

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

May 15, 2018

RECEIVED

2018 MAY 15 PM 2:44

OFFICE OF THE MAYOR

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COUNTY CLERK

2018 MAY 16 AM 9:33

RECEIVED

Honorable Alan M. Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

For Transmittal to:

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

APPROVED FOR TRANSMITTAL

Alan Arakawa 5/15/18
Mayor Date

Dear Chair White and Councilmembers:

SUBJECT: DIGITAL ZONING MAPS

Pursuant to Section 8-8.3(6) and 8-8.4 of the Revised Charter of the County of Maui (1983), as amended, I propose the Council's consideration and passage of the attached proposed bills, respectively titled as follows:

- "A BILL FOR AN ORDINANCE ADOPTING A DIGITAL ZONING MAP AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI." The bill's purpose is to adopt a digital zoning map, consistent with previously enacted zoning ordinances, for the Island of Maui.
- "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO ZONING DISTRICTS AND MAPS." The bill's purposes are to establish updated County policy on determining boundaries for zoning districts and to comprehensively update the digital zoning map for the Island of Maui.

These bills are complementary to each other, and I respectfully request they be consecutively enacted on the same day.

Here is a summary of the planning commissions' recommendations.

<u>Planning Commission</u>	<u>Date</u>	<u>Recommendation</u>	<u>Vote</u>
Lanai	October 4, 2017	Pass both bills.	5-0
Maui	October 24, 2017	Pass both bills.	5-0
Molokai	October 11, 2017	Pass both bills.	5-0

Please find attached relevant meeting minutes.

COUNTY COMMUNICATION NO. 18-201

Honorable Alan M. Arakawa, Mayor
For Transmittal to:
Honorable Mike White
Page 2

As explained in my attached correspondence to the planning commissions, dated September 12, 2017, this legislation will allow for precise, up-to-date Geographical Information System-based maps to be the official zoning maps for the County. This will increase the maps' accuracy, clarity, and ease of use, in furtherance of several General Plan policies.

The initial phases of this project will result in a digital zoning map for the Island of Maui, with future legislation authorizing digital zoning maps for Kahoolawe, Lanai, and Molokai anticipated for the near future. We further anticipate legislation authorizing digital zoning maps for future community plan updates.

Thank you for your attention to this matter. Should further clarification be necessary, please feel free to contact Administrative Planning Officer David Raatz at david.raatz@mauicounty.gov or extension 7743.

Sincerely,

A handwritten signature in black ink, appearing to read 'William Spence', written in a cursive style.

WILLIAM SPENCE
Planning Director

Attachments

xc: Kathleen Aoki, Planning Program Administrator (PDF)
David Raatz, Administrative Planning Officer (PDF)

WRS:DMR:ckk

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ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE ADOPTING A DIGITAL ZONING MAP 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 a digital zoning map 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 digital map shall be in addition to the original "land zoning maps" on file in the office of the county clerk; however, the digital zoning map 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 [County] islands of Kaho`olawe, Lana`i, and Moloka`i shown on original maps [identified and] 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, [shall be deemed to accompany, and are made a part of, the ordinance codified in this title, and may be amended in the same manner as any] are part of this title.

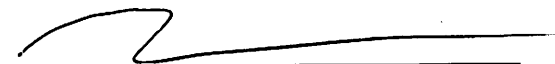
[B. Notwithstanding any provision contained in this article as to those areas of the County not shown on the maps, the provisions of article I of this title shall govern and have precedence over this article.]”

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 the Corporation Counsel
County of Maui

LF 2017-1320
2018-03-20 Ordinance Digital Zoning Map

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE,
RELATING TO ZONING DISTRICTS AND MAPS

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

SECTION 1. Section 19.06.010, Maui County Code, is amended to read
as follows:

“19.06.010 Districts designated. The County shall be
divided into the following use zone districts:

- [A. Residential districts:
 - 1. R-1, six thousand square feet,
 - 2. R-2, seven thousand five hundred square feet,
 - 3. R-3, ten thousand square feet;
- B. Multiple-family districts:
 - 1. Two-family district (duplex district),
 - 2. Apartment districts;
- C. Hotel districts;
- D. Business districts:
 - 1. B-1 neighborhood business district,
 - 2. B-2 community business district,
 - 3. B-3 central business district,
 - 4. B-R resort commercial district,
 - 5. B-CT business country town district,
 - 6. SBR service business residential district;
- E. Industrial districts:
 - 1. M-1 light industrial district,
 - 2. M-2 heavy industrial district;
- F. Airport district;
- G. Agricultural district;
- H. Off-street parking and loading;
- I. Planned development;
- J. Civic improvement district;
- K. Park districts:
 - 1. PK-1 neighborhood park district,
 - 2. PK-2 community park district,
 - 3. PK-3 regional park district,

- 4. PK-4 golf course park district;
- L. Rural districts:
 - 1. RU-0.5 rural district,
 - 2. RU-1 rural district;
- M. Open space districts:
 - 1. OS-1 passive open space district,
 - 2. OS-2 active open space district.]
- A. Open space districts:
 - 1. OS-1.
 - 2. OS-2.
- B. Residential districts:
 - 1. R-1.
 - 2. R-2.
 - 3. R-3.
- C. R-0 zero lot line residential district.
- D. Two-family districts:
 - 1. D-1.
 - 2. D-2.
- E. Apartment districts:
 - 1. A-1.
 - 2. A-2.
- F. Hotel districts:
 - 1. H-1.
 - 2. H-M.
 - 3. H-2 and hotel.
- G. Business districts:
 - 1. SBR service.
 - 2. B-CT country town.
 - 3. B-1 neighborhood.
 - 4. B-2 community.
 - 5. B-3 central.
 - 6. B-R resort commercial district.
- H. Industrial districts:
 - 1. M-1 light.
 - 2. M-2 heavy.
 - 3. U-3 restricted.
- I. Park districts:
 - 1. PK.
 - 2. GC.
- J. Airport district.
- K. Agricultural district.
- L. Rural districts:
 - 1. RU-0.5.
 - 2. RU-1.
 - 3. RU-2.
 - 4. RU-5.

- 5. RU-10.
- 6. County rural.
- M. Public/quasi-public districts:
 - 1. P-1.
 - 2. P-2.
- N. Kihei research and technology park district.
- O. Maui research & technology park district.
- P. Napili bay civic improvement district.
- Q. Urban reserve district.
- R. Interim.
- S. Maui County historic districts.
- T. Project districts.”

SECTION 2. Section 19.06.030, Maui County Code, is amended to read as follows:

“19.06.030 Interpretation of district boundaries. [Where uncertainty exists with] With respect to the boundaries of [any] zoning districts [as shown on the zoning map,] in areas subject to the County’s zoning authority, the following [rules] standards shall apply[:], unless otherwise specified by ordinance:

A. [Where Boundaries Approximately Follow Streets, Alleys or Highways. Where district boundaries are indicated as approximately following the centerline or street line of streets, the centerline or alley line of alleys, or the centerline or right-of-way line of highways, such lines shall be construed to be such district boundaries.] The County’s electronic zoning maps, if available, shall be used to represent lot lines and boundaries of zoning districts.

B. [Where Boundaries Parallel Street Lines, Alley Lines or Highway Right-of-Way Lines. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, the centerlines or alley lines of alleys, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on the zoning maps.] The zoning designation for public and private streets shall be the same as for adjacent lots. If a street adjoins two or more zoning districts, the boundaries of each zoning district shall extend to the street’s centerline.

C. [Where Boundaries Approximately Follow Lot Lines.] Where [district] boundaries of a zoning district are indicated as approximately following [lot lines, such lot lines shall be construed to be the boundaries.] a lot line, the boundary line shall be the same as the lot line.

D. [Where the Boundary Follows a Railroad Line.] Where the boundary of a zoning district follows a railroad line, [such] the boundary shall be [deemed to be] located midway between the main tracks of the railroad line.

E. [Where the Boundary Follows a Body of Water.] Where the boundary of a zoning district follows a stream, watercourse, or other body of water, excluding the Pacific Ocean, the boundary line shall be [construed to be] the centerline of [such stream, watercourse, or] the body of water. [If] Where the boundary of a zoning district follows the Pacific Ocean, [it] the boundary line shall be [construed to be] along the high water mark.

F. [Submerged Areas Not Included in District. All areas within the corporate limits of the County which are under water and are not shown as included within any district shall be subject to all of the regulations of the district which immediately adjoins the water areas. If the water area] The zoning designation for any area under water shall be the same as the immediately adjoining zoning designation. If an area under water adjoins two or more zoning districts, the boundaries of each district shall [be construed to] extend [into the water area] in a straight line until they meet the [other] boundary of another district.

[G. District Regulations Apply to Schools, Parks, etc. Any area shown on the zoning maps as park, playground, school, cemetery, water, street or right-of-way shall be subject to the zoning regulations of the district in which they are located. In case of doubt, the zoning regulations of the most restricted adjoining district shall govern.

H. Vacation of Public Ways. Whenever any street, alley, or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.]”

SECTION 3. Title 19, Maui County Code, is amended by amending the title of chapter 19.10 to read as follows:

“TWO-FAMILY (DUPLEX) [DISTRICT] DISTRICTS”

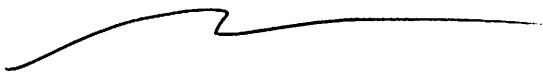
SECTION 4. Title 19, Maui County Code, is amended by amending the title of chapter 19.15 to read as follows:

“B-CT COUNTRY TOWN BUSINESS [DISTRICTS] DISTRICT”

SECTION 5. Material to be repealed is bracketed. New material is underscored. In printing the bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 6. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



MICHAEL J. HOPPER
Department of the Corporation Counsel
County of Maui
2017-1320
2018-03-20 Ordinance Zoning Districts and Maps

**LANA'I PLANNING COMMISSION
OCTOBER 4, 2017
SPECIAL MEETING**

A. CALL TO ORDER

The special meeting of the Lanai Planning Commission (Commission) was called to order by Ms. Kelli Gima, Chair, at approximately 5:00 p.m., Wednesday, October 4, 2017, in the Lanai Senior Center, Lanai City, Hawaii.

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

Ms. Kelli Gima: It's October 4th, 2017, Lanai Planning Commission meeting. We're going to go ahead and get started. We do have quorum. I'm not sure if Commissioner Shirley Samonte is going to be here or not, but we'll go ahead and get started. First off I would like to introduce our newest commissioner, and that is Roxanne Catiel. So I'm going to ask you to introduce yourself, say something, share about yourself. It doesn't need to be elaborate.

B. INTRODUCTION OF NEW MEMBER – ROXANNE CATIEL

Ms. Roxanne Catiel: Okay, my name is Roxanne Catiel, born and raised on the Island of Lanai. Left the island after I graduated and being home 12 years now. And I work for the County Department of Public Works, Highways Division. Thank you.

C. PUBLIC TESTIMONY - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered.

Ms. Gima: Welcome Roxanne. Okay, Shirley is here. We're going to go ahead and move on to Item C which is public testimony. Is there anyone wishing to give public testimony at this time? We will be -- you will be able to provide public testimony after the other agenda items. But anyone wishing to give at this time? Alright, I'll close public testimony and move on. Next Item D which is the approval of the minutes of June 21st, 2017 and July 19th, 2017. Commissioners?

D. APPROVAL OF THE MINUTES OF THE JUNE 21, 2017 AND JULY 19, 2017 MEETINGS

Ms. Caron Green: Clayton, I have a couple of questions and one of them has to do with page 4 on the June 21st, 2017 minutes. On page 4, Mr. Oshiro had asked about short-term rentals and he says that about two or more units, rental units, in a 500-foot radius. He was asking

about that and --. Well, here's his exact statement: "The short-term rentals, it says something like, it says about two or more rentals, two or more rentals in a 500-foot radius. Okay, when you said two or more, if there's two, one not going be approved," question mark. And Mr. Yoshida, you said, "No, that's a trigger for Planning Commission review. See, with the short-term rentals, it's largely an administrative permit unless --." And then it goes down and then you later say "Yeah, I mean, two can be located -- I mean, two can be approved administratively. If there's a third one, if somebody else comes in for a short-term rental home permit, within the 500-foot radius, then that application will have to go before the Planning Commission." So I guess my question is, just for clarification, what is it? Is it if there are two within a 500-foot radius it has to come, the second one has to come to the Planning Commission or only if there is a third one?

Mr. Clayton Yoshida: I guess if they come in with a short-term rental home permit application, if there are two permitted short-term rental home operations within the 500-foot radius, then that new permit application, applicant, will have to come in, would have to go before the Planning Commission.

Ms. Green: Are you saying the second one within the 500-foot radius or a third one?

Mr. Yoshida: The third, the third one within the 500-feet.

Ms. Green: Okay.

Mr. Yoshida: It used to be if there is more than one, or one, but then the Council when they did their comprehensive review of the short-term rental home ordinance which was passed last year, they increased it from one to two as a trigger.

Ms. Green: Okay, so the Planning Department can approve up to two, the third one would have to come to the Planning Commission.

Mr. Yoshida: Right. Correct.

Ms. Green: Okay, thank you for clarifying.

Mr. John Delacruz: But it's only if it's within a 500-foot radius of the three. If it's outside 500-feet from the first two, no need?

Mr. Yoshida: Yes, it's within the 500-foot radius of the subject short-term rental home application of that property. So from that property you draw the 500-foot boundary, and if there are two permitted, already two permitted short-term rental homes, then that new applicant would have to come before the Commission for the permit.

Mr. Delacruz: Thank you.

Ms. Green: I had another question and this is really a question for the Board Members. When I was going through the minutes, like on page 6 we were talking about SMA areas, et cetera, and they kept referring to a map, but there's no map with the minutes. Would it be helpful to have a map included with the minutes or not?

Ms. Gima: Are you talking about once the minutes are drafted that they attach a map to it?

Ms. Green: They had a map for their presentation and then they referred to that map in the minutes. But without having the map there it's kind of hard to understand the minutes.

Ms. Gima: Did we get hard copies of the map? I mean I guess if we had received a hard copy of the map then I don't think it would be necessary to attach it to the minutes. Unless we didn't receive a hard copy of the map and it was just on a power point then maybe that would be appropriate. Commissioners, anything? I think we did get a hard copies. Kathleen? I know it's been a while; this is like back in June and we're in October.

Ms. Kathleen Aoki: I know you got some. Normally what happens is whatever kind of documents we use that we give to you we keep on file so we would have them. But you can have instances where we're going to show you things that we wouldn't give you a hard copy on. It might just be on a power point or something like that. And normally you don't attach things to the minutes.

Ms. Gima: So if it was, in Caron's case, needing that map that maybe we didn't have a hard copy of and wanting to, I guess, get some clarification when reading the minutes, she would be able to e-mail you folks to request for a copy of that?

Ms. Aoki: You could. Today's meeting is exactly why we're -- I'm back here is specifically because Kelli rightly so wanted a lot of these things in hard copy to give to you so you guys could look at it. So, there, there wasn't the map that you have today.

Ms. Gima: Okay. Commissioners, any other discussion on the June 21st, 2017 minutes?

Ms. Green: I move that we accept the minutes as presented...for June 21st, 19 -- I mean, 2017.

Ms. Gima: Okay, so it's been moved by Caron and second by Mili to approve the June 21st, 2017 minutes. Roxanne, because you weren't here, and correct me if I'm wrong, Clayton, Roxanne won't be able to vote on approval of these minutes, correct? Because she wasn't present for that meeting?

Mr. Yoshida: I guess she doesn't have to vote if -- since she wasn't present at the meeting. I mean I think they have five other members.

Ms. Gima: Yeah. Okay. So, Commissioners, any other discussions? Okay, all in favor of the motion raise your hand. All opposed? None. So that passes unanimously. Okay, moving on to the minutes for July 19th, 2017. Commissioners, any questions or discussion?

It was moved by Ms. Caron Green, seconded by Ms. Mililani Martin, then unanimously

VOTED: to approve the June 21, 2017 Lanai Planning Commission meeting minutes as presented.

(Assenting: J. Delacruz, K. Gima, C. Green, M. Martin, S. Samonte)

(Excused: M. Baltero, R. Catiel, B. Oshiro)

Ms. Green: I have two. On page 26, I distinctly remembered this because it was my question to Ms. Huffman about why would people want to come to Lanai versus going to some place on the mainland. And omitted in the minutes here is part of her response to me and this to me was very important because she said that this was going to be the first wellness center in the Four Seasons portfolio and as such Four Seasons was going to do a big push for this property and that was not included in her statement there on page 26.

Ms. Gima: Which line are you looking at Caron?

Ms. Green: Her response is line 20 through 29, so I don't remember exactly where in her testimony she said this, but she said that one of the, one of the reasons that they thought that this would be successful was because Four Seasons would be running it and they would be promoting it.

Ms. Gima: And it wasn't...anywhere else? So what happens at this point when a Commissioner who had that direct conversation notices that something was not accurately represented in the minutes?

Mr. Yoshida: I guess Leilani transcribed the minutes as, as she heard them.

Ms. Gima: Because it could have been like maybe she was off the microphone or it was inaudible.

Mr. Yoshida: Possibly. Possibly.

Ms. Gima: I mean, Caron, are you looking to add that in or would like Leilani to go back to see if that was something that, you know, she just mistakenly missed?

Ms. Green: Yeah. I guess I would like for her to go back and look and see why that, that maybe was not put in there. But it's a distinct recollection of mine and I even asked my husband if he remembered that. I didn't tell him what I was looking for and he told me what,

what was missing so. It's, it's, I know not a big point but I'm going to go a little off topic here, but when you see what's going on down at Manele, it's a Four Seasons Resort. Are we full house? And so now she's saying that because it's a Four Seasons we're going to have a full house up here, and so this is why I feel it's important to have it in the document.

Ms. Gima: I know, and rightfully so. If you feel that something is not accurately represented in the minutes, I think that is appropriate to bring up during the discussion so --. I mean, you can make a motion to defer and request that... Leilani follow up to specifically look at page 26, Ms. Huffman's response from line 20 to 29. And maybe Caron if you could write something down as to what you recollect hearing. Leilani's not here tonight but -- or even e-mail it to her. So are you wanting to make a motion? Or is there's any other, any other discussion Commissioners in regards to what Caron has brought up?

Mr. Delacruz: I agree with Caron that if there's anything that seems to be missing then staff should go back and review it and verify whether it's missing or not before we vote on the minutes. And on that line I would like to look at page 55. And look at between lines...16 where it says it was moved by Mr. John Delacruz, deferred, but due to a lack of second the motion died on the floor. But then we look on line 19...oh, never mind, my memory just came back...although it's still not that clear, but I don't think that's big of a deal. But please look at page 3 now...and look at line 39. Unless I was talking on the side to somebody -- let me read that line. I'll start in the middle of line 39, "I think we're going to have -- and then use the red count on Pulama taking the --." And I think what was said was "I think we're going to have to count on Pulama taking the lead for housing on Lanai." And I don't remember or know where "use the red" came from so I'd like to strike that. Or do you remember Caron?

Ms. Green: . . . (Inaudible. Did not speak into a microphone) . . .

Ms. Gima: So you're saying that it should read, "I think we're going to have to count on Pulama?"

Mr. Delacruz: Yeah.

Ms. Gima: Okay, so striking the "use the red."

Mr. Delacruz: Those three words on line 39.

Ms. Gima: Okay.

Mr. Delacruz: And that's all I have.

Ms. Gima: Okay. Commissioners, any other discussion on these minutes?

Ms. Green: I have just one more thing, and it's not a correction, but just a comment. On page 64, line 36, it says -- this was again me, I looked straight at Kurt Matsumoto and I said I would like you to report back to us on the outcome of next month of that next month. And what it was was he was supposed to be going back to talk to LWAC about the new water report that came out just shortly before our hearing in which LWAC did not feel that they had had enough time to review. So I specifically asked Kurt to go and talk with them and get all of their questions resolved, and then report back to us at the next meeting which is today. So that obviously is not going to happen but I would like to make sure that that does become an agenda item for the next meeting.

Ms. Gima: Okay, so when we get to the point of this agenda where we discuss next month or not next month, actually in two weeks, that would be the appropriate time to make that request. Commissioners, anything else? Caron?

Ms. Green: I move that we accept the July 19th, 2017 minutes as submitted with the one correction on page 3.

Ms. Gima: Yeah, your --

Ms. Green: I will correspond with Leilani and ask her to look into that.

Ms. Gima: So not wanting --? So accepting as -- with John's corrections and you'll be following up with Leilani. Okay, so you made that motion, Mili has second. Any other discussion at this point? Okay, all in favor of the motion raise your hand. All opposed? None. So that passes unanimously.

It was moved by Ms. Caron Green, seconded by Ms. Mililani Martin, then unanimously

VOTED: to approve the July 19, 2017 Lanai Planning Commission meeting minutes with the one correction as stated.

(Assenting: J. Delacruz, K. Gima, C. Green, M. Martin, S. Samonte)

(Excused: M. Baltero, R. Catiel, B. Oshiro)

E. PUBLIC HEARING (Action to be taken after public hearing.)

1. **MR. WILLIAM SPENCE, Planning Director, transmitting two proposed bills relating to zoning maps and districts, respectively described as follows:**
 - 1) **A proposed bill titled "A BILL FOR AN ORDINANCE ADOPTING A DIGITAL ZONING MAP AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI." The purpose of the proposed bill is to adopt a**

digital zoning map for the Island of Maui.

- 2) **A proposed bill titled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO ZONING DISTRICTS AND MAPS." The purpose of the proposed bill is to establish updated County policy on determining boundaries for zoning districts. The bill also provides an updated list of zoning districts. (D. Raatz)**

Ms. Gima: Alright, let's go ahead and move on to Item E which is public hearing. Item No. 1 . . . *(Chair Kelli Gima read the above project description into the record.)* . . .

Ms. Kathleen Aoki: Okay, I'm going to start --

Ms. Gima: Alright.

Ms. Aoki: -- if you don't mind. Good afternoon members, my name is Kathleen Aoki, and I am the division chief for the Plan Implementation Section for Planning. And I don't know if you remember -- well, Roxanne's new -- but when I came here and did the orientation for plan implementation I mentioned to you that we were trying to get this zoning digital layer map off the ground, so we're finally here. Just a little bit of background, we've been working on this since about 2006. We got it from the Managing Director's Office, it got transferred to Planning, and it's this whole idea of getting rid of paper maps, and making a digital GIS layer that everybody will be able to work off of, people can go online and look up their zoning, we're going to hopefully eliminate a lot of the work that the staff does with confirming zonings. So today we have David Raatz. David Raatz is also an Administrative Planning Officer. He's in the Zoning Section. So he's going to be doing the power point presentation to talk to you about the bills that affect Title 19, which is why we're here today because every time we change language in Title 19, it has to go out to all three commissions. The map layer that we're going to do first is for Maui Island. But again because there's change to Title 19 we have to bring it out to you.

Also we have what we call the DSSRT team. DSSRT stands for Dead Sea Scroll Replacement Team, so that was the name we came up with many, many years ago. And because this project has been going on for so long members have changed, people have --. Joe Alueta, for those of you who know Joe, Joe was an instrumental part of this and he's retired. Francis Cerizo was on this team; he's retired. Ann Cua is probably the longest running tenured one, and Peter Graves. So Peter Graves from Plan Implementation. Ann Cua is from the Current Division...long, long time planner; 35 years, yeah, with the County. So we kind of make up the DSSRT team now, and then you have David who is doing the bills.

So before we start that, though, I just wanted to let you folks know kind of some history of what we've been doing with the maps because this is, this is a big deal, right, to, to change. First of all, to change over to a digital age. Yay, County. And then secondly, what you're

going to see is this wasn't a simple process. Because you have older maps, you have things that don't align, you know how satellite imagery where you can line up parcels better. There was a lot of things that we went in and had to correct in order for it to work digitally and not have these little slivers of these remnants things just because they didn't align basically. So that happened mostly on Maui because we had a lot of comprehensive zoning types of situations that happened way back. And the power point will go over that.

So what we did was for Maui Island we sent out nearly 900 postcards to all those people that are affected some way, somehow. So whether it was just a slit of your property that we're going to eliminate a proposed road designation that never got built back in the 70's and make it all single-family to match your entire parcel, those people got notified. We wanted to make sure we were out there. We made a website. We made frequently asked questions that we have available. We have a dedicated e-mail. We have dedicated phone line. So we really wanted to make this an open thing that if you have questions you come and ask us, and Peter who's our GIS Analyst, he's, he's the one that can basically pull up the maps and tell people this is what's going to happen. This is, you know --. Nobody is being downzoned, nobody. Nobody is getting their zoning changed that doesn't already match community plan. So like I say, if your entire lot is single family and there's just one little sliver that had some funky designation of a proposed road that never got built, we're going to make that all single family. So everybody's going to walk away with what they think they already have. They don't even know if they have the sliver of proposed road.

So that's kind of the basic thing. We had four community meetings. We had one in Kihei, one in up-country, one in Lahaina, and one in Wailuku. So again another opportunity. We had a press release. We didn't get actually a lot of people coming in, so either people aren't concerned. That's the way --. Because there really isn't much to do about this right now. But again we tried to reach out to people so that if they had questions.

Now you may be wondering -- I'll just answer this now -- you may be wondering why Maui. Where's Lanai? Where's Molokai? We are going to do those layers. Maui poses the most problems, and there's a lot more lots, so that's why we went with Maui first. Lanai and Molokai truly don't have the issues that Maui have because you didn't have these vast comprehensive zonings that we've had on Maui. So our goal is to try to get those maps, those layers I should say, to you next year. As you know, all of this has to go County Council for approval, so once we send it off to County Council we're at their whim when they're going to schedule it. So we want to get Maui adopted first, go through that, and then we'll come back for Molokai and Lanai.

So the examples you see tonight will be mostly Maui, but you have some --? Do you? No? It's all --. I'm sorry, mostly Maui, right?

Mr. Peter Graves: It's all Maui.

Ms. Aoki: It's all Maui. But it will give you the idea. That's the premise of this is just for you to understand what it is we're doing. So if you have any questions, please, please ask us. We have everybody; we have the whole team here tonight so this is it. So with that, I'll turn it over to David Raatz.

Mr. David Raatz: Thanks Kathleen. Good evening, good evening everybody. It's a pleasure to be here. Again, my name is David Raatz. I'm Administrative Planning Officer for the County of Maui. Part of my job is assisting the Planning Director in processing amendments to the comprehensive zoning ordinance and other land use ordinances. And as Kathleen mentioned the County Council has the ultimate authority for enacting ordinances under the County Charter. But the Charter also say that Council has to get the advice and recommendation of the relevant planning commission, or planning commissions, before acting on land use ordinances so that's why we're here before you tonight. We have two bills for ordinances in front of you, and, again, as Kathleen mentioned, they primarily impact the Island of Maui at this point. But there are some elements in the bills that have County wide effect. For instance, we have an updated list of all the available zoning districts, and we also have some clarification and revision in how zoning district boundaries will be determined. So, and also this is the first step to the concept of, of digital zoning maps, and it would be helpful to us and the Council to get this body's advice and recommendation as we move forward. And we do appreciate you being here tonight. You're the first planning commission that we've had the opportunity to make the presentation to. We're going to Molokai next week, and then the Maui Planning Commission later this month.

So with that background we'll go ahead and just have a brief presentation here. So as Kathleen again mentioned the Planning Department has undertaken a project to replace the County's official paper zoning maps with digital or electronic versions which will be available on the internet for, for public review. The existing paper maps are in many cases old, worn, outdated -- hence the nickname Dead Sea Scrolls -- and these paper maps also do contain some inadvertent errors. So the purpose of the bills before you are to recognize up to date GIS, or Geographic Information System, based maps to be the official zoning maps for the County starting with, again, the Island of Maui.

So this will increase the zoning maps accuracy, clarity, and ease of use for both the public and frankly staff and the Planning Department. And the initial phases of this project will be available only for the Island of Maui. And then after I get through with my brief overview on the legislation, we'll show you what was presented at those public outreach meetings on the Island of Maui that Kathleen referenced.

So here's some of the current legal guidance or policies on zoning maps. The Maui County Charter does say that the Planning Director shall prepare, administer and enforce zoning ordinances, zoning maps and regulations, and any amendments or modifications thereto. So we're acting in furtherance of that authority under the Charter. Chapter 19.06 which would be amended under the two bills that are before you currently says that paper maps shall be

kept on file as the official maps, and it establishes the existing policies for determining the boundaries of zoning districts.

So the Planning Director's position and the reason he put forward this legislation is consistent with the Charter's brand of authority to the Planning Director to publish and maintain zoning maps. He thinks Chapter 19.06 of the County Code should be amended to recognize the digital map as the official zoning map -- give that digital map with the GIS layers that official, legal recognition. And also again to update the standards for determining the boundaries of zoning districts. And we do think this is in furtherance of a number of General Plan policies, goals, and objectives. We have a few references here from the Countywide Policy Plan: government services will be transparent, effective, efficient, and responsive to the needs of residents; the County should facilitate the community's ability to obtain relevant documentation; the County should use advance technology to improve efficiency; and the County should expand government online services. And we think the digital zoning map project would fulfill all of those objectives.

So again under the Charter, the Council needs your advice before it can act on this legislation so here's a brief overview of the Commission's basic options for tonight. You can recommend that the Council approves the bills, the two bills that have been put before you. The first we're saying is the . . . (inaudible) . . . is map for the Island of Maui that reflects the current zoning with all of its flaws that we've identified. The second bill which we envision being enacted immediately after the first one -- maybe currently the same day -- would be adopting a corrected map that would fix some of the anomalies that we've identified in this decade long review process now. So secondly, you could recommend amendments to the Council and we would move forward and, and tell them how you thought the bill should be revised or if you think you want to wait before making your recommendation to the Council, you need information from us or from anyone else, then you could defer action tonight. So, those are the basic elements of the legislative process that we're asking for your assistance with. And with that we can now show you what we presented to the public this Spring, unless there's any questions before we move forward with that.

Ms. Gima: Commissioners, any questions? Okay, you can --. Go ahead.

Mr. Delacruz: When you switch to a digital map, whatever is in the computer will be the official map and it will be safeguarded so no mistakenly press button that will erase all your maps, right?

Mr. Raatz: Yes, we'll be very careful with that. That's an important process. We're trying to fix existing errors, and we certainly don't want to make new errors. And I'm told by the colleagues who are charged with enforcing zoning ordinances right now and determining what zoning designations apply for each parcel within the County that we really need this baseline, if you will, of a new digital map that when these ordinances are enacted we can say, okay, this is the official zoning map and all of these designations reflect what the standard is for each lot, first on the Island of Maui and then the remainder of the County. And if we do

continue to discover inadvertent errors, flaws, we can deal with those on a piecemeal basis and, and, you know, frankly that's probably something that will have to happen down the line. But, again, getting that base line of publishing a digital map online and saying this is the official record for the County of Maui would, would provide a lot of assistance to our enforcement people, to our staff members who are asked to do zoning confirmations. And we get thousands of those requests per year. Now people will be able to go online and see exactly what their designation is without taking up staff time for that. So, we do recognize that there are risks, again, to get back to your questions, but we think in looking at the risks and the benefits, the benefits certainly outweigh the risks in this case.

Mr. Delacruz: And as you make adjustments, I don't know how many you make a year, will each version be archived?

Mr. Raatz: Yes, we will --. And that's, again, a benefit of this project, with each new zoning ordinance that is enacted after the digital zoning maps are first published, we'll be able to have an easy reference to track exactly what's been done from the date that we get that baseline established. Right now the records in some cases are a little bit murky and this will provide a lot of more clarity.

Mr. Delacruz: So if this is passed, let's say we get an application for a...zoning change on a project. If this is passed in December, we get an application for a zoning change in January, will that application be accompanied by a paper map or a reference to a location on your digital map?

Mr. Raatz: It could be both. I mean, we're not doing away with paper in the County of Maui as much as we're trying to digitize and go paperless in a lot of different realms. So for ease of reference, if you're reviewing individual change in zoning applications moving forward, there very well could be a paper rendition of the official digital zoning map that will be used as a reference. So, again, we're trying to make things easier and more efficient for everybody concerned in the process. So we're not going to be, you know, unduly focused on saying we can't use any paper maps ever again.

Mr. Delacruz: Thank you.

Ms. Gima: I just had a quick question. When the time comes to do this for Lanai and Molokai, will you guys be doing the same public outreach that you did on Maui on both islands?

Mr. Raatz: Absolutely.

Ms. Gima: Okay.

Mr. Raatz: Yeah, we'll follow a very similar process.

Ms. Gima: Great. Okay, commissioners, any other questions? Okay, you guys want to move forward?

Mr. Raatz: Thank you.

Ms. Ann Cua: Thanks Dave. Hi, my name is Ann Cua. I think I've introduced myself to most of you. I work with Clayton in the Current Division of the Planning Department, and I am a part of the DSSRT team. And as Kathleen mentioned this project started a very, very long time ago, and we are very excited to be bringing this to you and all the other Commissions because we feel it's a very good project. And I think, you know, when Kathleen talked about all those meetings that we had where we went out to public, we were quite surprised that there weren't as many people present at the meetings. And, and part of it could be because, you know, we did, you know, we did the F&Q's, and you know, we did talk to people and for the most part people were very, very supportive of it, you know, like, when is this going to happen, you know, because it's just so awesome to be able to sit in your living room, type in your TMK and get your zoning; what a concept.

So the digital zoning project, the Dead Sea Scroll Replacement Project as Kathleen and I mentioned started a very long time ago, and the goal of the project as was mentioned before was to replace our old maps which some of them, the ones on Maui, are like over 50 years old. And the conditions of this maps are, in some cases, pretty horrendous.

What's that? Yeah. Exactly. Yeah, I mean -- see this? Writing. Tape. Yeah. We -- when - - we were going to have a Planning Commission -- we had a Planning Commission meeting scheduled on Maui and they did not have a quorum, but we actually took the map, one of our maps to the meeting. We could not bring it here because it is just that fragile. It's very, very fragile, so we'd be very, very careful where we take it. It's pretty sad.

Another goal is to make digital zoning maps available online for public use and then to confirm the existing zoning for all parcels in the County of Maui. And although that was a goal, later on you'll see, it was also a challenge. And then as was mentioned before this is a huge project. We're, we're looking at confirming zoning for Maui County, but we have to start somewhere so we're starting with Maui Island, and then we'll get to other islands after.

So what is zoning? Very, very important. It determines how property may be used and where structures may be placed. It promotes an orderly pattern of development, not having an industrial use right next to a residential use -- it's -- that's separating incompatible land uses. And it's the first thing that you need to determine and understand before you're able to develop your property. So anybody buying a property --. A lot of times before you even buy a property you need to know what is it zoned, what can I do on this property, how large can I build my home, or what kind of business can I, can I put here, what are my setbacks going to be? That's, that's all zoning.

So in Maui County, again, part of the challenge is, you know, there's, there's so many different layers and ways that, that parcels got zoned which caused challenges for our projects. We comprehensive zoning maps, we have individual changes in zonings, and comprehensive ordinances, and I'll go over that a little bit more.

So up until 1957 there was no zoning in Maui Island. And then...interim zoning was created and the entire island was zoned interim. And the intent of interim zoning was just that, to be interim; to be for a period of time until we were able to zone. And we still have -- we still have interim zoning today. And then after 1958 we did comprehensive land zoning maps. So on Maui, we have, like, areas, you know, Kihei and Up-Country, and Wailuku and Kahului. So it's area maps. I think our Kihei map which is that large map, that's one of the maps that's probably in the worst condition and, and --. Yeah, it's very large and I think just being handled so much. Yeah. So anyway that's another way we zone properties.

And then the individual changes in zoning. So if, you know, you buy a lot and it's not zoned for what you need and it's -- and you want to zone it in accordance with the community plan, then you apply to the Planning Department, and we take you through the process and we zone -- the County Council zones your property one at the time. So that's all the different layers of how properties are zoned.

And then County did comprehensive ordinances, and this, this reflects a comprehensive zoning of rural, community plan, and state land use rural. And if it was less than 15 acres and not in the Hana Community Plan, then comprehensive rural zoning was granted for Maui.

And then in 1999 we did comprehensive ag zoning, and that was if you were community plan ag -- there was a bill -- that if you were community plan ag you were zoned ag, and that's what this map reflects. So at the end of the day, this is the zoning for Maui Island. You see ag, interim, and all the different -- and rural -- and all the other different zonings, residential, multi-family.

So, you know, when I started speaking I talked about how some of our goals were also challenges. Well, a goal to make our maps better, one of the challenges was the age and the lack of detail of all our original maps. The, the quality was extremely poor, worn out, falling apart, and also we don't have a single set of maps for the entire island. As you saw, as I went through all the individual slides, we have a patch work that create --. We have a patch work that made up our entire map for Maui. And the patch work quilt is basically made up of interim, rural, ag, so forth.

So, you know, this again is one of our maps, and one of, one of the challenges was that the scale of the maps made, made it very challenging for us to determine what the zoning was for a particular parcel. Lines were drawn with magic markers, and at that time, that's fine. Now that can be measured and so the technology now is so advanced that when you actually try and apply measurement to this and then you try and line layers on top of layers it just, it just gets confusing and just hard to make decisions.

We also have, like Kathleen talked about, challenges in our maps. We have these areas like proposed road that run through parcels, and see how large it is. And when Kathleen mentioned that...the end result of this project is going to be that people will not be surprised at the digital zoning maps because that's what they thought they were zoned all the time. And if you look at this example right here, this is a residential subdivision. These people believe that they're zoned residential. They have houses on their property. And as we were going through our process and bringing out all our layers of, of different maps and comprehensive ordinances and we put everything together, we, we realized that there were some issues, and this is one of them. You have proposed roads going through properties. You have proposed -- a drainage, a drainage area that isn't really a drainage area but on the map it's shown as drainage zoning basically. So, you know, if these people were, if these people were aware of that, they'd be pretty concerned. And we did have some people that showed up at meetings that had, they came with their little card and they're like why did I get this card? And then we'd have to say, oh, yeah, well because you kind of live here and you have this proposed road going through your property, and they'd be like, are you kidding me? So, so, that's some of the challenges that we have but it's a good thing and that we've identified it and we're able to fix it and we're able to put this forward to the community so --.

The benefits. We're able to confirm zoning accurately and efficiency -- efficiently. We have greater public access to accurate zoning information. I think that's one of the -- that's one of the biggest things for us. We're public servants. We're here to serve the public and what better way to be able to give accurate information quickly. Selfishly for us, it reduces zoning determinations by the department's staff. And for example, between 2013 and 2016 we process over 21,000 zoning verification forms. Yeah, that's a lot. That's a lot of staff time. And that's a lot of time spent by the public, in a lot of cases, to come into the department, fill out a form, leave it, sometimes wait, a lot of times leave, and then come back to pick it up. Or, now they can e-mail it in, but then it takes time, and then it takes staff time. So I mean all around it's such a win-win situation so that's another one we're very excited about. It will also improve coordination between government agencies. Not only do individual citizens of the public need zoning information, government workers need zoning information. We do capital improvements projects that we need to know what is the zoning. So all departments within the County is going to be able to access that information.

I think I missed the last one. We also have a new permit system. I don't know how many of you are familiar with our existing permit system. It's called a KIVA system. It's how we track all the permits in the County. Well, we're having a new permit system...eventually, we hope, hopefully soon, in the County. It's called MAPPS, and this digital zoning is a key foundation to that permit system. So, again, really, really important. I mean can we help and do we help the public the best we can now? Yes we do. Can we be better? Yes we can, and that's what this whole project is about. It's about being better, and it's about providing better information to the community, and much quicker and accurate information to the community, and we just hope that you can help us in moving forward. As was mentioned by both Kathleen and Dave, even though we're just dealing with Maui Island at this point in time, the law requires that we

go to all the Planning Commissions before we're able to send this to the Council to get their blessing on it. So with that I think I can turn it over to Peter and he's going to, he's going to give you some examples to reflect what we talked about in our presentations.

Mr. Graves: Okay, so when to the different parts of the four different meetings on Maui we all tried to, we tried to provide them with examples that were relevant to their area. When I put this together for Maui Planning Commission, I just, I think, stuck them all in there so you guys get to see all these examples that don't even apply to Lanai but it gives you an idea of, you know, what things we had to deal with. I thought about doing examples for Lanai, but that can come later, and honestly I could tell off the top of my head how many things there are on Lanai because Lanai is much simpler because the only comprehensive zoning map is for Lanai City really and that was, I think, in the 90's and it's a pretty accurate map already.

Anyway, so this is kind of the area we looked at already on the previous slide in North Kihei. We have the original map where the highway zoning was drawn on the map here, but the highway actually was built, you can see the parcels up here, and the map was never changed. So when we take, you know, we made this digital, that's what you end up with is people whose houses are, you know, are in the old highway zoning. This was, like, open zone or open space along the highway. This was drainage. I don't know how well you can see that, but you zoom in, and these are people's houses, people's yards. This is with our fixes. This is the after, you know, with the roads in the right place, the drainage which was, you know, drawn 30-feet across. If you actually zoom in here on Google Earth or something it's just a little concrete channel about four-feet across. It doesn't even need to be a zoning, there's no drainage zoning, no proposed road zoning anymore.

Then Wailuku Heights; this is a good one. This is the original change in zoning map for Wailuku Heights. It was originally County Agriculture. I believe it was 19-- I can't -- 77 maybe that it was changed to R-3. So then in '99, whenever the Ag Bill came in, you know, the word in the Ag Bill is if you were CP Ag, you're zoned Ag. Most of the community plans at the time were newer community plans where that would work. But at the time they adopted the Ag Bill the community plan that was in place for Wailuku, Kahului was an older one from 1987 with this very, you know, vague outline of the single-family versus the agriculture. There was a draft at the time that actually, you know, with a CP followed the parcels, but that wasn't enacted. So the Ag Bill had the effect of taking these people who had been zoned residential and turning them back to ag...which, you know, no one up there is going to be very happy about if they need to come in for any kind of permits. So that's the digital zoning as it stands today with these people, due to an oversight have been, you know, kicked out of their residential into ag. This is actually the newer CP boundary on the new map where it actually matches. And now what we want in our recommendation is just to go in and make things the way they were before basically.

Pukalani Golf Course area, cartoony map. Pukalani and Wailea both very cartoony maps, just sort of blobs drawn on there, you know, at the time. But it's the, it's the map. That's the map, the zoning on the map. If you follow the map, that's how we did the zoning. You can't

see this very well, but what happens when you throw on the modern parcels basically the parcels do not match these cartoony blobs at all. You've got the backs of peoples' houses in golf course zoning. You've got, I think, this is duplex or apartment zoning going out into the golf course. The roads don't match the roads. It's just a big mess. And again, this is our very non-controversial recommendation is just to say, you know, no, your parcels, you know, they're all whatever this is. I can't see. Oh, it's actually R-1 or R-2. And then that's the overall, nice clean map where everything looks the way it should rather than a big mess. And that's just zoomed further out on it.

That was the last one, and this is -- this is actually the after zoning which if you remember the current zoning slides you can't even tell from this distance. I mean, it's, it's going to look really about the same. There's no huge changes. It's just once you get into the all of these little areas where we've, you know, trying to fix things on Maui. And that's it. Thank you.

Ms. Gima: Thank you. Commissioners, any questions? I'm going to open public testimony. Is there anyone from the audience that would like to come up and provide public testimony? Alright, I'll go ahead and close public testimony. And so I had noticed in our packet or handout from you folks the different options that we have, and so I'll just read it on record what our options are Commissioners. One number, we can recommend approval of one or both of the proposed bills as drafted to the Maui County Council. Number two, recommend approval of one or both of the proposed bills with amendments to the Maui County Council. And three, vote to defer action on one or both proposed bills in order to gather specific additional information. So Commissioners, those are our options. At this time, any further questions that you folks have? No?

Ms. Caron Green: I think you guys have done an excellent job with your presentation. I think this sounds like a no brainer to me so I would like to move that we approve both of your proposed bills as drafted to Maui County Council.

Ms. Shirley Samonte: Second.

Ms. Gima: Okay, so it's been moved by Caron and second by Shirley to recommend approval of one or -- I'm sorry, of both of the proposed bills as drafted to the Maui County Council. Any discussion? All in favor of the motion raise your hand. All opposed? There's none, so that passes unanimously. Thank you again for presentation and all your hard work on this.

It was moved by Ms. Caron Green, seconded by Ms. Shirley Samonte, then unanimously

VOTED: to recommend approval of both proposed bills as drafted to the Maui County Council.

(Assenting: R. Catiel, J. Delacruz, C. Green, M. Martin, S. Samonte)
(Excused: M. Baltero, B. Oshiro)

F. COMMUNICATIONS

- 1. Status Report on the Lanai Special Management Area (SMA) Boundary Review Study (K. Aoki) (Last discussed at the June 21, 2017 meeting.)**

The Report is provided to the Lanai Planning Commission for its review.

Ms. Gima: Okay, we're going to move along to our next item which is under F, Communications, status reports on the Lanai Special Management Area boundary review study which was last discussed at the June 21st, 2017 meeting. The report is provided for us to review.

Ms. Aoki: Alright Commissioners, most of you -- not all of you, Roxanne you weren't here last time, but essentially what we're doing is we are proposing --. There were -- there was a request from the Commission, a while ago, to look at the SMA boundaries for the Island of Lanai, and what I've been doing is coming to the Commission for a little while to show -- kind of to get, first of all to get feedback, yeah. To get feedback from the Commissioners, from the public on any concerns or how we want to move these boundaries. So this time what I've done is I've, I wrote down -- so you guys should all have your packet -- specifically the history of the SMA so that you could understand why boundaries are drawn the way they are. That there's a rationale nexus to the shore land area when you do an SMA boundary.

Then I talked about the tsunami evacuation maps, sea level rise, the sand dunes, cultural areas, and the west side. So what Peter brilliantly did as I'm blocking it was I asked him to make a set of maps for you that goes around every part of the island to show where the current boundary is and where we are proposing to change that boundary if there is a change. And what I tried to do was, on each one, explain why is it that we're changing it the way that we are. So if you look under each section, like tsunami evacuation maps, it will list the maps that are attached to here that are affected by those tsunami evacuation maps. So I don't know, Kelli, do you want me to go through each one or --?

Ms. Gima: Sure.

Ms. Aoki: Okay, let me go over here. We kind of jump around because some maps are affected by more than one thing, but why don't we just go to Item B, tsunami evacuation maps. So more recently we had an update to our tsunami evacuation maps, and what they did this time was because of the earthquake and tsunami that happened in Japan, we decided, the University of Hawaii worked on maps that included besides just your regular, if you want to call, evacuation zone, they made an extreme evacuation zone to show what could happen in the instance of a nine, a plus-nine earthquake. So in areas where there is evacuation zone which is mostly one, two, three; it's mostly on the north, your north and I guess east sides, we are proposing that you move the SMA boundary more mauka and follow that tsunami evacuation area. And the key thing with that is this isn't even -- we're going even further than the inundation area. So you have an inundation area where they expect flooding, and an

evacuation zone is your buffer to get people above that and out of, out of harm's way. So it actually is even further mauka. So I think that's, you know --. For some people that may want it a little bit more, I think that's good.

Now the other thing -- so I'm kind of going to jump around to D, sand dunes because in the area of 21 and 1, in these areas, you have a lot of sand which we talked about last time, and you have a lot of sand dunes. And those kind of -- a lot of those areas are subject to kind of erosion. You have, you could potentially have historical sites or something in there because, as we know, sand is a place that a lot of times may contain cultural sites. So in those areas you'll see we actually went even further mauka than the tsunami evacuation zone. And Peter and I just did this with Google Earth and other pictometry and looking down, and you can get pretty good visuals now with satellite imagery. And then to kind of straighten out the line. You don't need a line. So this is where we're proposing. So you kind of have two things going on in these areas. So those are the things that we looked at to try to determine, you know, where would be a suitable place to have the boundaries.

Just to touch on sea level rise and climate change, Item C, as I mentioned in the last time I was here, when I spoke with Tara Owens who is our UH Sea Grant Coastal Hazard Specialist, she said if you're using the extreme tsunami evacuation zone, you have more than taken care of sea level rise. Sea level rise is not going to go up that far so we've, we've addressed that.

So we go around the island and if you go to (8), (8) Peter, we have cultural. We start more of the cultural areas. So see maps (8) and (9). We have the old Japanese church down there. You have a fish pond down there. You have the Maunalei sugar mill down there. So in your packets I tried to identify those. You're not going to see that on here because I did that myself without Peter. So I tried to point out to you where those are and they're all going to be within the SMA area. They pretty much already are, but now, again, we're going to be a little bit more mauka because of that evacuation zone.

And then as we go around to sort of the south side you get more cliff so you don't have an evacuation zone anymore. So I didn't want you to think I left it off. I included all of the evacuation maps at the end of your packet so they're just isn't any. So when we get to the area of Manele what we propose -- what we are proposing is that we move it a little more mauka. Right now it kind of cuts through this cultural preserve. This preserve is registered with State Historic Preservation Division (SHPD), and I mean, I know you guys all know this area. You can't do anything down there anyway without going through SHPD. We, we figured because it does reach the threshold of -- Chapter 20 -- HRS 205A that talks about the SMA boundary includes this, you know, considering cultural sites and historical sites so we just propose that you include that entire property, that entire boundary of the cultural preserve.

Ms. Green: I wasn't aware that Kapihaa went all the way in front of the condos.

Ms. Aoki: It, it actually doesn't, but, again, rather than cut a line back down and then go back up, we just, for ease of knowing where the SMA boundary is. But, you know, I'm here for your recommendation, so this is just our proposal. At the end of the day you guys decide what, you know, you'd like to do.

Then going around the rest of the island we, we kept it the same here. This, this followed the geography of the land. Then when we got up to this area here, what Peter has done is, again, it's one of those digital things where the SMA boundary was in your ocean, or you had a rock face cliff, you know, erosion. So it's the same width, it's just following the correct topography of your cliffs. See right here is a really significant -- it looks like a rock fall. So Peter has gone to the edge of the top of the cliff and then gone back the distance that it was before.

So most of this, most of the area that is around that side of the island is all in conservation anyway as I mentioned the last time. So if anybody ever wanted to develop that close -- I mean, it's a good distance back anyway -- but they would need to go to the State.

So I met with the Director and the Deputy. I've talked to the shoreline planners about this recommend -- you know, these. I didn't do this in a vacuum, and we feel that this, at least, provides a better rationale for why you have the boundary that you have versus just drawing a line on a map which, you know, seems to be, not just for Lanai. I think that's what happened in a lot, our whole State, because the act got passed to do this, but then nobody was doing it and then the State Legislature gave the counties the right to go and do it, and go do it fast because the Feds wanted it done fast and so it just became, you know, do this, do that, don't make it a 1,000 yards, follow this, and a lot of times it follows the belt roads and so that's why it ends up going up against highways. And so you have places where it's super -- I mean ridiculously far from the shore lands, and other places where it's ridiculously close to the coast because it just so happens that the highway hugs the coast and then goes up so...yeah. That will be a Maui problem that we have to deal with, but you don't have so much of that here because you don't have a belt road that goes around the island.

So with that, does anybody have any questions that I can answer or --?

Ms. Gima: Well thank you both for putting this together, and I think having these visuals really, really helpful, so really, really appreciate that. Commissioners, any questions for Kathleen? I'm going to open public testimony. If there is anyone that would like to come up and provide testimony specifically on the SMA boundaries. Alright, Stan come on up.

Mr. Stanley Ruidas: Stan Ruidas, resident. I think you guys should look more at the cultural stuff because it's just a small line. I know, they did a good job doing all of the lines, but I think there's more to that. Try go back to the cliffs, on, on the west end. 16. 19. How far is that...to that...to that line?

Ms. Aoki: It's about 350 feet.

Mr. Ruidas: You ever saw that, that area? It's falling the water every day so I don't think 350-feet is enough. That's why when I originally proposed 1,000 yards in, elevation 1,500 feet or somewhat, that's what would cover everything. So I think you guys need to look at expanding that area as well as the other areas. Tsunami inundation zone, is that -- they didn't do all the east end did they? Did they?

Ms. Aoki: Yeah, the way the UH, UH, University of Hawaii does the maps is some kind of --. I can't explain it to you. All I can tell is that they have a way of doing these evacuation maps for the State, and they look at will a tsunami, you know, run up? And if you have a face cliff you're going to find that on islands where there's the face cliff there's not going to be an evacuation zone because the wave isn't going to run up. It's going to hit the face of the cliff.

Mr. Graves: I'm not sure. I think it also involves where the wave is mostly likely to come from. So you'll have inundation zones on like the northeast side and the north side because you'll have earthquakes in Alaska, and earthquakes in, you know, Asia where you might get one. But you don't really have so much of a tsunami inundation zone maybe on the far west side or south side because you're not going to have anything like coming through the whole, you know, South Pacific, I think. I'm not entirely sure.

Mr. Ruidas: Peter, can you go back to (8)? (6) and (8). Okay, how far is that green line? Yeah, what would that --?

Mr. Graves: . . . (Inaudible. Did not speak into the microphone.) . . .

Mr. Ruidas: Wow, it did get bigger.

Mr. Graves: . . . (Inaudible. Did not speak into the microphone.) . . .

Mr. Ruidas: What is a little bit past -- what number is that? Right there.

Ms. Aoki: . . . (Inaudible. Did not speak into the microphone.) . . .

Mr. Ruidas: That's way better than the 300. Because we drove -- that one Fukushima had the tsunami, we drove our quads all the way to Shipwreck and all the way down to Nahaa, and the road was real bad. You had to just go on the beach, but --. But, the water does come above the roads.

Ms. Green: They show us some of the sites on our maps that you don't see on there if you want to look.

Ms. Gima: So instead of -- sorry to cut you off Stan -- but instead of going section by section asking for the distance is that something that maybe you can do with Peter afterwards?

Mr. Ruidas: Yeah, I just looking at examples --

Ms. Gima: Sure.

Mr. Ruidas: -- you know, to show you guys that. Yeah, like that part is good.

Ms. Gima: Yeah, so Kathleen, because again this, I think the last time you were here was in June and I'm pretty sure I probably asked you to clarify the process, but it's been a few months back. Again, this is basically what you folks are recommending, but there is a process.

Ms. Aoki: Right.

Ms. Gima: And could you go over that process again as to how we would make changes to the SMA?

Ms. Aoki: Right. So the process to change your map is we come with a recommendation, we have these kind of meetings. When you folks vote on a recommendation I then send that map to Office of Planning. Office of Planning has to review it and be comfortable with it. If they're comfortable with it, what I would do is come -- we would come back, we would have a public hearing, a bona fide public hearing with that map. And if we have the public hearing and you approve it and you vote to adopt it, it goes to the Director of Planning for signature and that becomes your map. So we've kind of been going through this process so my goal - - I mean, my ultimate goal, if can, but again no rush, but if can, is for you guys to let me know if this is the map, if you agree with this map and you want me to send it to Office of Planning. Or if there are changes you want me to make, what it is that you want me to send to Office of Planning because that would be the next step before having a public hearing.

Ms. Gima: My question would be, could we have a public hearing or have it specifically on the agenda that we, as a Planning Commission, are voting, right, for approve -- voting so that it can move to Office of Planning so that --? You know because having input from people like Stan and from our residence is very helpful and so maybe if it's on the agenda in that specific way that more people would hopefully show up and give that feedback.

Ms. Aoki: I just --

Ms. Gima: Or is it --

Ms. Aoki: Clayton would know. If you have a public hearing and you vote on the map and then you send it to Office of Planning if they have concerns about it then, then --

Ms. Gima: You would have to have another public hearing.

Ms. Aoki: Yeah, but you've voted on it already. So usually it goes to Office -- well, I don't know. Clayton . . . (inaudible) . . .

Ms. Gima: Well we would have to vote to --

Ms. Aoki: Let me put it to you this way.

Ms. Gima: Okay.

Ms. Aoki: Let me put --. My -- what would be most ideal is for, at least you folks, to be comfortable with whatever that we're going to present for the public hearing. You know what I mean? Because you don't -- you want to get to that point that this is what we're comfortable with. We want the public input but you don't want to have that dialogue that we keep having all this time.

Ms. Gima: I see. So saying we're comfortable, not having to do a vote, it goes to Office of Planning, then it comes back for public hearing, community gives all their input at that time, and at that point we would come up with --

Ms. Aoki: You could vote --

Ms. Gima: -- with any changes or --

Ms. Aoki: Right.

Ms. Gima: -- amendments. Okay.

Ms. Aoki: Like, like say there's something really significant that comes up and you guys don't feel comfortable, you've heard this now and you say, you know, what we're going to defer action, we don't want to take a vote, send it back to Office of Planning with this change.

Ms. Gima: Got it. Or if we wanted to have specific input like the cultural sites.

Ms. Aoki: Yeah, if you wanted to --

Ms. Gima: We could send it off to the appropriate agency at that point. Because we don't have certain -- I mean, we don't have the insights to these cultural sites that some other professionals may have.

Ms. Aoki: Right. The only thing I caution with that is, you know, a cultural person -- you have to understand the point of the SMA. And the point of the SMA has a lot of different things to it, right? It's got access, it's got cultural sites, it's got economic vitality, it's got everything else.

Ms. Gima: Right.

Ms. Aoki: So while that is one very important component, if you have a cultural site that's five miles away and -- or you know, up, up -- it doesn't have an impact on the shore land area.

Ms. Gima: Right. I think I was meaning more in terms of like right now they're just they're drawn on the map and you know some of them --. I'm trying to look at an example. Hold on a second.

Ms. Aoki: Like map 8 where the Maunalei Sugar Mill is or --

Ms. Gima: I mean like there's like map 9 where the top of the Japanese Cemetery is pretty much on the green line. You know, I mean I'm not saying all cultural sites should be in the SMA. I'm just saying getting that feedback on those specific ones that are currently in the SMA or proposed. And again, I mean, it's kind of hard when it's just like a black box so --.

Ms. Aoki: Well I was just --

Ms. Gima: And I appreciate you pointing those out, though. That was very helpful.

Ms. Aoki: Well, I was going to say maybe Peter if you get on to your other, you can zone in, zoom in.

Ms. Gima: But I think the point is it's like if we needed input from someone that we felt as a Commission that -- and again it could be something not even related to cultural sites. But if we needed that input or expertise that we would have that ability to reach out to the appropriate agencies or parties.

Ms. Aoki: Normally --

Ms. Gima: I'm just using cultural sites as an example.

Ms. Aoki: Right. Normally, just so you know we don't -- we wouldn't normally send out...for comment, we only would send it to Office of Planning.

Ms. Gima: Okay. But if there was a question that we had. Let's say public hearing comes around, someone from the community brings up a very valid concern, and we have no way at that point in time at the public hearing --

Ms. Aoki: To get your answer.

Ms. Gima: -- to get our answer. Say, hey, Kathleen, would we be able to get comment from...just on this specific issue. Not sending off all. You know what I mean? Just being able to get that specific feedback.

Ms. Aoki: I could try. I think what's -- another thing that's important is the last -- when I came here last here there was a lot of concerns about the cultural sites, right, and there was a request for me to go to SHPD and go look up every single archaeological monitoring plan and

everything that existed. And I talked to Hinano Rodrigues and he told me I was crazy. And so I'm just being honest with you; that's what he told me. He said there are hundreds of these things, and they're not in any kind of great order. They're in some probably asbestos laden storeroom somewhere and so that was just like, it's not going to happen. So I'm just saying --

Ms. Gima: Yeah, no I hear you.

Ms. Aoki: -- depending on, on what the request is.

Ms. Gima: Correct. Right.

Ms. Aoki: I'm happy -- you know, I'd be happy to do what you guys ask me to do and I try to do it, but sometimes it's just not something that can be feasibly done. So I did call Kepa last year also and talked to him. He was under the weather at the time, so I didn't get too much information from him, but I told him what it was that we were trying to do. So I know he would be available if you guys wanted him to, you know --

Ms. Gima: I guess I was just wanting to know procedurally when it comes to that point of a public hearing if there's something that, that we really, really need clarification on that we have that option. So it sounds like at this point moving forward and getting this to Office of Planning is the first step so that we can start the public hearing process.

Ms. Aoki: If you guys are comfortable with the recommendations, then that's what I would do. If there's anything you want me to change tonight I can do that.

Ms. Gima: Okay.

Ms. Aoki: You know, say send --. You know you can a motion --. Well, it's not really a --. Is it a motion? Because we're not really not acting on anything. You would just direct me to, hey, just change this and send it to Office of Planning, and I could do that for you. Or, if you're okay with the way that it stands now, then --

Ms. Gima: Because again, tonight just because we're comfortable with it doesn't mean it's being approved. There's still that process.

Ms. Aoki: Exactly.

Ms. Gima: Okay.

Ms. Aoki: Exactly.

Ms. Gima: So I know I still have public testimony open. Is there anyone else wishing to give public testimony at this time? Alright, I'm going to close public testimony. Commissioners, any discussions, questions that you may have for Kathleen or Peter?

Ms. Green: To the point that was made here earlier about the cliff eroding, etcetera. Is there a mechanism in place as our shoreline, you know, if, if we have a big, you know, . . . (inaudible) . . . that it automatically is moved back or how is that handled?

Ms. Aoki: Exactly like it's being handled tonight. And I mentioned that the last time I was here. You're the body that can change your maps and your boundaries. So if anything significant happens and you wanted to amend your boundaries, we would just go through the same process. So if you had something slight that you wanted to do, it would probably not take very long to do it if you had a situation like that. We just -- you know, we know these kinds of thing now and can map it a lot easier and better. But basically that's what would happen, it would just go through the same kind of process.

Ms. Gima: And there's always has to be a nexus, as you pointed out.

Ms. Aoki: There's always has to be a nexus.

Ms. Gima: So we can't just say, well, we want it this amount of feet back for whatever reason we want.

Ms. Aoki: Yeah.

Ms. Gima: Okay. Any other questions Commissioners? Are there any objections to having Kathleen move this forward to Office of Planning so that we can get this process started? This is something that we really want to see get done and especially with all of Kathleen's hard work on this.

Ms. Catiel: Okay, so looking at that extreme. So, if there is a tsunami and there's people out there, how are they going to get up to that area? I mean it's all trees, kiawe trees, and is there a road going to be up?

Ms. Aoki: No. I mean all that I can tell you is that's what they do when they make these evacuation maps is just to direct people on where they would be safe. How they get --

Ms. Catiel: Yeah, but how they get up there is they're on their own?

Ms. Aoki: Right. It's just an evacuation -- Civil Defense does these maps, or Emergency Management. It's now called Emergency Management -- NEMA.

Ms. Catiel: Okay.

Ms. Green: I just had one area. When you were on no. 3 and no. 4 and you had the tsunami maps there, and then you just drew lines from point to point to point. I would assume that the reason you have all those points is because there are -- these are gulches coming down, and then there's kind of hillsides, and so what you have done is you've just, you know --

Ms. Aoki: Exactly.

Ms. Green: Have gone over the hillsides, and, and it's the only the place that you've done that. And all of these other you've kind of found the swiggles. I guess I'm just asking for your rationale why on those two you followed a different procedure than the rest.

Ms. Aoki: Well in these areas so you have -- you do, you're absolutely correct, there's gulches through here. So that's why it's probably flatter, it's an area where the water would run up that far. But you also sand here so like I said there's going to be some areas where we're taking two things into consideration so Peter and I kind of drew it. But you are right; there may be areas where they may not be sand, but there's going to be sand here. So just for ease of the line to follow. It's all conservation in there.

Ms. Gima: I would make a recommendation when we do come to the point of public hearing, and we're going to have these maps presented to the public and also back on our desk, if we can have the distance.

Ms. Aoki: Okay.

Ms. Gima: I don't mean to make it harder, your job harder.

Ms. Aoki: No, it's his job.

Ms. Gima: But I think Stan brought up a good point with wanting, you know --. I mean, when you look at it you have no idea. I wouldn't have thought some of that was 1,800.

Mr. Graves: Yeah, I mean, we can put, you can put distances at selected points. I mean, the distances all over the place. But yeah it could give people an idea how far this, say this is in as opposed to this, yeah.

Ms. Gima: Yeah. Right. I think that might be helpful.

Ms. Aoki: Okay.

Ms. Gima: I know there's a scale.

Ms. Aoki: That's a great suggestion.

Ms. Gima: I think also when presenting it to the public that the public's aware of what the distance is.

Ms. Aoki: That's a great suggestion. We can do that. Peter can do that.

Ms. Green: And also putting in like you did on no. 8 showing where the sugar mill and Keamoku and the fish pond and everything. I think that would help people out to know where all these sites are.

Ms. Aoki: Okay.

Ms. Gima: So going back to my questions Commissioners are there any objections with Kathleen pushing this forward to the Office of Planning to get this process started? Okay.

Ms. Aoki: You guys are comfortable with the recommendations?

Ms. Gima: I'm hearing, I'm hearing no objections.

Ms. Aoki: Okay.

Ms. Gima: Comfortable with the recommendations so we can get this process going to get the public hearing.

Ms. Aoki: Alright.

Ms. Gima: I can't thank you enough Kathleen for your time spent working with us and, you know, listening to us.

Ms. Aoki: It's been my pleasure.

Ms. Gima: We really, really appreciate.

Ms. Aoki: No, this is great.

Ms. Gima: So now at least we have . . . (inaudible) . . . and hopefully, you know, we'll hopefully get this done with in a sense.

Ms. Aoki: You'll be the first in the County to have changed your maps if you adopt this.

Ms. Gima: Interesting. Okay, well thank you, we appreciate it.

Ms. Aoki: You're welcome. My pleasure. So I don't know, you know, what their timeframe is with Office of Planning, but we'll go ahead and get that transmitted to them.

Ms. Gima: When you find out the timeframe would you be able to communicate back to us?

Ms. Aoki: Yeah. I can let --

Ms. Gima: Or to Clayton?

Ms. Aoki: Yeah.

Ms. Gima: Yeah.

Ms. Aoki: I mean I'm hoping it will be pretty quick. They just --. Because you're not -- you're only moving the --. You're either leaving it or making it more mauka. If you make it less I hear red flags go off with that so --

Ms. Gima: I see. Yeah, we're not making it that.

Ms. Aoki: So I think, I think -- I don't think it will be too much; I'm hoping.

Ms. Gima: Okay. Thanks again. We appreciate it.

Ms. Aoki: My pleasure.

G. DIRECTOR'S REPORT

1. Lanai Planning Commission Native Hawaiian Law Training

Ms. Gima: Alright, so let's move on to Item G, which is the Director's Report. Clayton, starting off with the Lanai Planning Commission Native Hawaiian Law Training.

Mr. Yoshida: Yes, thank you Madame Chair, members of the Commission. At the end of -- towards the end of the last Council term they passed a bill which became an ordinance requiring that the members of the Maui, Molokai, Lanai Planning Commissions, and the Hana Advisory Committee attend a Native Hawaiian Law Training and conducted by Kehuliau from the Richardson School of Law at the University of Hawaii. The Department said we have no budget to fund this so they said, well, OHA is funding the Kehuliau group. And it's all-day training. But because the trainers teach, the training has to be conducted on the weekend. So right now I guess it's tentatively scheduled for a Saturday in early December, all-day training. Ann is trying to -- kind of the point person to coordinate this with the Native Hawaiian Law Center at the University.

There's certain logistics that have to be worked out in terms of -- like with the Council meetings, using the Council Chambers and then having the Molokai, Lanai, and Hana

Advisory Committee members at the Council Services Office so they don't have to fly over or they don't have to drive over.

So I think Leilani has contacted the members about attending the training. Some members have said, no, I only have four more months on the Commission so they're not inclined to attend the training. But I guess it is what it is in terms of getting those particular trainers and when their availability. And we still have to work out the logistics with Council in terms of using the facility.

Mr. Delacruz: Thank you Clayton. How does this tie in or does it tie in with the new requirement that at least one member of every planning commission has to be designated as a Hawaiian specialist?

Mr. Yoshida: I guess earlier this year the Council passed an additional requirement that the planning commissions have at least one member who is a cultural practitioner so that's what --. I mean for the members, for the vacancies that they've tried to filled since the ordinance was passed, and if they don't already have a so-called cultural practitioner on the Commission or the Hana Advisory Committee, then the Council have asked the administration, you know, that you have to comply with this requirement so is this person going to be the so-called designated cultural practitioner on the -- meet that requirement -- for the commission.

Ms. Gima: So is that what you guys are in the process of with filling our last vacancy looking for a cultural practitioner? And what constitute a cultural practitioner?

Mr. Yoshida: Well, I guess it's in the ordinance, but it's a --. Well, I guess if they have had formal training in Hawaiian studies or you know they're sort of recognized as a practicing, you know, cultural practices. But I guess it's sort of -- you know the Mayor nominates and the Council approves so I guess it's sort of with the Council to approve or not approve the Mayor's nominee.

Ms. Gima: So we don't have one right now for our Lanai Planning Commission.

Mr. Yoshida: Well, I think, you know, the... I think the person that's in front of the Council right now to fill the vacancy is designated as a cultural practitioner.

Ms. Gima: Okay. That they're looking at. Okay.

Mr. Yoshida: But I don't --. I don't know if Commissioner Martin would be, say, meet that requirement also.

Ms. Martin: They've asked me. They've asked me and I had to have write a recommendation for myself on what my practices are as a traditional Hawaiian person, which was kind of odd for me. But there are things that I do practice that is not public to the public on my end that

people don't know that I do do, but -- and my lineage where it comes from too that is not public. So I had to share that part about me. Yeah.

Ms. Gima: Okay, so it's fair to say it's in the works right now and that the possible new commissioner would take that role possibly which by the way when is that going to happen?

Mr. Yoshida: I believe that the nomination went before the Council Policy Committee on Monday, and I believe they have no recommendation and passed it on to the Full Council. So, it's up to the Full Council.

Ms. Gima: Okay. Time line?

Mr. Yoshida: I believe they would consider the nomination at their Full Council at their next regular meeting on October 20th.

Ms. Gima: Okay. Thank you. Okay, so you'll keep us posted in terms of when this Native Hawaiian Law Training will be.

Mr. Yoshida: Yeah, I guess if you haven't responded to Leilani if you can respond to Leilani about your attendance.

Ms. Gima: Okay. Yeah, I know she has e-mailed.

Mr. Yoshida: Because, yeah, we kind of need to plan for that.

Ms. Gima: Okay. Yeah, I know she sent e-mails out.

2. Meeting Dates for Calendar Year 2018.

The Commission may act to adopt the proposed meeting schedule or take some other action.

Mr. Yoshida: Okay, moving to the next item. We've circulated our meeting dates. Okay, so we have circulated our meeting schedule, proposed meeting schedule for calendar year 2018. It's the third Wednesday of the month. I would note that for the month of November, November 21st is the day before Thanksgiving so you would be meeting on Thanksgiving eve. But we'll try to plan, you know, strategically so we won't or, you know, probably won't have a meeting on November 21st.

Ms. Gima: Well, if we act to --. It says that we may act to adopt the proposed meeting schedule. So if we act on this can we recommend that we do another Wednesday?

Mr. Yoshida: Yeah, I guess the main purpose is so we can get together with --

Ms. Gima: The Senior Center.

Mr. Yoshida: The Lanai Senior Center people to reserve the meeting space.

Ms. Gima: Okay, so can we, if we all agree, can we move it to either the one Wednesday before or the Wednesday after? Because I'm pretty sure none of want to come, and nor do you folks want to come, the day before Thanksgiving.

Mr. Yoshida: Yeah, I believe that the second and fourth Wednesday are -- well second, second Wednesday is when the Molokai Planning Commission meets.

Ms. Gima: What about, would there be a conflict if it was the fourth Wednesday?

Mr. Yoshida: So, I think we could move it to the fourth Wednesday in November.

Ms. Gima: So that's the 28th. Okay. So it sounds like we are all in agreement that moving it from November 21st to November 28th. Commissioners, is there any other discussion or question about this 2018 schedule? Do we need to vote to adopt this?

Mr. Yoshida: Yeah, well, you know, by consensus you can approve the schedule with the change that the November meeting be moved to the Wednesday afterwards.

Ms. Gima: To the fourth Wednesday.

Mr. Yoshida: Yeah.

Ms. Gima: Okay.

Mr. Yoshida: Okay.

Ms. Cua: The 28th is a Tuesday.

Ms. Gima: Yeah, we're looking at 2018, so November 28th.

Ms. Cua: Okay, sorry.

With no objections, the Commission adopted the proposed scheduled with the one

modification to hold the November 21st meeting on November 28th.

3. Open Lanai Applications Report as distributed by the Planning Department with the agenda.

Mr. Yoshida: Yes, we're in 2018. Okay, we've circulated our list of open Lanai Planning, Lanai applications, if there are any questions on that, that list.

Ms. Gima: Any questions, Commissioners, on the project permit list? No questions? Okay.

4. Agenda Items for the October 18, 2017 and November 15, 2017 Lanai Planning Commission meetings.

Mr. Yoshida: Okay, our next meeting is scheduled for October 18th. The meeting, your September was moved to tonight so that members would have an opportunity to attend the Statewide Planning Conference. Though, unfortunately none of you were able to do that this particular year. But the next meeting is scheduled for October 18th which is two weeks from today. And the meeting after that is November 15th. Right now I don't have any public hearing items or communication items for the October 18th meeting which is two weeks from now. But we do have a communication item for the November -- a proposed communication item for the November 15th meeting.

Ms. Gima: Just one item?

Mr. Yoshida: Well, it's the -- it will be --. I guess we have a request for an SMA time-extension to complete construction on the Manele Residential Project.

Ms. Gima: Okay. So that right now is the only item that's on the agenda for the November 15th?

Mr. Yoshida: Right.

Ms. Gima: Okay. So are you asking to see if there is any objections to cancelling the October 18th meeting which is in two weeks?

Mr. Yoshida: That would be the Department's proposal.

Ms. Gima: Commissioners, are there any objections to cancelling the October 18th meeting which is in two weeks? No. Okay. Is there anything that anybody would like to request to be on the November 15th agenda?

Ms. Green: Yes, it's per my earlier request. I would like Kurt to come back and report on this meeting with LWAC about resolving all of their issues since at the last meeting LWAC felt

they didn't have enough time to review the new water tables for water usage on the Koele development. So if we could just hear that they met and resolved their issues.

Ms. Gima: Well, I think that's a good request. That was -- you requested that at the July meeting, directly to Kurt.

Ms. Green: We made a decision based on the information that he gave us that it was all --. Yeah, it was a short notice, that it was accurate, and that, that it would fulfill all the requirements or concerns of LWAC. And so I would just like to hear that they have -- that this has all been resolved.

Ms. Gima: Okay, so that's one request for the agenda. Is there anybody else that has any requests for the agenda?

Ms. Catiel: The housing. So from what I gathered it has been fulfilled or satisfied, so I want to know what project were those? Is that Olopuia, Iwiole? So I need names of the project. I just don't want to know where, oh, it has been fulfilled. Like, I want to know what project is that.

Ms. Gima: Roxanne, you're talking about specifically was discussed at the July meeting?

Ms. Catiel: Right. Can I --? The July meeting.

Ms. Gima: I'm going to just go on a limb here and say that I think there's a lot of meeting for certain follow ups from that July meeting, you know, starting with Caron's request, and Roxanne bringing up a, a, a good point because there was things said but documentation wasn't necessarily provided to us that left maybe some of us feeling a little bit confused. Well, that night was confusing, so, you know, being able to have this discussion not in the realms of approving an application. So what I'm hearing from you Roxanne is wanting have a follow up or a clear clarification on Pulama Lanai's compliance with the housing requirements?

Ms. Catiel: Correct.

Ms. Gima: That was pointed out in Riki Hokama's?

Ms. Catiel: Correct.

Ms. Gima: Okay. So that's another request for our agenda. And then I have a final one because, you know, we spent a significant amount of time, and I mean, a significant amount

of time at our July meeting discussing the water issues, and...I don't -- I want to be able to have a discussion in November about utilizing LWAC to provide us comments. I think if we -
- if applications go to LWAC they have time to review it, it would prevent two hours of talking about water, so I would like to have that on the agenda as well.

So I'm hearing following up from Pulama Lanai, specifically Kurt Matsumoto about the meeting with LWAC. Compliance, Pulama Lanai's compliance with the housing requirement. And then lastly, discussing utilizing LWAC as a resource for the Lanai Planning Commission.

Mr. Yoshida: I thought there was some legislation because right now LWAC is under the Water Department.

Ms. Gima: Okay.

Mr. Yoshida: Okay, I thought there was a proposal to put it under the Planning Department. That was in -- that was five years ago, and it's still --

Ms. Gima: Well, regardless of LWAC's status, if they're a government agency, I think, again, I don't want to continue to have meetings where we're talking about two hours of water when, if the LWAC who has Pulama Lanai on their committee can provide us comment. And so this is something that you can go back and explore to see if this is even a possibility. But I would like to have that discussion. I'm not -- I don't want to sit through more meetings where we're talking and going around in circles, and some of us don't understand anything about water when this specific committee does, whether they're a government agency or not. I mean, we have eight Department of Water commenting, they don't have a presence here on Lanai. So that's my request that that be on the agenda, to have that discussion. If you need to run it by Corp Counsel to see if, if there's some legality that prohibits a non-government agency providing comment or being able to get access to the application, then I think we can find a way to see how we can best utilize a group that is here on island, that knows our water to provide us not, you know, as a -- to be resource to the Lanai Planning Commission. So those three agenda items to be added on the November 15th meeting. Any other requests Commissioners? Okay.

H. NEXT REGULAR MEETING DATE: OCTOBER 18, 2017

I. ADJOURNMENT

Mr. Yoshida: Okay, that's all we have to report.

Ms. Gima: Okay. Thank you. Alright, Commissioners, it's now 6:55 p.m., if there's no objections, meeting adjourned.

There being no further discussion brought forward to the Commission, the meeting was adjourned at approximately 6:55 p.m.

Respectfully submitted by,

LEILANI A. RAMORAN-QUEMADO
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

PRESENT:

Roxanne Catiel
John Dela Cruz
Kelli Gima, Chair
Caron Green, Vice-Chair
Mililani Martin
Shirley Samonte

EXCUSED:

Marlene Baltero
Bradford Oshiro

OTHERS:

Clayton I. Yoshida, Planning Program Administrator, Current Planning Division
Kathleen Aoki, Planning Program Administrator, Plan Implementation Division
Ann Cua, Staff Planner, Current Planning Division
David Raatz, Administrative Planning Officer
Peter Graves, GIS Analyst
Suzette Esmeralda, Secretary to Boards and Commissions II
Richelle Thomson, Deputy Corporation Counsel (on-call)

**MOLOKAI PLANNING COMMISSION
REGULAR MINUTES
OCTOBER 11, 2017**

•• All documents, including written testimony, that was submitted for or at this meeting are filed in the minutes' file and are available for public viewing at the Maui County Department of Planning, 2200 Main St., Suite 315, Wailuku, Maui, and at the Planning Commission Office at the Mitchell Pauole Center, Kaunakakai, Molokai. ••

A. CALL TO ORDER

The regular meeting of the Molokai Planning Commission was called to order by Chairperson Lawrence Lasua at approximately 11:05 a.m., Wednesday, October 11, 2017, at the Mitchell Pauole Center, 90 Ainoa St., Kaunakakai, Molokai.

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

Chair Lawrence Lasua: Okay, Commissioners, I'd like to call the meeting to order. We're late at 11:05, so the meeting's called to order. First on the agenda is public testimony. Any public testimony at this time? Please go to the -- and state your name, please.

B. PUBLIC TESTIMONY - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered. Testimony will be limited to a maximum of three (3) minutes, with 30 seconds to conclude.

Ms. Barbara Nickou: ...(inaudible)... in Waialua Valley as well. I'd like to bring everybody's attention to the short-term rental home permit application checklist, no. 11 and 12, Transient Accommodation Tax and General Excise Tax. What's missing on this list is no. 13, legal employment contract for all of the people who are working, cleaning these houses, taking care of the yards, being responsible for the renters. If you're -- if you hire someone to take care of your home, you are required by law to provide them with a legal payroll, social security, unemployment, and workers compensation. IRS Publication 926, Household Employers Tax Guide, this clearly states that if you employ someone to take care of your home, that you are required by law to get yourself a IRS ID number and pay both the Federal Government and the State workman's compensation, unemployment, social security, and Medicare. All legal employment taxes. This is the law. It's not self-employment. These people who own these rental places are paying people illegally in cash under the table and not paying into the system and to the State of Hawaii. So, to me, the fact that they're required to pay to, you know, the transient accommodation tax for themselves, for their own personal liability, and general excise so they can file the money they make off the people who are required by law to be paid legally. This is no. 1040, IRS 1040. Everybody's is the same. We all file the same 1040 every year. No. 60A, Household Employment Taxes from Schedule H. All these people have been paying illegally all these years, so I don't see how any of these short-term vacation rentals could be sanctioned by the Planning Commission or any government agency until they show that they're paying the people who run these places legally. I,

myself, don't want to work without a legal payroll because the law states clearly that I qualify. Is there anyone in here who would work without a legal payroll when the law is very clear? Is there anyone here who has a job -- John, did you make all your money by being paid illegally in cash under the table?

Ms. Lori Buchanan: Testifier, can you please address the Planning Commission, not the audience. Thank you.

Ms. Nickou: Oh, I'm sorry. Thank you.

Chair Lasua: Thank you, Lori. Excuse me, we're not here to answer your questions too.

Ms. Nickou: Okay.

Chair Lasua: You're here to testify.

Ms. Nickou: Okay, so, to me, that made -- it needs to be made legal and until all these short-term vacation owners throughout the State can show that they have a legal employment contract and they're paying their hard workers what the law says they're required to pay, I don't see how any of them can be legal.

The other topic about -- I'm here to speak about is Waialua Valley and the short-term vacation rentals. I'd like to draw everybody's attention to Kip Dunbar, Leslie Dunbar, and Stephanie Dunbar. They've been running their vacation rentals for quite some time. They don't pay anyone legally, number one. The way in which they have degraded and denuded the residents of Waialua Valley is, from years ago, they put an illegal dam in a stream called "Kahawaiki;" it's way up here; it's not part of the ahupua`a of Kainalu. They've dammed the stream. The natural flow goes into Waialua Valley, where I live, my neighbors live, I have other neighbors over here who live -- neighbors here also. This stream is completely dry-banked because the Dunbar family has illegally dammed and diverted an entire river for the purpose of a personal reservoir, which they dug without a permit, and the water is going into that reservoir, and spilling over, and going to complete waste when every State law and every water law states that the water belongs to the State; the water belongs in the stream; the water belongs in the ahupua`a in which the stream's natural flow runs. The Dunbars are way over here. This is the tax key map of Waialua Valley. All this is dry. What's happened to our place, because they use their reservoir to take their tourists up so they can have a swim up there and make money off of it, it's dried up this stream, it's dried up this, this whole bank is dry, and we have all this deer coming this far to access the water here in Waialua Valley; yet, we all are registered with the State as water users. And the other problem I have with the Dunbars is this is their illegal dam, this is their illegal reservoir, they have a well here, another well here,

another diversion in Kainalu Stream, which should be an inch-in-a-half, according to the State, but it's much larger than an inch-in-a-half, and they also have County water.

Chair Lasua: Ms. Nickou, could you share your testimony to the agenda that we're talking about.

Ms. Nickou: This is the agenda. It's why I'm against short-term rentals in Waialua and also this is -- they're capitalizing and --

Chair Lasua: Okay, so you have -- you have 30 seconds left.

Ms. Nickou: How many?

Chair Lasua: Thirty.

Ms. Nickou: Okay. So what happens is, yes, that is part of the agenda because we're talking about Waialua short-term rentals today and why we don't want more. The other - the other reason is that all these properties here are short-term vacation rentals, they all put fences along these properties, and they --

Chair Lasua: Ms. Nickou, thank you, your 30 seconds is up.

Ms. Nickou: Okay.

Ms. Buchanan: Mr. Chair, I have questions for the testifier.

Chair Lasua: Okay, just a minute. For the record, let the record show that Commissioner Buchanan entered the meeting and is present. Go ahead, Lori.

Ms. Buchanan: Mr. Chair, first, before the question, is the testifier testifying in the open public testimony, item B., or are we already on item D. and she's testifying on a public hearing issue?

Chair Lasua: She's testifying under Public Testimony, item B.

Ms. Buchanan: Okay, thank you. In that case, thank you, testifier. I'm sorry I was late so I didn't catch the first part of your testimony, but my question is, since you raised so many issues --

Ms. Nickou: Yes.

Ms. Buchanan: Which we cannot substantiate at this time, what have you done to address these issues on your own? Have you put in a request for service with the Commission on Water Working Resources?

Ms. Nickou: Yes.

Ms. Buchanan: Have you called the County and put in a request for service?

Ms. Nickou: Yes. Thank you for asking. Most -- all of our residents in Waialua have made requests. The Water Commission sent me this. This shows exactly the lay of the land and the short-term rental -- what Mahina Lopes wrote, originally, is part of what we're talking about today and how these rental owners -- how it degrades the integrity of the lifestyle of rural agriculture on the East End, and because they're -- they've taken this river from us, it's -- our river runs dry. The prawns dry up. It's -- it causes a situation where all this is dry and we have all the deer that have come in so that's --

Ms. Buchanan: Okay, I get it.

Ms. Nickou: Yeah, we have, and I've also wrote quite a lengthy letter with documentation-

Ms. Buchanan: Okay.

Ms. Nickou: And emailed it to the Nature Conservancy and the Water Commission and everybody.

Ms. Buchanan: Okay.

Ms. Nickou: So this has been an ongoing --

Ms. Buchanan: But you don't have any copies for the Commission Members today, do you, to accompany your testimony?

Ms. Nickou: I plan on making 15 copies --

Ms. Buchanan: Okay.

Ms. Nickou: After I edit my letter.

Ms. Buchanan: Okay. I'll also ask staff to do a look on the request for service with the County on -- if there's any request for service.

Ms. Nickou: What type of service?

Ms. Buchanan: When you have an issue that there is actions going on in an area not zoned for those actions --

Ms. Nickou: Yes.

Ms. Buchanan: Or that you have an environmental concern that would be a concern to coastal zone management, or the Chapter 343 of the Hawaii State Environmental Protection Law, then you would go online, it's a very simple process, and request, formally put in a request for service for the Maui County Zoning Inspector to come out and do an investigation, and they supposed to follow up with you and that validates --

Ms. Nickou: We've all done that. Thank you, Lori.

Ms. Buchanan: Okay.

Ms. Nickou: We've all done that.

Ms. Buchanan: Yeah, so that's going to be my question later on to staff is is that in the report. Has there been ongoing issues that -- within the area that raise concerns and red flags.

Ms. Nickou: It's all have been brought up --

Ms. Buchanan: Okay.

Ms. Nickou: By numerous community members and my --

Ms. Buchanan: Okay.

Ms. Nickou: My biggest concern is the workers on Molokai need to be paid legally.

Ms. Buchanan: Okay.

Ms. Nickou: Equal Opportunity Employment.

Ms. Buchanan: Yes.

Ms. Nickou: Thank you.

Ms. Buchanan: Okay, that's -- thank you very much. Thank you, Chair.

Chair Lasua: Thank you. Any other public testimony? Please state your name.

Mr. Gregory Kahn: Aloha. My name is Gregory Kahn and I live --

Ms. Jennifer Oana: Thank you. Before you start, I'm sorry. We are going to be having public hearing on the item agendas D., all of D., so if you can wait until the item comes up, that would be, you know, preferable, but if you're not able to and you have to leave, then you can testify now.

Mr. Kahn: Is agenda item D. a short-term rental? Okay, I can wait. Thank you. So my name is Gregory Kahn, I live Manae side, and I'm going to be addressing the larger context of the short-term rental vacation issue. I want to let you know I'm a supporter of the resolution with the amendment cap of zero to prohibit absentee investors from commercializing single-family homes by turning them into full-time mini hotels in residential neighborhoods. I also support maintaining the character and integrity of the neighborhoods, the collection of appropriate transient occupancy taxes, preserving a depleting housing inventory for families who live in these neighborhoods, and also preserving affordable housing for low-income residents who live in our neighborhoods. As a Kupeke resident, living in a three-mile stretch, which has been inundated with illegal and legal short-term rental vacation conversions, I'm advocating for increased housing availability for Manae families. If the County enacts housing and zoning laws which restrict the availability of long-term rentals, then this restricted housing supply will allow wealthy absentee real estate investors to be assured that the values of their investment property will increase due to the detriment of residents who are seeking affordable housing.

Now, as I see it, I believe your vote will fall into one of two sides on this issue. Number one would be a vote to enable absentee real estate speculators to control the housing market, or, number two, a vote to assist your constituents in preserving the neighborhoods in which they reside, and I want to strongly support the latter for your vote. Thank you.

Mr. John Pele: I have a question, Testifier.

Mr. Kahn: Sure.

Mr. Pele: So in your testimony you would only be concerned if the properties for the STRHs were of absentee owners, not necessarily just STRHs in general, so say what if you had a local family that was applying for an STRH? From your testimony, I hear absentee-owners twice, I believe, you said.

Mr. Kahn: Yes. Actually three times. But, in actuality, I'm a big supporter of the bed and breakfast notion, and I'm a big supporter of local families who want to rent out ohana homes or bedrooms to support their livelihood. I'm a huge supporter of that, yes.

Mr. Pele: Okay. Thank you.

Chair Lasua: Thank you, Greg.

Mr. Kahn: Okay, thank you.

Chair Lasua: Any other public testimony?

Mr. Koa Naehu: Aloha. My name is Koa Naehu. I'm a resident of Waialua, and I'm just here to share, everybody knows the facts, everybody knows the paperwork, I'm just here to share. I have over six generations in Waialua on paper, so I'm a resident. I'm from the Kaanui family. And, yeah, I've seen -- I manage vacation rentals. I have a vacation rental, legally zoned vacation rental hotel on Molokai that I manage and I, you know, rent out. Everything works perfectly when it's legally zoned and properly zoned, and it's safe for the renters, insurance reasons and all that, you know. There's no question. It's set out there and it's safe for the renters and visiting Molokai and for enjoy our island and whatnot in a safe aloha demeanor. But, yeah, I'm from Molokai and everything like that, and Waialua, and I've seen communities -- I've seen the community just get rundown and destroyed due to short-term vacation rentals, outside influences coming in with foreign -- and the money doesn't stay there. I have friends who have vacation rentals in Waialua and they're totally for the notion of exclusion of short-term vacation rentals because they know the money doesn't stay on Molokai. It doesn't stay in Hawaii. It doesn't stay with the residents. Yeah, I clean yards, vacation rentals yards. It doesn't hurt me none if they, you know, pull my paycheck or whatnot. It's all fun and games for me. It's just to keep myself and my people in the community and knowing what's going on in the community and sharing with anybody who comes to our ahupua`a of Waialua the notion of how we lived, and how my people lived, and we continue that process, you know, and just show everybody a good time. We're not here to exploit the land or anything, and we try to share that with the tourists that rent these short-term rentals. So that's it. I mean think about the future of our kids and stuff, you know, instead of the money made now and what we going be fighting later on. Oahu has done it. Maui has done it. We have to try something different. We need to switch it up because these vacation rentals is sucking our communities dry, sucking Molokai dry, whether you wanna believe it or not, the money does not stay here, and that's it. I appreciate your time and good to see a lot of Molokai people on the board, man. Finally. I haven't come to one of these things forever because it was going a different direction that I didn't agree with for close to a decade, so appreciate it.

Chair Lasua: Thank you. Any other testimony?

Mr. Palmer Naki: Aloha. My name is Palmer Naki, and I am a Waialua resident. I cannot really support short-term rentals for many reasons, but I like what Mr. Simm said over there, you know. He's a local family and he's trying to make a living. He's trying to earn a living. He said he has a vacation rental, not a short-term rental, right? Is that what he said?

Unidentified Speaker: ...(inaudible - not speaking into the microphone)...

Mr. Naki: I thought he said Waialua though. Was it a Waialua one? Okay, well, anyway, I'm against that short-term rental thing up in Waialua, and my lineage, I come from there, my family comes from there. That area that Mr. Givens, on top that section he's talking about, that is my ancestral lands, that is my grandpa's brother's, and I believe it also belongs to Kaanui family too, okay. I not too sure the exact whatever it is. But I'm not too sure if we want to go into a contested case hearing with Mr. Givens being that we do have some ties there and we do, you know, we born and we live that area, and, for me, the reason why I saying short-term rentals no because if I want to go down to that beach to go fishing and go put my . . . or my float into the water, I have to crush through their yards, and I not saying that they don't stop us or they do, but whether they do or they don't, we still go anyway, but the thing is they start to put up signs, "No Trespassing," you know, all of these kinda things, and then it turns to like, oh, we're committing a crime when we walk pass through Mr. Givens' or whoever's short-term rental is over there that's right now, you know. So, you know, that weighs heavy on us because we live from that ocean, and we love that ocean, so, you know, I'm against that, you know, and that's all I got to say right now. Mahalo.

Chair Lasua: Thank you, Palmer. Any other testimony? Seeing none, we'll continue on to the next part of the agenda, Resolution Thanking Former Commissioner, Michael Drew.

Mr. Clayton Yoshida: Thank you, Mr. Chair and Members of the Commission. Clayton Yoshida, with the Planning Department. I guess we have a lot of people with the County of Maui here today at this meeting, and they are Jennifer Oana, your Deputy Corporation Counsel; Suzie Esmeralda, board secretary; Sybil Lopez, Molokai Planner; and here for item D.1., we have Kathleen Aoki, our Administrative Planning Officer, head of the Plan Implementation Division; David Raatz, Administrative Planning Officer, with the Zoning Administration and Enforcement Division; Ann Cua, Current Planning Supervisor, with the Current Division; and Peter Graves, GIS Analyst.

C. RESOLUTION THANKING FORMER COMMISSIONER MICHAEL DREW

Mr. Yoshida: With that, we'd like to move to the Resolution from the Commission thanking Michael Drew, who served on this board from April 2016 until September 2017, commending him for his dedication and public service to the people of Maui County, especially the people of Molokai, and that the Commission expressing their sincere appreciation for Mr. Drew's services, and extending their best wishes in his future endeavors, and also be it further resolved that copies of the Resolution be transmitted to the Honorable Alan Arakawa, Mayor of the County of Maui, and the Honorable Mike White, Council Chair, of the Maui County Council. So if the Members can sign the Resolution, then we can transmit it to Mr. Drew as well as the Mayor and the Council Chair.

Chair Lasua: Thank you, Clayton. So we'll pass this around so the Commissioners can sign it. Okay, we can move on to the next item D.1.

Chair Lasua read the following agenda item into the record:

D. PUBLIC HEARINGS (Action to be taken after each public hearing.)

1. **MR. WILLIAM SPENCE, Planning Director, transmitting two proposed bills relating to zoning maps and districts, respectively described as follows:**
 - 1) **A proposed bill titled "A BILL FOR AN ORDINANCE ADOPTING A DIGITAL ZONING MAP AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI." The purpose of the proposed bill is to adopt a digital zoning map for the Island of Maui.**
 - 2) **A proposed bill titled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO ZONING DISTRICTS." The purpose of the proposed bill is to establish updated County policy on determining boundaries for zoning districts. The bill also provides an updated list of zoning districts. (D. Raatz)**

Chair Lasua: We have Kathleen Aoki, from the Planning Department, to review.

Ms. Buchanan: Hang on, Kathleen. Thank you. Mr. Chair?

Chair Lasua: Go ahead, Lori.

Ms. Buchanan: I have a question for Counsel, and I don't know if I should -- do I need to ask her now in executive session, or wait till after the presentation? What's coming up

now is a presentation. Is there an action that needs to occur after the presentation? Okay, then I have to request executive session to consult with my corporate counsel on my duties as a Commissioner.

Chair Lasua: Got the motion. Any second? Second. So we'll move into --

It was moved by Commissioner Lori Buchanan, seconded by Commissioner Bicoy, then

VOTED: for an executive session.

(Assenting: X. Bicoy; W. Buchanan; L. Buchanan; J. Pele; L. Poepoe)

Chair Lasua: Okay, motion affirmative, so we'll go ahead and go into executive session, so I'll call a recess at this time.

*****The Commission entered into Executive Session from 11:35 a.m. to 11:44 a.m.*****

(The meeting was reconvened at 11:46 a.m.)

Chair Lasua: Okay, I'd like to reconvene the meeting. So we're going to continue with, yeah, we'll go ahead and hear from the Department, and then we'll take a recess.

Ms. Kathleen Aoki: Good morning, Commissioners. As Mr. Yoshida said, my name is Kathleen Aoki. I am the Plan Implementation Division Chief for the Planning Department. We're here today, we're very excited to be here today because we have a project to present to you that's a little bit different from what you normally get to look at here, it's a project that essentially takes our paper zoning maps and puts them in the digital age. So we've nicknamed this project many years ago called "DSSRT," which is the Dead Sea Scrolls Replacement Team, because that's essentially what our zoning maps look like. They look like the Dead Sea Scrolls. So, today, I have with me our team, our team has actually changed over the years because we've been doing this since about 2006, it's been a long time coming, we have Ann Cua, who's been with the Planning Department for over -- nearly 35 years, and Peter Graves is our Senior GIS Analyst, and then we have David Raatz, who's going to talk to you about the actual bills that change language in Title 19 that needs to happen in order to adopt these digital layers.

I wanted to let you folks know that this process is to do all three islands for the County; we're starting with Maui Island first. Again, but because we're making changes to the language, we have to take this to all three Planning Commissions. We do plan on doing Lanai and Molokai. Our goal is to get that done next year. We decided to break it up

because this is kind of a big thing. Maui has the most problems when it comes to zoning and kinda inconsistencies that we find, so that's why we took Maui up first. Lanai and Molokai don't have -- I'm not saying you don't have issues, but you don't have the volume of issues that Maui has, so that's why Maui was looked at first, but I promise you our goal is next year. When we do that, we'll come back to Molokai and Lanai and do it all over again for each of the other two islands.

We put together a frequently asked questions because people are like, what are you doing to my zoning? We're really not doing anything to your zoning. We're cleaning it up, and we're putting it in a digital layer. We also had community meetings on Maui to get the word out about this project. We had four meetings. We went to Kihei, Lahaina, Upcountry, and we did one in Central Maui, in Wailuku. So we also created a website on our Planning Department website. We have our own phone number. We have our own email. Again, all for trying to get the word out, and if you have any questions, you can ask us and we're happy to answer them.

You're going to get a presentation done that was the one that we did, basically, for these -- these meetings, so if you have any questions, we're here to answer them for you. And with that, I'll turn it over to David Raatz, who will kind of go over the bills unless you have any questions now, Lori.

Ms. Buchanan: Should we stop you and ask questions during the presentation or after?

Ms. Aoki: I think wait --

Ms. Buchanan: Okay.

Ms. Aoki: Because maybe we'll go over it and then -- yeah, ask us at the end. Alright, thank you.

David Raatz: Thanks, Kathleen. Good morning, Chair and Members. Thank you very much for the opportunity to be here again. My name is David Raatz. My title is "Administrative Planning Officer." Part of my job is to work with the Planning Director in processing zoning legislation and land use ordinances through the Planning Commissions and the County Council, and we do have a few other items in the queue so you'll probably be seeing me back over here a few times in the coming months, and I look forward to working with you.

As Kathleen mentioned, this digital zoning project, in the first couple of phases, is actually only going to directly apply to the island of Maui in terms of actually having a digital zoning map being designated as the official zoning map, but we are also making some proposed amendments to language in Title 19, the comprehensive zoning ordinance, that will have

countywide application, we're clarifying how zoning district boundaries should be determined, and we're providing an updated list of all the available zoning districts in the County, for instance, so with that, we just have a brief powerpoint presentation to run through here.

Again, background on zoning maps. As Kathleen mentioned, the Planning Department has undertaken a project to replace the County's official paper zoning maps with digital or electronic versions, which will be available for everyone on the internet. The existing paper maps are, in some cases, very old, they're worn, they're outdated, and like Kathleen mentioned, the nickname for these paper zoning maps is the "Dead Sea Scrolls." They're very, very ancient in nature. And some of these paper maps do contain inadvertent errors as well. So the purpose of the bills before you today is to recognize up-to-date GIS maps, Geographical Information System based maps, to be the official zoning maps for the County; again, starting with Maui, then moving on to Lanai and Molokai. This will increase zoning map's accuracy, clarity, and ease of use. And again, it's applying only to the island of Maui for now, and at the end of this presentation, we'll show you, like Kathleen mentioned, what we showed the general public when we went out to the areas of Maui that will be affected by having the zoning map apply to them.

So here's what the legal guidance we currently have on zoning maps in the County of Maui. The Maui County Charter grants authority to the Planning Director to prepare, administer, and enforce zoning ordinances, zoning maps, and regulations, and any amendments or modifications thereto. Pursuant to that authority in the Charter, which is our overwriting policy document, the County Code, in Chapter 19.06, currently says, "Paper maps shall be kept on file as the official maps," and Chapter 19.06 is also where we have our existing policies for determining the boundaries of zoning districts.

So our position that we're presenting to you today is that consistent with the Charter's granting of authority to the Planning Director to publish and maintain zoning maps, Chapter 19.06, of the code, we think should be amended to recognize a digital map as the official zoning map, and to also update the standards, again, for determining the boundaries of zoning districts. Enactment of these ordinances would fulfill a number of elements in the General Plan, and just for a few examples, the General Plan tells us that government services will be transparent, effective, efficient, and responsive to the needs of residents; the County should facilitate the community's ability to obtain relevant documentation; the County should use advance technology to improve efficiency; and the government should expand online services, and by, again, putting the zoning maps online for anyone in the public to access it anytime, we feel we're fulfilling these objectives and the guidance of the General Plan.

So before you today are a few different options. You could recommend that the County Council approve the following bills, the two bills that are in your packet. The first one is

to adopt what we're calling the "as-is zoning map for the island of Maui, which reflects the current zoning despite having some flaws, it reflects the current diversion of the paper maps, and then the second bill, which we would hope to be adopted essentially concurrently with the first bill would approve a corrected zoning map for the island of Maui, so this would take care of some -- some obvious and inadvertent errors in the zoning designations for the island of Maui. So again, that's the first recommendation or the first option and it's what we are requesting today is that your recommend that the County Council approve these bills. The Council, of course, has the final authority on adopting legislation and the Planning Commissions have the authority to advise the Council on land use ordinances, and, last week, the Lanai Planning Commission did recommend approval, we're planning to go to Maui Planning Commission later this month, so we'll be making the rounds of all three Planning Commissions.

You could also, if you choose, recommend -- you could recommend, if you choose, that the Council pass the bills but with amendments. If there's anything you want to change in the bills, you could recommend that to the Council, and we would forward along that recommendation. Or if we can't answer all your questions today for some reason, and you do want more information, you could vote to defer action, and then we would work on getting you the information you need and coming back to you for your final recommendation.

So we'll now show you, again, what was presented in Kihei, Lahaina, Pukalani, and Wailuku earlier this year as we made the rounds with public meetings, and I'll turn that over to Ann.

Ms. Ann Cua: We're just about in the afternoon. We're a minute away from good afternoon. Thank you. Thank you all for coming. We're glad that you're all here. As Kathleen mentioned, we are really excited, I think maybe especially for me 'cause I've been around like so long that this is a real big step for the Planning Department, and it's a big step for the County to go digital, and so, you know, we -- you know, it's taken us a long time because, as Kathleen mentioned, you know, we had to verify almost parcel by parcel, and as I go through the presentation, you're going to see why, it's not just -- it wasn't just a matter of us looking at one map and saying, okay, that's what the zoning is. There were times we had to -- we have the zoning map, we have to bring up the State land use district map, I mean sometimes the community plan, you know, different maps to see, okay, what truly is it? What happened? Past zoning maps. I mean it was a complicated issue, but we're here, and we're just very excited to move to the next step.

So as was mentioned several times, this is the Dead Sea Scrolls Replacement Project. This is -- the background of this slide is a photograph of one of our maps. We were not able to bring you a typical map because the condition of these maps are so fragile that we pretty much do not take them out of the office, but you can see there's tape on top of

folded maps, and there's writings of, you know, when a parcel got changed, what ordinance number. This is what we use today when somebody comes into the office or calls us to say, what's my zoning? This is what we're trying to replace. Same information; you just get it digitally. You don't have to come into the office. So if we could continue.

So, again, the goal of this project was to replace these old maps, which, in some cases, are up to 50 years old, the paper maps with the digital maps, and then, more importantly, make these digital zoning maps available online for the public's use so you don't have to come into the office; you have the ability to access zoning information from the privacy of your own home or office. In order to do this, we had to confirm existing zoning for all parcels in the County of Maui so that when we make it available, it's correct. And then, obviously, this is a huge project so, as mentioned previously, we had to take it one island at a time, and because Maui had the most challenges, we started with Maui and -- but in order to change how we disseminate zoning by the Charter, we have to make an amendment to the code, which requires having a public hearing with all Planning Commissions even though the first phase, and this is only the first phase, will start with Maui.

Very basic question: What is zoning? Zoning is something that everybody needs for their property. If you want to buy a piece of property, the first thing you need to know is, okay, if I buy this property, what can I do on this property? And that's where we come in. We will either get a call, or they'll walk in, and they want to know, okay, I'm interested in looking at this piece or this is some family property that we have, I'm ready to do something with it. What can I do? What is it zoned? So zoning tells you what you can do with your property. How you can use your property. It also promotes an orderly pattern of development. It separates incompatible land uses; in other words, for the most part, you don't have industrial -- heavy industrial zoning, a mill, right next to a single-family residential area. That's what zoning does.

How is property zoned in Maui County? So now we're talking all islands. You first have comprehensive zoning maps, you have individual changes in zoning, and then comprehensive zoning ordinances, and I'm going to go in a little bit more detail on all of these areas.

So we start way, way back when. Prior to 1957, and we're dealing with Maui Island right now, prior to 1957, there was no zoning. And then after 1957, so in 1958, we had interim zoning for all of the islands. So the entire island was zoned interim. And then, in the 1960s, in Maui, we established comprehensive land zoning maps, so you see all those squares and rectangles, those are individual zoning maps for project areas, like -- or not project areas, community areas, like Kihei, Upcountry, Kahului-Wailuku, those are all the different maps, but you see the rest of the island is still interim zoning. So this is how we have all our overlays. You start with interim; then you have all these area maps. And

then, after the 1960s, we had more specific area zoning maps, and then we have what you're most, I believe, familiar with looking at is individual zoning changes where either a developer or just a property owner comes to you and says, you know, my property is zoned interim, but the community plan says I am single-family residential, so, Commission, can you zone my property from interim to R-2 residential because that makes it consistent with the community plan designation. I believe that's mostly what you see. And those are called "individual changes in zoning." So all of this together helps to make up what the zoning is. And again, you still see we have interim in the background. And then after that, in 1997, we had a comprehensive rural zoning bill and -- but it was very specific in the lands that it zoned, so if you look underneath, in the small print, we zoned areas rural zoning if you were community plan and State land use rural, so on those maps, if you were designated rural, okay, then you qualify. And then further, you had to be less than 15 acres and not in the Hana Community Plan. So if you fit all those descriptions, then you were zoned, on Maui Island, you were zoned rural. And then after that, in 1999, we had comprehensive zoning of agriculture. But again, if you look at the small print, we had to look to the community plan. If your community plan designation was agriculture, this comprehensive bill zoned you agriculture. So then with all of that, all those different layers, you get the current zoning in 2017, so your individual zoning maps, your area zoning maps, your comprehensive zoned areas, and then you still have some interim left.

So what were some of the challenges that we faced. Some we knew we would have; some we didn't expect. So the age and the lack of detail on these maps, you know, again, we mentioned 50 years old, things were done very differently then, and the one thing that we found out, when we found these mistakes and we get kind of frustrated, it's like, you know, everybody does the best they can when they're doing it with the information and technology that they have at that time. Obviously, you know, 50 years ago, things were very different. You know, today, we have GIS, we have people that is much, much more knowledgeable, we have much more information at our fingertips, and much, much more specific information, and so we can be better about what we do. So, you know, what we've realized is that, you know, maybe some little errors that we found, it really was no fault of anybody, it's just they were doing the best they could with what they had at the time. As you saw, there's no single complete set of maps for the island. That was a challenge. What we've kinda gone through step-by-step is a little patch work of how you get zoning, and it's a combination of all these things. That was the little challenge for us. Next.

So this is a sample, again, that we couldn't bring to you, but a sample of a zoning map that we're dealing with and, you know, when you look at things like those large bold lines that cut through people's properties, we found that those bold lines, in some cases, were designated like a zoning district, like a drainage zoning or roadway zoning, and that's something we did not expect, and so, you know, some of these things that we found out

we were like oh my gosh. When people find out that they've been living in a subdivision for 30 years and that they have a strip of road zoning going through their property, they are not going to be happy campers. So when Dave talked about we have two maps, the first map is what is the zoning today, and we call it "warts and all," it's things like, okay, this is the zoning today and I'm really sorry but you have a strip of drainage way running through your house, and that's why the second map is super important because the second map is going to say, and yes, you have a drainage way or a roadway running through your house, but we are correcting that with this second map, and you're zoned what you always thought you were zoned, R-2 residential. That's the kind of things we found in Maui that we kinda didn't find here because your zoning maps that you do have are more updated than what we were dealing with; same thing for Lanai.

So again, this is an example of -- that we have existing single-family residential subdivisions. Was this one zoned R-2? R-2 or R-3. It doesn't matter. Anyway, you see there's a strip, so this strip here is zoned proposed road, so on our zoning maps, we found little legends that said, okay, this means proposed road, and we were like oh my gosh, and same thing for drainage. We have a zoning designation that's called "drainage," which we never realized we had, that just happens to run through people's homes. So can you imagine if this was your home, or if this was your home? And like when Kathleen talked about the public meetings that we did, we sent out cards to everybody that was affected, so all these people like in here, they got cards, so they came to meetings and they're like -- you know, everybody just wants to know, well, how is this going to affect my property, and when we told them, they were like are you kidding me? So again, when we say there's a second map and we're trying to fix some errors, this is the kinda stuff that we're talking about. So it's not -- this project is not about going in and thinking this should be zoned this, and this should be zoned that, and, oh, let's zoned this. This is totally not about that. It's identifying what is the zoning today and let's just correct the errors that we have and get a baseline zoning map from which we have moved into the 21st century and beyond, and we go from there. Next.

The benefits of this is we will now have accurate zoning. We've confirmed it. We have greater public access to accurate zoning information, so we're providing a better service to the public; we're being more transparent; you can access zoning on your own. Our Department, our Zoning Division, who Dave is a part of, just between Fiscal Year 2013 and 2016, they processed 21,457 zoning verification forms, so that is people bringing in a form to the Department or emailing one in asking what their zoning is, so that not only takes time from the public to come in, but then it takes staff time to go and research it. What would happen when this project is done and implemented, and we still have an implementation phase if it passes, is you'd be able to access that from home, but it still allows you, if you don't have a computer at home, you can still call the Department, you can still come into the Department. It will never preclude people from giving public service in person, but it just allows you to do it on your own.

Government agencies. It's not only individual citizens that need this information, other government agencies need this information. They'll be able to access it on the spot. And then I don't know if any of you are aware that the County is changing its online permit process, we're going from the KIVA system to what's called the "MAPPS" system, which doesn't really have anything to do with a map, but having digital zoning in place is a basis for how people are going to be able to use this new permit processing system. So again, very important.

So now I'd like to turn it over to Peter, this is something I could never do 'cause I'm not a GIS person, but Peter's going to take you through some examples of, for Maui, what we found as challenges and kinda tell you how we took care of that.

Mr. Peter Graves: I don't know how well you'll be able to see some of these, but if you're not familiar with GIS, it was basically my job to help create - and I'm sorry I'm not looking at you, I'm looking at the map - to create and edit this layer. So this is just a few examples of what we dealt with on Maui, which we didn't, as she said, we didn't deal with so much on Molokai because Molokai doesn't really have the huge comprehensive zoning maps, you guys have more individual zonings, you know, BCT in town here and some in Maunaloa, and I know there's a big map for up in the northwest area. This goes back to what we were just looking at. We've got this map from I'd say it was a 1961 map that, at some point in the late '60s, someone got a crayon, colored it in; at this point, the highway through Kihei wasn't built yet, it was proposed, as shown by this general red line with the green showing some open space around, it was proposed here, but what happened was when they actually built it, I don't know how well you can see the parcel lines, but when it was actually built, it was built up here, but the map wasn't changed -- actually, the map was changed, the department, at the time, just shoved the highway up here on the map, they changed the map, which they didn't have the authority to do. You can't just scrunch things over on a signed map without, you know, Council authority, which is why we're doing this. We can't just fix it on our own. It has to go through Council. So that resulted in, you know, we took the maps very literally because of some court cases where some interpretations or misinterpretations by the County costs some money, cost the County some money, so we took the maps very literally, so our first round, and this would be the first map to be approved, the as-is map, and I've got the -- this road showing down here whereas the actual road is up here, if you look close, and again I don't know how well you can see this, but here are these people's houses behind here, so this person's zoned part R-2, part open zone, and part proposed road.

This is the after. This is what we wanna do, which is take all these -- get rid of this old proposed road in places where the road wasn't actually built. I didn't mention it but actually up here, we had some, you know, drainage zoning, it was drawn very wide. If you look at, you know, Google Earth or Imagery, the actual drainage here, it's just a little

concrete culvert a few feet across, you know, there was no reason to have a zoning for it or have it shown on people's property, so we just took it out. So that was the before, this is the after. It's nothing dramatic. It's just giving people the zoning they thought they had all along.

This one is an example of a little oversight. At the time that the ag bill was approved in the '90s, Wailuku Heights, I think this map is 1977, the Wailuku Heights Subdivision got a change from agriculture to R-3 residential, so they got their zoning change. Then in I think it was '98 or '99, the ag bill came along and said if your community plan is ag, you are ag. For most of the island, that wasn't a problem, but the community plan map for the Wailuku-Kahului area was a little more out of date than the others; at the time, there was a draft that much more accurately matched these parcels here, but it wasn't adopted, so we had to go back to the 1987 map, CP map, and say, okay, if you're community plan ag, you're ag. So what that had the effect of doing is unzoning all these people's homes here, here, here, and here, and this is something that probably no one really even thought about for, I don't know, 20 years plus until we dug it up. So again, this would be the first adopted map and then -- as-is, with all the problems we found, and then immediately after, of course this would be the first adopted map, digital, and then our recommendation would be to actually follow the newer, the 2001 community plan map and zone these people back to, you know, what -- back to their R-3 zoning that they thought they were. I mean we have had some calls from people up here for -- you know, to do work and had to tell them that, you know, you have an issue here in ag now.

Another problem we had is some of the maps, at the time they were done or kind of done very cartoonishly, maybe there were no parcels at the time, this was the case in Pukalani, it was also the case the Wailea where the -- the way the zoning map was drawn was just to kind of put blobs on the map of where approximately things would be, and then after they were built, the maps were never updated. So this is actually a piece of the zoning map for Pukalani with the zoning, you know, as follows the map. But when you put the parcels on here, as they exist today, and again, you probably can't see this very well, there's issues because the parcels do not line up with where the zoning map shows the zoning to be. This is zoomed in. You can see the parcel outline of this little cul-de-sac here does not match up at all with the -- I mean it's the same shape, but it does not match up with where the map is on the ground. The road, as zoned, is drawn on the map, it does not follow the parcel lines. And by taking the maps literally, which we've had to do, you know, we'd have to tell someone living here, yeah, your zoning is half golf course and half, you know, R-2. And again, we want to fix that. This is the after. Everyone's zoning lines up with their parcel lines, the golf course is where the golf course is, the R-3 is where the -- I'm sorry, R-2 is where the R-2 is, the road is in the right place, and it looks a lot nicer and more cleaned up. And I think this might be the last one. No, and this is just -- this is the after zoning, which really doesn't look much different from the before zoning at this scale, but this just shows that we're not doing any comprehensive changes, we're not

up zoning anyone, we're not down zoning anyone. We're just, you know -- when we set out to do this project, the point was not to fix errors, the point was just take a paper map and make it digital, but then the further we dug, you know, I mean we were just going to put in a coat of paint, but then we figured out the wall needed to be fixed, and then when we fixed the wall, we figured out the wood behind it was rotten, so it turned out, in order to be able to do this, we have to fix a lot more things than we had set out to do, and that's the end of my part of presentation. I'll give the mike back to Ann.

Ms. Cua: Just one quick comment I want to make when I heard Peter explaining, when he says this is the before and this is the after, and even though it seems simple, we, the Department, couldn't say, oh, there shouldn't have been -- you know, this is how it was originally zoned. Let's just make it that way. We don't have the authority to do that. And that's why when we talk about the before and the after, to legally adopt a digital zoning map, the County Council is the ultimate authority to do that, and to change a zoning map in any way, the Council is required. So when we say, "before and after," it's a before and after map, all of which has to be approved by the County Council, and this process of having public hearings on every island is kinda like a prerequisite to us being able to even transmit to Council the bills, the two bills that Dave talked about, and have them review the maps so -- I don't know, Kathleen, are you -- are we done?

Ms. Aoki: So one more thing too that I just want to make sure everybody understands is the second map, the one that's fixed, anytime we change, like if there was a proposed road that never -- first of all, it never had any kind of standards. It didn't exist. It was on a map but there was no standards to it. So that's the first thing. Secondly, if we changed -- when we fixed it, and somebody's house, you know, is there, it's built, it should be single-family, they got permits for it, they think they're single-family, it always matched and was consistent with the community plan, so there is absolutely nothing that was done in here that is inconsistent with the community plan, so I think that's really important 'cause you can't do a change in zoning, so to speak, unless it's consistent with the community plan. So with that, we are pretty much done with our presentation and we're happy to answer any questions that you may have.

Chair Lasua: Commissioners, before we go into recess, I'm going to go into the public hearing. Is there any public testimony at this time on the digital mapping? Seeing none -- oh.

Mr. Mikal Torgerson: My name is Mikal Torgerson, and I didn't come to speak to this item but I just had to commend the Planning Division for getting this done. When -- back when I was the Molokai planner, in 2010, I know they were working really diligently on this and, like you said, he uncovered a lot of things that nobody expected, but I really commend the Planning Department on this project and bringing this knowledge to the individual property owners I think is important. Mahalo.

Chair Lasua: Thank you.

Ms. Buchanan: Mr. Chair, we going ask staff questions now or after on the presentation?

Chair Lasua: We're still in the testimony part right now so, yeah. Anymore public testimony regarding the digital mapping? If not, then we'll go ahead and close public hearing, and then, Commissioners, you had any questions?

Ms. Buchanan: Yeah, on the presentation, and then I think the ordinance is something separate that our staff planner going present the -- the bill for an ordinance?

Ms. Aoki: So, essentially, the bill what it goes into is the language changing from a paper map to a digital map for Maui Island, and then the listing of the zoning categories.

Ms. Buchanan: Since you talking about the zoning categories, those zoning categories currently exist?

Ms. Aoki: Yes.

Ms. Buchanan: They're not any new ones? Only because I see a lot of underline and then in italicizes, and so I'm not sure what that is designating, and I never was going get into the ordinance but -- yeah.

Mr. Raatz: Thank you, Chair, and thank you, Commissioner, for that question. We're not creating any new zoning districts in this effort. What we're trying to do is have one well organized list in the County Code that shows all of the current zoning districts. It, basically, gives a menu to property owners, Planning Commissioners, and the County Council when they're thinking about changes in zoning and what designations they might want to apply for, so it's really kind of a reference more than anything else.

Ms. Buchanan: So the italicizes is already existing and the underlined is new verbiage?

Mr. Raatz: Thank you. Yes, the underlining indicates new text, brackets indicates material that's being deleted, but again, it's really just a reorganization, and we're putting in new references, again, because this is kind of a directory. We're showing people, when they're looking at this list, where they can turn to in the County Code to see what the standards are for the zoning designations that are listed there.

Ms. Buchanan: So there are two ordinances. Is that correct? I'm looking at two.

Mr. Raatz: That's correct.

Ms. Buchanan: I don't have such a big issue with the first one, about the Section 1, Purpose, but the second one, at some point, if somebody can go over the second one, I think I need little bit more clarification on the 19.06.010 Districts designated, and then it says, Open space districts - Chapter 19.07," then OS-1 and OS-2, so I guess I don't know what's currently existing in there, and then why is this presented as new language in this format.

Mr. Raatz: Thank you. Again, those designations do currently exist but we don't have a complete and clear reference or directory currently in Chapter 19.06 that list all of these categories or these zoning designations.

Ms. Buchanan: So there's absolutely nothing new; they're just underlined and formatted different?

Mr. Raatz: That's correct.

Ms. Aoki: So open space. Long time ago only had open space. So under the section -- under that section of the code, it just said "open space," or "OS," or whatever. We subsequently adopted an open space, OS-1 and OS-2, so that's in Title 19, but it didn't get reflected in the change on that particular page, so what we're -- which was an oversight on our part, we should have changed that to show, by the way, we've added these two districts and taken out "open space," so that's why, Lori, nothing's new, it's just making that a better directory, if you will, of Title 19.

Ms. Buchanan: Okay, so the Exhibit 2, and it goes on for three pages, also Section 2, the interpretation of district boundaries, and the new language in the district boundaries, they're also currently under the same preface as they're not really new language, they're just -- it's just clean up?

Mr. Raatz: Thank you for that question. This is a little bit different where we are putting in new language that clarifies how zoning district boundaries are to be established or interpreted, and the second map that would be adopted for Maui Island would be based on those categories or descriptions of how we're going to set up zoning district boundaries.

Ms. Buchanan: Okay. Let me change channel. I going back and read 'em again. So besides the old mapping and the new digital mapping, so your new digital overlays, have they all -- did you have a team of people that went out and ground truth the lines or did you just clean up your map?

Ms. Aoki: I mean I can start. So kind of what Ann explained is that we had to get all of these different maps, we brought out changes in zonings, we brought out all these things and yes, we've had a team, we've had team members that have since retired since we've been doing this, so Joe Alueta, you know Joe, he was on that team, Francis Cerizo was on that team from Zoning, and so what we did was, with Peter, we used Google Earth, we used Pictometry, and that's why we could really hone in and see, hey, this line, this proposed road is going right through somebody's property, so that's how we verified a lot of what we did.

Ms. Buchanan: Okay, I think that's what I was wondering if somebody actually went out with a unit, a GPS unit, and actually walked the boundaries and got that digital information in three meters or less for accuracy, but you're saying no, you used Pictometry to do all of these maps, and I understand that's a huge project, but in areas that maybe was questionable, did anybody actually go out and ground truth?

Ms. Aoki: Okay, so I can try to explain this as simply as I can 'cause it gets kinda confusing. Maybe Peter can? Yeah, the maps and --

Mr. Graves: The problem with that is, you know, in a lot of the old maps, they were just based on like a 1 to 24,000 quad, or for instance, Map 5, the Kihei map goes all the way from like Waikapu to Makena, and though there are some parcel boundaries drawn here and there, a lot of it was just, okay, here's the line, you know, up here is going to be ag, down here will be hotel, you know, it was just drawn on very generally, and what we had to do was take that map, and there's something called "geo-referencing," right, we take the parcels and then sort of take the map and match it up and some places that was lined up great, and others not so well. There's a lot of zoning on these old maps. It's not based on a parcel. It's just the best -- you know, when it was parcel-based, it's great, and that's what makes a lot of the newer map so easy, like the changes in zoning right here in town for BCT, business country town, it's just parcel, but on a lot of the old maps, there would really be no way to go and ground truth. You'd be standing out there and still have no better idea of where does the ag ends and where does this R-3 begin. So for the most part, you know, we had meetings once a week, three hours a day, for years. There were days we would get stuck on one parcel for that entire meeting, other times we did better, but a lot of it came down to people's knowledge of the area, like I mean we had Ann and Francis Cerizo and Joe, who's always been, you know, lifelong on Maui and Planning, and they'd just be like, oh yeah, that's up by Suda Store, up behind whatever, you know, and then we'd call it up on Google Earth or we'd get Pictomerty where you can get down and sort of take a bird's eye view and look at it in realize, oh yeah, that ridge right there is probably -- so it's not -- you know, the Mayor sort of asked the same thing, and other people have, it's like why isn't this, if we've got GPS and, you know, all the parcels, you know, why can't it be just, you know, down to the centimeter GPS, and it's like, well, because the information we have is so old and a lot of the way the old parcels -- even our

parcel map, it was originally created in 1996 and just built upon, so the way people are surveying parcels now isn't necessarily the way some of these old parcels were done. So it's going to have -- if there are errors, it's going to be more out in rural areas where it's not as important, it's not so much the case -- it's better in the urban areas because you've got all these parcels and you know that this is a hotel and this is a store and this is an apartment, but out in, you know, out in some of these areas where it's just based on the old map, yeah, it's not going to be to the inch and, hopefully, I mean at some point, that may be developed or may be rezoned and, at that point, you know, they would resurvey it. So I don't know if that answers --

Ms. Buchanan: Yeah, Kathleen, thank you.

Ms. Aoki: You're welcome.

Ms. Buchanan: Then could I provide some feedback? So my feedback is when you get to Molokai, you're going to need to organize a working group of people that can provide that institutional or historical knowledge because, otherwise, you're guessing, and I don't want anything being arbitrarily done on digital maps on Molokai because we have a whole lot of interim zoning. And for comprehensive zoning, I'm always leery about comprehensive zoning because the ordinances that apply to Maui, right now, don't necessarily apply to Molokai, like short-term rentals for instance, and that was done through comprehensive zoning, and so what I don't want to do -- what I'm not comfortable doing as a Commissioner today is approving the second ordinance or bill without looking again at 19.06.030, and my knee-jerk reaction is to say "except for Molokai," so if you needed to pass this lickety split in order to be doing the digital maps on Maui, that would be fine, but I wouldn't want to tie myself in perpetuity to new language for Molokai because we'll be lumped into all of this ordinance without really taking a look at how that might adversely impact us. And at the time the mapping project comes to Molokai, that you would have a working group that would work along with your GIS person. I am familiar with Pictometry and I'm familiar with geospatial information, so I was thinking you geo referenced everything by taking the old map and layering it over and then trying to fill in the blanks. So that's my feedback for now and it's just an overabundance of precaution on my part to not to have to be tied into something that I'm really not going to be sure. I'm supportive of the digital maps for sure, hands down, guarantee. I mean I like mapping, and it's necessary and important, and I understand we cannot do nothing unless we get zoning confirmation, you know, before we -- anybody moves forward, so that's -- it's really a necessity, so that's my feedback for now. Thank you.

Ms. Aoki: If I could just provide a comment on what we're doing in 19 -- you know, the area that you're concerned with, 19.06.030, if you actually go through each one where it's struck out and then what we've added, there really isn't much change on how we do interpretation. What we did was we tried to provide easier, clearer language. So for

example, if you look on 19.06.030.A, you see that's what's struck out is that first part, "Where Boundaries Approximately Follow Streets, Alleys, or Highways. Where district boundaries are indicated as approximately following the centerline or street . . ." that's all taken out. And what we have changed it to is, "The County's geographic information system parcel layer, if available, shall be used to represent lot lines and boundaries . . ." so a lot of the language that was in there before, like "approximately," we don't -- it's not approximately, it is or it isn't, and, you know, we don't want that, the government doesn't want that, the public doesn't want that. You want it black and white. Item B. Where boundaries parallel street lines, alley lines or right-of-ways are so indicated, and the center lines, and that's what we use, so what we did was we just changed it to three lines that says, "The zoning designation for public and private streets shall be the same as for adjacent lots. If a street adjoins two or more zoning districts, the boundaries of each zoning district shall extend to the street's centerline." So it says, basically, the same thing without as much legal gibberish that nobody can ever understand.

So I understand your concern, but it is really important for this project that both maps get adopted because adopting the warts and all map still leaves a lot of people with problems on their lots that they, one, don't realize they have, and, two, we can fix them legitimately.

Ms. Cua: And then, you know, another slide we used to show that we took out of the presentation was an ostrich with their head in the sand, and, you know, it kind of describes us for years where, you know, we'd see a problem here and there, and it's like, oh my gosh, we gotta go -- we gotta tackle this bigger thing, and it's like oh my gosh, but then it lead to something else, it lead to something else, and so, you know, at some point, we had to say, okay, are going to continue to kinda keep our head in the sand and the County's not going to move forward or are we gonna get that little uncomfortable feeling of finding all these errors that we did, and we finally said you know what? That's just better than being where we're at. We are establishing a base data layer. Can we stand here and tell you there will 100% be absolutely no errors? No. We cannot. But we start with something. That doesn't mean we cannot change later. We just want to be better, we want to be able to serve our public better, and we really feel, honestly, that this does that. We're going to be better public servants. We're going to be better Department people for people that come in. So that's what this project is all about. It's just having a base layer just moving to where other jurisdictions have where they can get this kind of digital zoning information available to the public at their disposable in an easier fashion, especially for people that are from outer islands. That's kind of where we're at. So we're just hoping that you could, you know, take this journey with us and we're going to come back to you, and we try to be as open as we can with the public, with all the Commissions, anyway, we just hope you can support this.

Ms. Aoki: And as Ann mentioned, you know, when we did Maui, we had to run a list of over 900 parcels that were affected, and we sent out postcards to every single one of

those owners, we told them when we were having meetings, we gave them the website, we gave them the phone number, and encouraged them to come, we advertised it in the paper, and, you know, we will do the exact same thing for Molokai, and we will do the exact same thing for Lanai. So nothing's going to happen in a vacuum. I promise you that 'cause it's not right. We gotta let people know. And, two, we're going to get asked, and you don't think Council's going to ask us if we came? So you gotta do it.

But again, Lori, I think a lot of the changes to 19.06.030 is really just trying to make the language more understandable.

Chair Lasua: Lori, would you like them to go through that section on the line that's changing and maybe explain some of these? Would that be clearer for you? No? Okay.

Ms. Buchanan: Thank you, Chair, for asking, but no. I don't have an issue with the mapping project at all. It's just that I want to make sure, moving forward, that, you know, we sit here on Molokai and we always say that no apply to us but we stuck with that, you know, on Maui, so I just wanted to make sure. I mean I could say at the beginning of your ordinance say, instead of including Kahoolawe, Lanai, and Molokai, just say and except on Molokai where they going make their own definition, you know, and then we work on our own definitions. I just saying that that would always be one option that most people don't think that we have an option but we do have that option to do that as a condition of the ordinance, and your ordinance still can move forward and be passed, but we going be stuck, you know, out in left field because this doesn't apply to us because now we gotta work hard and make our own. So, no, I going read this before -- when we take a break, and then we going read 'em because some of us just got 'em kinda last minute, so thank you, and thank you for all the hard work.

Chair Lasua: Any other questions from Commissioners? None? Okay, thank you, Planning Department. We'll go ahead and -- how long you guys wanna take a recess for? You wanna go to 1:15? Fifteen minutes? Okay, so till 1:00, so we'll take a recess, a 15-minute recess.

(A recess was called at 12:46 p.m, and the meeting reconvened at 1:00 p.m.)

Chair Lasua: Commissioners, you need more time? If not, I'd like to call the meeting back to order at 1:00. So what's the pleasure of the Commission? What's the pleasure of the Commission? Commissioners? Do you want to hear the Department's recommendation first?

Ms. Buchanan: Sure.

Chair Lasua: Okay.

Mr. Raatz: Thank you, Chair and Members. Our recommendation is that the Commission recommend that the County Council approve both of the bills for ordinances before you today.

Ms. Buchanan: Mr. Chair, I have a question for staff.

Chair Lasua: Go ahead, Lori.

Ms. Buchanan: Thank you. You heard earlier about my concern about when you get to Molokai and you start doing your digital mapping that somehow, some way the County seeks out persons that have historical background on Molokai, how can I incorporate that, or how can I get a guarantee that when this project moves to Molokai that that will occur, that you'll assemble a group of people that can help you along with your digital mapping?

Mr. Raatz: Thank you for that question, and we probably can't guarantee that will happen. I think you've heard from staff. We all think that makes a lot of sense. I would suggest perhaps including in your recommendation today that you want the County to do that and, you know, we don't know for sure when we're going to be coming to Molokai, who's going to be the Mayor, the Planning Director, but if that recommendation's on the record and gets documented, we can put that in our report to the Council.

Ms. Buchanan: Hang on, Chair. I'm thinking of a motion, yeah. Okay, Mr. Chair, then I'd like to entertain a motion.

Chair Lasua: Go ahead.

Ms. Buchanan: Motion would be to support the -- both ordinances presented by the digital mapping team with the recommendations -- oh, here it is. Okay. That we recommend approval of both of the proposed bills as drafted to the Maui County Council, and that we recommend approval as amended, and that we also recommend that when the digital mapping for Molokai is done, that the Planning Staff assemble a working group of longtime residents of Molokai to help them, if needed.

Ms. Jennifer Oana: Excuse me, Commissioner. You said motion to recommend approval of both ordinances as amended, and I didn't hear any amendments --

Ms. Buchanan: Oh, okay.

Ms. Oana: So would it just be recommend both as draft with your recommendation that they assemble a working group of Molokai residents?

Ms. Buchanan: So item 1 under the recommendation and options, yeah? And then with the recommendation that we -- that they seek out, yeah, Molokai people to help them with the digital mapping. The reason is that because no ground truthing is occurring, and they're just using existing spatial Pictometry and other tools, spatial tools, that it's going to be helpful when, like they said, when they get to rural areas where you can -- there's no line delineating, you can't see a fence line from the satellite mapping or any other available public maps, that you consult with the Molokai people. Okay.

Mr. Pele: Second.

Chair Lasua: Okay. So let me see if I got this right. The motion is to recommend both ordinances, as drafted, with the recommendation that when the digital imaging of Molokai is done, that staff assemble a meeting with a working group of Molokai residents. Okay? And John seconded. Okay, discussion? Hearing none, ready for the question?

It has been moved by Commissioner Lori Buchanan, seconded by Commissioner Pele, then

VOTED: to recommend approval of both proposed Ordinances, as drafted, to the Maui County Council with a recommendation that a working group of Molokai residents be assembled to assist with the digital mapping of Molokai.

(Assenting: X. Bicoy; W. Buchanan; L. Buchanan; J. Pele; L. Poepoe)

Chair Lasua: Motion unanimous, yeah.

Mr. Raatz: Thank you, Commission.

Chair Lasua: Next item on the agenda is --

Chair Lasua read the following agenda item into the record:

- 2. MR. JON GIVENS requesting a Short-Term Rental Home Permit in order to operate a three-bedroom short-term rental home located at 10444 Kamehameha V Highway, TMK: 5-7-003: 006, Waialua, Island of Molokai. (STMO T2017/0006) (S. Lopez)**

Ms. Sybil Lopez: Good afternoon. Thank you, Chair. And good afternoon, Commissioners. I'm Sybil Lopez, the Staff Planner for the short-term rental in front of you, STMO T2017/0006, and I do have the applicant in here today, Mr. John Givens, as

well as the consultant, Mr. Mikal Torgerson, and I'll actually turn the time over to him. He'll be presenting to you his powerpoint that he created today. Thank you.

Chair Lasua: Thank you, Sybil.

Mr. Mikal Torgerson: Thank you, Chair, fellow board members, for your time and consideration on this item.

Chair Lasua: State your name please.

Mr. Torgerson: My name is Mikal Torgerson, Architect. The reason this item came before is that the home was previously approved as a short-term rental, and it operated for a good number of years without incident, and when it sold, the new purchaser wished to continue that operation and so they sought this new permit. So that's how this came to be.

The -- so here you see a overview of the Waialua area. It's at 10440 Kamehameha Highway, on the Makai side. Here's a close up of the house. The front of the home. This is coming up to the entry of the home. This would be the Makai side. And looking out from the entrance. The hall. Dining area of the home. I'll go through these rather quickly 'cause out of respect for your time, but certainly these are all available for discussion.

The home's on -- it's a rather narrow lot along Waialua. I think everybody's familiar with it. We have a floor plan of the home, if you'd like to go through that, and what I wanted to focus on is the nine criteria by which the County Code indicates that these short-term rentals should be review by, and I'll go through them one-by-one and try to be rather quick about it.

The first is relating to areas that have restrictions and covenants, CC&Rs. That doesn't exist in this situation.

The existing land use and entitlements in the area is the lots are zoned RU.5 is Waialua. The home itself was built with all the required permits in 2003. The community plan is rural and this use is consistent with that community plan.

And the question of potential adverse impacts including excessive noise, traffic, and garbage should be considered. The home has rubbish and recycling on the side of the house and it's out of view of the public and that of neighboring properties. Any noise that may be generated by the use is tightly controlled by house rules and it will be professionally managed, if it were approved, with a phone number, 24-hour phone number for somebody to call if noise was a problem.

Another criteria is the number of short-term permitted rental homes surrounding the proposed short-term rental home property and the distance to the property. It doesn't say whether they're too many -- what is too many. It just says this is something that should come under consideration. There was a question in our mind as to how many there are within 500 feet, and we thought that there was one within 500 feet. The County takes the position that there's two. But, in any case, in the entire Waialua area, there's three permitted short-term rentals.

And another consideration is the number and substance of protest to the short-term rental home application, and the protests related to cumulative short-term rentals in the neighborhood. So there was no letters of opposition received by the County, and we received five letters of support from surrounding property owners, and I believe one was well off-site too, right? Yeah.

They also dictate that we look at existing past or existing complaints about rental operations on the property, and there are no known existing or old RFSs on the property.

Existing or past noncompliance with government regulations and the degree of cooperation by the applicant. There's no known noncompliance with government regulations and, as I said, there's no open RFSs on the property, and that's all something that's pretty thoroughly vetted in this process with staff.

And at that point, I would turn the microphone over to John Givens, the owner of the property. I'm intentionally being kind of brief out respect for your time. If you have any questions or would like to go back to any of those slides, please don't hesitate to ask.

Mr. John Givens: John Givens. Good afternoon. I just wanted to give you a very brief little bit about my background because some of you may not know me. I started coming to Molokai about 15 years ago. In that time, I have not tried to change Molokai or alter what Molokai is and has been. I've tried to make friends with my neighbors and learn from them. One of the letters of support came from Eddie Tanaka, and that's a friend in the area, and the other letters of support, Mikal mentioned, were the most immediate adjoining landowners, so the neighbor on the right of me that adjoins my land, the neighbor adjoining it next to the neighbor adjoining it next and next, and then a neighbor across the street. The area that I'm in in Waialua, sort of on the far eastern end of Waialua, is kind of unique because the lots were subdivided many years ago and very, very tiny, and so we're all right next to one another; literally, my lot's 5,000 square feet, and so my -- we're literally in each other's yards and most of those homes have traditionally been vacation rentals, the van der Kamp's property, I think, has been one for 30 years, the house I purchased had been a vacation rental I think for 12 years or something, and so most of those properties, because of their size and location to each

other, I think in that place, it makes sense. I understand that there are a lot of people that have issues generally with them and I try to respect those views as well.

A little bit about myself. Like I said, I've come to Molokai for 15 years and have tried to fit in and respect the people and the land. I've played ukulele with Uncle Billy down at the kupuna for several years. I've helped train ...(inaudible)... on Molokai. I do a lot of clean up in the ocean when I go out. I take a spear with me but I usually come back not with anything from the ocean except commercial fishing net that's washed in from Japan or somewhere. There's a lot of trash that blows in from that end of the island and I've spent a lot of time gathering and trying to collect and clean that up but, again, be respectful of the land. For employment, I've been working, for the last several years, representing 70,000 farmers. They've been fighting with a GMO seed company named "Syngenta" and I've been assisting them with that for the last several years.

The property, as I'd indicated, the prior owners built it and started operating it as a vacation rental, and it has been one for many years, and it's not my desire to change things but simply to continue the way that it has been there and have that property be a vacation rental. There's only now I think one that's permitted within 500 feet of me. There's one that's -- there's a couple that are up for renewal. Most of those neighbors had a permit. There's one person that's been trying to sell the property. I guess they let their permit lapse. The Jackson property down the road. But that's basically my request. You know, again, I understand that there's a lot of issues in the community about it and I certainly respect my neighbor's views. My bent on it is a little bit different angle. My concern has been that the ranch on the West End is up for sale, and it's zoned hotel in places, and I think by having some vacation rentals as competition to that, it may make it less likely that some developer sees an opportunity to come in and start doing hotel development on the West End, and so again, I'd like to see Molokai preserved, and I appreciate your time and consideration on this matter.

Ms. Lopez: Any questions?

Chair Lasua: Okay, we'll go into public hearing first, Sybil.

Ms. Lopez: Okay.

Chair Lasua: Any public testimony?

Ms. Linda Place: Good afternoon, Commission. My name is Linda Place. I was unable to really hear Mr. Givens back there. He wasn't speaking into the microphone. Anyway, today, I have some things I wanna bring up. I'm a little disappointed in Mr. Givens 'cause I met him several -- well, more than several weeks ago and we had some conversation, but it took -- but it is what it is. First of all, I'd like say I am familiar with this area in Waialua

because my brother lives out there. He has his family out there. He has his grandchildren out there. And I am in support of my community out there, and I'm also more of in support of my family. At this time, I would like to show the 500 radius that people have to show the STMOs. I'm sure you have this paper so you can see, and how many vacation rentals are they. And then I have this here that -- that I've kind of had it made, and it's about those that are pending, and those that are permitted, and a few people have -- I didn't understand what he said about Jackson so I can't state on that, but a few people are applying, which is -- it's in here somewhere, it's the Fukunaga, Griffin, and I wanna say Tabor, but I'm not sure if that's the right name, but there's a lot of vacation rentals, and if you heard earlier in the statement that they're all lined up. They're all lined up like this. Yeah. And there's one local resident here, and on this side, there were two but they kinda sold it and that's going to be turned into vacation rentals. And because I am involved in the no cap, zero, that's why I'm, you know, that's why I'm here today, but, for importantly, I wanna bring something else up. When this house was built, the Hurlings, it was going to be a two-bedroom house, but they, I guess at that time, they thought they wanted three bedrooms, so they went and got a variance, and I talked to this with corporate counsel before, and I'm under the impression that it's a violation of a building code so -- and it could be, you know, like a safety hazardous, but anyway, they were granted a variance, and so when I thought when you're granted a variance, that you should not have a vacation rental because that's like an exception because you already went in for a special permit, like the variance, and so you shouldn't be allowed to have your place rented, but I don't know all the laws and I tried to find what I could. So I wanna talk about the front yard on the highway, this is where the variance is, and I know Clayton and da kine knows what I'm talking about 'cause I've -- Exhibit 5, you see how close this car is to this highway? This is a main road. People speed by and go by and whatever. They have hedges on this side. This was supposed to be 25 feet back of this property, but they got a variance and got it for only 15 feet. So when the people that come there to stay, they're not familiar with this highway. People speed, people come, and you can have six people in this unit and that would take two cars, but you can see how they can just come right out of there because they don't know this area, they don't know what it's like, because you think it's a quiet district. Weekends there's a lot of travel. There's a lot of people come from all over the island to the east. People come to enjoy this. And I know my time running out and I hope that I -- I hope I said enough about that, and I also would like to say that although I just said I didn't appreciate, you know, Mr. Givens, but I'd like to say that he has a unit at Wavecrest that he rents, A-311, as a vacation rental, and I'm very glad for that, I appreciate that because that's where it belongs, that's where all our rentals belong in Wavecrest, in Molokai Shore, in Ke Nani Kai, all these places. There is enough places for this vacation rentals. When they come into our neighborhood and change our lifestyle, that is so unfair because, you know, we, as locals, we get displaced because they're buying all these properties, and then couple of times we were here before and they said, oh, it doesn't do anything with our taxes. Yes it does. Every time the property sells, it sells for more, and the taxes are raised, and the people that live there have to pay

higher taxes, and I ask you to really think about it. Why do we keep allowing these two districts, which is Pukoo and Waialua, to be so saturated with vacation rentals? It's enough out there already. Thank you. I could say more but--

Chair Lasua: Thank you, Linda.

Ms. Place: I know my time is up. Any questions? I would really, Mr. Lasua, I would really like to be answered on this variance thing, and I'd like it to be looked into because I'm sure this is wrong.

Chair Lasua: Any questions for the testifier? No? Thank you, Linda. Any other public testimony? Go ahead.

Ms. Barbara Nickou: Thank you. My name is Barbara Nickou. I'm not a hundred percent sure about this, but I believe that after John Givens bought the Hurlings place that he also bought the empty lot next door and has put up a fence so that that's no longer a beach access for the community, so I'm not a hundred percent sure, but I think that's what happened. And then I would like to reiterate -- I would like to reiterate my earlier concern about how all the employees have been paid, and my research is www.IRS.com, household employment, no. 926. So Lori said something earlier about that doesn't apply to Molokai, well certain things shouldn't apply to Molokai, but when it comes to the IRS and everybody's right to earn a fair wage, and everybody's right to have social security, Medicare, and unemployment, there are no shades of gray with the IRS. It says here, "If you employ someone to work in your house or your yard, you are required by law, if you pay them \$1900 or more per year, to put them on a legal payroll so that they can have their legal right to social security, Medicare, unemployment, and workman's compensation." So to reiterate, home permit application checklist, no. 11, TAT tax, GET tax, those are for the benefit of the owners, the people who will receive payment from the renters, but what's missing here is no. 13, a legal employment contract for all the employees of these short-term rental homes because the people on Molokai are good people, they have good hearts, they're hard workers, they're loyal, they're dedicated, and when you have an owner on the Mainland telling them what to do, not only the work, but to be completely, physically responsible for these renters who don't understand the ocean, the tides, the currents, they should all have all these benefits if they're legally required to receive from the people employing them. So this has been an ongoing concern to me as I know a lot of these people, the young hard workers, and I was one of them when I was younger, but I did learn because someone was kind enough to educate me on this matter, fortunately, when I was younger, that happened to be my father, and I just want to see the hard working people on Molokai whether they be Hawaiian, White, Filipino, whatever, they need to be paid legally, and I think that that should be no. 13 here, and also the State needs to get paid the employment taxes, and the Federal Government, and all these hard workers. Thank you.

Chair Lasua: Thank you. Any questions? Barb? Question, John? Question for her?

Mr. Pele: Yeah, I was just wondering if she could state, maybe I was -- are you for or against the STRH of Mr. Givens? I appreciate the information you provided, but I just wanna ask if you are for or against.

Ms. Nickou: I'm against it. Thank you for asking. I'm against it, and I'm sorry I didn't come out and state that initially. I don't have anything against John personally, but we don't have a neighborhood anymore. I lived in the valley for all these years and John came here when the neighborhood was already all those short-term rental owners, the wealthy owners that don't live here --

Mr. Pele: Okay.

Ms. Nickou: And that's who he thinks is the neighbors.

Mr. Pele: Thank you.

Ms. Nickou: Thank you.

Chair Lasua: Thank you, Barb. Any other testimony?

Mr. Charles Miguel: My name is Charles Miguel. These short-term rentals is all about capital gain yeah. I don't know what you guys think about it. To me, it's all about capital gain, yeah. The guy can own a house someplace else, he come over here buy two, and he open up vacation rentals. We don't need that. I been living there about 40, 45 years, almost 50 years, yeah. Think about the people who's there living there. They say they don't want it, they don't want it. I don't know. You guys don't understand what the people say? Again, I say, it's capital gain. That's all these guys looking for. Money. We live there all these years. We no think about money. We work for our money. We no go ruining the area. Yeah? The roads is bad. State no even clean the roads, no even cut the side of the roads, and they like put more traffic in there. You guys should think about it, seriously think about it. It's all about capital gain. Alright? Thank you.

Chair Lasua: Thank you. Anymore?

Gregory Kahn: Gregory Kahn. Thank you for hearing me again. I don't want to be redundant with my previous testimony so I'll just address one issue here. Mr. Torgerson brought up the line item of adverse impacts of this particular application and I want to address the economic adverse impact or the adverse economic impact of this. What we find when we have an expanded market of short-term vacation rentals is a diminishing

market in long-term rentals for residents, and what emanates from that is that you have a stratified or tiered rental market where only the well-to-do people can afford the rental rates that go up. As the market depletes, it becomes a seller's market, and low-income renters have reduced access to that market because those who are well-to-do can afford the raise in rents that are going to become the name of the game, so I want to not support Mr. Givens' application due to an adverse economic impact that an increase in short-term vacation rentals will promote. Thank you.

Chair Lasua: Thank you.

Ms. Tammy Lynn Ross: Aloha, Commissioners. My name is Tammy Lynn Ross. I'm a member of Hui Aloha Aina O Manae but I'm also a resident of the Waialua area. I live actually past the 19 Mile Marker, the bridge, and then I kinda live up in the valley, and I'm opposed -- I oppose Mr. Givens' short-term rental for several reasons. One is what I've seen over the past, 'cause I've done -- I've done some tour guides for my Uncle Filipo, and then through other experiences, is that I see a lot of people from the Mainland or outside of the Hawaiian Islands come to Molokai, they vacation, and then they end up becoming speculators, and after a while, look into buying property, and then turning them into either a short-term rental or a bed and breakfast, and so that's one of the reasons. And then another reason I oppose it is -- is that, I mean I don't know him personally, I've never seen him in all the years I've lived up there, but I mean it's nothing personal, it's just I support the zero cap. I don't see how this benefits any of the islanders or the local people besides, you know, having them, you know, work and clean the yard, and clean the house, and things like that, and so that's another reason. The third reason is I think, in previous meetings, there was one incident where there was a person who rented a short-term rental and happen to come up into where I live in our valley in Waialua and started putting a trap in the river to catch prawns, and I live in the valley and we get our water from Waialua, I don't have County water, I don't have electricity, we live by solar, generator, and propane, so that's another thing is, you know, how do we know, you know, the residents and the local people that live here know who's renting the houses if, you know, people are allowed here, and then renting, and then they're doing activities like that, so that's the reason why I don't support Mr. Givens, and, sorry, I'm pretty sure you're a good person. You know, I've lived there, you know, since I would say over 20 years, I've never seen you, so, you know, that's my testimony today. Thank you. Any questions?

Chair Lasua: Any questions? Thank you.

Ms. Keani Rawlins Fernandez: Aloha, Commissioners. Mahalo for your continued commitment to serving our community. My name is Keani Rawlins Fernandez, and I am testifying in opposition to this STR application. Personally, I believe that all the STR applications from here should be deferred until the Council comes to some kind of resolution on the recommendation of the cap that you guys had submitted what just like

recently. So as I listen to the STR applicants, a lot of times it seems like they confuse us with something that is personal, like Tammy was saying, that this approval process is not based on merit, you know, it's great that the applicant is a good neighbor and tries to embrace the culture and the community, but that's not part of the criteria. You know, the criteria involves the impact to our community, so, you know, here I have the -- and you guys have this list, right, so no. 3, is it applicable to our community plan? No. It's not. Our community plan says no -- the 2001 governing community plan says, "No tourist accommodations in Manae." So all the existing STRs right now are violating our community plan. No. 4, community input. I haven't heard anyone in support of this application so far, so, right now, community input is in opposition to this application. No. 5, potential impacts. Potential adverse impacts, and it's not just about noise, traffic, and garbage, you know. That's just some of the stuff that they name. You know, the impact is also on our traditional and customary rights. Access to the beach. There's less long-term rental homes for our families, and what does that mean? Less families on that side of the island means less children that'll be going to Kilohana School. No. 6, the number of permitted short-term rental homes surrounding the proposed short-term rental property and their distance to the property, so there's what like about like five? There's three surrounding the STR applicant now, there's two that are applying for an application -- for a permit, you know, and so it makes that 500-foot policy a joke. If the surrounding homes are STRs, they're not going to be opposing this application. And then lastly, no. 7, the number and substance of protest to the short-term rental home application and protest relating to the cumulative short-term rental homes in the neighborhood or area. Like I said, there's been all opposition, and I believe that a lot of the substance given would -- will give you the backup and supporting evidence to deny this STR application. Mahalo. Oh, any questions?

Chair Lasua: Any questions from the Commissioners? Thank you, Keani. Anymore?

Ms. Mahina Poepoe: Hi. My name is Mahina Poepoe. I feel kind of like a broken record already just being up here every single time having to talk about the impacts and just try to prove to you that they do negatively impact our neighborhoods and our lifestyle, so I'm going to try and talk about different stuff, but it is kind of a burden to have to be the ones who have to fight so hard to provide the proof when all the applicants really do is state in their application that no negative impacts are expected and that's good enough. It's been said a lot. The short-term rentals, including this one, is no different, it will contribute to the housing problem. Waialua used to have a lot more full-time residents, local people who lived and worked in our community living in that vacation rental strip. My best friend's family was one of them. The owner sold. The buyer made a vacation rental. Their family couldn't afford to buy it, a single teacher, mother of three couldn't afford the price. It was sold again recently and is again in application for short-term rental; caught up in the cycle. Just because people have been operating these vacation rentals for so long doesn't make it right. It doesn't -- it doesn't make them entitled to be given another permit just because

it's always been permitted or operating even illegally. The beach is inaccessible over there; more so over the years. It's been a complaint that lots of people have said here. When I talk to people in Manae about vacation rentals, try to explain to them how I feel, that is one of the things I hear the most is the beach access that is being cutoff. And also that contributes to the subsistence access to the shoreline and there are, at the Fukunaga's short-term rental, which is right next door to the Givens, they advertise on their VRBO website with a picture of a cooler full of lobsters. And then in a review, a reviewer who visited said they enjoyed lobster hunting while they were here, and my question is: Do they know not to take the females? Do they know how to distinguish the females? Do they know what the seasons are? This is, I thought, a really good example of how the owners don't have control over the behavior of their tenants or the impact that the tenants will have on like subsistence activities and stuff. So the empty lot right next to this vacation rental I think is owned by the same, by John Givens. It was the only place that we could walk through before to go to the beach, it was private property but it wasn't gated or blocked, and when the beaches everywhere else was full, that was like the next spot you go and check, so now that's a lot harder. I've had, like when the beaches are full, I've had to walk through people's yards, and it's really uncomfortable to do, but I wanna go to the beach so I just walk through their yard. And on that note, in the oceanfront, most of these properties have naupaka that extend really far out onto the beach, which is illegal to cutoff that lateral access, and I do feel like it's a way to weaponize the plants and to use them against us to keep us off the beach; that way it provides more of a private beach for tenants. Auntie Linda talked about Wavecrest and that is where they belong and that is where they belong. I think, back in the day, Wavecrest was the compromise when developers were trying to build hotels here and there at Manae; finally, Wavecrest was the compromise, like if this is -- this is where they're going to go, this is where they're going to stay, and just leave the rest of it alone. So since the 1980 East End Policy Statement, it's been asking for protection against these kinds of accommodations and I just don't know why that's been ignored for over 30 years. So I talked about the naupaka, and when they're like saying there's only one permitted or a few in application, it doesn't sound like that much in a number, but if you look at this picture, Exhibit 4, I put stars on all the roofs that have had a history of short-term rental in the past, and the ones that are somewhere in the process, and it actually takes up almost the entire shoreline that is shown, and now there's two on this side, and if you look at the picture, you can also see the naupaka encroaching on the beach. I'm curious also about the support letters to know how many came from people who have -- who have an interest in short-term rental homes 'cause I know there were five. The only one I knew -- know that doesn't have an interest in short-term rental is Uncle Eddie Tanaka, so I'm pretty sure the other four might have some kind of interest, not sure, but I also started a petition for the -- to support the zero cap, and I collected maybe around 730 signatures so far, and I also collected a lot of comments, and I wanted to read a few. I feel like if you support zero, then you would support opposing this one. Auntie Wynette Lee says, "I was born and raised on Molokai. I have witnessed my kupuna steadfast and fight for their lifestyle

that many on other islands as well as people from the Mainland here and for but cannot find except for here on Molokai. Please do not ruin the beauty that our people have fought for generations to keep. I support this petition because I've seen the growing population and growth of foreigners that have moved here, built, and left their ruins. There was a time where we knew everyone. There was a time I was the only one on the road. There was a time I didn't have to drive up and down looking for parking. Molokai cannot sustain any additional vacation rental homes. We have fought a few hotels that kinda -- we have a few hotels that can accommodate visitors and it's sufficient enough. We do not need a cap on short-term rentals only, but a cap on the population itself." There was one more that I wanted read. I just have to find it. Sorry. Where is it? It was about Waialua in particular. I can't find it. Okay, I found it. Sorry. "I'm from East Molokai and have had a few run ins with vacation rental people who thinks they own the beaches just because they rented the house next to it. The housing situation," this is from Carolyn Hart, "the housing situation for the locals is very slim to none. The prime beaches on the east and west are virtually cutoff from all the houses coming up or already up. Waialua is a prime example of vacation rentals taking up beachfront access, and these are only a few issues I have with the negative impacts." So I have this whole list of comments if any -- I can submit to -- for testimony too. So that's all. Thank you.

Chair Lasua: Any questions for Mahina?

Ms. Buchanan: Mr. Chair, I really don't have any questions except I wanted to thank Mahina because I always enjoy your testimony 'cause you're such a deep thinker, and I know that you've been thinking about this ever since all these issues have arrived, and I like that you do your homework. Stuff like actually going on the internet to each individual property that is being solicited to the world, and to see that pictures of what we hold dear to us as our second economy, our subsistence economy that we feel are for practitioners are being exploited, and that bothers me, it really does, that and things like saying we have beach toys, and then taking areas that really are for subsistence gathering and turning it into a recreational playground, so I appreciate that because I really don't have the time to be doing that so I really appreciate that you have the passion to bring that forward in your testimony, so I just wanted to thank you.

Ms. Poepoe: Thank you.

Chair Lasua: Thank you. Anybody else?

Ms. Wailani Tanaka: Aloha. Wailani Tanaka. I'm also on the agenda for the next one, but since this is a discussion and public testimony, I just wanna say that I am also in opposition, against the short-term rental. I did hear my father's name mentioned twice, and I don't know what his -- I don't know what his letter said, but as far as myself, I'm in opposition for the short-term because of the fact that it takes one less home away from

one family. We're at the point where everyone here is having to do multi-generational living because they either cannot afford to purchase the homes, and so it is one less home that's being taken away for a full-time resident and a family to be able to do that, so that is my reasoning. I'm born and raised on Manae myself and we would walk from Honouliwai Valley all the way past Waialua, and we would meet at the fishpond, that was our meeting point, and so I can remember again when the roads were -- you know, they weren't as busy, you know, and I think that with increase of the short-term rentals of course the increase of the traffic will increase as well, but the main thing is our homes are not being filled by our families, like on my agenda, what we're doing with our home is almost preparing our home for multi-generational living because that's what is having to happen because people cannot afford their own homes or have homes to even rent. The inventory is very, very low here as far as affordable homes go, and so I would just ask Mr. Givens, you know, to even consider it, to consider renting your home to a local family. If this home of yours is a part of your income, consider renting it to a local family. There are good local families here that will take care of that home and be able to truly utilize it - especially if it is their one hanau in the way that it was or has been utilized prior to it being a short-term rental. So that's all I have to say. Oh, supposed to any questions. Any questions?

Chair Lasua: Thank you. Any other testifiers? Seeing none, Commissioners?

Mr. Givens: Am I allowed to do some very, very short rebuttal ...(inaudible)...

Chair Lasua: Sure. Go ahead.

Mr. Givens: What I would just request is that you focus on this application, I understand that there are people who have issues with vacation rentals generally, you can say I'm opposed to people, you know, but when you look at the specific, are you opposed to -- and so maybe that's not a good analogy but, basically, what I'd like to focus you on is that this home was built to be a vacation rental 12 years ago, and always functioned as one, and so the concept that vacation rentals, at least in my setting, takes a house away for other families isn't the case. The reason that it's vacation rental and not long-term rental is because I wanna come here and stay as much as I can, and so it's not an option to long-term rent it to someone else. I want to be occupying the house as much as I possibly can because I love Waialua, I love Molokai, and I want to be here as much as I can, so a number -- a number of the issues that were raised were it takes a house away, and the reality is the people that are wanting to short-term rent don't. They want to occupy the house part time themselves. Peter Fukunaga, who lives on Oahu, my next door neighbor, who his permit has lapsed now but he's applying to get a new permit, he comes here as much as he can to enjoy the ocean and his friends and family that live on the island, and he can't long-term rent it either because he wants to be able to occupy it himself. So the only other thing I'd like to point out is there, I believe, are, with all the ones that have

lapsed recently, as I said, there's only one right now that has an active, you know, license I think in my area that hasn't expired, but there are a number of them that are applying. There are only around 30 of these active on the island, there are 3,000 some-odd housing units, so you're really talking, for short-term rentals about 1% of the real estate and so -- but, again, I don't want to get into the global issue, I just want to, if you can, focus on mine, my property's been there for 12 years and it hasn't caused these problems. There are a lot of people saying, theoretically, we could have this problem. There could be this or that that happens, but those haven't happened with this property, and I intend to be respectful to the land and subsistence rights. I'm not going to put up any ads online about the lobster pictures, and I've suggested to Peter that he shouldn't have lobster pictures out there, but I think that I wanna try to be respectful to the community and not change things, and I don't think the property that I have owned and would like to use the same way it's been used for a long time changes the existing -- existing things, I understand there's a bigger picture of how many becomes the problem, but, anyway, I appreciate your consideration. I would just ask that you focus specifically to this property, so thank you very much.

Chair Lasua: Thank you, John. So anyone else for public --

Ms. Place: ...(inaudible - not speaking into the microphone)...

Chair Lasua: Any objections from the Commissioners?

Ms. Place: Linda Place. I just wanted to ask the Commission that if they would consider changing the radius to a 1000 feet, because in that 500 feet, it's all mostly vacation rentals, and the other thing is that we're having problems with the enforcement because there's more vacation rentals than just those, and our enforcement is really bad, and for some reason or other, we keep giving out permits when we need to have -- really have somebody here to enforce it, and we need to get it up-to-date for all the illegals. And I had one more thing, asking all vacation rentals or STRs to come through the Planning Commission, that we need to have all of them come through us because some of this we're unaware until we see it advertised. Thank you.

Chair Lasua: Thank you, Linda. Any further public testimony?

Ms. Nickou: ...(inaudible - not speaking into the microphone)...

Chair Lasua: Excuse me. Any objections from the Commissioners? Can you come to the mike, please? We can't take questions. We just take your testimony. If you have any questions, you can see the department staff.

Ms. Nickou: Okay, thank you. I'd like to show everybody this. It's an invasive species notice that Lori, I believe, are you the one that design this?

Ms. Buchanan: It wasn't me. Someone from our staff ...(inaudible)...

Ms. Nickous: Yeah. I just -- to add to what Mahina said about the taking of the lobsters and people not understanding a lot of the things about the island and the ocean, we have -- we have a big problem with invasive species, and a lot of the problems that we experience from the actual renters of these vacation homes that they're not educated, and I would just like the Commission to consider placing this in the vacation rental homes, it's about how invasive plants come to Hawaii in people's clothing from other islands, seeds, bags, everything like that -- sorry, I have a little flu -- but I think education could really help with everybody concerned to protect the island. Thank you.

Chair Lasua: Thank you. Anymore public testimony? Hearing -- do you have more testimony? Is that okay with the Commissioners? Go ahead.

Ms. Ross: I'd just like to add to what Aunt Linda Place had stated earlier about the rise in the taxes 'cause I guess it was mentioned in a previous meeting that it doesn't go up but it does go up because when I first moved up to Waialua, my husband, who actually is the owner of our property, started paying his taxes, he started paying \$60 a year, and then now that we -- I mean and this was in the late '90s, early 2000, and then maybe after 10 years, the County sends us a statement that said that it was changed from \$60 to \$125, and I believe it's the result of the selling and buying of the properties where there was short-term rental or, you know, private -- private. And then after the tax office sent us a statement stating that, I think it was like maybe 3, 4 years later, we ended up getting another statement that stated that we owe \$325 on our property, so I also think that's the result of the short-term rentals and that's why I don't -- I oppose the short-term rentals, and so if it was stated that it's not affecting other people's or the surrounding properties, that's not true. Thank you.

Chair Lasua: Thank you. Any further public testimony from the public? If not, any questions? We'll close public testimony at this time -- public hearing. We'll close public hearing at this time. Any questions from the -- or comments from the Commissioners? If not, we'll have the planner read her recommendation. Any questions or comments? None from the Commissioners? Okay, go ahead, Sybil.

Ms. Lopez: So before I read the recommendations, I have a few corrections that need to be made in the report. So if you can turn to page 3, so the corrections will be made in page 3 and 10, so I just wanna confirm that County Zoning, no. 2, on the top of page 3, is not Interim, so it is actually Rural 0.5, and page 10 will explain the Rural District. So it is State Land Use Rural, Molokai Community Plan Rural, and County Zoning Rural 0.5

with other special management area. On page 10, under Exhibit D, East End Policy Statement, no. 10, you have no. 5, the Maui County Zoning, so Maui County Zoning would be according to Chapter 19.29.020, in the Maui County Code, and not 19.08, so short-term rental homes are allowed within the -- so strike "Interim," and put "Rural 0.5" - so let me see, Rural 0.5 - "District of the subject parcel with a short-term rental home permit." So which is subject of this report under 19.29.030, under Permitted Use, as B., Accessory Use, in no. 7, the short-term rental home is subject to provisions under the 19.65, Maui County Code, of the short-term rental home ordinance. Okay, so you want me to repeat page 10? Okay, so it would be 19.29.020, of the Maui County Code, so you have to strike "19.08." So you striking "Interim," and you're putting "Rural 0.5 District," under Maui County Code 19.29.030, as permitted use, letter "B", as an accessory use to no. 7, according to the short-term rental home ordinance 19.65. So I just had to make those corrections.

Ok, if the Commission doesn't have any questions regarding that, would you want me to proceed with the recommendation?

Chair Lasua: Any questions from the Commission? Go ahead proceed.

Ms. Lopez: Okay. So should the Planning Commission favor approval of the short-term rental home permit, the Commission should conclude that the application for a short-term rental home permit complies with the applicable standards for a short-term rental home in accordance with the Chapter 19.65.030, Restrictions and Standards, of the Maui County Code, fully listed in the applicable regulations section of the Planning Department's Report to the Molokai Planning Commission on October 11 meeting regarding the Docket No. STMO T2016/0007.

So should the Planning Commission favor denial of the short-term rental home permit, the Commission should conclude that the application for a short-term rental home permit does not comply with all the applicable standards for a short-term rental home in Chapter 19.65.030, Restrictions and Standards, and identify with which standards it does not comply.

So, therefore, the Maui County Planning Department has no recommendation regarding the requested short-term rental home permit, however, should the Commission choose to approve it, the Department would recommend that it be approved subject to the following standard conditions on your recommendation report, nos. 1 through 23. Thank you.

Chair Lasua: Thank you, Sybil. Commissioners, ready? So what's the pleasure of the Commission on this item?

Mr. Pele: Chair, I would like to move in favor of denial of the this short-term home permit for I feel that it does not comply with the applicable standards of the short-term rental home, Chapter 19.65.030, Restrictions and Standards, and in specificity I'd like to reference section N of that section, items 3, 4, 5, 6, and 7.

Ms. Buchanan: I'll second for discussion.

Mr. Pele: We're in discussion?

Ms. Oana: In your discussion, if you could please state the facts that correspond with numbers 3, 4, 5, 6, and 7.

Mr. Pele: I don't have 6 and 7 on my application but I know they exist. This specific application for Givens doesn't have 6 and 7, but it's the same under Section N. Alright. Cool. So you'd like me to read them verbatim each item?

Ms. Oana: Well, just in your discussion, if you can kinda reference some facts that backup because those would be the conclusions of law.

Mr. Pele: Okay, and I'm going to give my reasons: Community input, as I know there were some letters attached, and, personally, I don't have any personal feelings for any of the residents on this island when it comes to STRH, it's not personal for me, it's not -- and it's I'm trying to be specific to this application, but it's hard, as a body, when we vote for a zero cap, and we've heard dozens and dozens of testimony from Manae, on the Manae community plan, their input, density, cultural practices. It's just a no-brainer for me, Commissioners, that we're changing the lifestyle there. And this impacts -- potential adverse impacts including excessive noise, traffic, and garbage. It's not specific to those items now, so they don't cover the cultural impacts, as Keani, one of our testifiers so eloquently put it, there's a lot more involved than just roads; garbage; noise. I manage a condominium complex, I know about rentals, that's what I do for a living, and I know there's a lot of those rentals are not occupied a lot of the time, so there is, and I manage a pretty nice condominium, you know, Paniolo Hale. I live there. It's kinda nice actually. So those are like rental homes. And the number of substance of protest to the short-term rental home application, and protest, no. 7, cumulative short-term rental homes in the neighborhood of the area. That's a no-brainer also. If anybody has been here the last three or four months and listened to all the testimony, it's there, guys. I hate to say it, but it's there. Sorry, taking too much time, but you wanted me to -- you wanted me to ramble. I can ramble. Just the number of permitted short-term rental homes surrounding the proposed short-term rental home property and the distance to the property. Again, we're talking about density. We'll go all the way back to this with that area, and I'm not from Waialua, I'm actually from the West End, but, yeah, it's been a while since I've been down there but I've heard a lot from this community not -- even out of these meetings, people

who don't know I'm on the Planning Commission talk about the density in that area. So that's all. Yeah. That's my motion. And it's not personal. You know, I do have an opinion about long-term housing. I don't believe you can force somebody into a long-term rental unit. I strongly don't think that you can force me to rent my house long term, but that is what it is. I don't believe that STRHs specifically raise taxes. It is the sale of properties that raise taxes and, unfortunately, like one testifier said, we're in Hawaii. It's always going to be a seller's market. Always. It's never going to be a buyer's market 'cause that's just the way it is here. There's only so much land in Hawaii and we're the most beautiful place in the world so people will pay for land here. I'm done.

Chair Lasua: Thank you, Commissioner Pele. Anymore comments from the Commission? Hearing none. You guys ready for the question? All in favor raise your right hand.

Ms. Lopez: All in favor of the motion.

Chair Lasua: All in favor of the motion to deny, right hand. Raise your right hand. Raise your right hand.

Ms. Buchanan: Please restate the motion. Thank you.

Chair Lasua: Okay, the motion was to move to deny the short-term rental home permit as it does not comply with no. 3, no. 4, no. 5, no. 6, and no.7 of the standards. Again, ready for the question?

It has been moved by Commissioner Pele, seconded by Commissioner Lori Buchanan, then

VOTED: to deny the short-term rental home permit as it does not comply with the applicable standards of the short-term rental home Chapter 19.65.030, Restrictions and Standards, in reference to section N, items 3, 4, 5, 6, and 7, as discussed.

(Assenting: X. Bicoy; W. Buchanan; L. Buchanan; J. Pele; L. Poepoe)

Chair Lasua: I guess it's unanimous. Thank you. Next item on the agenda.

Chair Lasua read the following agenda item into the record:

E. DIRECTOR'S REPORT

1. **MR. WILLIAM SPENCE, Planning Director, notifying the Commission pursuant to the provisions of Section 12-302-13.1(a) of the Molokai Planning Commission's Special Management Area Rules that the following proposed action located within the Special Management Area is not a "development" and therefore exempt from the requirements of the Molokai Planning Commission's Special Management Area Rules:**
 - a. **MR. DAVID MIRELES and MS. WAILANI TANAKA submitting an after-the-fact Special Management Area Assessment (SMX) application to reroof 1,100 sq. ft. of the existing single family residence and perform interior renovations and exterior renovations, which include fencing, painting, gravel infill, and plumbing conveyances on property located at 215 Ala Malama Street, Ranch Camp, TMK: 5-3-009:021, Kaunakakai, Island of Molokai. (SMX 2017/0309) (Valuation: \$17,700) (S. Lopez) (Commission did not take an action at the September 27, 2017 meeting)**

The Commission may act to waive or not waive its review.

Ms. Lopez: Thank you, Chair, and thank you, Commissioners. I do have Mr. David Mireles and Ms. Wailani Tanaka here today on behalf of their application and they would wanna do their presentation, so I would like to turn the time over to Ms. Wailani Tanaka so that she can present what she has submitted to each Commission. Thank you.

Ms. Wailani Tanaka: Aloha. Wailani Tanaka again. So sorry I didn't have a powerpoint presentation prepared. I didn't know we had that capability. But at the last meeting, I had requested if I could present our application turned into the Planning Department in its entirety so that it could be reviewed by the Commission to either waive or not waive, to my understand. I'm still a little cloudy and confused how that all works, so if I don't make sense to you, it's probably because I don't.

But this is the complete application as requested, and I guess my question is based on this application: Do you guys have any questions for us? The things that were asked that we provide is on the additional information, and there's also another letter of our reasons why. Would you guys like me to read through it? Or --

Ms. Buchanan: ...(inaudible - not speaking into the microphone)...

Ms. Tanaka: Yes. I know having everything listed was one of the concerns, so that's listed on the application itself, and, sorry, I see you flipping through it. I hope I included

the letters in that packet. So that's all listed there, and one of the issues was the reroofing of our roof, and it says, "Additional information to describe the existing use and describe our proposed activity." Can I answer anyone's question?

Chair Lasua: Any questions from the Commissioners?

Ms. Buchanan: Yeah, Mr. Chair, I have questions.

Chair Lasua: Go ahead.

Ms. Buchanan: I sorry, Wailani. I never get to really look at this real fast, but I do have a question. You removing the solar panels to fix the damaged roof. You putting the solar panels back?

Ms. Tanaka: We're -- well, it's a portion of the roof. We may have to remove the whole thing, or we're hoping that we don't have to do the whole thing and just fix the shingles, but it's on our roof as well as our carport. So the solar panels are only on our main roof.

Ms. Buchanan: Okay, so the issue with the gravel infill and the fence, you said that erosion occurring during rainfall is captured on your existing chain link fence?

Ms. Tanaka: That was one of the issues that was brought up at the last meeting --

Ms. Buchanan: Yeah.

Ms. Tanaka: Of where the gravel could, you know, flow out into the street and then into the Police Department, so I just noted that just so that we could look at how the fence itself is actually almost like a retainer wall. If there has been erosion or water flow noticed on Ala Malama, yes, it's there that's why we -- we do have the wood panels that kind of block it. So what we look at, when it happens, that's what we see is the existing chain link fence also helps any debris from going onto the road, and then like I said, that inner fence will help the erosion from even going -- even reaching the chain link fence, so we kind of have it in the middle, and then we have it to catch on the outside nearest the road side.

Ms. Buchanan: Yeah, you know when you say "retention basin," just for discussion, retention basin is kind of a red flag when you do applications and stuff because it means that water is going somewhere and retaining itself and that it might provide a potential hazard to neighbors especially when you in one tight subdivision, but I know you said not to confuse your stuff with the neighbor who has all gravel. I was kinda shocked actually when I saw they went put all gravel and I just was waiting for all the gravel to end up on the road. The temporary -- the container. You know the storage container? The 20-foot

or 40-foot container, is that -- would be temporary? Not going to be there like permanent, yeah?

Mr. David Mireles: No. The container is definitely temporary because after I inquired what it would -- what is allowed by the County as far as having to be locked down, I decided that it might be better for us to build sheds --

Ms. Buchanan: Yeah.

Mr. Mireles: Instead of a container. We got the container because we needed the space because we are small business owners and we don't have enough space, we can't put stuff in our garage right now because of the leaks --

Ms. Buchanan: Okay. Right.

Mr. Mireles: So that's another reason why we're trying to enclose our garage. Eventually, what we will like to do is use the container for something else and move it to another property and not be an eyesore for our neighbors. So the container is definitely temporary for right now, and it's mainly just for storage because we don't have storage where we're at currently right now, and like I said, due to our leaky roof, we definitely cannot store anything in there.

Ms. Tanaka: And once -- I mean if we have that, once we enclose the carport area, then that would --

Ms. Buchanan: Yeah.

Ms. Tanaka: Hold, yeah, as our -- our needs for storage.

Ms. Buchanan: So I definitely --

Ms. Tanaka: I'm so sorry the pictures are black and white and dark. I'm so, so sorry.

Ms. Buchanan: No, no. It's fine. I am familiar with which the property is now, but the reason that there's a -- that there is a law on storage containers is for reasons and that's why the County has that you cannot be having containers on your lot unless they really are of a temporary nature, so but you making representations on the record that it's there for temporary use. What happens is when your neighbors or somebody don't like the idea, and they put one request for service on you, and it goes back to the County, the County sees that you stated that it was for being temporary, and then a condition of maybe the approval today is that all the recommendations you making on the -- the representations you making on the record allows you to have your permit today, so the understanding that

your container is temporary, that you're aware that water does flow and be retained, and that, you know, you're aware of being mindful of that because you live in close proximity to another person, so you don't want to adversely impact them as well so -- so all of that is okay, you know, but -- but if you start building one roof over your container and then move in one other contained, then you parking your car in the middle, that's something else. Okay. Air condition the container. Okay, okay. Then, yeah, you need to come in for one permit, yeah? Okay. Okay.

Mr. Mireles: And at any time --

Ms. Buchanan: I mean the home's okay.

Mr. Mireles: If the container does become an issue to our neighbors, we would relocate it back to Makoa Trucking, you know, renting a spot from them, but right now, like I said, it's mainly for storage, and we do plan on building 10-by-10 or 10-by-12 sheds for storage too down there eventually down the road.

Ms. Buchanan: Yeah, my bruddah, I definitely feel for you because I pay \$114 to rent one container space at Makoa Trucking because my kids no like my container on their Hawaiian Home Lands and they get four acres so -- and I no live in one subdivision, I mean I do where I live now, but I just saying that you gotta be mindful of other people when you start accumulating a lot of things on your lot and you right smack dab in the middle of town. So that's -- that's all.

Mr. Mireles: I totally agree with you. I had buses on my lot and I moved them because I didn't want them to be an eyesore.

Chair Lasua: Okay, anymore, Commissioners? Any more questions? Department, you have any recommendation? Sybil?

Mr. Yoshida: I think we had recommended that you waive your review.

Chair Lasua: Waive the review. Okay.

Mr. Pele: Chairman, I'd like to move that we waive the review of this application.

Chair Lasua: So moved. Second?

Mr. Xavier-Kaniaala Bicoy: Second.

Chair Lasua: Moved and second to waive the review. Ready for the question?

It has been moved by Commissioner Pele, seconded by Commissioner Bicoy, then

VOTED: *to waive its review of item E.1.a.*

(Assenting: X. Bicoy; W. Buchanan; L. Buchanan; J. Pele; L. Poepoe)

Chair Lasua: Unanimous decision.

Ms. Tanaka: Thank you. Thank you. Thank you. I was going to be working up until the last minute, which is why I was late, so thank you, thank you, thank you.

Chair Lasua: Item 2, under Director's Report.

Chair Lasua read the following agenda item into the record:

2. Vice-Chair Lori Buchanan asking for a review of the Molokai Planning Commission's Rules relative to meeting attendance

Chair Lasua: Anything from staff?

Ms. Buchanan: ...(inaudible)... page of my agenda. I sorry. Thank you, John, for borrowing this. No, I was asking to form or to create a committee, a working committee to do a review of the Molokai Planning Commission rules --

Chair Lasua: Okay --

Ms. Buchanan: Relative -- well, in this case, to meeting attendance and that was the ongoing issues with quorum, and if Commissioners miss X-amount, then -- our rules don't allow for a removal of a Commission member, I was told, based on attendance or non-attendance. Is that correct?

Ms. Oana: So there is a rule in the Molokai rules regarding attendance and it simply states, "No member shall be absent from the service of the authority unless the member is sick or otherwise unable to attend and has so advised the chairperson prior the meeting." There is a section in the Charter that allows for removal of a Commission member, and what that, and I don't have it in front of me, but what that section says is that if anyone wants to remove a Commission member, they make a request to the Mayor, and if the Mayor finds good cause, he can forward his recommendation for removal to the County Council, and I believe two-thirds vote of the County Council would be needed to remove a Commission member.

Ms. Buchanan: Yeah, Mr. Chair, I am concerned about, you know, it doesn't even say for good cause, it just says that you have to notify, and so the Chair should be the --

Ms. Oana: Excuse me. It does say in the Charter for good cause.

Ms. Buchanan: It does say for good cause?

Ms. Oana: Yeah.

Ms. Buchanan: Okay. I think we would hope that, at some point, the Commissioners would know that they not doing a service anymore when they absent more than 50% of the time, when we have trouble with quorum, and I wanted to review the rules that we could amend our rules to particularly address the attendance issue to maybe help along getting people to serve faster if people are, you know, historically not being able to attend meetings, so that was the reason. That's why I had asked.

Chair Lasua: Okay, Lori, so is there any recommendation? No?

Ms. Buchanan: I think my recommendation was to -- for us to form --

Chair Lasua: Group.

Ms. Buchanan: A committee or, yeah, a group of myself and somebody else, and I can volunteer to just look how that would be amended and we can make one presentation to the Commission for consideration?

Chair Lasua: Okay. I was going to appoint you to that and you be in charge of doing that. Is that -- is that too much or would you mind doing that? Okay.

Ms. Buchanan: ...(inaudible - not speaking into the microphone)...

Chair Lasua: Then you can select the Commissioners on your group.

Ms. Buchanan: I beg your pardon?

Chair Lasua: You want a group or you want it just you?

Ms. Buchanan: If I only doing one thing, which is doing the attendance, then I think I can do 'em by myself. But if we reviewing all of our Planning Commission, then we need one committee of at least two or three people, but on the agenda today is relative to meeting attendance, so I'll bite that off for now. Yeah.

Chair Lasua: Thank you, Lori.

Ms. Lopez: Chair, I just had a question for the -- I just had a question. When I seen this on -- well, maybe you can correct me, with the no. 2 relative to the meeting attendance, did that include 12-301-9 regarding meetings and meeting times? I just wanted to clarify that when you're looking at attendance or would just be only attendance for the Commission? I think that is specific to Commissioner Buchanan.

Ms. Buchanan: It would only be -- I only going volunteer for the meeting attendance.

Ms. Lopez: Okay.

Ms. Buchanan: If we going discuss if we like meet one other time, I think we can do that as one Commission all together right now I hope.

Ms. Lopez: ...(inaudible - not speaking into the microphone)... clarify --

Ms. Buchanan: Thank you, Sybil, yeah.

Chair Lasua: I think you originally had talked about the meeting attendance, right? Okay. So can we go on to item 3?

3. **Pending Molokai Applications Report generated by the Planning Department with the October 11, 2017 Agenda Packet (Appendix A).**
4. **Closed Molokai Applications Report generated by the Planning Department with the October 11, 2017 Agenda Packet (Appendix B).**

Mr. Yoshida: Yes, thank you, Mr. Chair. The Department has circulated the list of pending and closed Molokai applications if there are any questions.

Ms. Buchanan: Mr. Chair, Planner Lopez has given me what I requested with only one more pending on my request at the last meeting, and I appreciate that. Thank you, Sybil.

Ms. Lopez: You're welcome

Chair Lasua: Thank you. Any questions for Clayton on the pending and closed --

5. **Agenda Items for the October 25, 2017 and November 8, 2017 Molokai Planning Commission Meetings at the Mitchell Pauole Center, Kaunakakai, Island of Molokai.**

Mr. Yoshida: And under item 5 are the agenda items for the October 25 and November 8 Planning Commission meetings here. Again, on October 25, we have the site inspection for the Kaunakakai Drainage Subsystem 1B SMA Project at 9:00, and then we have an 11:00 meeting on the SMA application for your reading pleasure. You have the two-volume final EA, so please read it between now and October 25th to your heart's content.

Chair Lasua: Do you have the audio for that?

Mr. Yoshida: We also have the Cheryl Corbiel bed and breakfast home permit application on Kamakana Place. And then for the November 8th meeting, we have everything that was on the second meeting in August, when we lost quorum after five minutes because the Chair resigned, so everything that was on that agenda is, you know, the Hamamoto, Pillar State special permits, the Kaluakoi SMA assessment are on that November 8th meeting agenda.

Chair Lasua: Before -- does everybody have that from the previous meetings, from August?

Ms. Buchanan: Mr. Chair, so --

Chair Lasua: Can we pull that off the internet?

Ms. Buchanan: We go check and if we don't, let staff know so we can get those items again. So again, was what date was?

Chair Lasua: August.

Ms. Buchanan: Okay.

Chair Lasua: The August meeting. I'm not sure what the --

Mr. Pele: Did we not start to hear the Hamamoto application at one meeting?

Ms. Buchanan: Yeah, we did.

Mr. Pele: We took public testimony on it, right?

Ms. Buchanan: We did public hearing.

Mr. Pele: So the clock is ticking on that one, correct?

Ms. Lopez: Yes. And I think we concluded that would be in the mid-November so the action should be taken on November 8th, on a 120-day, so it -- yes.

Ms. Oana: I think we have until December something, so action should be taken at the November meeting or remember the 120 days, and we only have one meeting in November, just so everybody knows for quorum purposes.

Ms. Lopez: And the Department is not scheduling anything after so that would be your end of the year meeting that November 8th. And just wanting to clarify for the October 25th site visit, it'll be at 9:00 meeting onsite.

Chair Lasua: Where's the onsite at?

Ms. Lopez: Meeting onsite by Hio Place, so Makoa Trucking, Hio Place.

Chair Lasua: Oh, okay.

Ms. Lopez: It would be onsite. I think the clarification would be from the consultant so what --

Mr. Yoshida: Yeah, we'll send out a map as to the meeting place --

Ms. Lopez: Yes.

Mr. Yoshida: On site because it kinda runs along the highway --

Ms. Lopez: Molokai Burger ...(inaudible)...

Mr. Yoshida: And then heads down towards the ocean so --

Ms. Lopez: And to the Yacht Club.

Mr. Yoshida: Yeah.

Chair Lasua: So we'll see you out there, Clayton.

Ms. Lopez: So the consultant will provide the confirmation 'cause the last request was made from the Commission to see if the consultant and the applicant was available for an onsite -- for that morning, that 9 a.m., so the consultant did return and said that they will be available to do such site --

Ms. Oana: Okay, so just for clarification, this is a site visit meeting open to the public.

Ms. Lopez: Yes.

Ms. Oana: Okay, and it's safe for public to go enough -- I mean I don't know the area.

Ms. Lopez: The Department will coordinate with the consultant, and the consultant will get back to the Department, and then we can disperse the information.

Ms. Oana: Okay, so that has to be noticed six days in advance to the public.

Mr. Yoshida: And remember, we have to have a quorum at the site inspection or there is no site inspection.

Chair Lasua: Okay. So site inspection at 9:00. We have to have a quorum there.

Ms. Lopez: Onsite and the Department, the consultant will send out the map.

Chair Lasua: Okay.

Ms. Lopez: Open to the public.

Chair Lasua: Okay, anything else?

Mr. Bicoy: Yeah, I just make the request that we get our packets sooner; that way we have time to review.

Mr. Yoshida: Yeah, I guess we'll look into alternatives so that, again, we cannot control the U.S. Postal Service and how quickly or how slowly they deliver things on this island you know.

Chair Lasua: Anything else? If not, the next scheduled meeting will be October -- Lori, you got something?

Ms. Buchanan: I just, Mr. Yoshida, can we also have one email maybe follow-up with the packet attachments on it so we don't have to go look on the Maui County Website because that website is kinda tricky. If you don't know how to access the paraphernalia, it's kinda tricky, so can we do both things, do one mailout and also send the agenda and the attachments needed just as a backup? Can we do that?

Mr. Yoshida: We can look at --- we can look at that and we can come back to the Commission with our proposed resolution of that.

Ms. Lopez: If not PDF, we can link you. We can link you to it 'cause sometimes, like that -- that huge binder you have cannot -- it's too big, the storage space is too big, so usually linking helps.

Ms. Buchanan: Okay, if it's like this, linking is okay but at least one email would be good.

Ms. Lopez: Okay. Thank you.

Ms. Oana: And, I'm sorry, one thing. Just for the Commission's information, the Sunshine Law has been amended and there is going to be something in effect in July that board packets aren't going to be required, that an email with links and things to the board materials will be like the new thing, so you might wanna start practicing with the links and everything you can find online because come July, that's probably going to be the standard.

Ms. Buchanan: You mean we not going get hard copies?

Ms. Oana: It won't be required. It'll be all online.

Ms. Buchanan: Okay, so for the record, I am requesting all hard copies be sent to me 'cause I'm a hard copy kinda person. Thank you.

Chair Lasua: Either that or we get tablets from the County. Okay, anything else? If not, next scheduled regular meeting is October 25th, 2017. If there's nothing else in the house, I'd like to adjourn this meeting.

G. NEXT SCHEDULED REGULAR MEETING DATE: October 25, 2017

H. ADJOURNMENT

The meeting was adjourned at approximately 2:41 p.m.

Submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions II

RECORD OF ATTENDANCE:

Present:

Lawrence Lasua, Chairperson
Lori Buchanan, Vice-Chairperson

Xavier-Kaniaia Bicoy
William Buchanana
John Pele
Laakea Poepoe

Others:

Clayton Yoshida, Planning Program Administrator, Current Division
Kathleen Aoki, Administrative Planning Officer, Plan Implementation Division
David Raatz, Administrative Planning Officer, Zoning Administration & Enforcement Div.
Ann Cua, Current Planning Supervisor, Current Division
Peter Graves, GIS Analyst, Plan Implementation Division
Sybil Lopez, Staff Planner Molokai
Jennifer Oana, Deputy Corporation Counsel
Suzette Esmeralda, Secretary to Boards & Commissions II

**MAUI PLANNING COMMISSION
PORTION OF REGULAR MINUTES
ITEM C-1
OCTOBER 24, 2017**

Mr. Spence: Okay, Commissioners we have for you this morning our digital zoning map presentation and hopefully a recommendation for adoption of some ordinances and with us this morning is Kathleen Aoki and Peter Graves and Ann Cua and David Raatz, but he's sitting over there.

C. PUBLIC HEARINGS (action to be taken after each public hearing.)

- 1. MR. WILLIAM SPENCE, Planning Director, transmitting two proposed bills relating to zoning maps and districts, respectively described as follows:**
 - 1) A proposed bill titled "A BILL FOR AN ORDINANCE ADOPTING A DIGITAL ZONING MAP AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI." The purpose of the proposed bill is to adopt a digital zoning map for the Island of Maui.**
 - 2) A proposed bill titled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO ZONING DISTRICTS AND MAPS." The purpose of the proposed bill is to establish updated County policy on determining boundaries for zoning districts. The bill also provides an updated list of zoning districts. (D. Raatz)**

Ms. Kathleen Aoki: Good morning Commissioners. This morning we are very happy to be here to finally present to you what's known as DSSRT which is what we...a nickname we sort of or an acronym we gave for the Dead Sea Scroll Replacement Team. And what this program is...what we're trying to do here is create a digital zoning layer for the County. So this project has been going on for many, many years. It started off with the Managing Director's Office back in the early 2000's. It was transferred to the Planning Department around 2005. So 12 years, yes we have been working on this project.

So the goal of the project is to replace all these wonderful zoning maps which we carefully brought over an example to you this morning. This is the Kihei Land Zoning Map 5 and it is literally held together by tape, duct tape, there's post it notes, there's handwriting on it, there's all kinds of things that have happened these maps over the years.

So this project included a team that comprised many different people in the Department from all the different divisions. Today we have Peter Graves who is from Plan Implementation. I'm also from Plan Implementation. We have Ann Cua from the Current Division and David Raatz is the Administrative Planning Officer from the Zoning Division and he will be presenting to you the bills at the end of our presentation. With this project you do have to amend Title 19 which is what we're here today 'cause there's language that needs to be changed in Title 19 that talks about a digital layer and not a paper map. We've also made some minor amendments to Title 19 to actually try to clean it up and make it a little bit more understandable.

So for this project just so you know there are two maps that we're asking for adoption. The first map is going to be an "as is" map which we will go over with you and that is the way zoning is today if we were to just transfer everything onto a digital layer without rectifying it and without making any kind of corrections to mistakes or inadvertent errors. The second map is that map which has been adjusted and Peter will go over that with you.

With this project just so you know we sent out over...about 900 postcards to all owners who are impacted by little tweaks and changes that we're adjusting on the map on the digital layer. So everyone was notified. We have four public meetings. We wanted to go out to the community. We let people know on those postcards that we were having these meetings. So we had meetings in Kihei, Wailuku, Lahaina and Pukalani. We also created our own website, our own email address or not our own website but on our Planning Department website there's a link to the DSSRT Project. We have our own email, we have own phone number so that way anyone who's curious about the project or if they got a postcard and couldn't come to one of these meetings could call us and Peter can go and tell you exactly what's happening with that parcel. So we've really tried to go out and make this known. We had a press release in the paper. The good news is we haven't really gotten too many inquiries which to me is a positive. The inquiries that we did get when we explained to them what was happening to their parcel they were relieved 'cause everybody walking out the door with zoning they think they always had. They never knew they had say a proposed road going through their property that never got built. So we're not doing anything that isn't consistent with community plan. It has to be consistent with community plan in order for us to make those tweaks.

So with that, I will...oh, one last thing just so you know, we did take this to the Lanai Planning Commission for their review, unanimous thumbs up, no brainer quote from one of the planning commissioners. We took it to Molokai, they also gave a unanimous thumbs up and approval. Their recommendation though is that when we do the Molokai Map, today we're just talking about the Maui layer so that I want to make clear. This layer is only for Maui Island then we'll go to Molokai and Lanai and do theirs. So Molokai's recommendation was when do the Molokai layer is to come back to Molokai and have a meeting which we would do anyway. So with that, I'll turn this over now to Ann Cua who will go through the power point.

Ms. Ann Cua: Good morning Chair and Members.

Chair Duvauchelle: Morning Ann.

Ms. Cua: You know Kathleen mentioned that this really was a labor of love from a lot of people in the Department and it's taken...it took such a long time that some of our Staff moved on to retirement and just doing other things and I was really happy when Kathleen was talking to see that one member of our team, Joe Alueta walked in and so we're just really excited about that. It was...it was a lot of work to put this together but we are very excited to be before you today.

So just to give a little bit of background. You know the goal of this project way back when was to replace the County's old maps like the one you saw on the wall. Some of them are up to 50 years old. They're paper maps been you know, written over, taped over, just in very poor condition. Another goal is to make digital zoning maps available online for public use, to confirm existing zoning for all parcels in the County of Maui and that was a task to go one parcel at a time.

Because it's not as simple as bring out one map and you'll kinda see there's been different layers over time to get the zoning that we have today and so we have to cross reference a lot of maps at times. And then as Kathleen mentioned this is such a huge project and we couldn't do Maui County at one time so we're doing Maui Island first and we will get to the other islands after we're done with Maui.

So first of all what is zoning? Zoning determines how property may be used and where structures may be placed and you see that in your applications that come before you. It also promotes orderly pattern of development and it separates incompatible land uses. And zoning is the first thing that a landowner must be aware of before developing their property. You get a piece of property, what can I do with this piece of property? Well your zoning dictates what you can do with the property.

How is property zoned in Maui County? Well, basically there's three different layers and I'm gonna go over that. It's comprehensive zoning maps, individual changes in zoning and comprehensive ordinances. So prior to 1957 there was no zoning and so we basically had Interim Zoning. And Interim Zoning was intended to be a temporary zoning until we actually zoned and we still have Interim Zoning today. In 1960's we did comprehensive land zoning maps and that is like what you see on the wall. The map that you see on the wall is the Kihei area and it is the largest rectangle that you see on the slide. And then all other areas that you can see that are squares and rectangles those are our comprehensive land zoning maps, limited around the island so you can see still there's a lot of Interim Zone.

And then what you are most familiar with is individual zoning changes and that was from the 1960's to the present. And most properties comes in you know one parcel at a time but then you also see large parcels sometimes five, six hundred acres for a change in zoning and those are individual changes of zoning.

And then there were two comprehensive bills. First the Rural Zoning Bill in 1997 and the parameters of that bill, that zoning that created Rural Zoning in these areas were you had to have community plan and State Land Use Rural designations. The lands also had to be less than 15 acres and not in the Hana Community Plan. Those were the parameters that comprehensive Rural Zoning was granted by. And then in 1999 comprehensive Ag Zoning was established for areas that were community planned Ag. And so there is our current Zoning Map and it is made up of all the layers that we've just discussed and you can see that there still exists Interim Zoning.

So you know what were some of the challenges to accomplish our goals? Well, as you saw the age and the lack of detail of the original maps was a challenge, very poor quality, worn out, falling apart so sometimes hard to read. There's no single complete set of maps for the island as you saw it's a patchwork. You know, the Interim Zoning, then comprehensive zoning, individual zoning, and then the comprehensive Ag and Rural bills.

You know this is an example of some of the challenges that we had. You know the scale of the maps made it...individual parcel determinations difficult. You see these this large line here going through this...here's a subdivision that was created and then we realized, we found out that this line actually means something and we'll explain some of those examples to you later on.

And you know, another thing is that we found zoning that actually exist on the map that we didn't realize existed like proposed road and drainage and those go through properties. So when Kathleen mentioned that at the end of the day with this project people are not gonna be surprised at their zoning. Their zoning is gonna be what they always thought it was. For example here, these people that live in this subdivision have no idea that part of their lot is zoned Drainage. So when we make the correction to be back to what it was, what it should be which is probably R-2 or R-3 no one will be surprised because that's what they always thought they had.

The benefits of this project that we were able to confirm zoning accurately and efficiently. There will be greater public access to accurate zoning information. We will be able to reduce the zoning determinations by the Department Staff and for example between Fiscal Year 2013 and 2016 the Department processed 21,457 zoning verification forms and so that is either people coming into the Department bringing their form, waiting, having a staff person pull out a few maps to take a look at what the zoning is and then filling out the form or people can email the form in. Now what they'll be able to do is sit at home, with their cup of coffee with their laptop at their desk and check it at home so that is very exciting. That's a great public service that the County will be able to provide. It will also improve coordination between government agencies. Government agencies need zoning information as well to plan CIP projects so they'll have it at their fingertips as well.

And then I'm not sure if you are aware of our upcoming County online permit process. Right now we have the KIVA System but we are going to soon, hopefully soon be having the MAPS Permit Tracking System. This zoning digital layer is a key foundation for that MAPS process.

So that concludes my presentation. I'm gonna turn it over to Peter now and he's gonna take you through some examples that we found to show you kinda what we were dealing with and what we're gonna change in our maps.

Mr. Peter Graves: So these are just a few of the examples of issues we ran into that need to be fixed but we as a team can't unilaterally fix them. They were you know the maps were adopted by the Council and if we want to fix a mistake basically it has to go back to the Council to be fixed. You know when we started this we just wanted to make a digital layer, but these are some of the kinds of things we ran into. Here's the North Kihei area that was shown previously, I forget the streets, ...(inaudible)...paradise, et cetera and this is the portion of the original map and these are actually the...these aren't on the map, these are the digital...these red lines are the digital parcel layer overlaid with it.

And this, you know what you see in the bill is there's a kind of a...Map 1 and a Map 2. This is the before map. The dirty map as we call it taken directly from original LCM5. When they created LCM5 the highway didn't exist yet so this was just the proposed highway with...this is the proposed highway with open zone around it. But when the highway was actually built it was built out here and that was never adjusted in the zoning maps. And because of some Hanohano court case and some other court decisions we realized we can't just, we can't just shove this out. It should have been what the Department previously did on that map up there just adjusted things. So what you end up with is people whose homes should be R-2, but they're actually within this legacy proposed road zoning and open zone. This is the fix, this would be referred to as Map 2 where the highway is actually adjusted up to where it's supposed to be. The homes are in R-2 again. There's actually a drainage shown, a very wide drainage zoning shown here. We just

eliminated it because the actual drainage is just a very narrow concrete channel along the parcel line so that way no one's...no one has their lot in the drainage zoning.

This is another that posed a problem. Wailuku Heights. Originally Wailuku Heights was given R-3 zoning I believe this was in the late 70's, Map 407. Then the Ag Bill came along was in 1998 or 99 saying that if it's zoned...if it's CP Ag then it will be zoned Ag. In most places this didn't cause much of an issue but in Wailuku the Wailuku-Kahului the CP map that was in effect in 1998 was still the 1987 map there was a draft CP map that actually closely followed the parcel lines to delineate Single-Family from Ag but that hadn't been adopted yet. So in effect when the Ag Bill was passed this is what happened. These people lost their zoning. So these houses up off the tip here down along the bottom here have been legally zoned Ag you know for the past 20 years and something we just realized recently when we were going through the different layers we had to look at to see what the zoning was. So this would be the before layer, they'd been zoned Ag and this is just showing the...this is what the current CP looks like where they actually recognize based on the parcel lines and this is the after, this is the fix that we just want to get these people back to R-3 zoning where they're supposed to be.

Pukalani Golf Course, we have some maps. The Pukalani Map and actually the Wailea Map they're very general and bit cartoonish. As you can see here when the actual development was done the roads placed and subdivisions place, you can't really see on this scale but the development didn't match what was on the map and then this is the actual zoning taken literally, the legal zoning today, but when you overlay the parcels the zoning does not match precisely where the development is and you can't really see it this scale but if you zoom in and see this is where the, you know, this little subdivision was, the zoning does not match. The roads do not match the road parcels. This piece of duplex here does not match the duplex parcel. So if someone were to come in today and say what's my zoning, you're zoning...you're zoned half Golf Course and half R-2. And this is just the...this is the after. This is the fix, not really changing anyone's zoning radically just making the lines match where they should and this is just a broader view of the after. I think, yeah, this is the last, our last example. This is just an overview of the after zoning which you can't tell from this scale that there is any difference yeah at all because there aren't any huge changes, it's more just the minutia. Anyway thank you. David is gonna take over.

Mr. David Raatz: Thank you Peter. Good morning Commissioners. I'm David Raatz, Administrative Planning Officer with the Planning Department. We do have still a very brief power point on the legislation itself and just for background again as Kathleen alluded to we're here today asking you to sit in your capacity as advisory to the Maui County Council land use ordinances which is your authority under the Charter. The legislation we have before ultimately will be acted upon by the Council but pursuant to the Charter we need your advice to the Council just as we received from the Lanai and Molokai Planning Commissions before we got here today.

I would say as it's been shown there was great technical effort by the Department in getting us to this point but the legislation itself I would say is very simple as you'll see in this brief presentation or as might you have may already seen it, you had a chance to review the material that we sent you earlier for the September 12th meeting. So we just want to briefly give...(inaudible)...

So we talked about the existence of these Dead Sea Scrolls and the fact that there's inadvertent errors that exists on the maps that we currently have. These are the official maps and by going digital and making the maps available online to anyone at any time not only we will have increased ease of use by the public and government officials who have to use the zoning map, but we'll have much more accuracy and clarity in zoning designations for the County of Maui. If you got to the next slide please?

So here's what we currently have on the books for zoning maps in the County of Maui. The Charter grants the Planning Director the authority to enforce zoning ordinances and zoning maps and also prepare and administer those documents. And then...and further into that Charter authority the Code currently says in Chapter 19.06 that paper zoning maps are the official maps and those are kept on file with the County Clerk. The current Code also establishes policies for determining the boundaries of zoning districts.

So the Department's position again, and the reason we're here today is that we think it's time for Maui County zoning maps to go digital and this will further a number of General Plan Policy Objectives and some of them are pretty obvious but we think they're very important. Government services will be transparent, effective, efficient and responsive to the needs of residents. The government should facilitate the community's ability to obtain relevant documentation. The County should use advanced technology to improve efficiency and the County should expand government online services.

So we have two bills before you today and as usual when we present legislation you have the ability to recommend that the County pass one or both of the bills as is or you might want to recommend amendments to one or both of the bills or if you do need additional information from us you have the ability to defer action and we can get back to you on that.

So if you want to look at the legislation I have just a very brief power point presentation. We could call it up if you need to but I think you have it in your material. The first bill does two simple things it establishes the policy that digital zoning maps will now be official and again starting first for the Island of Maui and also adopt the first digital map of the Island of Maui the what we call the "as is" map that reflect the status of current zoning designations even with the flaws that were alluded to in the presentation.

The second map would...excuse me, the second bill would do a couple of additional things. It would establish a legend or a reference or directory of all the zoning designations that are available. As you can see here on the paper map there are legends, if we put acronyms on the maps for ease of reference and we want to provide a comprehensive and clear updated legend so they receive B-CT on a digital map you'll be able to know exactly what that means, where the standards are found in the County Code in the Comprehensive Zoning Ordinance. So again, it's providing an updated current and accurate legend for all the different zoning designations that are available to the County and then also tightening up and clarifying the language on determining the boundaries of zoning districts.

So that's the legislation in a nutshell and we appreciate your consideration.

Chair Duvauchelle: Thank you, thank you. At this time we'll open the floor for public testimony.

a) Public Hearing

Chair Duvauchelle: And if anybody wishing to testify please come forward, state your name, you'll have three minutes.

Mr. Joe Alueta: Hi, my name is Joe Alueta, resident of Waihee Valley. I used to...I was the former Administrative Planning Officer. I was the...you could say, it was kind of a...if you're into the Lord of the Rings, this was kind of like our journey to the get to the one map to unite them all instead of throwing it into the volcano which we wanted to do several times. This is an option to get all of these old maps and throw them into the volcano and have only one map to basically unite all of Maui County or at least Maui at this point in time. Very happy to see it finally come to fruition at this stage. It was kind of like, a lot of the things stayed the same I know, and it's very much improved. All I can do is say that I hope you will adopt it wholeheartedly because inaction is not an option. It's actually worse a lot of times. So for the past 30, 40 years a lot of times we've had inklings of problems with the paper maps. I used to have a slide up there that had basically an ostrich sticking its head in the sand and that's basically what the County has done for the last 34 years is ignore the problem. We've gotten to the point where we've had a number of lawsuits and court rulings that have said you know, the map is the map, you know the problem, you had opportunity to fix them, you never fixed them and plaintiffs have often won against us because of that. So this is an opportunity to correct all of these errors which were inadvertent. A lot of it, you know everyone did their best on a technical basis but you don't with today's technology, GPS and stuff like that it does, it makes it difficult. So hopefully you will adopt this and we can move forward and this will be the first step and the next steps will be to finish off some of the other unfinished that I think is more complicated and needs a little more attention but I think this is the basis of it. So hopefully you'll support it.

Chair Duvauchelle: Thank you, Joe. Any questions? Thank you. Thanks for all your hard work when you were here.

Mr. Alueta: Thanks.

Chair Duvauchelle: Anybody else wishing to testify on this agenda item? Okay, seeing none, we'll close public testimony and we'll take questions, discussions from the Commissioners. Okay...

Mr. Robinson: I got one.

Chair Duvauchelle: Commissioner Robinson?

Mr. Robinson: I'm not sure who to address this to. It is a no-brainer that we needed to update the maps. I don't think there's any dispute about that. My concern is is we're updating the maps but just like we saw in Pukalani where things were zoned one way, we're changing it to another to correct it and that's where I'm not sure if I understand what we're doing because if we're correcting something we're changing something and I would assume that we would take a neighborhood like we did in Waikapu and we said, okay these four houses were supposed to be zoned this it didn't can you guys approve that and I remember us doing that. But to say this whole

island we're gonna just approve all these zoning changes it concerns me. You know, I know we're trying to make everything right, I know we're trying to make everything go forward. You know, I appreciate that this administration finally is attacking this problem, I know it's a problem but my concern is I want to make sure that the people before followed the rules. I want to make sure that people knew that this wasn't zoned right, but they said you know what we're just gonna build those 10 houses anyway 'cause it's supposed to look this way. If the map was the map, the map was the map and we all have to follow the rules. And the reason why I'm bringing this up because I was at Olowalu this morning, I see these houses that aren't supposed to be built next to the ocean but they are. But is this map gonna be another thing that's gonna make what we did wrong for the past 25 years okay today because we're gonna change the zoning to make it okay. And so that's where my concern comes from.

Ms. Aoki: Thank you for that question. Trust me we've gone through that too. I think what's important though the map is the map only came sort to our eyes a few years ago. So that's why we know we have to come to you and the Council in order to fix these little changes. And while we are changing zonings per se like in Pukalani it's only because either things weren't built where they said they were gonna be built or it's rectifying what actually is a digital layer versus these old maps that have big, fat lines on them. You know, you get a Sharpie pen it's like that could be a distance of feet you know. So if in Pukalani you have situation where things got built and maps are overlaid on top of each other what's now on a map shown as golf course is actually dwellings, it's got permits for that, it got approvals for that, everything has gone through the process of those homes being built you know with County approvals saying that it's residential and it wasn't until we started looking at these old maps, laying them on top of each other, getting a digital version, getting the Real Property Tax boundary...Real Property Tax maps when you start seeing that there's these slivers that are outside and it's only because we've gotten more technical, we've gotten better. When you get a better view of looking of where these lines actually are versus a 1960's map, that are quad maps and have you know, ranges that are not as detailed as what we have today.

The other thing too is that we notified like I said everybody who's been impacted. So we're not doing this in a vacuum and everyone had the opportunity and we're not changing it to something other than what they think they've already had, already gotten permission to build on it. ... (inaudible) ... Joe was saying it's worse to keep it the way it is because if you came in now and we're on this lot in Kihei that has a proposed road on it, it makes it convoluted to say the least because we could say you know what half your property is in proposed road and they say well, what's proposed road, and we say, well we don't have any standards for proposed road because we don't. The zonings on these maps that we never did any standards for drainage, proposed roads, there's like a beach access and there's all these kinda different things that we never did standards for. So we're actually making things 100 times better by going in and properly taking out these zonings that don't exist, roads never got built, drainages never got built and putting them in the category that they always thought they were and we've always done approvals for.

So I don't know if that helps to ease...and the last one too, one of the questions came up before was about community plan, we are not doing anything that's inconsistent with community plan. So if you're community planned single family and you're in this drainage zoning but subdivisions got approved. I mean, you can see from Kihei, that example in Kihei, all those things got approved based on well, it was residential, but nobody back then went in and really took the time or looked

at it or like Joe said we stuck our head in the sand and said, oh never mind that drainage or that proposed road. The road got built somewhere else. It's residential. And what we have learned through court cases is we don't have that right to do that. We did that but we don't have that right to do that. So we need to have Council go in and make those changes not the Planning Department.

Chair Duvauchelle: Commissioner Higashi?

Vice-Chair Higashi: I agree with Commissioner Robinson that I think this particular proposal is overdue and needs to be corrected. My problem is, my concern is that the new zoning is gonna affect specific property owners because they're going according to the old maps and whether the County is gonna guarantee that those people who are now in a particular zoning that's updated that they will be grandfathered in, that they will not have any problem with property or drainage. It's like it shows over there. I think one of the photo also showed Piilani Highway and there was a property that was inside of the highway itself and those are the kinds of stuff that will the County protect the private owners that they will not have any problem with condemnation et cetera? That's my concern on the maps that you have.

Ms. Aoki: Okay, well maybe we can bring up that map. So if we could cut the lights so we can kinda show you. So what happens here is this, this was where there was a proposed road, proposed highway. That's where Piilani Highway was supposed to be built on this map over here. If you look at the old DSSRT map. Then they also had like a greenway buffer along here. What happened though if you look at the Real Property Tax Map and this all digital layers, this is where the actual TMK is, this is where the road got built.

So subdivisions came in, all got approval based on Residential zoning which is this yellow here, and it's kinda hard to see but if you look at the satellite imaging you can see how those have been built. You see all these drawings here. So they all got approval, they all got their subdivision. Life went on as we know it. Nobody really taking into consideration the old layer that still had this proposed road. County just said, oh no the road got moved. This is our Single-Family. So when we come in and we clean it per se, we're effectively making these people that originally had this proposed highway underneath their property really their residential and the highway is being moved so nobody is getting their land condemned and like I say we actually had people come in to our Kihei meeting that brought their postcards with their TMK and it was kind of ironic that the people that came either had this drainage or they were along this road. There's a drainage and another road and we told them oh by the way, right now your property is half residential and half drainage. I mean they were like what? We said, yeah, we're fixing that, you know you got your house, it's obviously you got all your approvals, we're making you Residential. Everybody left those meetings happy. It was wonderful. That doesn't happen very often, but they all left happy. So again, Commissioner nobody is gonna get condemned. The County is in more liability, the potential for liability keeping the way it is versus correcting it and that's why we've been sued and that's why we've had to pay a lot of money for parcels because of these kind of errors.

Vice-Chair Higashi: Thank you.

Chair Duvauchelle: Corp. Counsel, did you want to...?

Mr. Galazin: Yes, thank you, and just to speak to the Commissioner's question. As far as grandfathering goes that doesn't apply to zoning that being legislative act. That's more something that it applies to uses and here I think what the Planning Department is trying to explain what they're doing is just making that conform to what it should be and again, I think it's been clearly explained that there's not going to be any issues of condemnation or issues of you know, regulatory takings or something like that. What we're doing is just making sure these maps align comprehensively through a legislative act which is clearly not something that's grandfathered in, it's the use that's grandfathered in.

Chair Duvauchelle: Thank you. Commissioner Robinson?

Mr. Robinson: Just a last thing. I understand I think. I think cleaning everything up is a great point. Where I'm coming from is people made mistakes and they're not being held accountable. We gave permissions and we looked at zoning that wasn't correct and we're correcting it now and I don't think anybody should lose their house because there was mistakes made or there was not clear direction on what something should be and I understand that, but I don't understand how we can give, you know, when we turn in plans for a subdivision and we look at a zoning map and it doesn't match that it happened. That's what I don't understand. I don't understand you know, and I said and we've been...the County's been to court a few times about decision makings happening in the Planning Department that the taxpayers have to pay for it. So I know this is going to wipe the slate clean and we can start all over and hopefully not have to deal with it anymore, but at some point I still think the community should know what mistakes were made or what things were overlooked, if there is a pattern of the same people making the same generalities on subdivisions and if it was certain people always getting the don't worry about it, we'll fix it later type of thing. And if so, it's more, it's we're gonna fix it, it's gonna go ahead but to do away with the information if somebody wants to know in the future, you know, that's where I'm coming from. You know, fixing the map not having to deal with it anymore, I think it helps every single person, a purchaser, a developer, a seller and of course the Planning Department. But the misdeeds done prior is I don't think it should be swept under the rug.

Chair Duvauchelle: Director please?

Mr. Spence: In the last whatever 50 years of zoning in this County I don't think there was any malintent or trying to sweep anything under the rug or anything of the sort. What happened when the 1960's when Council adopted this map and they said okay, this is what everything is zoned, they did so by a legislative action and so when things happen like...and so they adopted for instance where Piilani Highway is supposed to be and then State Department of Transportation said, oh we have a better location that's mapped as an...we have a better location for this, so they built it in another place. So we just went, the Planners at that time probably I mean, 70's, 80's went okay, well there's no roadway there so this line magically moved. This line moved up and what's left is Residential zoning. That was the thought process at that time.

I mean, you're talking about 50 years of thought going into this piece of paper that's up here. Nobody have said, I'm gonna do something for my buddy or whatever like that as far as moving lines goes, but when we went through and I wasn't here when we went to court over this one thing, but basically what the court said is, okay no this piece of paper up there was adopted by Council, you can't move any of these lines around. Those lines are there. So if you have a 50-

foot wide drainage that shows on that map, done with a Sharpie at scale whatever, that's what those properties are zoned. All these properties that you thought I mean when we drew this map, okay, there should be a drainage way here. They didn't stop to think that this 50-yard wide swath was the actual zoning and we were going to have a 50-yard wide drainage way in this location. It was an indicator of where a drainage should be and they were gonna let the engineers figure it out later, but that's not what the court said. The court said, no this map says what this is. And so we allowed, they put in the drainage way and we allowed people okay, that fulfills the intent of this map and we're gonna let people build around it. We didn't have that authority at least according to the court because what's located on that map is 50 yards wide and you know, you can't just allow people to build apartments and single-family dwelling and all the rest of the things in there. So basically we're going oh my God we allowed a whole lot of stuff to go through that the court is now saying you know our practices over the last 50 years are incorrect so let's correct it all.

We're not getting rid of the history of this. On Peter's hard drive there and backed up in several different places are all the old zoning maps with all of the incorrect metes and bounds descriptions, with all of the, you know, everything that went on, the ordinances, et cetera, all the conditions of zoning, all that stuff is still there. We aren't getting rid of the history. If somebody really wanted to a forensic study on what happened we have all that information for them. But from going on here, I...we can't readily live, if somebody wants to come in and put in an ohana and we go, no you're future roadway, you can't build an ohana because you're actually zoned future roadway. That's not something we want to live with. We are...I mean, really it's been said numbers of time, we are zoning to what people already think their zoning is and what the county has already responsibly issued building permits for and people are living there, et cetera. So this is just making corrections. This isn't...we are...we're not erasing the sins of the past, but boy we sure are correcting them so people's lives can go on and we can continue to issue permits.

Chair Duvauchelle: Thank you. Any other questions?

Mr. Graves: I just wanted to sort of expand a little bit on what Will said. Part of the problem here is that we're taking 50 or even 30-year-old maps and holding them up to impossibly high standards. I mean standards that they were...this map was drawn, you'd lay it out on a table and a bunch of people would say, oh I know where that is, I know where that is, you know, it's a model, it's a representation. But for us to, you know, in a lot of communities that would have been refined over time so by the time you go to make a digital map you're not taking this 50-year-old map and laying it down under, you know, our base for figuring out where these maps were in the real world is using the tax map parcels which at this point are accurate within feet you know. So you just...you're using these maps in a way that they were never meant to be used but it's all we have. It's the only way we can figure out where the zoning is. More recent maps, even maps 20-years-old line up much better. I mean, like Lanai City, Lanai City is a no-brainer. You put the map down and it lines up perfectly with the parcels and we have very little problems on Lanai or even Molokai where most of the zoning is just either comprehensive or small changes in zoning. It's just in Maui where we've got as you saw all these layers on top of each other and trying to line that all up with parcels that are now accurate within feet or less than feet. So again yeah I don't think it's any...there was any bad intent, it was just byproduct.

Chair Duvauchelle: Thank you.

Ms. Cua: I think the last comment and we can't hit home enough is that everybody that worked to provide zoning information for the last 50 years did the best they could based on information they had. So we need to really stress that there was no malice intent anywhere. It's just the technology now is so advanced and we need to move with that, we need to move with the times, we need to put ourselves in a better place to serve the public better and we can sit here and we can ask questions all day long and you know...or we can say, you know what we need to have a base layer that is accurate, that we can give correction information or we can do Joe's example of continue to keep our head in the sand. And so we hope that you can come along with us and make the positive recommendation as the other commissions did to the County Council so that the County can finally have a digital zoning layer whereby we move forward. Thank you.

Chair Duvauchelle: Thank you, Ann. I'll make a comment. I'm a frequent flyer of your current zoning confirmation process and I think this is long overdue. I know it's been a lot of work and I'm really happy to see it step up to the next century and really clean things up. So I mean I think it's a really positive move and I applaud the work you guys have done. Commissioner Hudson?

Mr. Hudson: Just a quick comment. Several years back the Police Department that does dispatching had to redo all of their maps similar to that. There was a plane that flew over and took pictures and we took what was as our beats, you know, for officers to respond to this include paramedics, this included the fire districts and all of that and we did an overlay and it was so bad that one of our beats was a half mile out at sea. Since squad cars can't over there we found that these digital maps were definitely the way to go. I think, I agree with the people that have been working on this this is long overdue. I understand accountability but let's fix some problems first. That's my comment. Thank you.

Mr. Spence: I wanna say for Staff you know they were working on this before I ever became director in 2011 and one reason this has taken so long is they have been so careful, they've gone parcel by parcel confirming the community, confirming what is there an issue with the property or is there not or whatever, I mean the carefulness in which they went through this I wanna thank them. It was painful at times how tedious and how they minutia that they paid attention to. So what we're coming up here with now is something that I mean, the accuracy we will have when this is adopted is gonna be light years ahead of what we have now.

Chair Duvauchelle: Any other comments? Commissioner Carnicelli?

Mr. Carnicelli: I'd like to move to approve both proposed bills as drafted to the County Council.

Chair Duvauchelle: Thank you.

Mr. Hudson: Second.

Chair Duvauchelle: Moved by Commissioner Carnicelli, seconded by Commissioner Hudson. Director?

Mr. Carnicelli: Can I make a comment on the motion?

Chair Duvauchelle: Please.

Mr. Carnicelli: I just want to make a comment on the motion. I'm just going to reiterate what everybody already said just to put it on the record that I think that this is a consumer protection bill actually is what this is. This is actually helping the public as Commissioner Robinson said, I mean, you know you gotta go someplace to be able to say what's my zoning and right now, the public can't do that. In this new millennia that's just crazy and status quo is not okay, so and the fact that everything lines up with the community plan, it's kind of a no-brainer for me.

Chair Duvauchelle: Any other discussion on the motion? Okay, Director would you repeat?

Mr. Spence: The motion is to recommend approval of the two bills to the Maui County Council and the adoption of the zoning map.

Chair Duvauchelle: All those in favor please raise your right hand?

Mr. Spence: That's five ayes.

Chair Duvauchelle: Motion carries. Thank you. Thank you very much.

It was moved by Mr. Carnicelli, seconded by Mr. Hudson, then

VOTED: To Recommend Approval of the Two Proposed Bills to the County Council.
(Assenting – L. Carnicelli, L. Hudson, K. Robinson, C. Tackett, R. Higashi)
(Excused – T. Gomes, S. Castro)