio, not for anything else. And there's other examples as well that we'll probably want to talk about more in Committee.

But, those things are there and that's, that language and that table, that's what it describes is when you go through this process to change zoning, that's what those areas are for.

The other thing it says is say you go back to that public/quasi-public area for the University. The Council zoned that area agriculture, okay. That's zoning that was adopted by ordinance, etc. Because the community plan, that 1998 Plan said agriculture in '98 when the Council adopted agricultural zoning, it rezoned everything community plan that was designated as agriculture.

Okay, now we, we're faced with a new community plan. That area is now designated for public/quasi-public, it's not yet, but it's proposed to be. So if that's adopted, you have a mismatch. You have a designation for a University campus, plus you have zoning that says it's agriculture. That community plan designation does not entitle Pulama to build a University campus. But at the same time, you can't say that they can't do agriculture either because the zoning says so. They have to be able to use that property for something otherwise with every new community plan designation mismatch, you would have a takings. You would say that property is worthless and, you know, this is the way that our community plans work. We have, goes through this big long process, you designate places for, for new uses and growth, and, but in the meantime they're still zoned for something. So they need, Pulama if they want to do agriculture, they need to be able to do agriculture.

You know, we have those mismatches everywhere. So that's what that, that language is intended to do.

CHAIR WHITE: Thank you.

PLANNING DIRECTOR: Clarifies those two things. When you go in for zoning, you follow the community plan. Until you rezone it, you still have whatever the current zoning is. You can't subdivide because the ordinance won't let it. You can, you can build a house, or maybe with the second, but you can't subdivide it, you can't build a hotel, you can't do all those other things. It's, that's agricultural zoning.

CHAIR WHITE: Yes, Mr. Hopper.

DEPUTY CORPORATION COUNSEL: Yes, to, to add something to that. I think Director Spence is talking about in general the language, the language in the two paragraphs in Appendix 9.2--

PLANNING DIRECTOR: Right.

DEPUTY CORPORATION COUNSEL: --and the land use language in 9-3. Some of the issues were brought up with a couple of specific sentences, it's the Ramseyered sentence on 9-3 that was in a proposed amendment by Councilmember Couch as

well as the first sentence of the second paragraph in Appendix 9.2. Those sentences were specifically called out.

Now for those sentences, and I've, I have advised this for the, at the Planning Committee level that I will say it again. Those sentences deal only with the, and the sentence on 9-3, the Land Use chapter, is perhaps not phrased as clearly as it should be; however, the first paragraph of 9.2, the first sentence there, is, is an accurate statement of, of what the law is.

And it essentially states, it does not state that whatever your, you are zoned, it doesn't matter what the community plan says, you can do what's in your zoning. It doesn't say that. It says that if your zoning and your community plan designation match, if they correspond, is what the, is what the language is used, if they correspond, and you've got a table here that shows you when they correspond.

So if your community plan designation is agriculture, and your zoning is agriculture, if your community plan designation is business commercial and your zoning is one of the business districts, it, it is essentially saying that the Council does not intend, if you have a matching designation for the community plan designation to restrict any of the uses in the corresponding zoning, if you match. If your zoning does not match, then that sentence does not apply to you. And so that's an important distinction that, that I don't know if everyone is aware of that.

It does not say that automatically your zoning doesn't matter or that your community plan doesn't matter, that your zoning matters. It says that if they match, unless the community plan language specifically prohibits those uses, the uses allowed by the zoning will be considered consistent with the community plan. And that's a, an important designation, it's an important distinction because that sentence does not apply to you if you do not have a matching community plan and zoning designation.

And I think that's a critical distinction that, that hasn't been made in the discussions on that sentence. So I wanted to repeat that because that's something that has, appears to have been overlooked with respect to that sentence.

CHAIR WHITE: So if I'm understanding you correctly, that means that if, if there is no match, then they either have to come back for a change in zoning or a change in the community plan.

DEPUTY CORPORATION COUNSEL: This is dealt with in the second sentence, and, and under 2.80B, it depends on what the property owner is attempting to do with their property. If all they need is a ministerial permit, then it's the zoning that controls their uses. If they need more than a ministerial permit, a discretionary permit such as an

SMA Permit, a subdivision, certainly a change in zoning, then they have to follow the community plan and they will not be able to do the development they're proposing unless it's consistent with the community plan.

CHAIR WHITE: Okay, thank you.

Members, any further questions.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, hearing Mr. Spence, Mr. Hopper, some of the comments from Mr. Couch, so why don't we just write plain language then in our plans. Why we writing things that the people are questioning what the hell do we mean. Constitution requires us to put it in plain language. So, you know, I thought your explanation was pretty good, Director.

PLANNING DIRECTOR: Thank you.

COUNCILMEMBER HOKAMA: But obviously that's not what is communicated to our people on Lanai, cause they keep asking me what does it mean. So somebody is not explaining it in plain language for them to understand what is current practice, what is precedent, and what the proposal is trying to accomplish. Because its obviously not plain enough, Chairman, where people can get it.

And I would ask if the Members going to support a recommital this afternoon, that that is something that I would ask Mr. Couch to help work on for all plans, that it being very simple plain language so anybody can get it.

COUNCILMEMBER COCHRAN: Yea.

COUNCILMEMBER HOKAMA: Whether it's the first grader or the senior, or the guy with the PhD, anybody who reads it can get it. That's how we should write the laws, everybody should be able to understand it.

And you know, the other thing about this prohibition components, and that's why I look for and got our current plan, if you look at it people, it is very clear what our community wants. It's simple, it's plain language, anybody that reads it gets it, cause we don't mix our words. If we didn't like something, we say we didn't like it. If we wanted to . . . we prohibited it. It was clear what community intention is. There was no guessing on property owners, there was no guessing by County departments. We made it clear what Lanai wanted.

And I am not being, I'm getting uncomfortable with all this general, generalities, and kind of lumping things into gray pots, because I need things in black and white. Cause when we get grays, when people like Mr. Hopper and his colleagues come to us for settlements and claims because it's an interpretation difference now.

So if we're going to start off with this plan and it's going to be one of the guiding benchmarks, then I would say plain language should be a requirement. Thank you, Chairman.

CHAIR WHITE: Thank you, Mr. Hokama.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, and I agree to try and get as plain as language as we can. However, if you look at this exact thing that Mr. Spence talked about, to put all that he said would be about a three or four-page document. You know, all that he said, how to, how the comparison. So we tried to, Corporation Counsel tried to condense it to what it really means in legalese. And unfortunately it was more legalese. But, I mean we had, I had that same discussion on Lanai in, I believe our first Council meeting over there, saying if the inconsistencies are, that they're made as soon as you do a, a community plan. You make inconsistencies.

So to get that and, and then it took again another five minutes to discuss how those inconsistencies work and what the solutions are. So, yeah, I guess we can put that in, sometimes plainer English is a little longer than, than, than, trying to be succinct with, with more legal type language. But I'm fine with either way. If we can say that, we've been going around for several years trying to figure out how to say what Mr. Spence was talking about, how to put that down into law. And that's, that's where we're, we're stuck.

And, and I'd be, I'd be happy to have, you know, Mr. Hokama or anybody else sit down with us and say okay how can we say this in, you know, as many words as we need, but to come up with that concept. I mean I have a hard time, I even have a hard time explaining it to my wife, and she's, she's very intelligent. And it's, it's a very complex issue, very complex.

CHAIR WHITE: Yeah, Mr. Hopper.

DEPUTY CORPORATION COUNSEL: Yes, I, I am willing obviously if this is recommitted to work on revised language if, if it can be made clearer. The, the intent, I think behind at least the first sentence of that second paragraph is to avoid in the actual land use



descriptions with actually listing out every single use that could possibly be allowed in the community plan area because it would essentially be a list that looks just like the zoning.

And so, we can look at revising the language to make that clear or we can look at maybe looking at the land use descriptions and having the Council take a look at what do you, do you want those descriptions to, the detailed use in those designations to essentially be within the zoning. So meaning if you're, if you're community plan agriculture, is the committee okay with all of the uses in your agricultural zoning district being allowed in that community plan designation. That's the, I guess the question.

The way it is here, the intention from, from passing this document is to say, yes, if you match the zoning, then the uses allowed in your zoning are also considered allowed by your community plan. If that's a, a discussion the Council would like to have more of, we can, we can do that and maybe find a way to state it more succinctly. So we're certainly, trying to look at that.

But, but I think some of this language was intended to avoid having to restate every single permitted use that's allowed in the district in the designation. The designations currently in the plans are, are relatively broad. They're essentially one sentence descriptions, and it's not really possible in one sentence to describe every single possible use that's allowed in that district without missing some of the uses.

And so, we're looking at alternatives to, to see what the Council's intention is. Do you intend for all the uses in the zoning to be allowed in that district or are there some uses you don't want in that district? In which case generally the zoning would be changed because you wouldn't, you wouldn't make agricultural zoning have uses in it that you're not comfortable with the community plan designation happening and vice versa.

I think that's kind of the idea behind the Council having the same name of a community plan designation and a zoning that it adopts. But you know, that's, that's certainly a discussion we can have if, if this is recommitted as far as trying to find a, revised language, but I think that was the intention of the language. And by the way, that's how the plans as I understand them are currently being read and interpreted. So, we can further discuss that as, at the, at the Council's will.

PLANNING DIRECTOR: Just a, just a--

COUNCILMEMBER HOKAMA: Chairman.

PLANNING DIRECTOR: --quick comment, Mr. Chairman. The last thing that Mr. Hopper said is that, you know, this is the way that we're administering these. That's pretty universal across the country with comprehensive plans whether you call them General Plans, Neighborhood Plans, Community Plans, whatever, the, they, they show, plans show the possible future. Nobody can make someone come in and change their zoning. But, they, they show where land uses, future land uses could be.

And then universally across the country its implemented by zoning or other kinds of permits. That's, that's just the nature of our general planning process, the way we do it in this country. Thank you.

DEPUTY CORPORATION COUNSEL: Just to clarify though, the community plan designations are regulatory with respect to discretionary permits.

PLANNING DIRECTOR: Absolutely.

DEPUTY CORPORATION COUNSEL: So, if someone is coming in for an SMA permit for a use that's not allowed in the community plan district and they need an SMA permit, they're not allowed to do that use until they change the community plan. And the same is for subdivisions or other discretionary permits. So, it's not that it does not have a regulatory effect because it does.

PLANNING DIRECTOR: Right.

DEPUTY CORPORATION COUNSEL: It has the force and effect of law as to discretionary permits and that's an important thing to understand.

CHAIR WHITE: Okay, thank you for that.

Mr. Hokama.

COUNCILMEMBER HOKAMA: That's okay.

CHAIR WHITE: Okay. Members, any further discussion?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: I mean, you know, I like the idea just keep it in plain language because still we're going around and around and around. And, I mean, take for example the simple map, the first map, it was about public/quasi, the intention is for the college, University. It's zoned ag. Okay, I get it. Anybody can see the picture there. It's intended for one type of thing, but current zoning is ag.

PLANNING DIRECTOR: Correct.

COUNCILMEMBER COCHRAN: So eventually, this University will come and they will have to rezone to public/quasi. In the meantime, before that occurs, agriculture can happen on that land. So I, I mean that's pretty simple. I can explain that to the kindergartener, you know. But I know, and then you're saying this language is trying to explain that. Well that doesn't explain that for me. And I get it, it's the ag land right now, before the University gets built, cannot go do a shopping mall, and a bunch of two-acre house lots and things. That's what's prohibited right now there.

So, you know, I mean, I think there is a way you can do it in a very short and sweet simple way where people can understand. And in Lanai, there's not a whole lot of these things you need to, it doesn't seem like anyway. You got the University, you know the, maybe the Manele/Kaumalapa`u area. But, so, just for starters, to try and simplify things we can maybe do it with this plan and ease our way over to all the other district.

But, and it, it was interesting when Mr. Hopper said the designations on the maps are not, are regulatory. Because if I recall when Mr. Giroux was here with us, and that was a big thing, maps are not regulatory, these are not. Like, and we had huge discussion about that. And those words are left off of these maps, and I know that was really important that we have those few words on every single map that we looked at--

PLANNING DIRECTOR: That's--

COUNCILMEMBER COCHRAN: --doing the Maui Island Plan.

PLANNING DIRECTOR: Quick comment on that. Its other laws require consistency. Subdivision law requires consistency with the community plan. The community plan designation doesn't zone it and allow these uses, other laws specify where they're regulatory. Special management area has to be consistent. Like Mr. Hopper said, discretionary permits, they're most definitely regulatory in many, many cases. And, we got to follow um.

DEPUTY CORPORATION COUNSEL: Again, my statement was not that every map in the plan is, is regulatory. There's a variety of maps. The Land Use designations though, when, when you define what the designation is, and that's one of the required, that's one of the required aspects of the plan. That's something that is regulatory.

Now, now the rest of the plan, there's a lot of language in the plan that when a discretionary permit comes through, the Department's going to have to take a look at. You may have language that's particular to an area of, of the, of the district that's, that's not just the land use designation but has other language. So, that's, that's another section there that, that is important.

But what I'm saying is with respect to the, the land use designations themselves, with respect to discretionary permits so, not, not building permits, plumbing permits, electrical permits, but things like SMA permits and subdivisions, those are required to be consistent with the community plan. And so if you're subdividing your property, if you're doing a residential subdivision and, and your property is, is in an area that is not community plan designated for residential, then there's going to be a problem.

COUNCILMEMBER COUCH: Mr. Chair.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Yeah, and, to, to add onto what Ms. Cochran was saying, in her example she talked about agricultural and public/quasi-public for the University. Now, if somebody were to say okay, I want to change the zoning to public/quasi-public, unless its specifically prohibited, in this case it is because it says you can only do a University here--

PLANNING DIRECTOR: Correct.

COUNCILMEMBER COUCH: --then you could put a hospital, or you could put a, a school or whatever else is in public/quasi-public. But that community plan specifically says you got to put a University there.

CHAIR WHITE: Right.

COUNCILMEMBER COUCH: And that's where that "unless specifically prohibited" language comes in. That's, that's causing the problem.

CHAIR WHITE: And, I would, I would guess, Mr. Spence that the, that would also apply to the area that's designated single family as well. Correct?

PLANNING DIRECTOR: Yes. It would definitely, the single family areas, there's a couple other places that are specific, like the tennis academy. It's not all park uses will be allowed on this park space, it's going to be for a tennis academy or it's not going to be used, or they can amend the community plan.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you and I, I know the other Members would like to share their ideas and thoughts also. So I'll keep it very short.

You know, if the Department has something they would like to see as part of all community plans, they need to send to us a proposal to amend the code, that is the application of all community plans and stop dickering around with each individual plan.

Set up Countywide standards as it relates to community plans. And if that's one of the things that they would like to work on, send us a ordinance proposal. Happy to consider it.

Secondly, when it comes to Lanai, Chairman, one of the good things about Lanai's opportunity is being able to plan and put things that we feel are important to the growth of our community in places that we can spot it.

(Councilmember Carroll was excused from the meeting at 4:55 p.m.)

COUNCILMEMBER HOKAMA: Where you see your community recommendation for higher education, that's where the community wants it, not in any other spot that says public/quasi-public. We want it there because there's reasons the community chose there. Proximity to the current residents, proximity to the current school educational system. There's reasons why we made those recommendations, okay.

So I don't have a problem with this narrow perspective for us because I think it's much clearer what we want and where we want it. There's a lot less guessing with our community plan, okay. And they can come for amendments, which most people do, zoning and community plan amendments simultaneously. Okay, so what's the problem, there's a process.

A Member can initiate a community plan amendment for an expedited consideration by ordinance. So if I feel it worthy, I'm going to move it forward from the community on the island. Whether it's from the property owner or, or regular resident, if it's worthy I, I'm happy to initiate it.

But there's reasons why we structure our language the way it is. And for us it makes it clear on what our expectations and envisionment of our future is going to be. There's a lot less gray and a lot less guessing. And for some of our people, our true Lanaians, it's a bit of comfort to know what can happen next to them. So I would ask you to consider that this afternoon. And Chairman, I know Members time is valuable, so if, when you're ready, I'm happy to support the recommittal of this bill.

CHAIR WHITE: Yeah, I'd just like to ask the question based on your comments. If the University wants to have a McDonalds or, I can't imagine a McDonalds on Lanai, but if, if the University wants to provide a place for Blue Ginger to open up on their campus, would that be allowed or that would just. I'm assuming that that would just be part of the, part of the zoning request that you could, you could change the community plan at that time. How would, how would that be handled.

PLANNING DIRECTOR: Normally, Mr. Chairman.

CHAIR WHITE: Go ahead.

PLANNING DIRECTOR: Normally, I mean the, as Mr. Gima on Lanai is fond of saying and I agree with him, the community plan is a macro and the zoning is the micro. So, in the case of the University campus, we would have that discussion. We know that that's what's supposed to be in this location, it's a University campus.

What goes in there is a whole other discussion with the community, with the Planning Commission, with the County Council. If, the, in the end, when the zoning, if the zoning ordinance says yeah you can have food for students, but we want to exclude McDonalds, I don't think you could discriminate quite like that. Chain stores, or whatever, we want opportunities for mom and pops or something. We want to, we want a small hospital as a part of the University. We want to do agricultural research, all those things are going to be spelled out in a zoning ordinance. And so there's going to be lots of room for discussion, particularly on that island and with that community.

COUNCILMEMBER COUCH: Mr. Chair.

CHAIR WHITE: Yeah, Mr. Couch.

COUNCILMEMBER COUCH: We're getting, we're getting into Committee work now.

COUNCILMEMBER VICTORINO: I was going to say--

CHAIR WHITE: But I think it's important to frame some of these--

COUNCILMEMBER COUCH: Sure.

CHAIR WHITE: --concerns before we adjourn and, and get it into Committee.

COUNCILMEMBER COUCH: --and send it back. Okay.

CHAIR WHITE: I agree with you but the Committee works not going to start for a while and I think it's important for the community to hear some of these explanations and that's why I haven't wanted to, haven't wanted to just simply send it off to Committee. Because there are a lot of concerns in the, in the community that need to be addressed and I think, you know, some of these explanations that we've heard this afternoon are, you know, they're, I hope answering some of the questions and concerns that community members have had.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Okay, thanks, Chair.

I was listening to the discussion, and I can't help but think back when I use to practice law and I use to draft, you know, 50, 60 pages worth of legal trust documents. And I use to present it to my clients and they had no clue what each little section means. So what I use to do is I use to make a little summary for each section and just put it in like one or two sentence, when in fact the paragraph is actually one full page. And it was very concise in plain language. I would sit down with my client and go over each section and specifically explain to them what that section means in very layman terms.

And I think if, you would actually save a lot of time if you take that document, go to the CPAC people and sit down and layman terms section by section explain what the changes are and what they mean. You will save a lot of time, believe me. A lot of questions can be asked that way and you can, especially come in with a very nice summary of each section in layman terms so they, they can follow you as you explain to them in layman's terms. Very simple.

That there's inconsistencies or changes, jot them down on the notes, bring it back to our Committee, we'll take a look at it. Let's just start at ground level. I think it's very simple. I don't think there's, there's much more changes, I just think there's a dysfunctional communication between CPAC, the Department, and the Committee.

There has to be, you have to revert back to the CPAC and explain. That's just my input. Thanks, Chair.

COUNCILMEMBER VICTORINO: Chair.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Since everybody has said something, I haven't and you know that doesn't go well. I'll just say thank you very much and I'm ready to like Mr. Hokama said take your recommendation and send it back to Committee. I think if we start saying much more, you're going to confuse me and much of the public. I think enough is enough. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Ms. Baisa.

COUNCILMEMBER BAISA: I'd like to second that motion, Mr. Victorino. Thank you.

CHAIR WHITE: Okay, we're all, we're all at the end of our day, at the end of our rope. The Chair would like to recommend referral to the Planning Committee, the bill and the County Communication listed on the agenda along with any documents received by the Council today, and at the reconvened meeting on Lanai on April 8, and the original special meeting on April 1.

COUNCILMEMBER HOKAMA:

I MAKE THAT MOTION.

COUNCILMEMBER COUCH: No objections.

COUNCILMEMBER VICTORINO:

SECOND.

COUNCILMEMBER BAISA: No objections.

COUNCILMEMBER VICTORINO: If you make the motion, I'll second his motion, if there's no objection.



CHAIR WHITE: Okay, we have a motion by Mr. Hokama, and a second by Mr. Victorino. Any discussion?

Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,  
HOKAMA, VICTORINO, VICE-CHAIR GUZMAN  
AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND CRIVELLO.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused", Mr. Carroll and Ms. Crivello.

Well I want to thank the Department, I know this is a long process and hopefully we'll get it, get it better figured out.

COUNCILMEMBER VICTORINO: Chair, would, would we be allowed to leave this for the staff to put in so that we don't have it spread out cause already I've lost a couple of documents. So, all what we've received yesterday, from Lanai on April 8, we just piling um all up here.

CHAIR WHITE: Does that go to the, can that go to the Committee binder.

DEPUTY COUNTY CLERK: Mr. Chair, if the, if the Council, well the Council did vote on referring it back to Committee so we will be just providing those documents to Committee staff so that they don't have to reprint things and make new copies.

CHAIR WHITE: Okay, thank you. Without any further discussion, let's adjourn, we're adjourned.

ADJOURNMENT

The special meeting of April 1, 2016 was adjourned by the Chair on April 15, 2016 at 5:04 p.m.

  
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DENNIS A. MATEO, COUNTY CLERK  
COUNTY OF MAUI, STATE OF HAWAII



Testimony for  
Council of the County of Maui  
Friday, April 1, 2016, 1:30 p.m., Council Chamber

Mike White, Council Chair  
Don S. Guzman, Council Vice-Chair

**Bill for an Ordinance Amending Chapter 2.80B.070, Maui County Code,  
To Adopt the Updated Lānaʻi Community Plan**

The Honorable Mike White and Members of the County Council:

This testimony is in **STRONG SUPPORT** of adoption of the updated Lānaʻi Community Plan with the proposed amendment from Councilmember Don Couch, County Communication No. 16-63. I am Lynn McCrory, Senior Vice President of Government Affairs for Pūlama Lānaʻi.

This has been a long and difficult process with wide ranges of emotions that accompany looking forward into the future and taking positions as to what is important for Lānaʻi. Also acknowledging that future choices will not be seen by three people that moved this plan forward and lost their lives, and honoring three people who will see the future.

The Lānaʻi Community Plan Advisory Committee (CPAC) met for nine months and reviewed this document page by page and sometimes word by word. Pūlama Lānaʻi submitted its proposed additions to CPAC, and when changes were made to what we proposed, they were made to CPAC and no further changes were suggested by Pūlama Lānaʻi. The Lānaʻi Planning Commission met for six months following CPAC's review and then reviewed this document page by page. Both groups worked in a very dedicated and detailed manner to craft the document that was sent to this body. This document is now in the final steps of approval by the Maui County Council having reviewed the document and heard testimony from Lānaʻi community members on Lānaʻi and on Maui.

We sincerely appreciate all the support and assistance that has been given by the Maui County Long Range Planning Division and both Director Will Spence, and Deputy Director Michele McLean. The County Council staff and Council Members staff have also given assistance to moving this all forward. Add to all of the above is our sincere appreciation for all the work and support that has been given by the Maui County Council Members. It couldn't have been done without everyone's cooperation and assistance.

We humbly ask that you approve the Lānaʻi Community Plan with amendment communication no. 16-63. Mahalo!

Me ke aloha pumehana  
With warm aloha,

Lynn P. McCrory  
Senior Vice President of Pūlama Lanai

Debbie Delo Cruz written testimony, Special Council Meeting, 4/1/2016  
2 pages

Apr 1, 2016

Thank you for the opportunity to address the Council. My name is Deborah dela Cruz, and I am a member of the Lanai CPAC.

I support Councilman Hoana's amendment.

I concur with Chair Couch's proposed amendment deleting language on pg 9-3.

I concur with the first paragraph of Chair Couch's amendment to Appendix 9.2. In my Mar 8, 2016 written testimony I merely requested the deletion of wording in the first paragraph. I was traveling and didn't have my notes. I failed to also request deletion of the entire second paragraph in Appendix 9.2 which also mentions that the community plan land use designation does not limit any uses established by the property's zoning unless specifically prohibited or restricted. The Lanai CPAC wasn't watching for specific prohibitions or restrictions as we developed the Plan. We were following Planning Director Spence's advice to us on Jan 9, 2013 when he advised us to "keep the level of detail in the plan at a macro level and not to use the plan as a zoning code".

I see the unless specifically prohibited or restricted wording as an attempt to weaken the authority of the Plan. We saw a similar attempt when the previous version of the Plan contained new wording as follows, "Community plan land use designations are not regulatory." This was buried on page 201 of the 203-page document. That sentence was deleted, and the objectionable language on page 9-3 and Appendix 9.2 added. *in Dec 2015.*

The community has been told repeatedly that the new language is meant to clarify how the differences between zoning and the community plans are handled. A community plan is not the place to resolve the differences. The resolution should be at the County level. Pardon the paranoia, but I and others think that this has been a way to get the procedure in through the back door and that the changes are being proposed for our Plan as we're small so the rest of the County isn't paying attention.

If you leave in the second paragraph of Appendix 9.2, I again request that the CPAC and Lanai Planning Commission be allowed to reconvene, that we be given extensive zoning training and be allowed to review the Plan for prohibitions and restrictions.

I also ask that future Plans be left intact to the maximum extent possible. Chair Couch stated in a previous meeting that they didn't use half of one CPAC's Plan. There's something fundamentally wrong with that. I think the changes should be restricted to areas that are incorrect, illegal, perhaps unenforceable and clarifications. I recall that after our CPAC got done with the plan, the County reviewed the plan and added the following language in reference to Larry Ellison's purchase of Lanai: After the purchase Ellison established a new management company, Pulama Lanai, and pledged to invest millions of dollars in improvements throughout the island. His commitments have raised hopes of achieving crucial diversification and long-term stabilization of Lanai's economy." I have nothing against Mr Ellison, but why was it necessary to say more than he established the new management company? Please let each community plan be the community's (apostrophe s) plan.

Thank you.



OFFICE OF HAWAIIAN AFFAIRS

Administrative Testimony

Testimony of Kamanaʻopono Crabbe, Ph.D

Ka Pouhana, Chief Executive Officer

Maui County Council Special Meeting

Agenda Item

RECEIVED

2016 MAR 31 PM 1:59

OFFICE OF THE  
COUNTY CLERK

A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B.070, MAUI COUNTY CODE,  
TO ADOPT THE UPDATED LĀNAʻI COMMUNITY PLAN

April 1, 2016

1:30 p.m.

Council Chamber

The Administration of the Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on the update to the Lānaʻi Community Plan (2015). These comments were previously submitted for the December 16, 2015 Maui County Council Planning Committee meeting and for the March 12, 2016 Maui County Council meeting.

As the constitutionally-established body responsible for protecting and promoting the rights of Native Hawaiians, OHA has substantive obligations to protect the cultural and natural resources of Hawaiʻi for its beneficiaries. Accordingly, OHA is required to serve as the principal public agency in the State of Hawaiʻi responsible for the performance, development, and coordination of programs and activities relating to Native Hawaiians; assess the policies and practices of other agencies impacting Native Hawaiians; and conduct advocacy efforts for Native Hawaiians.<sup>1</sup>

OHA appreciates that the proposed updated Lānaʻi Community Plan (2015)<sup>2</sup> (proposed Community Plan) acknowledges the importance of the rural character and lifestyle of Lānaʻi, and the need to protect the island's natural and cultural resources and subsistence opportunities. OHA offers the following general comments and specific recommendations for amendments and additions<sup>3</sup> to the proposed Community Plan on issues of particular concern to the Native Hawaiian community, including Native Hawaiian traditional and customary practices, burials, subsistence practices, water resource protection, and housing.

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<sup>1</sup> HRS § 10-3.

<sup>2</sup> For the purposes of this testimony, OHA has referred to sections as well as page numbers when recommending amendments or additions. Page numbers refer to the proposed updated Lānaʻi Community Plan (2015), rather than earlier drafts.

<sup>3</sup> OHA's proposed additions to existing language in the draft Community Plan are underlined. For the purposes of the suggested amendments, OHA used the most recent proposed draft, the Lānaʻi Community Plan (2015).

## **Native Hawaiian Traditional and Customary Practices and Subsistence Practices**

The health of Lāna‘i’s natural and cultural resources, and continued access to these resources, are critical for the perpetuation of traditional and customary practices, such as fishing, gathering, cultivating lo‘i, hunting, and caring for burials and sacred sites.

Subsistence activities are an important cultural practice for many Native Hawaiians, particularly for those who live on Lāna‘i. Subsistence harvesting also provides an affordable and essential food source for families and communities. Given the subsistence needs of Lāna‘i’s families, land use planning should prioritize the preservation of and access to natural resources.

Accordingly, to ensure the perpetuation of cultural practices and subsistence activities on Lāna‘i, and to more fully recognize the constitutional, statutory, and judicial protections for traditional and customary practices within in the proposed Community Plan, OHA respectfully offers the following comments and recommendations.

**A. In order to emphasize the continued importance of natural and cultural resources and Native Hawaiian cultural practices and practitioners, OHA recommends that the following be added to Chapter 5, section A, Existing Conditions, on page 5-2:**

“Today, numerous Native Hawaiian traditional and customary practices, including fishing, gathering, cultivating lo‘i, hunting, caring for burials, and accessing sacred and religious sites, continue to be practiced on Lāna‘i. The health of Lāna‘i’s natural and cultural resources, and access to these resources by Native Hawaiian practitioners, mauka to makai, is critical to the perpetuation of Native Hawaiian culture.”

**B. To maximize the Community Plan’s utility, OHA recommends including references to the constitutional, statutory, and judicial bases for the protection of Native Hawaiian traditional and customary practices, including the obligations of State and County agencies to reasonably protect Native Hawaiian traditional and customary rights, by inserting the following language (along with footnotes) in Chapter 5, section A, to read as follows:**

“In the past several decades, the rights of Native Hawaiians, particularly relating to access and gathering, have been extended and clarified. State and county governments and agencies have obligations to protect the reasonable exercise of traditional and customary practices of Native Hawaiians, to the extent feasible. Relying on the rights recognized in key constitutional and statutory provisions, as well as court decisions,<sup>i</sup> the Hawai‘i Supreme Court established an analytical framework for State and county agencies to follow when considering land use and development projects.<sup>ii</sup> Under this framework, agencies must identify 1) the scope of valued cultural, historical, and natural resources in the area, including the extent

to which traditional and customary rights are exercised; 2) the extent to which these resources will affect or be impaired by the proposed action; and 3) the feasible action, if any, to be taken to reasonably protect native Hawaiian rights, if found to exist.

<sup>i</sup> See, e.g., HAW. CONST. ART. XII SEC. 7, HRS §§ 1-1, 7-1; *Ka Pa'akai o Ka 'Āina v. Land Use Comm'n*, 94 Hawai'i 31 (2000); *Pele Defense Fund v. Paty*, 73 Haw. 578 (1992). For additional information, see also DAVID M. FORMAN & SUSAN K. SERRANO, HO'OHANA AKU, A HO'ŌLA AKU: A LEGAL PRIMER FOR TRADITIONAL AND CUSTOMARY RIGHTS IN HAWAII (2012), available at <https://www.law.hawaii.edu/sites/www.law.hawaii.edu/files/content/Programs%2CClinics%2CInstitutes/Ho%27ohana%20Aku%20Final.pdf>.

<sup>ii</sup> See *Ka Pa'akai o Ka 'Āina v. Land Use Comm'n*, 94 Hawai'i 31 (2000); see also *Pele Defense Fund v. Paty*, 73 Hawai'i 578 (1992); see also *Public Access Shoreline Hawai'i v. Hawai'i County Planning Comm'n*, 79 Hawai'i 425 (1995)."

**C. OHA recommends the following policies in Chapter 5, section C, on page 5-4, be amended, to read as follows:**

- Policy 7: "Support access for subsistence hunting, fishing, and gathering. Ensure appropriate public access is provided to the shoreline, public trails and hunting areas, in a manner that protects natural and cultural resources and respects cultural practices."
- Policy 8: "Support the protection of native Hawaiian rights customarily and traditionally exercised for subsistence, cultural, and religious purposes in accordance with Article XII, Section 7, of the Hawai'i State Constitution, HRS sections 1-1 and 7-1, and Hawai'i law-court decisions."
- Policy 9: "Require development to mitigate their impacts on historic, cultural, natural, subsistence, and scenic resources."
- Policy 10: "Protect scenic roadway views and significant view corridors and viewsheds. Protect significant views of ridgelines and hill-slopes to maintain open space character. Retain significant vistas associated with archaeological features and culturally significant areas."

**D. OHA recommends highlighting the impacts of erosion on natural, cultural, and subsistence resources by amending Issue 2 in Chapter 3, section B, on page 3-3, to read as follows:**

"Erosion impacts water quality by causing excessive sediment to enter surface and ocean waters, which in turn negatively impacts the natural, cultural, and subsistence resources found in reefs and coastal waters. In addition, discharges of



chemicals and fertilizers from golf courses, households, businesses, and farms may increase the amount of pollutants found in the soil and water.”

**E. OHA recommends that the following policies be added to Chapter 3, section C, on page 3-4, to read as follows:**

- “In managing the negative and adverse impacts of feral ungulates and invasive species, simultaneously recognize Native Hawaiian access and gathering rights and the importance of subsistence activities.”
- “Support appropriate access to the shoreline.”

**F. OHA recommends that the following policy be added to Chapter 7, section C, on page 7-5, to read as follows:**

“Ensure that watershed protection and other conservation measures, including fencing, facilitate Native Hawaiian access rights related to subsistence activities and traditional and customary practices.”

**G. OHA recommends adding the following policies to the indicated chapters, in order to ensure appropriate evaluation of the impacts of land use changes to natural and cultural resources, to read as follows:**

- Chapter 7, section C, on page 7-22: “Minimize the impact transportation system development and maintenance will have on natural and cultural resources, cultural practices, and Native Hawaiian burials.”
- Chapter 8 section C on page 8-2: “Minimize the impact of public and recreational facility improvement and expansion will have on natural and cultural resources, cultural practices, and Native Hawaiian burials.”
- Chapter 9, section C, on page 9-11:
  - “Evaluate the impact public utility facilities development and land use changes will have on natural and cultural resources, cultural practices, and Native Hawaiian burials.”
  - “Consult with and solicit input from community members, including community members with generational knowledge, early and often about how to minimize the impact of proposed changes to the use of land on cultural practices, cultural sites, and culturally significant areas, including burials.”

## Wai (Water)

The importance of water to the Native Hawaiian people is captured in the ‘ōlelo no‘eau, “Ola i ka Wai (Water is Life).” Traditional Hawaiian management of this precious resource assured mauka to makai stream flow, which provided sufficient water for food production, drinking water, native stream life, healthy estuaries, and ground water recharge. Groundwater sources, such as springs and anchialine ponds, were highly respected and cared for. Today, access to and proper management of water continues to be necessary for a thriving Native Hawaiian people and culture. The health of Lāna‘i’s fishponds, limu, and nearshore and estuarine environments depend upon sufficient groundwater discharge. Decreases in the levels or quality of discharge from over withdrawal may have devastating impacts to marine resources, as well as the cultural and subsistence practices that depend on these resources.

Pursuant to the Hawai‘i Constitution, Article XI, sections 1 and 7, water is a public trust resource, held in trust by the State for the benefit of the people, for both present and future generations.<sup>4</sup> Recent court decisions have affirmed that state and county permitting agencies have affirmative and independent obligations to ensure that our public trust water resources are protected and used for the public benefit. This means that traditional and customary practitioners, domestic users, the Department of Hawaiian Home Lands, appurtenant right holders, and the environment should receive priority consideration in the decisions that may affect the allocation of public trust water resources.

OHA notes that the proposed Community Plan clearly recognizes that Lāna‘i has limited water resources, and that new growth will depend upon the development of alternative water resources.<sup>5</sup> In order to better ensure that future land use changes take into consideration the county and state’s legal obligations and responsibilities relating to water as a public trust resource, OHA respectfully recommends the following amendments and additions.

**A. In order to explicitly recognize water as a public trust resource, OHA recommends that the following is added to the Existing Conditions section of Chapter 7.1 on Water, on page 7-3, to read as follows:**

“Pursuant to the Hawai‘i Constitution, Article XI, sections 1 and 7, water is a public trust resource, held in trust by the State for the benefit of the people, for both present and future generations. Traditional Hawaiian management of this precious resource provided sufficient water for food production, drinking water, native

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<sup>4</sup> See, e.g., HAW. CONST. ART. XI SECS. 1 & 7, ART. XII SEC. 7; HRS §§ 1-1, 7-1, 174C-101; HRS CHAPTER 174C; *In re Water Use Permit Applications*, 94 Hawai‘i 97, 9 P. 3d 409 (2000) (*Waiāhole I*); *Ko‘olau Agricultural Co., Ltd. v. Comm’n on Water Res. Mgmt.*, 83 Hawai‘i 484, 927 P.2d 1367 (1996); *Reppun v. Bd. Of Water Supply*, 65 Hawai‘i 531, 656 P.2d 57 (1982).

<sup>5</sup> OHA notes that the proposed Community Plan references a water desalination facility as well as other alternatives to pumping from the aquifer. As reflected in the updated Community Plan, OHA emphasizes the importance of exploring alternative water sources to avoid over pumping Lāna‘i’s aquifer .

stream life, healthy estuaries, and ground water recharge. The health of Lāna‘i’s streams and nearshore and estuarine environments depend upon sufficient freshwater discharge. Decreases in the levels or quality of discharge from over withdrawal may have devastating impacts to marine resources, as well as the cultural and subsistence practices that depend on these resources.”

**B. OHA recommends that the following policies be added to Chapter 7.1 on Water, section C, page 7-5, to read as follows:**

- “Recognize that water is held in public trust by the State, for the benefit of the people. Public trust purposes, which receive priority over private commercial uses, include domestic uses, Native Hawaiian and traditional and customary rights, appurtenant rights, environmental protection, and reservations for the Department of Hawaiian Homelands.”
- “Expanded withdrawal from Lāna‘i’s aquifer may have a significant detrimental effect on natural, cultural, and subsistence resources.”

**C. OHA recommends that the following sentence be added to the end of section A on Existing Conditions of Chapter 7.6 on Stormwater Drainage, page 7-27, to read as follows:**

“Stormwater runoff and erosion can negatively impact soils, fishponds, wetlands, coastal waters, and reefs. Siltation of reefs and coastal waters can have detrimental effects on fish, limu, and other ocean resources upon which the Lāna‘i community depends for subsistence fishing, gathering, and other cultural practices.”

## **Housing**

OHA notes that the proposed Community Plan includes significant areas for proposed land use changes, much of which will permit residential housing (in the rural and mixed use residential land use designations). As indicated by a recent study by the Department of Business, Economic Development and Tourism (DBEDT), Hawai‘i’s population has grown more quickly than Hawai‘i’s housing stock, and housing prices in the state reached a record high in 2014.<sup>6</sup> This increase in prices makes housing less affordable for residents. OHA hopes that increases in housing on Lāna‘i will provide affordable housing for Lāna‘i’s residents. One strategy to address the lack of affordable housing on Lāna‘i is the proposed Lāna‘i City affordable housing project, which is planned to include 372 units.

Thank you for the opportunity to provide comments on the proposed updated Lāna‘i Community Plan. OHA welcomes discussion on these issues, and would be happy

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<sup>6</sup> DBEDT, RESEARCH AND ECONOMIC ANALYSIS DIVISION, MEASURING HOUSING DEMAND IN HAWAII 2015-2025 7, 15 (2015) available at <http://files.hawaii.gov/dbedt/economic/reports/2015-05-housing-demand.pdf>.

to provide additional information or background material related to the recommendations above. Should you have any questions, please do not hesitate to have your staff contact Jessica Freedman at (808) 594-1779 or via e-mail at [jessicaf@oha.org](mailto:jessicaf@oha.org).

Reply all | Delete Junk |

# Lanai Community Plan Testimony

LF Lloyd Fischel <lloyd@fragrantorchids.com>  
 To:  County Clerk; Cc:  Donald S. Guzman;

OFFICE OF THE COUNTY CLERK  
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 8:17 AM  
 Reply all |

## Action Items

Hello - Please distribute today to all Council members today.

Thank you.  
 LLoyd Fischel  
 20 N. Lanikai Place  
 Haiku, HI 96708 Tel. 572-2269

On March 22nd a public notice in the Maui News for Tax Map Key: (2) 4-9-006, indicates that the Lana'i Community Plan not the Maui Island Plan is controlling land use designations on Lana'i. Why? This indicates that the State's land use district boundaries are law. And the County designations are fiction pushed forward by those seeking personal agenda on Lana'i.

HRS 205 establishes 4 specific land use districts: ag, rural, urban, conservation. The County Plan does not designate land use. If you want to change a designation, you have to be in compliance with the Community Plans or take specific steps to make the change.

HRS 226 establishes that boundaries need to be consistent with Community Plans, which must be consistent with the Charters. Our Charter is clear that all land designations must be identified in the Community Plans and that Community Plans set the boundaries.

To get around this the County has put forth boundary changes with tables that are confusing. "Envisioned Uses" is a comparison between community plan boundary and county land use designations. Whose vision has been envisioned? Is this a sly way of imposing County plans on the people of Lanai? In this war of words, equality is lost and by that I mean a sense of community.

We must preserve dignity that serves as the value of equality. With only the look of propriety but foundation that goes against our laws that protect all of us and land and resources for the future, you actually only erode that which is just and correct. Please do not turn an appendices into a weapon for those who don't know any better. We do not want this intrusion and abuse in Haiku.

The EIS statute HRS 343 says that when you change a plan boundary, an EIS is required. This should be a big reason not to pass the proposed bill.

The bill creates dysfunctions with the Planning Department. These actions in co-hoots with the Maui Planning Department seeking to change well established State laws and our Charter that protect the a'ina for future generations.

The Lanai public notice points out the fiction that the community plan boundary as set up in the Maui Island Plan is the same as the State's legal land use district. The County's Plan integrates the corruption of breaking down the Community Plan boundaries and putting fictitious boundaries in place of Community Plan boundaries.

Land use designation does not control by law community plan boundaries. As it stands, this bill is a mockery. There is no compelling reason to revise the existing Lanai plan. In this circumstance it would be better to not revise the Plan. Vote NO to adopt this bill.

#####

Aloha, and thank you for the opportunity to voice my concerns regarding the proposed Lana`i Community Plan (LCP). This process has been exhausting, more so than it needed to be. The CPAC spent months drafting a new version of the 1998 plan. Then the Lana`i Planning Commission (LPC), of which I am a member, spent months reviewing this plan and eventually approving it. I must note that the plan, which was approved by LPC, was predicated on a number of important commitments by Pulama, including the desal plant, which are now off the table. That was also the understanding of CPAC.

Fast forward to April 2016: CPAC and LPC are fighting for what they approved. Instead, the Council and Planning Department seem to be determined to get their version in place. Interestingly, the Lana`i Community Plan is the first plan to be adopted, so we are on center stage.

Recently, there have been a few meetings to finalize the plan, none of which was successful. Notice of the last meeting on April 1<sup>st</sup> was received just 3 days before the meeting; this hardly counts as community-wide notice, just as Don Couch's last-minute visit in December only involved a few people. Is this due process? First hand reports of last Friday's meeting indicate that no one could figure out which version succeeded which version as they are not numbered or dated.

I would suggest one of 2 options going forward: bring it all back and start over OR revert to the 1998 Plan, which is superior to the proposed new plan. Of course, there would be needed additions, such as those sections required by County of Maui. Some critical examples of why the 1998 Plan should remain the Lana`i Community Plan:

- The following is a list of current prohibitions in the 1998 community plan, **none of which survived in the current draft**, which offer specific protections and prohibitions:
  - ✓ "Protect and enhance the island's native plant and animal species by prohibiting the importation of alien species.
  - ✓ Prohibit the use of high level aquifer water for golf course irrigation purposes, consistent with the Water Use and Development Plan for Lana`i as approved by law.
  - ✓ Prohibit the removal of plant material necessary for water recharge. Plant material necessary for water recharge shall not be used as a source of landscape planting materials.
  - ✓ Prohibit the extension of Lana`i Airport's runway in the direction of Lana`i City.
  - ✓ Prohibit aircraft flight patterns over Lana`i City as a means of noise mitigation.

- ✓ Identify and implement other aircraft noise mitigation measures such as the prohibition of late-night aircraft operations.
- ✓ Buildings within business/commercial areas surrounding Dole Park shall not exceed one story in height.
- ✓ The provision of these open space areas, along with the provision of the multi-family area within the project district, shall not increase the total number of hotel units within the project district in accordance with the density standards provided in the project district ordinance.”

Thank you for allowing my testimony to be read by proxy. Unfortunately, since I need to continue to work for a living, I am unable to attend meetings during my normal work hours.

Beverly Zigmond

Beverly R. Zigmond, D.N., CSAC  
PO Box 631067  
Lana`i City Hawaii 96763

## Dawn Fukutomi

---

**From:** Beverly Zigmond <beverlyzigmond@juno.com>  
**Sent:** Tuesday, April 12, 2016 12:26 PM  
**To:** Riki Hokama; rikhokama@yahoo.com  
**Subject:** testimony on community plan  
**Attachments:** testimony.docx

Hi, Riki,

Attached is my thoughts on the proposed community plan. Thank you.

Beverly Zigmond, D.N., CSAC



Dear Council Member Hokama,

Below is the testimony I submitted for the hearing on the Lana`i Community Plan which was held on April 8, 2016, which I could not attend. I am writing to you today as I understand this issue will be heard again on April 15, 2016. I must give voice to my objections once again, and request that the current version of the Lanai Community Plan be denied approval. In addition to my concerns listed below, the last minute insertion of the "specifically prohibited language" is unconscionable and appears to be a due process violation of the work of our community. Neither the CPAC nor the LPC was ever informed that they were required to specifically prohibit uses for purposes of Community Plan Land Use designation, rendering the entire process beyond repair, subject to challenge, and vulnerable to future litigation.

A solution that was not included in my earlier testimony below, is that the Lana`i Community Plan be deferred until the end of the planning process, in order to not impede work on other community plans. At that point, the CPAC and LPC can review and revise, as appropriate. There is no harm in this deferral, since the 1998 plan, along with its land use designations, remains in full force and is a sound, well-thought out plan with specific prohibitions that are glaringly absent from the proposed plan. (Of particular concern is the absence of 'Prohibit aircraft flight patterns over Lana`i City as a means of noise mitigation', given the current plans to have helicopters flying over Lana`i City day and night.)

*Aloha, and thank you for the opportunity to voice my concerns regarding the proposed Lana`i Community Plan (LCP). This process has been exhausting, more so than it needed to be. The CPAC spent months drafting a new version of the 1998 plan. Then the Lana`i Planning Commission (LPC), of which I am a member, spent months reviewing this plan and eventually approving it. I must note that the plan, which was approved by LPC, was predicated on a number of important commitments by Pulama, including the desal plant, which are now off the table. That was also the understanding of CPAC.*

*Fast forward to April 2016: CPAC and LPC are fighting for what they approved. Instead, the Council and Planning Department seem to be determined to get their version in place. Interestingly, the Lana`i Community Plan is the first plan to be adopted, so we are on center stage.*

*Recently, there have been a few meetings to finalize the plan, none of which was successful. Notice of the last meeting on April 1<sup>st</sup> was received just 3 days before the meeting; this hardly counts as community-wide notice, just as Don Couch's last-minute visit in December only involved a few people. Is this due process? First hand reports of last Friday's meeting indicate that no one could figure out which version succeeded which version as they are not numbered or dated.*

*I would suggest one of 2 options going forward: bring it all back and start over OR revert to the 1998 Plan, which is superior to the proposed new plan. Of course, there would be needed*

additions, such as those sections required by County of Maui. Some critical examples of why the 1998 Plan should remain the Lana`i Community Plan:

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Thank you for allowing my testimony to be read by proxy. Unfortunately, since I need to continue to work for a living, I am unable to attend meetings during my normal work hours.

Beverly Zigmund

Beverly R. Zigmund, D.N., CSAC  
PO Box 631067  
Lana`i City Hawaii 96763

Reply all | Delete Junk |

# Mike White, Council Chair, Office of the County Clerk - Lanai Community Plan

RD Rick Dunwell <Rick.Dunwell@fourseasons.com>  
To:  County Clerk; Cc:  Lynn McCrory <lmccrory@pulamalanai.com

Reply all |  
3:02 PM

Aloha Mr. White,

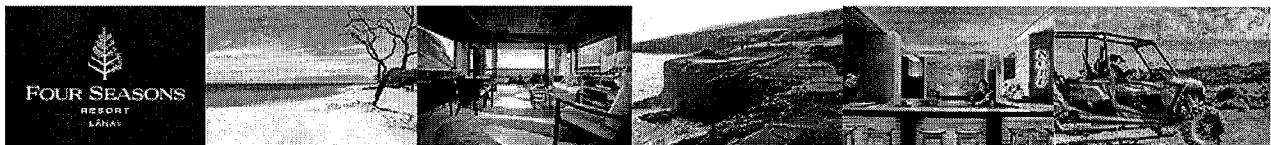
I am in STRONG SUPPORT of the Lānaʻi Community Plan that was listed on the April 1, 2016 Maui County Council Agenda as an Ordinance – First Reading. The few dissidents who say they would be okay with changes that are subsequently made, and then change their minds to want another change and another change do not speak for me or the Lānaʻi people I know. We want the growth opportunities that this Community Plan brings for us and our children. We want our children to be able to go away to college and to return to Lānaʻi with their families. I am currently raising two Boys here on Lanai ages 16 & 14.

Please approve this plan. Mahalo

Rick Dunwell  
Golf Course Superintendent  
Four Seasons Resorts Lanai

voice: (808) 559-4172  
email: [rick.dunwell@fourseasons.com](mailto:rick.dunwell@fourseasons.com)  
web: <http://www.fourseasons.com/lanai>

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On an island of contrasts you'll find a world beyond compare - Book [here](#) to experience Lanai by Four Seasons. Now accepting reservations.

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# Lana'i Community Plan

SM Susan Matsumoto <smatsumoto@pulamalanai.com>

Reply all |

To:  County Clerk;

3:18 PM

This testimony is in STRONG SUPPORT of the Lānaʻi Community Plan that was listed on the April 1, 2016 Maui County Council Agenda as an Ordinance – First Reading. The Lānaʻi Community Plan commenced review in January 2013 and has had multiple public and community meetings to bring us to this date. Changes have been discussed and reworked and further reworked many times. The review by both the Community Plan Advisory Council (CPAC) and Lānaʻi Planning Commission (LPC) was both page by page and often times word by word. The County Council has reviewed the document and has made very minor changes.

It is time to approve this plan and go forward with the implementation. Three years is a very long time to process the new community plan.



**Susan Matsumoto**  
**Administrative Office Assistant**  
2261 Aupuni Street | Wailuku, Hawai'i 96793  
**Tel 808 244-5432 | Fax 808 244-8707**  
[www.pulamalanai.com](http://www.pulamalanai.com) | [smatsumoto@pulamalanai.com](mailto:smatsumoto@pulamalanai.com)

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# Lanai Community Plan

AD Aimee Donoho <aimeed.donoho@gmail.com>  
To:  County Clerk;

Reply all |  
3:23 PM

Please vote to APPROVE the Lānaʻi Community Plan that is on your agenda for First Reading. Pūlama Lānaʻi and the Lānaʻi community have worked on putting together a plan for the next 10 to 15 years that lays out many opportunities for the families on Lānaʻi. While everything cannot be done immediately, Larry Ellison and the money he has expended on Lānaʻi is growing and moving us toward being sustainable. Being sustainable means we don't rely on any one landowner to provide what we need to live on Lānaʻi. We can't get much better than going forward toward that end.

Sadly enough the council only gets to hear from a few laud community members; this is not about them. It is about the future of the families of Lana'i, especially the young people who are the future of Lana'i.

Please Vote to support the Lānaʻi community of families who want more than what we have now.

--

Aimee D. Donoho  
(808) 937-6427

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# Lâna'i Community Plan - URGENT - to the attention of Mike White, Council Chair, Office of the County Clerk

TR Tom Roelens <Tom.Roelens@Fourseasons.com>

Reply all |

To:  County Clerk;

3:37 PM

## Action Items

Aloha Council Chair Mike White

This testimony is in STRONG SUPPORT of the Lâna'i Community Plan that was listed on the April 1, 2016 Maui County Council Agenda as an Ordinance – First Reading. The Lâna'i Community Plan commenced review in January 2013 and has had multiple public and community meetings to bring us to this date.

Changes have been discussed and reworked and further reworked many times. The review by both the Community Plan Advisory Council (CPAC) and Lâna'i Planning Commission (LPC) was both page by page and often times word by word. The County Council has reviewed the document and has made very minor changes.

It is time to approve this plan and go forward with the implementation. Please vote to approve this plan.

Thank you for your time in reviewing the above

Tom Roelens  
8+ year resident on the Island of Lana'i  
PO BOX 631877  
180 Kauna'oa  
Lana'i City, HI 96763

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# I support the Lanai Community Plan

**NB** Noemi Barbadillo <nbarbadillo@pulamalanai.com>

Reply all |

To:  County Clerk;

3:28 PM

I am in STRONG SUPPORT of the Lānaʻi Community Plan that was listed on the April 1, 2016 Maui County Council Agenda as an Ordinance – First Reading. The few dissidents who say they would be okay with changes that are subsequently made, and then change their minds to want another change and another change do not speak for me or the Lānaʻi people I know. We want the growth opportunities that this Community Plan brings for us and our children. We want our children to be able to go away to college and to return to Lānaʻi with their families.

Please approve this plan. Thank you!



**Noemi Barbadillo**

**Director of Commercial & Residential Properties**

1311 Fraser Avenue | P.O. Box 630310 | Lānaʻi City, Hawaiʻi 96763

Tel 808 565 3872 | Fax 808 565 3881 | Cell 808 563 0031

[www.pulamalanai.com](http://www.pulamalanai.com) | [nbarbadillo@pulamalanai.com](mailto:nbarbadillo@pulamalanai.com)

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# Please vote to approve Lana'i Community Plan this Friday

CP Charlie Palumbo <charliepalumboarchitect@gmail.com>

Reply all |

To:  County Clerk;

3:38 PM

I encourage the Maui County Council to vote to APPROVE the proposed Lana'i Community Plan. Three years of hard work by committee members, community, and government went in to developing a plan that we here on Lana'i approve of as a whole. We need a relevant community plan that reflects the direction Lana'i has chosen to grow. I encourage you to accept the community plan as proposed and vote with the majority here on island to approve the proposed plan.

Thank you for your time,

Charles Palumbo

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# Lanai Community Plan

MG Monty Gamble <mrgowl@yahoo.com>  
To:  County Clerk;

Reply all |

3:55 PM

Action Items

Please vote to Approve the Lanai Community Plan that is on your agenda for First review reading. Pulama. Lanai and the Lanai community have worked very hard on putting together a plan for the next years for our community, and most important the children, our future...We have the chance to become sustainable, and a model for the future of the planet. We need to be proactive in this process, Lanai now has a chance to improve the life style for the good of all !

With warm, and hopeful thoughts. Thank

You

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# My support for the Lana'i Community Plan listed on the Maui County Council Agenda for 4/1/2016, first reading

MI Michael Inouye <michaeli408@yahoo.com>  
To:  County Clerk;  Michael D. Inouye <michaeli408@yahoo.com>;

Reply all |

3:45 PM

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To always show content from this sender, click here.

I am in STRONG SUPPORT of the Lana'i Community Plan that was listed on the April 1, 2016 Maui County Council Agenda as an ordinance - First Reading. The few dissidents who say they would be OK with changes that are subsequently made, and then change their mind to want another change and another change do not speak for me or the Lana'i people I know. We want the growth opportunities that this Community Plan brings for us and our children. We want our children to be able to go away to college and return to Lana'i with their families. Please approve this, Mahalo.  
Aloha,

Michael Inouye

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COUNTY CLERK

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## Support for the Lana'i Community Plan on the Maui County Council Agenda for 4/1/2016, first reading

MI Michael Inouye <juggalo49er@gmail.com>  
To:  County Clerk;

Reply all |

3:55 PM

### Action Items

Please vote to APPROVE the Lānaʻi Community Plan that is on your agenda for First Reading. Pūlama Lānaʻi and the Lānaʻi community have worked on putting together a plan for the next 10 to 15 years that lays out many opportunities for the families on Lānaʻi. While everything cannot be done immediately, Larry Ellison and the money he has expended on Lānaʻi is growing and moving us toward being sustainable. Being sustainable means we don't rely on any one landowner to provide what we need to live on Lānaʻi. We can't get much better than going forward toward that end.

Vote to support the Lānaʻi community of families who want more than what we have now.

Mahalo,

Michael, Joni & Makai Inouye 1

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# STRONG SUPPORT testimony for Lana'i Community Plan

S Stu and Kathy Marlowe <stuandkathy@hawaiiintel.net>

Reply all |

To:  County Clerk;

3:47 PM

### Action Items

This testimony is in STRONG SUPPORT of the Lāna‘i Community Plan that was listed on the April 1, 2016 Maui County Council Agenda as an Ordinance - First Reading. The Lāna‘i Community Plan commenced review in January 2013 and has had multiple public and community meetings to bring us to this date. Changes have been discussed and reworked and further reworked many times. The review by both the Community Plan Advisory Council (CPAC) and Lāna‘i Planning Commission (LPC) was both page by page and often times word by word. The County Council has reviewed the document and has made very minor changes.

It is time to approve this plan and go forward with the implementation. Please vote to approve this plan;

Stuart Marlowe  
Kathleen Marlowe  
Lana'i Residents

RECEIVED  
2016 APR 13 PM 4:02  
OFFICE OF THE  
COUNTY CLERK

Reply all | Delete Junk |

# Lanai Community Plan

SS Seril Shimizu <Seril.Shimizu@fourseasons.com>  
To:  County Clerk;

Reply all |  
3:49 PM

Aloha,

I am in STRONG SUPPORT of the Lānaʻi Community Plan that was listed on the April 1, 2016 Maui County Council Agenda as an Ordinance – First Reading. The few dissidents who say they would be okay with changes that are subsequently made, and then change their minds to want another change and another change do not speak for me or the Lānaʻi people I know. We want the growth opportunities that this Community Plan brings for us and our children. We want our children to be able to go away to college and to return to Lānaʻi with their families.

**Please approve this plan.**

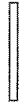
Mahalo,

Seril Shimizu, M.S.

RECEIVED  
2016 APR 13 PM 4: 02  
OFFICE OF THE  
COUNTY CLERK

Reply all | Delete Junk |

I support the Lana'i Community Plan on April 15, 2016



Game <Game@pulamalanai.com>

To:  County Clerk;

Reply all |

4:10 PM

To whom it may concern,  
I am in Strong support of the Lāna`i Community Plan that is on the agenda for First Reading.  
The Lāna`i Community can't afford to wait any longer for changes, I approve this plan to move forward.

Mahalo,



**Alec Pascua**

**Game Management Manager**

1311 Fraser Avenue | P. O. Box 630310 | Lanai City, Hawaii 96763

Tel 808 565 3981 | Cell 808 559 0551

[www.pulamalanai.com](http://www.pulamalanai.com) | [\[game@pulamalanai.com\]](mailto:game@pulamalanai.com)game@pulamalanai.com

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COUNTY CLERK

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# Community Plan for Lanai

**DS** Doug Stephenson <dsmacc@gmail.com>  
To:  County Clerk;

Reply all |

4:15 PM

I am in STRONG SUPPORT of the Lānaʻi Community Plan that was listed on the April 1, 2016 Maui County Council Agenda as an Ordinance – First Reading. The few dissidents who say they would be okay with changes that are subsequently made, and then change their minds to want another change and another change do not speak for me or the Lānaʻi people I know. We want the growth opportunities that this Community Plan brings for us and our children. We want our children to be able to go away to college and to return to Lānaʻi with their families.

Please approve this plan. Thank you!

Doug Stephenson  
Lanai Resident

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2016 APR 13 PM 4:19  
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COUNTY CLERK

Reply all | Delete Junk |

# Lana`i Community Plan



Kathy Carroll <kathycarroll96763@gmail.com>

Reply all |

To:  County Clerk; Cc:  MICHAEL CARROLL <lanaimike@mac.com>

Wed 4:58 PM

My husband, Mike Carroll, and I have lived on Lana`i for 15 years, and have had our art gallery here for 13 and 1/2 years. As small business owners and involved community members, we SUPPORT the Lāna`i Community Plan that will be heard at your next County Council meeting on April 15, 2016. Please approve this plan.

--

Kathy Carroll  
Mike Carroll Gallery  
443 7th Street  
PO Box 630645  
Lana`i City, HI 96763  
808-565-7122  
[www.mikecarrollgallery.com](http://www.mikecarrollgallery.com)  
<https://www.facebook.com/MikeCarrollGallery/>

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2016 APR 14 AM 7:54  
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COUNTY CLERK



Reply all | Delete Junk |

# LANA'I COMMUNITY PLAN



Ken Dunford <kdunford@aol.com>

To:  County Clerk;

Reply all |

7:28 AM

Maui County Council  
Attn: Mike White, Council Chair and Members of the Council

I STRONGLY SUPPORT the Lana'i Community Plan being heard this Friday April 15, 2016. Please approve this community plan.

Thank you in advance,

Ken and Jan Dunford  
30B Uhaloa Dr  
Lana'i City, HI 96763

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2016 APR 14 AM 7:54  
OFFICE OF THE  
COUNTY CLERK

Reply all | Delete Junk |

# Support for Lanai Community Plan



Howard MacNair <cactuscool@aol.com>

Reply all |

To:  county.clerk@mauicounty.us.;  medicaldesignshawaii@gmail.c

Wed 5:07 PM

To: Mike White, Council Chair  
Office of the County Clerk  
200 South High Street  
Wailuku, HI, 96793

I am in STRONG SUPPORT of the Lanai Community Plan that was listed the April 1, 2016 Maui County Agenda as an Ordinance - First Reading. The few dissidents who say they would be OK with changes that are subsequently made, and then change their minds to want another change and then another change do not speak for me or the residents of Lanai that I know. We want the growth opportunities that this community plan brings for us and our children. We want our children to be able to go away to college and return to Lanai with their families.

PLEASES APPROVE THIS PLAN.

Thank you,  
Howard and Donna MacNair  
Full time residents of Lanai

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2016 APR 14 AM 7: 54  
OFFICE OF THE  
COUNTY CLERK

Reply all | Delete Junk |

# Support the Lānaʻi Coummunity Plan

**WP** William Patterson <lanaipatts@gmail.com>  
To:  County Clerk;

Reply all |

Wed 6:48 PM

Aloha Maui County Council,

Being a 25 yr Lānaʻi resident, that is part of a silent majority here on Lānaʻi, I would like the Council to consider my FULLEST support of the The Lānaʻi Community Plan that was listed on the April 1, 2016 Maui County Council Agenda as an Ordinance – First Reading.

I know that the Lānaʻi Community Plan has been in process for over three years starting with the work completed by the Community Plan Advisory Committee. The plan was then amended and approved by the Lānaʻi Planning Commission. Both entities reviewed the plan page by page and sometimes word by word. All meetings were open to the public. The plan then moved to Maui County Council for their review. The Council made additional amendments that provided clarity and addressed concerns from a small group of Lānaʻi residents (Vocal Minority). Please believe me when I tell you the majority of Lānaʻians want the growth opportunities that this Community Plan brings for us and our children. We want our children to be able to go away to college and to return to Lānaʻi with their families to live in a community that can be sustained by the opportunities this plan can provide.

Mahalo,

William Patterson

PO BOX 630954

Lanai City, HI 96763

808-565-9494

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2016 APR 14 AM 7:54  
OFFICE OF THE  
COUNTY CLERK

Reply all | Delete Junk |

# FW: Lanai Community Plan Support Testimony to Maui County Council

LM Lynn McCrory <lmccrory@pulamalanai.com>  
To:  County Clerk; Cc:  John Stubbart <jstubbart@pulamalanai.com>

Reply all |  
Wed 5:02 PM

Forwarding this e-mail to you. Mahalo!  
Lynn



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2016 APR 14 AM 7:54  
OFFICE OF THE  
COUNTY CLERK

**Lynn McCrory**  
**Senior Vice President of Government Affairs**  
733 Bishop Street, Suite 2000 | Honolulu, Hawai'i 96813  
Cell 808 639 8442 | Tel 808 237 2212 | Fax 808 566 6927 |  
[www.pulamalanai.com](http://www.pulamalanai.com) | [lmccrory@pulamalanai.com](mailto:lmccrory@pulamalanai.com)

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---

**From:** John Stubbart  
**Sent:** Wednesday, April 13, 2016 3:47 PM  
**To:** county.clerk@mauicounty.us.  
**Cc:** Lynn McCrory  
**Subject:** Lanai Community Plan Support Testimony to Maui County Council

Dear Maui county council members.

I am in support of the community plan as presented to the County Council. As director of utilities so I have been involved with planning process and the infrastructure requirements to support this plan for over seven years. I believe this plan is achievable and that the zoning can be met with sustainable infrastructure.

Sent from my iPhone  
John Stubbart

Reply all | Delete Junk |

# Testimony for Lanai Community Plan

NT Nancy Tamashiro <nancytama@gmail.com>  
To:  County Clerk;

Reply all |

Wed 4:45 PM

Inbox

Dear Maui County Council Members:  
We are Wallace and Nancy Tamashiro;  
Wallace was born on Lanai.  
Since 1968 have lived, worked and raised our family on Lanai.

We strongly support the Lanai Community Plan,  
which was listed on the April 1, 2016 Maui County Council Agenda.

We urge you to approve the Lanai Community Plan  
at your meeting on April 15, 2016.

Aloha,  
Nancy and Wallace Tamashiro  
547 Akahi Place, P. O. Box 630178  
Lanai City, Hawaii 96763  
Phone: (808) 565-6042  
email: [nancytama@gmail.com](mailto:nancytama@gmail.com)

RECEIVED  
2016 APR 14 AM 7:54  
OFFICE OF THE  
COUNTY CLERK

Reply all | Delete Junk |

I am strongly supporting the Lānaʻi Community Plan that was listed on the April 1, 2016 Maui County Council Agenda as an Ordinance

RECEIVED  
2016 APR 14 AM 7:58  
Wed 4:28 PM  
OFFICE OF THE  
COUNTY CLERK

S Scott <scottsinlanai@gmail.com>  
To:  County Clerk;

Testimony

Action Items

To whom it may concern.

I have been to several of the meetings regarding the Lanai community plan. I strongly support the Lānaʻi Community Plan that was listed on the April 1, 2016 Maui County Council Agenda as an Ordinance - First Reading. The Lānaʻi Community Plan commenced review in January 2013 and has had multiple public and community meetings to bring us to this date. Changes have been discussed and reworked and further reworked many times. The review by both the Community Plan Advisory Council (CPAC) and Lānaʻi Planning Commission (LPC) was both page by page and often times word by word. The County Council has reviewed the document and has made very minor changes.

It is time to approve this plan and go forward with the implementation. Please vote to approve this plan. I have watched the careful planning of various projects on Lanai. Change is often difficult for a community. Pulama Lanai has worked hard to provide for the future of our community in a thoughtful and caring way. They have created facilities that benefit our entire community. We no longer have to wait for days to get our prescriptions from other islands. We enjoy the free sports facilities including the pool (heated), sports courts, football field and new playgrounds for our children. The movie theater is one of the nicest in the United States and in the summer the outdoor free movies in the park bring our community together. Last week our hospice house opened. Now the community has a facility on our island where our elderly can pass surrounded by their families and friends with quality care and compassion. As President of the M.E.O. senior club on Lanai Pulama has provided and committed to helping our organization with refreshments at our meetings and staff that participate with our seniors. The landscaping throughout the island is slowly changing for the better. Housing is being repaired or replaced and junk and eyesores that have been rusting away in peoples yards are picked up for free and disposed of properly. The future of the islands economy and quality of life continues to improve.

Do residents of Lanai worry about the future? I think we all worry. On the Ferry today I saw a family who's children are taking classes in our public schools and supplementing their public education with online classes at Kahn Academy. Two years ago their school science team won the robot competition. Last year their two children attended a robotics summer camp at the US Air Force Academy and this year they will attend a robotics camp in Santa Clara. This family is doing for their children what our entire community needs to do and that is to participate to help our children get the finest education available. Education has not always been a priority on this island. As the island and the world changes our community must also change. We need educated children that will help not only our island and state but be able to contribute globally.

Pulama Lanai is working hard to help our community transition for a better future. Please approve this Community plan for Lanai so that our children will have a sustainable future.

Thank you for your service to our county.

Respectfully,

Scott Stein  
P.O. Box 631671  
Lanai City, Hawaii 96763  
808 565 7175

# Lanai Community Plan Support Testimony to Maui County Council

GR G R <lanaikaila@gmail.com>  
To:  County Clerk;

RECEIVED  
APR 14 AM 7:59  
OFFICE OF THE COUNTY CLERK

Dear Maui County Council Members,

I have been a resident of the island of Lanai for the past 12 years. I do not and have not worked for Pūlama Lanai or The Four Seasons Resort.

As a homeowner in Lanai city I am asking you to vote to APPROVE the Lāna'i Community Plan that is on your agenda for First Reading.

I have also attended many of the Lanai Community Plan Meetings, Lanai Planning Committee meetings as well as the informational meetings over the past few years.

Pūlama Lāna'i and the Lāna'i community have worked very hard together on putting together a plan for the next 10 to 15 years that lays out many opportunities for the families on Lāna'i.

While everything cannot be done immediately, Larry Ellison and the money he has expended on Lāna'i is growing and moving us toward being sustainable. Being sustainable means we don't rely on any one landowner to provide what we need to live on Lanai.

We can't get much better than going forward toward that end. And I feel this Community Plan will make improve living on Lanai for all of the residents in the future.

I am asking you to vote to support the Lāna'i community of residents who want more than what we have now. And we believe in the future of Lanai for all of us.

Thank you very much

Gail Riener

PO Box 631017

Lanai City HI 96763

Reply all | Delete Junk |

# Lanai Community Plan



Tammy Sanches <keokon@hotmail.com>

Reply all |

To:  County Clerk;

8:25 AM

Aloha Maui County Council Members,

We are in STRONG SUPPORT of the Lāna'i Community Plan that was listed on the April 1, 2016 Maui County Council Agenda as an Ordinance - First Reading. The few dissidents who say they would be okay with changes that are subsequently made, and then change their minds to want another change and another change do not speak for me or the Lāna'i people that we know. We want the growth opportunities that this Community Plan brings for us and our children. We want our children to be able to go away to college and to return to Lāna'i with their families.

Please approve this plan. Thank you!

Rob & Tammy Sanches

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2016 APR 14 AM 8:34  
OFFICE OF THE  
COUNTY CLERK



FW: Lanai community plan, please copy to all council members. Thank you very much

RECEIVED  
2016 APR 14 AM 10:57  
OFFICE OF THE COUNTY CLERK

JN Josiah K. Nishita

To:  County Clerk;

Reply all

Inbox

LCP Testimony Formats...  
15 KB

ATT00001.htm  
748 bytes

2 attachments (16 KB) Download all Save all to OneDrive - County of Maui Office of Council Services

**From:** Ron McOmber [mailto:randpmcomber@gmail.com]

**Sent:** Thursday, April 14, 2016 10:19 AM

**To:** Josiah K. Nishita <Josiah.Nishita@mauicounty.us>

**Subject:** Lanai community plan, please copy to all council members. Thank you very much

Dear County Council Members:

Lynn McCrory, VP of Government affairs for Pulama Lana`i, sent the email below to an unknown number of Pulama employees late yesterday, April 13. She included 4 "sample testimonies" and urged a last minute attempt to "show the Council that there are other voices on Lanai and there is support for this plan and to please go forward with an approval vote."

You will see that those of us who worked diligently on the CPAC and LPC to review the Lanai Community Plan, are now referred to as "dissidents."

You will also see that Ms. McCrory's email erroneously states the 1998 Lanai Community plan called for a population of 12,000. It did not.

If you receive any of these "sample testimonies", it will be from individuals who never attended a CPAC or LPC meeting when the Plan was being reviewed by the public. This is a blatant attempt by Ms. McCrory to improperly influence a process by "strong-arming" employees at the last minute. This is exactly what the previous corporation Castle & Cooke did to this community over the windmills: try to split us up.

I just wanted you to know what was going on. Thank you.

Ron McOmber

---

**From:** Barbi Shinno <[bshinno@pulamalanai.com](mailto:bshinno@pulamalanai.com)> on behalf of Lynn McCrory <[lmccrory@pulamalanai.com](mailto:lmccrory@pulamalanai.com)>  
**Sent:** Wednesday, April 13, 2016 5:44 PM  
**To:** Barbi Shinno  
**Cc:** Lynn McCrory  
**Subject:** Lanai Community Plan Support Testimony to Maui County Council

We are asking you to send testimony to support the Lanai Community Plan today or as soon possible. The Maui County Council will hear the Lanai Community Plan on Friday, 4-15-16, at the Council Chambers in Wailuku, Maui. We have attached four sample testimonies for your review or you could write what you choose to say.

The Lanai Community Plan has been in process for over three years starting with the work completed by the Community Plan Advisory Committee. The plan was then amended and approved by the Lanai Planning Commission. Both entities reviewed the plan page by page and sometimes word by word. All meetings were open to the public. The plan then moved to Maui County Council for their review. The Council made additional amendments that provided clarity and addressed concerns from a small group of Lanai residents.

The process is at the point where only a few select voices are being heard with only negative testimony and there is not any SUPPORT testimony coming to the Council. It would be good to show the Council that there are other voices on Lanai and there is support for this plan and to please go forward with an approval vote.

You can read the Lanai Community Plan on the Maui County website by searching for Lanai Community Plan, and selecting the official site. Choose the plan with the latest date and the same for choosing the maps.

The 1998 plan, currently in place projects a 12,000 population basis. This new plan projects a 6,000 population basis. Our Lanai population today is 3,100. There are more differences between the two plans, this is just one example.

Please send SUPPORT testimony to the Maui County Council at the address on the sample testimony attachment today!!!

Thank you for making a difference in Lanai's future.

Lynn

**Lynn McCrory**

**Senior Vice President of Government Affairs**

733 Bishop Street, Suite 2000 | Honolulu, Hawai'i 96813

Cell 808 639 8442 | Tel 808 237 2212 | Fax 808 566 6927 |

[www.pulamalanai.com](http://www.pulamalanai.com)

Lana'i, a sustainable community | Pulama Lana'i

[www.pulamalanai.com](http://www.pulamalanai.com)

Pūlama Lāna'i is developing a comprehensive plan for managing and conserving Lāna'i's energy, water, and land resources.

| [lmccrory@pulamalanai.com](mailto:lmccrory@pulamalanai.com)

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**Barbi Shinno**

**Executive Assistant – Government Affairs**

733 Bishop Street, Suite 2000 | Honolulu, Hawai'i 96813

Tel 808 237 2213 | Fax 808 566 6927

[www.pulamalanai.com](http://www.pulamalanai.com) | [bshinno@pulamalanai.com](mailto:bshinno@pulamalanai.com)

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Pūlama Lānaʻi  
Lānaʻi Community Plan Sample Testimony Formats  
For Maui County Council Meeting on April 15, 2016  
(LCP Testimony Formats, 4-11-16)

If you have questions please call my cell phone at 808-639-8442 or e-mail at [lmccrory@pulamalanai.com](mailto:lmccrory@pulamalanai.com).

E-mail testimony to be sent to: [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us).

Mail testimony to be sent to: Mike White, Council Chair, Office of the County Clerk, 200 South High Street,  
Wailuku, HI 96793

Fax testimony to be sent to: Mike White, Council Chair, 808-270-7171.

#### Sample Testimony 1.

This testimony is in STRONG SUPPORT of the Lānaʻi Community Plan that was listed on the April 1, 2016 Maui County Council Agenda as an Ordinance – First Reading. The Lānaʻi Community Plan commenced review in January 2013 and has had multiple public and community meetings to bring us to this date. Changes have been discussed and reworked and further reworked many times. The review by both the Community Plan Advisory Council (CPAC) and Lānaʻi Planning Commission (LPC) was both page by page and often times word by word. The County Council has reviewed the document and has made very minor changes.

It is time to approve this plan and go forward with the implementation. Please vote to approve this plan.

#### Sample Testimony 2.

I am in STRONG SUPPORT of the Lānaʻi Community Plan that was listed on the April 1, 2016 Maui County Council Agenda as an Ordinance – First Reading. The few dissidents who say they would be okay with changes that are subsequently made, and then change their minds to want another change and another change do not speak for me or the Lānaʻi people I know. We want the growth opportunities that this Community Plan brings for us and our children. We want our children to be able to go away to college and to return to Lānaʻi with their families.

Please approve this plan. Thank you!

#### Sample Testimony 3.

Please vote to APPROVE the Lānaʻi Community Plan that is on your agenda for First Reading. Pūlama Lānaʻi and the Lānaʻi community have worked on putting together a plan for the next 10 to 15 years that lays out many opportunities for the families on Lānaʻi. While everything cannot be done immediately, Larry Ellison and the money he has expended on Lānaʻi is growing and moving us toward being sustainable. Being sustainable means we don't rely on any one landowner to provide what we need to live on Lānaʻi. We can't get much better than going forward toward that end.

Vote to support the Lānaʻi community of families who want more than what we have now.

#### Sample Testimony 4.

I SUPPORT the Lānaʻi Community Plan that will be heard at your next County Council meeting on April 15, 2016. Please approve this plan.

Reply all | Delete Junk |

RECEIVED

2016 APR 14 AM 11: 18

# Lanai Community Plan

OFFICE OF THE  
COUNTY CLERK

AC Arlan Chun <achun@pulamalanai.com>  
To:  County Clerk;

Reply all |

10:56 AM

## Action Items

Mr. Mike White, Chairman, Maui County Council,

Please vote to APPROVE the Lānaʻi Community Plan that is on your agenda for First Reading. Pūlama Lānaʻi and the Lānaʻi community have worked on putting together a plan for the next 10 to 15 years that lays out many opportunities for the families and community of Lānaʻi. While everything cannot be done immediately, Larry Ellison and the money he has expended on Lānaʻi is growing and moving the island toward being sustainable. Being sustainable means the residents of Lanai don't rely on any one landowner to provide what is needed to live on Lānaʻi. We can't get much better than going forward toward that end.

Please vote to support the Lānaʻi community of families who want more than what they have now.

Arlan



**Arlan Chun**  
**Senior Vice President - Development & Construction**  
733 Bishop Street, Suite 2000 | Honolulu, Hawai'i 96813  
Tel 808 237 2221 | Fax 808 566 6927 | Cell 808 352 7191  
[www.pulamalanai.com](http://www.pulamalanai.com) | [achun@pulamalanai.com](mailto:achun@pulamalanai.com)

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RECEIVED

# Lana'i Community Plan Testimony

2016 APR 14 AM 11:18



KG

Keri Goto <kerigoto@gmail.com>

To:  County Clerk;

OFFICE OF THE  
COUNTY CLERK

Reply all |

10:58 AM


I SUPPORT the Lāna'i Community Plan that will be heard at your next County Council meeting on April 15, 2016. Please approve this plan.

--

Keri Goto

Reply all | Delete Junk |

# Lanai Community Plan


 MelNRox Catiel <M\_RCatiel@hotmail.com>  
 To:  County Clerk;

Reply all |

11:34 AM

Inbox

Hi:


I oppose the updated Lanai Community Plan until all parties involved are in the same boat. Do not approve the Lanai Community Plan.

Thank you  
Roxanne Catiel

RECEIVED  
 2016 APR 14 PM 12: 04  
 OFFICE OF THE  
 COUNTY CLERK

Reply all | Delete Junk |

# Lanai Community Plan

 MC MelNRox Catiel <M\_RCatiel@hotmail.com>  
To:  County Clerk;

Reply all |

11:38 AM

My name is Melvin Catiel and I oppose to what Pulama wants to do on the island of Lanai. Pulama wants to run the island. Therefore, I oppose the Lanai Community Plan. Do not approve the Lanai Community Plan.

Thank you very much

RECEIVED  
2016 APR 14 PM 12: 05  
OFFICE OF THE  
COUNTY CLERK



Reply all | Delete Junk |

# Lāna‘i Community Plan

HC Henry Clay <clayrich.hi@gmail.com>  
To:  County Clerk;

Reply all |

1:12 PM

## Action Items

This testimony is in STRONG SUPPORT of the Lāna‘i Community Plan that was listed on the April 1, 2016 Maui County Council Agenda as an Ordinance – First Reading. The Lāna‘i Community Plan commenced review in January 2013 and has had multiple public and community meetings to bring us to this date. Changes have been discussed and reworked and further reworked many times. The review by both the Community Plan Advisory Council (CPAC) and Lāna‘i Planning Commission (LPC) was both page by page and often times word by word. The County Council has reviewed the document and has made very minor changes.

It is time to approve this plan and go forward with the implementation. Please vote to approve this plan.

Henry C Richardson  
PO box 631422 lanai city, hi 96763  
"To lead one must serve"

RECEIVED  
2016 APR 14 PM 1:44  
OFFICE OF THE  
COUNTY CLERK

Reply all | Delete Junk |

# Lanai Community Plan

SA Scott Ashworth <[scott.ashworth@fourseasons.com](mailto:scott.ashworth@fourseasons.com)>  
To:  County Clerk;

Reply all |

3:34 PM

Aloha,

As a resident of Lanai, this a very important plan that we need to have approved as soon as possible!

This testimony is in STRONG SUPPORT of the Lānaʻi Community Plan that was listed on the April 1, 2016 Maui County Council Agenda as an Ordinance – First Reading. The Lānaʻi Community Plan commenced review in January 2013 and has had multiple public and community meetings to bring us to this date. Changes have been discussed and reworked and further reworked many times. The review by both the Community Plan Advisory Council (CPAC) and Lānaʻi Planning Commission (LPC) was both page by page and often times word by word. The County Council has reviewed the document and has made very minor changes.

It is time to approve this plan and go forward with the implementation. Please vote to approve this plan.

Mahalo,  
Scott

Scott Ashworth, PGA  
Director Of Golf  
Four Seasons Resorts Lanaʻi

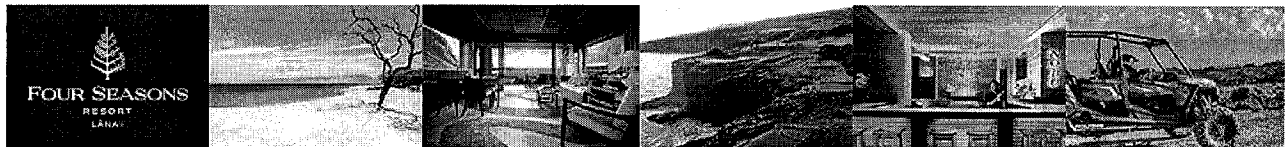
District 11 Director, PGA of America Board of Directors

voice: (808) 565-2225

email: [scott.ashworth@fourseasons.com](mailto:scott.ashworth@fourseasons.com)

web: <http://www.fourseasons.com/lanai>

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On an island of contrasts you'll find a world beyond compare - Book [here](#) to experience Lanai by Four Seasons. Now accepting reservations.

# FW: Testimony in Support of the Lana'i Community Plan

JL Jennifer Lichter <jlichter@pulamalanai.com>  
To:  County Clerk;

Reply all |

Thu 4:44 PM

Action Items

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Dear Council Chair White,

This testimony is in STRONG SUPPORT of the Lānaʻi Community Plan that was listed on the April 1, 2016 Maui County Council Agenda as an Ordinance – First Reading. The Lānaʻi Community Plan commenced review in January 2013 and has had multiple public and community meetings to bring us to this date. Changes have been discussed and reworked and further reworked many times. The review by both the Community Plan Advisory Council (CPAC) and Lānaʻi Planning Commission (LPC) was both page by page and often times word by word. The County Council has reviewed the document and has made very minor changes.

It is time to approve this plan and go forward with the implementation. Please vote to approve this plan.

Respectfully,



Jennifer Lichter  
Purchasing Clerk  
PO Box 630310  
1311 Fraser Avenue  
Tel 808 565 3668 | Fax 808 565 3881  
jlichter@pulamalanai.com

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# Lanai Community Plan



Alexandra Read <drtunamom@hotmail.com>

Reply all |

To:  County Clerk;

12:10 AM

As a parttime resident of Lanai, I strongly urge the County Council to vote in support of the Lanai Community Plan scheduled to be reviewed at your meeting April 15, 2016. This plan has been discussed and debated and revised for quite some time.....it is time to approve this plan for the good of the residents of the Island of Lanai and, by extension, Maui County. Thank you.

Alexandra E. Read, MD

P.O.Box 631631

Lanai City 96763

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# Testimony in Support of the Lana'i Community Plan

KR Kelly Ruaburo <kruaburo@pulamalanai.com>  
To:  County Clerk;

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Action Items

Dear Council Chair White,

This testimony is in STRONG SUPPORT of the Lānaʻi Community Plan that was listed on the April 1, 2016 Maui County Council Agenda as an Ordinance – First Reading. The Lānaʻi Community Plan commenced review in January 2013 and has had multiple public and community meetings to bring us to this date. Changes have been discussed and reworked and further reworked many times. The review by both the Community Plan Advisory Council (CPAC) and Lānaʻi Planning Commission (LPC) was both page by page and often times word by word. The County Council has reviewed the document and has made very minor changes.

It is time to approve this plan and go forward with the implementation. Please vote to approve this plan.

Respectfully,



**Pulama Lānaʻi**  
Preservation. Progress. Sustainability.

**Kelly Ruaburo**

1311 Fraser Avenue | P.O. Box 630310 | Lānaʻi City, Hawaiʻi 96763

Tel 808 565 3111 | Fax 808 565 3881

[www.pulamalanai.com](http://www.pulamalanai.com) | [kruaburo@pulamalanai.com](mailto:kruaburo@pulamalanai.com)

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# Testimony in Support of the Lana'i Community Plan

Juliet Baptista <jbaptista@pulamalanai.com>

To:  County Clerk;

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Thu 4:38 PM

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This message was sent with high importance.

Action Items

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Dear Council Chair White,

This testimony is in **STRONG SUPPORT** of the Lānaʻi Community Plan that was listed on the April 1, 2016 Maui County Council Agenda as an Ordinance – First Reading. The Lānaʻi Community Plan commenced review in January 2013 and has had multiple public and community meetings to bring us to this date. Changes have been discussed and reworked and further reworked many times. The review by both the Community Plan Advisory Council (CPAC) and Lānaʻi Planning Commission (LPC) was both page by page and often times word by word. The County Council has reviewed the document and has made very minor changes.

It is time to approve this plan and go forward with the implementation. Please vote to approve this plan.

Respectfully,





*Juliet Baptista*

**Accounts Payable Clerk**

1311 Fraser Avenue | P.O. Box 630310 | Lānaʻi City, Hawaiʻi 96763

Tel 808 565 3659 | Fax 808 565 3881

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## Dawn Fukutomi

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**From:** skaye <skaye@runbox.com>  
**Sent:** Monday, April 11, 2016 1:50 PM  
**To:** Riki Hokama; Mike White  
**Cc:** Lynn DeCoite; Gladys Baisa; Michael Victorino; Stacy S. Crivello; Robert Carroll; Elle Cochran; Donald S. Guzman; Don Couch; Greg J. Garneau  
**Subject:** RE: Lana`i Community Plan  
**Importance:** High

April 11, 2016

Dear Council Member Hokama:

Many Lanaians were bitterly disappointed that the Council elected, again, to suspend discussion of the Lāna`i Community Plan on April 8, 2016. Although the timing of the Council's session precluded many from attending due to work schedules, we had hoped that a full and robust discussion of the many significant flaws in the planning process would be addressed on the record, and that the stealth insertion of objectionable language ("unless specifically prohibited...") by the Planning Department's Will Spence would be finally removed after months of verbal and written protests.

Since the Council will now take up this item outside of our community, I must send my written objections once again, and request that the current version of the Lanai Community Plan be denied approval. Below are my observations on the significant flaws in the Community Plan process:

- There has been no means of ascertaining which version is the most current - they are not dated, not numbered, not properly Ramseyed - in short the PD apparently is "gaming" the CPAC and LPC with confusion. I served on the Lāna`i Planning Commission for several years, many of them as Chair, and had the privilege of serving while the County-wide Plan was vetted: we were always provided a matrix in order to track the changes for discussion purposes. This was never provided to the CPAC or the LPC or the community.
- The last minute insertion of the "specifically prohibited language" is unconscionable and a due process violation of the work of our community.
- Neither the CPAC nor the LPC was ever informed that they were required to specifically prohibit uses for purposes of Community Plan Land Use designation, rendering the entire process beyond repair, subject to challenge, and vulnerable to future litigation.

As a result of these fundamental flaws I am asking you and your fellow Council Members to deny approval of the current version of the Plan. We have a perfectly acceptable 1998 Community Plan that contains many thought-out and discussed prohibitions: none survived into the current version because no one was told to consider this.

I ask that the Lāna`i Community Plan now be deferred until the end of the planning process, in order to not impede work on other community plans. At that point, the CPAC and LPC can review and revise, as appropriate. There is no harm in this deferral, since the 1998 plan, along with its Community Plan land use designations, remains in full force.

Respectfully submitted,

Sally Kaye  
511 Ilima Ave.  
Lāna`i City, HI 96763  
565-6276