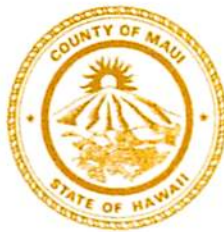


MICHAEL P. VICTORINO
Mayor
MICHELE CHOUTEAU MCLEAN, AICP
Director
JORDAN E. HART
Deputy Director



RECEIVED
2019 AUG -7 PM 2:30
OFFICE OF THE MAYOR

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

August 6, 2019

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

For Transmittal to:

Honorable Kelly King, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair King and Councilmembers:

SUBJECT: DIGITAL ZONING MAP (2) FOR MAUI ISLAND

Attached please find a proposed bill entitled "A BILL FOR AN ORDINANCE ADOPTING DIGITAL ZONING MAP (2) AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI." The bill's purpose is to adopt an amended digital zoning map (2) as the official zoning map for the Island of Maui. The map provides a graphical portrayal of zoning designations established by ordinance. Map (2) includes 13 corrections to the first map which was adopted by the Maui County Council on October 10, 2018.

The Maui Planning Commission reviewed the proposed bill on June 25, 2019 and voted unanimously to pass the bill. The meeting minutes are attached. Property owners were also notified of the proposed zoning corrections. Of the 13 corrections, three were to correct the zoning for churches, and the other 10 were to correct oversights or errors made during the implementation of the first map.

Thank you for your attention to this matter. Should further clarification be necessary, please feel free to contact Administrative Planning Officer Jacky Takakura at jacky.takakura@mauicounty.gov or extension 7743.

Sincerely,


MICHELE C. MCLEAN, AICP
Planning Director

Attachments
xc: Kathleen Aoki, Administrative Planning Officer (PDF)
Jacky Takakura, Administrative Planning Officer (PDF)
MCM:JMCT:ckk
S:\ALL\APO\19.06\DSSRT-MAP 2_2019\190801transmittalcouncil.docx

COUNTY COMMUNICATION NO. 19-346

RECEIVED
2019 AUG -8 PM 2:44
OFFICE OF THE
COUNTY CLERK

APPROVED FOR TRANSMITTAL

 8/7/19
Acting Mayor Date

ORDINANCE NO. _____

BILL NO. _____ (2019)

A BILL FOR AN ORDINANCE ADOPTING DIGITAL ZONING MAP (2) AS
THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI

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

SECTION 1. Purpose. The purpose of this ordinance is to adopt the most recently amended digital zoning map (2) as the official zoning map for the Island of Maui. The map shall provide a graphical portrayal of zoning designations established by ordinance.

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

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

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

C. The areas of the islands of Kaho'olawe, Lana'i, and Moloka'i shown on original maps entitled "Land Zoning Maps," on file in the office of the county clerk with certified copies being placed on file in the planning department, and the digital zoning map for the island of Maui, together with all explanatory materials thereon, are part of this title."

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

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

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

APPROVED AS TO FORM AND LEGALITY



MICHAEL J. HOPPER
Department of Corporation Counsel
County of Maui

2019-1125
2019-07-26 Ordinance

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

**MAUI PLANNING COMMISSION
PORTION OF THE REGULAR MINUTES
ITEM B.1
JUNE 25, 2019**

Mr. Hart: Thank you Chair, the first item B, Public Hearing, Item No. 1, Michele Chouteau McLean, Planning Director, transmitting a proposed bill relating to the digital zoning map for the Island of Maui, respectively described as follows: A proposed bill titled "A BILL FOR AN ORDINANCE AMENDING THE DIGITAL ZONING MAP FOR THE ISLAND OF MAUI." The purpose of the proposed bill is to adopt an amended digital zoning map for the Island of Maui. Jacky Takakura and Kathleen Aoki are here for the Department.

13
14
15

B. PUBLIC HEARINGS

- 16
17
18
19
20
21
22
1. **MICHELE CHOUTEAU MCLEAN, Planning Director, transmitting a proposed bill relating to the digital zoning map for the Island of Maui, respectively described as follows: A proposed bill titled "A BILL FOR AN ORDINANCE AMENDING THE DIGITAL ZONING MAP FOR THE ISLAND OF MAUI." The purpose of the proposed bill is to adopt an amended digital zoning map for the Island of Maui. (J. Takakura and K. Aoki)**

23
24
25
26
27
28

Ms. Kathleen Aoki: Good morning Chair, Good morning Members. For those of you who don't know me, my name is Kathleen Ross Aoki and I am the Division Chief of the Plan Implementation Division for the Department. We are coming before you today to amend our digital zoning map for the Island of Maui. Last year we had the privilege of having the County Council adopt the first ever digital zoning map in our County and this was for the Island of Maui.

29
30
31
32
33
34
35
36

At the time, we did explain that we needed to get a map adopted after working on it for many, many, many, many, many years and we knew and we continue to know that there are errors that we are going to be coming forward with to you and to the County Council to amend. So we are back before you today and on our team we have Peter Graves. Peter Graves is a GIS Analyst V with my division. Sitting next to him is Ann Cua who is the Supervisor Planner for the Current Division, and sitting over there who will also be doing part of the presentation is Jacky Takakura who is the new APO for the Zoning Division. So with that, I'll turn it over to Ann.

37
38
39
40
41
42
43
44
45
46
47
48
49

Ms. Ann Cua: Good morning Chair, Members. So just to give you a little bit of history as to... especially for those of you who were not part of the original public hearing that we conducted to adopt the digital map this project initially began back in January of 2001 during Mayor Apana's Administration and it started with the County's GIS Division with staff temporarily loaned from the Planning Department to assist GIS staff with that project. And then in December of 2005 it was transferred, the entire project was transferred to the Planning Department and what we did at that time is we pooled staff from each division within Planning to create a team and we were called the Dead Sea Scroll Replacement Team. And if you've seen our, any of our zoning maps, our paper zoning maps you'll know why that was our title. And this team basically was made up of members that had historical and present knowledge of the County's land use process, land use changes, zoning, permit processing, et cetera, and also GIS skill sets to be able to verify one parcel at a time and create the actual digital zoning layer.

1 So why did we do this? Well, again if any of you saw our maps that we use on a daily basis they
2 had aged over time. The quality was very bad. The detail was also very bad and so we knew we
3 needed to do something about that. We had in the County no single complete set of maps for the
4 island. Our zoning in Maui County is a patchwork of things like State Interim Zoning, the original
5 1960's land zoning maps for urban areas, and then later the County adopted County Agricultural
6 and Rural Zoning Ordinances. And then as you know because you see them every now and then,
7 individual applicants come in with a change in zoning and you make a recommendation to the
8 County Council. So the zoning in Maui County is just mixture of all of these different things. So
9 in order for us to go through this project we had to take all of these different layers including the
10 community plans and the State Land Use Maps to be able to verify just one parcel at a time.

11
12 Another reason why we created this digital map and a huge reason is to give the public greater
13 access to accurate zoning information and another big thing for us is within our Zoning Division
14 between 2014 and 2018, staff processed over 20,000 Zoning Verification Forms. And those are
15 the forms that people fill out when they need to know what they can do with their property. That's
16 one of the first things they do. They need to know what they're zoned, what's the community
17 plan, are they in a flood zone, what does the Maui Island Plan say, so there's this form that's
18 available online that people fill out and they bring into our Zoning Division and Zoning fills it out
19 and gives it back to them. So like I said in that period of time we processed over 20,000 forms.
20 And so definitely having information available online would reduce the amount of forms coming
21 into the Department.

22
23 And then I think most of you know about our Maui Automated Planning and Permit System, our
24 MAPPS project which is going to replace our KIVA Permit System. Well this digital zoning is a
25 key component to this MAPPS system.

26
27 So where are we today? As Kathleen mentioned back in October of 2018, the County Council
28 and the Mayor adopted the digital zoning map for the Island of Maui. We held public meetings in
29 March and April of 2017, and then we came before this Commission as well as the Molokai and
30 Lanai Planning Commissions for the zoning map as well as related amendments to Title 19. As
31 we mentioned then and we'll mention again, we took Maui Island first because we needed to do
32 one island at a time. So Maui is done and we will get to Molokai and Lanai.

33
34 As best as possible what we did as part of this project was to make corrections addressing
35 mapping alignments. We updated parcel zoning with zoning districts that have standards. We
36 had zoning districts on the map like Open Zone that had no standards in Title 19. We eliminated
37 non-existing zoning districts and we corrected oversights.

38
39 When we came before you and as Kathleen mentioned we anticipated having to make
40 adjustments, finding different challenges, different errors that would come up as people come in
41 to verify their zoning we uncover things and so that's basically why we're here today. Do we think
42 this is the end of coming before you? Absolutely not, but what we do anticipate is that the amount
43 of things that we will find over time will be less and less. That's our anticipation, that's our hope
44 and we're sticking to it.

1 So as Kathleen mentioned again we're here today to ask for a recommendation to approve the
2 next update of the digital zoning map and with that this update that's coming before you has
3 11 corrections and I'm gonna turn the floor over the Peter and he's going to take you through
4 those examples.

5
6 Mr. Peter Graves: Okay, we're just gonna show you three of them because it still ends up being
7 a lot of slides. If there's any questions about the other eight, we can look that, but these were
8 three of the more involved errors.

9
10 This is a parcel on South Kihei Road by Kukui Mall. It's a residential parcel. Now this is a...this
11 isn't the actual paper map, but there's a digital version of what the raw paper map looked like and
12 I mean this map was from the mid-60s. A lot of the zoning...things drawn on there, they maybe
13 weren't actually zonings but they were in the legends so we considered them as zonings. So one
14 thing you'd have would be these drainage zonings so-called that were in areas where I think there
15 was either proposed drainage or thought to be a drainage. We looked at the current
16 ...(inaudible)...map there was no drainage there, it had been turned into a very narrow culvert
17 and we wanted to get rid of things like that to make them the same as the surrounding zoning
18 which is all R-3 in here. So our proposal was to do this, just to get rid of that drainage zoning so
19 the entire parcel would be R-3. Most likely the owner at no point thought there was drainage
20 zoning on there but we wanted to put it, put it to, put it back to what they probably thought it was
21 which was an R-3 parcel but what I noticed afterwards is that made both...I made both the
22 correction and an error so we ended up with this. We changed or I changed this piece to R-3 this
23 zoning piece somehow though this was changed to be B-2. Took me a bit to figure out how that
24 happened...(cow ringtone in the audience)...It was a cow, a cow did it. Thank you. What
25 happened was there was this change in zoning for this adjacent parcel up here and somehow it
26 ended up in my notes that this change in zoning applied to this parcel as well. I'm not sure how
27 that ended up in the notes, but it was a you know a huge undertaking dealing with every parcel
28 on the island so things like this happened. This is what the correction we want to make is to put
29 it back to the intended R-3 and remove the Business, B-2 zoning that was accidentally applied to
30 this parcel. So that's number one.

31
32 This is over in Lahaina by Lahainaluna Road, West Maui Senior Center, Pioneer Mill site involves
33 this area right in here. This is Amfac property. This again would be not the actual paper map but
34 what was taken directly from the paper map. With all this purple being Heavy Industrial zoning,
35 Agricultural, R-2, R-1 sorry. And that map again was from the mid-60s. What happened with the
36 1996 West Maui Community Plan is that same area was designated Ag, you can see it the label
37 is off here, but it was designated Ag and because of the 1999 Comprehensive Ag Bill that means
38 that that little piece of Industrial that was left over here should have been changed to Ag and it
39 was just something at the time it didn't come to our attention. Here's the zoomed out version with
40 the Ag label shown which applies all up into here. The area of error with the arrows pointing at it.
41 So that should no longer have because of the Ag Bill it should no longer have just that piece
42 should not have Industrial zoning and that is our recommended correction is just to remove the
43 Industrial zoning from the portion which is community planned Ag.

44
45 This one's a little more fun. The Plantation Estates, Lower Honoapiilani Road area. Basically
46 applies just to this little piece of undeveloped roadside land here. You can't really see the colors

1 at all, but all of that is shown as being in a Project District which came from Change in Zoning
2 Map 967 this what looks white but should be purple. It's all Project District, this is Interim, Golf
3 Course up in here. What's going on concurrently with us working on this is the parcel's layer
4 which is kinda of a legacy layer going back 20 years they've been doing more and more to make
5 it accurate. So the parcels we're working with don't necessarily line up well with the old change
6 in zoning maps we're looking at. There you see this little, this is CIZ 967 everything within here
7 the change was to Project District we believed at the time that the parcels we had that this edge
8 of the Project District actually went all the way to the top of this little island here. What's been
9 happening in the meantime is there...I should say that the DSSRT project is still referenced to the
10 2014 parcels. There are 2018 parcels out but...I've been working on updating it to the 2018 that
11 hasn't been released yet. RPT, Real Property is still working on their new release of that. They've
12 been trying to clean up a lot more errors in the past point being that when I compared this as I
13 was changing all this over 2018 I saw that they came out with a layer it was much more
14 representative of what was on the ground, what was on the Change in Zoning Map lined up very
15 well. You can see that the Change in Zoning Map actually ends right there not up here as I had
16 believed. So it shouldn't apply beyond this point. This piece up here should have remained
17 Interim because it's not covered by any zoning map and that is our proposed fix is just to change
18 this little section right here back to Interim as was the intention of Map 967.

19
20 And that looks like nothing because the colors aren't showing up, but that is the digital corrected
21 map for the whole island. And those are the three examples. We could go into if there's any
22 interest in the others later we can take a look at them.

23
24 Ms. Cua: So now we'll have Jacky Takakura come up from our Staff and take you through the
25 ordinances that need to occur.

26
27 Ms. Jacky Takakura: Good morning everyone. I'm Jacky Takakura. I'm the Administrative
28 Planning Officer in the Zoning Division.

29
30 Mr. Carnicelli: Good morning.

31
32 Ms. Takakura: So we have a variety of people here, you know from the different divisions that's
33 how big this project is because it affects all of us in the Department. But what I'm gonna go
34 through with you is the process to implement the updated digital zoning map and the steps it takes
35 to change the Maui County Code.

36
37 So in order for this updated map to become the official zoning map for Maui a bill must accompany
38 the map. And like any bill for ordinance it must be reviewed by the Planning Commission and
39 then it can be routed to Corporation Counsel and then to the Mayor's Office for transmittal to the
40 County Council.

41
42 So the County Charter give us, the Planning Department the responsibility for preparing zoning
43 maps and Maui County Code, Chapter 19 refers to the actual maps for each island. And as
44 mentioned, Maui Island has a digital zoning map as of October 2018 and these maps determine
45 the boundaries of the zoning districts and eventually as mentioned we will have digital zoning
46 maps for all three islands, but we're doing just one step at a time. It is a big project.

1
2 Okay, so our proposed bill for ordinance before you today is consistent with the Charter which
3 authorizes the Department to maintain zoning maps. Maui County Code, Chapter 19 which
4 recognizes the digital map as the zoning map for Maui and with the General Plan. There's a lot
5 of text here but the key words are that the digital map is the official zoning map for Maui Island
6 and our responsibility is to update the standards for determining the boundaries of zoning districts
7 and by doing this we're in line with the General Plan and that is to be transparent, effective,
8 efficient and relevant documentation because of course knowing what the zoning is for these
9 parcels on this island it's one of the most relevant documents we can have. And then technology
10 as we mentioned the new permitting processing system that's coming up needs this for that and
11 to expand our online services.

12
13 So as we mentioned, the current map, Map No. 1 contains a few errors and oversights and right
14 now it's just 11 that we seek to correct. And keep in mind out of...this is out of over 40,000 parcels
15 on Maui, you know right now we've found 11 and over time we probably will come across more
16 that we will need to fix and so we'll bring those to you again. You know so this is gonna be kinda
17 work in progress kind of like painting the Golden Gate Bridge. So...and then also as mentioned
18 we will eventually work on Molokai and Lanai.

19
20 This is the actual language of the bill for ordinance. The key parts are the underlined parts that
21 we want changed to reflect the references to the Digital Zoning Map 2 which is gonna be the most
22 recently adopted digital map on file and with reference to Number 2, and I think you have that in
23 your handouts. You can read it.

24
25 So in summary, we're requesting that the Maui Planning Commission recommend to the County
26 Council approval of the proposed corrections and adopt the Digital Zoning Map Number 2. You
27 do have three options. We hope that you pick number one there in bold, but you do have the
28 option to recommend that the Council pass the bill with the amendments or you could vote to
29 defer in order to gather additional information and we are here today. We can answer any
30 questions that you may have, but we would like to have this Number 2 be the official map. Did
31 you have any questions?

32
33 Mr. Carnicelli: Thank you.

34
35 Ms. Takakura: Thank you very much.

36
37 Mr. Carnicelli: I'll let Ann turn on the lights. Thank you Ann. So Commissioners at this point do
38 you have enough information to make a recommendation or would you like...do you have any
39 questions at this point? Commissioner La Costa.

40
41 Ms. La Costa: Thank you Chair. My question is for whomever is able to answer it. When zoning
42 is changed and things such as drainage easements or electrical easements are realigned
43 because they no longer are within a parcel how does that affect the title insurance on the
44 properties that have those title easement on them?

1 Ms. Aoki: So first to clear up that we do not touch easements. The easements are not part of
2 zoning. Zoning is the allowed use of that property. So it's an underlying map if you will. If there
3 is an easement that's on a piece of property that's documented that stays. We don't touch
4 anything to do with easements. The drainage example that we have for you today was considered
5 a zoning category not an easement but a category, but it had no standards. There was nothing
6 in the Code that talked about how to use a drainage zoning type. So what we did with that was
7 which if you bring up that slide Peter on the corrected version you will see that that zoning of the
8 drainage went all the way down to...well, you won't see it all, but it went all the way down to the
9 ocean and it got taken out and corrected on the other parcels. So everybody else got it corrected
10 too, and like Peter mentioned in some cases there were actual, you can look there were actual
11 tiny little culverts that we put in. It doesn't affect the use of the property though. In some cases
12 there's absolutely no drainage whatsoever. In these situations here all these parcels are
13 developed with homes. Their entire properties are built out with homes and we had the public
14 meetings it was interesting because some people came in going what are you doing to my
15 property? Did you know you had drainage zoning on your property? They had no idea because
16 there's no standard, there's no category, we let everybody...you know there were approvals that
17 allow houses to be built. There was no impact of that drainage zoning. So easements stay on
18 your titles, stay everywhere else, it doesn't affect the use of your property.

19
20 Ms. La Costa: Thank you. I appreciate the clarification.

21
22 Ms. Aoki: You're welcome.

23
24 Mr. Carnicelli: Commissioner Castro any need for clarification?

25
26 Mr. Castro: No.

27
28 Mr. Carnicelli: Commissioner Tackett.

29
30 Mr. Tackett: No.

31
32 Mr. Carnicelli: Commissioner Robinson.

33
34 Mr. Robinson: Chair I do have a question and I don't know who have to address it. I understand
35 the bill that we want to do for the ordinance, but we're here to agree on three changes?

36
37 Ms. Aoki: No, there were 11. We showed three. We do have the other ones here. I can tell you
38 that some of them have to do with as Ann explained zoning that didn't have standards. So for
39 example there's Public. It's called Public zoning which in our Code there's no standards. So on
40 DSSRT Map Number 1, we went in and changed whatever was Public to Public/Quasi-Public 1
41 or 2. So that happened. However, there were oversights and we found a couple of churches that
42 still, there were three, three churches that still had Public zoning on them, but again, no standards
43 so we're applying a category to those properties.

44
45 Mr. Robinson: I guess my question is, is in front of me I have, I have a bill that you guys want us
46 to vote on but I don't understand about me not having information on the 11. Is the 11 not...it's

Maui Planning Commission
Portion of Regular Minutes
Item B.1 – June 25, 2019
Page 7

1 all relative, it's not individual, are we agreeing on something? Because it's hard to vote on
2 something that I have never seen. So is it, am I to forget about that...(inaudible)...

3
4 Ms. Aoki: No, not at all. You know, like I say, we can show you the other eight. It's not a secret.
5 It's similar to when we came with you with the first map. We had over 900 to a thousand changes
6 so we didn't go over them all. We explained what we were doing, how we were doing it, what
7 was being applied and same thing with the County Council and it's, it's that faith if you will that
8 the Department is making these corrections to the map based on all these things compiled
9 together and it's...you adopted as is, but we can...we're happy to show you the other—

10
11 Mr. Robinson: No, no, no, and I remember that so it's...we're not actually voting on the changes
12 itself, we're voting on what...on why we're changing things and if these 11 to 900 fall in those
13 categories then therefore that's what we're voting for, not I approve that change, I approve that
14 change, I approve that change.

15
16 Ms. Aoki: Well, you are. You are. You are approving each of those changes but again it's we
17 will continue to come back to you with the same type of errors where, okay, we happen to come
18 across a church somewhere where it still has Public zoning so we're coming in to change it to P-1
19 or P-2.

20
21 Mr. Robinson: Thank you Chair.

22
23 Mr. Carnicelli: Thank you. Commissioner Pali.

24
25 Ms. Pali: These are new huh?

26
27 Mr. Carnicelli: Those are new.

28
29 Ms. Pali: Nice.

30
31 Mr. Carnicelli: You can whisper again.

32
33 Ms. Pali: Yes, thank you Chair. So I'm just...I don't want to beat a dead horse, but I think that
34 was also my question. There's one thing when we're fixing errors, like I think the first example
35 with the Kukui Mall. I can see that he meant to do something but it in effect did something different
36 that is to me an error. But in your case, when we're approving the 11 changes it sounds like you
37 are taking the power that the Code has already given you to make the determination to clean up
38 our maps when there's categories that now no longer exist. So it sounds like and just want to
39 make sure I understand the answer to my own question is we're not just fixing errors like the Kukui
40 Mall error, you're actually under this Code, Chapter 19.06 you also have the authority to actually
41 change, not fix, but change current zoning to zonings now that are defined. So we're doing both,
42 right? You're fixing errors to the digital maps and you're assigning categories that now have
43 definitions per the new Maui County plans.

44
45 Ms. Cua: Just to clarify some of the words...

46

Maui Planning Commission
Portion of Regular Minutes
Item B.1 – June 25, 2019
Page 8

- 1 Ms. Pali: Yes.
2
3 Ms. Cua: The Department and the Commission does not have the authority to change zoning.
4
5 Ms. Pali: Okay.
6
7 Ms. Cua: The Council does.
8
9 Ms. Pali: Okay.
10
11 Ms. Cua: So this process is...this is the process. In order for the Council to be able to change
12 the zonings of these parcels because that's what's happening whether it's an error...and when I
13 did my presentation I kinda let you know the categories of what we found.
14
15 Ms. Pali: Okay.
16
17 Ms. Cua: We found errors, we found zoning classifications that there were no standards for, you
18 know these were general categories—
19
20 Ms. Pali: Like open.
21
22 Ms. Cua: Yeah, right or like Open zone, like the one I –
23
24 Ms. Pali: So we're recommending to them to adopt these?
25
26 Ms. Cua: Right.
27
28 Ms. Pali: But we're identifying it for them?
29
30 Ms. Cua: Exactly.
31
32 Ms. Pali: Okay, got it.
33
34 Ms. Cua: That's what it is, but they—
35
36 Ms. Pali: So it's both then. We're fixing some digital issues underneath, but also recommending
37 the new categories to be presented.
38
39 Ms. Cua: And at the end of the day it's pretty much all the same thing. The zoning is going to be
40 changed for those parcels for all the reasons outlined. We've identified them, we're bringing it to
41 you who have to hold the public hearing on this and then your other responsibility is to make a
42 recommendation to the County Council. County Council gets the information and then they act.
43
44 Ms. Pali: Okay, and one follow up question Chair?
45
46 Mr. Carnicelli: Go ahead.

Maui Planning Commission
Portion of Regular Minutes
Item B.1 – June 25, 2019
Page 9

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

Ms. Pali: Are the parcel owners being notified of the recommendations?

Ms. Cua: Yes.

Ms. Aoki: Yes. They all got letters this time around. And in the previous adoption of Map 1 we sent out over 900 postcards to every owner and we had the public meetings. We had four public meetings in addition to the public hearing. We had very little turnout. So –

Ms. Pali: Do you have a way to track if they actually received them or not or are you just doing regular mail or are you doing send receipt or anything like that like how you expect the short-term rental people do send receipts and things?

Ms. Aoki: We're actually not required by law to notify the owners interestingly enough. But we have obviously taken that step to notify them and in this situation we did get one person respond and ask a question. It was for the Lahaina parcel. So he got the letter and he questions on why, what was happening.

Ms. Pali: Okay, that's it. Thank you.

Mr. Carnicelli: Thank you. Commissioner Thompson, do you have any questions?

Mr. Thompson: No questions or comments.

Mr. Carnicelli: Okay, great. So I just again, clarification in order to make these changes it's a change to Title 19. It's a change to the ordinance with which County Council is the only people that can change the ordinance. Any time there's a change to Title 19 it has to go to the appropriate planning commission and that's why it's here and we're only just recommending to the Council. If we want to get into the minutia of all 11 of them, you're prepared to do that, but we're kinda saying like okay, we then have to make a decision do we really want to get into this...every time they find a new parcel do we really want to get into the minutia? So that's I think kinda just where we are right now. So...

Ms. Cua: Well if I could just real quickly?

Mr. Carnicelli: Sure.

Ms. Cua: You know what we try and do as a staff is we try and give you the best examples of the overall project.

Mr. Carnicelli: Right.

Ms. Cua: Trying to be respectful...respectful of what's on your agenda. You know not trying to take the whole time, but again also recognizing that you have to vote and so you know we're prepared to go either way, but like we did before as was mentioned you know when there's so

1 many to go through every single one could take a whole meeting depending on how many there
2 are so we just try and give categories of okay, this is a type of example, this is another type of
3 example and this is another type. So that's what we did again like last time.

4
5 Mr. Carnicelli: Commissioner Pali.

6
7 Ms. Pali: Just for future 'cause I, I feel...my counterpart here I feel his responsibility as well I'm
8 carrying that with him, for future moving forward could you just do like bullet point list where you
9 have an address and just what it was and what you're doing, what it was, what you're doing, to
10 me that's a simple list that we could breeze through while you're doing a presentation and we can
11 just be held responsible that we were aware of what properties were impacted so we're not just
12 doing the rubber stamp that sometimes that we may be accused of doing.

13
14 Ms. Cua: Sure.

15
16 Ms. Aoki: Sure.

17
18 Mr. Robinson: Chair?

19
20 Mr. Carnicelli: Commissioner Robinson.

21
22 Mr. Robinson: Just you know like how you do an SMA, as long as I have the 11 I supposed to
23 look at it, I can pull it up online to go deeper into it. I'm sure the Council is gonna have that, they're
24 not gonna just say whatever is on the 11. I think that will just help us to know that we're voting
25 on something and our name's on the recommendation at least we know we looked at it.

26
27 Ms. Aoki: Sure.

28
29 Mr. Robinson: Thank you so much.

30
31 Mr. Carnicelli: Yeah, I kinda whispered the same thing to the Deputy Director about that. We're
32 just like okay, we didn't know ahead of time. But I also understand that the first time we did this
33 was 900 of them, that it's just like okay, like how am I gonna go through 900, but now that we're
34 down to a dozen or so it would be helpful next time so thank you for that. So I think at this point
35 in time can I get a motion for a recommendation?

36
37 Mr. Robinson: So move.

38
39 Mr. Carnicelli: Okay, so Commissioner Robinson has moved that we recommend approval of the
40 proposed bill as drafted to the Maui County Council.

41
42 Ms. La Costa: Second.

43
44 Mr. Carnicelli: Seconded by Commissioner La Costa. Any discussion on the motion? Seeing
45 none, all in favor of the motion please raise your hand. That is unanimous, six ayes.

1
2 **It was moved by Mr. Robinson, seconded by Ms. La Costa, then unanimously**

3
4 **VOTED: To Recommend Approval of the Proposed Bill to the County Council**
5 **as Recommended by the Department.**

6
7 **(Assenting – K. Robinson, P. D. La Costa, D. Thompson, K. Pali,**
8 **C. Tackett, S. Castro)**
9 **(Excused – T. Gomes)**

10
11 **Mr. Carnicelli: Thank you very much.**

12
13 **Ms. Cua: Thank you.**

14
15 **Ms. Aoki: Thank you all.**

16
17
18 **Respectfully Submitted by,**

19
20
21 **CAROLYN TAKAYAMA-CORDEN**
22 **Secretary to Boards and Commissions II**
23