

# PLANNING AND SUSTAINABLE LAND USE COMMITTEE

Council of the County of Maui

## MINUTES

February 13, 2019

Council Chamber, 8<sup>th</sup> Floor

**CONVENE:** 9:06 a.m.

**PRESENT:** VOTING MEMBERS:

Councilmember Tamara Paltin, Chair  
Councilmember Shane M. Sinenci, Vice-Chair  
Councilmember Kelly T. King  
Councilmember Alice L. Lee (in 9:18 a.m.; out 11:07 a.m.; in 11:38 a.m.; out 12:17 p.m.)  
Councilmember Michael J. Molina (out 12:03 p.m.)  
Councilmember Keani N.W. Rawlins-Fernandez  
Councilmember Yuki Lei K. Sugimura (in 9:10 a.m.; out 11:40 a.m.)

**STAFF:** James Krueger, Legislative Analyst  
Clarita Balala, Committee Secretary

Zhantell Lindo, Council Aide, Molokai Council Office (via telephone conference bridge)

Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)

Mavis Oliveira-Medeiros, Council Aide, Hana Council Office (via telephone conference bridge)

Don Atay, Executive Assistant to Councilmember Shane M. Sinenci

**ADMIN.:** David A. Galazin, Deputy Corporation Counsel, Department of the Corporation Counsel

Michele McLean, Acting Planning Director, Department of Planning

Pamela Eaton, Long Range Planning Program Administrator, Department of Planning (PSLU-6)

Kathleen Aoki, Plan Implementation Division Administrator, Department of Planning (PSLU-11)

*Seated in the gallery:*

Jennifer Maydan, Planner, Department of Planning (PSLU-6)

Katie Blystone, Planner, Department of Planning (PSLU-6)

Annalise Kehler, Planner, Department of Planning (PSLU-6)

**OTHERS:** Ravi Bugga (PSLU-6)  
John Seebart (PSLU-6)  
Wayne Hedani, President, Kaanapali Operations Association, Inc. (PSLU-6)

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Michele Lincoln (PSLU-6)  
Dylan Payne (PSLU-6)  
Albert Perez, Executive Director, Maui Tomorrow (PSLU-11)  
Donna Clayton (PSLU-6)  
Theo Morrison, Executive Director, Lahaina Restoration  
Foundation (PSLU-6)  
(2) additional attendees

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

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CHAIR PALTIN: . . .*(gavel)*. . . The Planning and Sustainable Land Use Committee meeting of February 13, 2019 will come to order. The time is 9:06 a.m., and may I please request that everyone silence their noisemaking devices at this time. Thank you. I'm Tamara Paltin, Chair of the Planning and Sustainable Land Use Committee, and I'd like to introduce my Vice-Chair, Councilmember Shane Sinenci.

VICE-CHAIR SINENCI: Good morning, Chair.

CHAIR PALTIN: And also voting Members of this Committee, we got Councilmember Mike Molina --

COUNCILMEMBER MOLINA: Good morning, Madam Chair.

CHAIR PALTIN: --Councilmember Alice Lee is absent at this time. Councilmember Keani Rawlins-Fernandez is excused. We also have Chair Kelly King --

COUNCILMEMBER KING: Good morning, Chair.

CHAIR PALTIN: --and Councilmember Yuki Lei Sugimura is absent at this time. Here with us today for Corporation Counsel is Deputy Corporation Counsel David Galazin.

MR. GALAZIN: Good morning.

CHAIR PALTIN: Good morning. And from the Administration we have Acting Director of Planning Michele McLean.

MS. McLEAN: Aloha, Chair. Good morning.

CHAIR PALTIN: Aloha. Good morning. And from the Long Range Planning Division Administrator, Department of Planning, we have Ms. Pam Eaton.

MS. EATON: Good morning, Chair.

CHAIR PALTIN: Good morning. Our Committee Staff we have Committee Secretary Clarita Balala, and our Legislative Analyst right now is working on some connectivity issues, James Krueger. From the District Offices we have Zhantell Lindo from Molokai,

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Denise Fernandez from Lanai, and Mavis Oliveira-Medeiros from the Hana Office. Today we have three items on the agenda, PSLU-11 the Annual Status Report on Implementation of Maui Community Plans, PSLU-6 Community Engagement in the Community Plan Review Process, and PSLU-3 Annual Status Report on Implementation of Countywide Policy Plan and Maui Island Plan. So, moving along to public testimony. For individuals testifying in the Chamber, please sign up at the desk just outside the door. If testifying from one of the remote testimony sites, please sign up with District Office Staff. Testimony will be limited to the items on the agenda today, and pursuant to the Rules of the Council, each testifier will be allowed to testify for up to three minutes per item. When testifying please state your name, and the name of any organization you may be representing. If you are a paid lobbyist, please inform the Committee. We have established a connection to the Council District Offices. At this time, I would like to recognize Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Good morning, Chair.

CHAIR PALTIN: Good morning.

### **. . .BEGIN PUBLIC TESTIMONY. . .**

CHAIR PALTIN: Okay. And I've been informed, so far we don't have any testifiers from the District Offices. First up to testify today, and it looks like we have a lot of people from West Maui. Thanks you guys for coming out in the rain. We have Mr. Ravi Bugga testifying on Item PSLU-6 to be followed by Mr. John Seebart.

MR. BUGGA: Good morning, Councilmembers, and first of all, thank you for your support for my candidacy for the CPAC. Much, much appreciated. I just wanted to comment on the community participation piece of this. I've attended many, many of these meetings. First of all, I thought that the team has done a very comprehensive job. They've really reached out to the community. I was surprised, actually, taken aback by how many people were at these meetings. It was very well attended. Huge tables, lots of data, I have never seen such large maps of Kaanapali, Lahaina, et cetera. That was a real education for me, and, I think, for many, many others. I know the team has reached out not just to the community, but also directly, but also through Rotary, West Maui Taxpayers Association, et cetera, et cetera. So, great job. It has taken a quite a lot of time, and I think all of us now feel okay. Time to move on to the next step. The CPAC I think is ready and eager to move on. So, we're looking forward to the conclusion of this phase, and moving on to the next phase which I think should be in the next few weeks or so. I was curious about a couple of things. One is, I didn't see any sort of developers there at these meetings. I don't know why. I was curious about that. Is it because they thought these were waste of time, and they have sort of other connections or other avenues to make their voices heard? I don't know the answer, but I just thought that was curious that a lot of the folks who do have an impact on West Maui just chose not to show up for whatever reason. The other thing I'm not clear about and here I have to say I'm a new kid on the block. I've only been here for four or five years on Maui. There were some growth areas shown on these big

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maps, and when I asked about them they apparently are from the Maui Island Plan which was 2012. I'm not sure how, to what extent that plan is cast in concrete. If it is cast in concrete, then my question would be what's our role? Do we have a role in changing any of this or not? I don't know the answer. And my last point is, I've picked up through some of the meetings and listening to people, there's been a perception that, yes there are a lot of plans, they go on the shelf, but then other stuff happens, reality intrudes. And so there's a level of miscommunication, mistrust, I don't know, as I said I'm a new kid on the block here, but look, this is 2019 not 2012, new CPAC, new people. I'm hoping we can all move on, and asking for your support to make this effort really reflect community's priorities. Thank you.

CHAIR PALTIN: Thank you, Mr. Bugga. If you would, if there's any questions --

MR. BUGGA: Oh, sorry.

CHAIR PALTIN: --on your testimony.

MR. BUGGA: Of course.

CHAIR PALTIN: Members, Ms. King, or Chair King?

COUNCILMEMBER KING: Thank you. Thank you, Chair. Thank you for being here.

MR. BUGGA: Sure.

COUNCILMEMBER KING: You're asking all the right questions. So, you know, I have complete faith that you'll get those answers soon, if not when you start at the CPAC meetings, but have you been given any date for when the CPAC is going to be starting to meet or at least starting to meet with the Planning Department?

MR. BUGGA: I've asked, and I understand, I understood from the staff that we are within a few weeks of just finishing up the summary of the land use/planning data. One, you know, one or two meetings with the community which are coming up in the next hopefully three-four weeks, after which I think the CPAC will be ready to get started. That's been my understanding.

COUNCILMEMBER KING: Okay, so you don't have a firm date yet?

MR. BUGGA: I don't have a firm date, but I understand it's, we're coming close to the end of this phase.

COUNCILMEMBER KING: Okay. Alright. Well...

MR. BUGGA: Which is great. Which is great.

COUNCILMEMBER KING: Yeah, no. I appreciate you're...and obviously that you've been keeping track and going to the meetings, and, you know, just making some really, I

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think, astute observations, and, I think, as we get into today's meeting, hopefully, some of your questions will be answered. Thank you.

MR. BUGGA: Thank you. I think we're ready to move on --

COUNCILMEMBER KING: We are too. I think the Council is too.

MR. BUGGA: --as the CPAC. So, that's great.

COUNCILMEMBER KING: Okay. Okay. Thanks.

MR. BUGGA: Thank you.

CHAIR PALTIN: Councilmember Sugimura, did you have a question?

COUNCILMEMBER SUGIMURA: Oh, sorry. No.

CHAIR PALTIN: I just had a quick question.

MR. BUGGA: Sure.

CHAIR PALTIN: How...do you think that developers weren't at the meeting because nobody introduced themselves as a developer or do you know all of the developers? Like what was, how do you think that there were no developers at the meeting?

MR. BUGGA: I saw just one at one of the earlier meetings, a gentleman from Lowe's. I think he only made one brief comment about, you know, we'd like to see some development, but I was just surprised that, you know, we heard from the community, right, and I would say 95 percent to 99 percent of the comments were look, let's keep things the way they are, we don't need much more development, the infrastructure isn't keeping up, you know, the roads, the sewage, the coral, everything else. But I didn't hear anything from others saying, look the Maui Island Plan says there's going to be 1,100 units here, retail and housing, and we're interested in building that for the broader benefits of the community including maybe affordable housing, whatever it might be. There was just no voice saying that and I was just, I come from, you know, the World Bank, the IFC, which is the private sector, I'm with the World Bank and we believe strongly that government, private sector, and simple society NGOs must all work together to come up with the right outcome. So, I was just, I don't know the answer, I was just curious why we haven't heard on the plan having seen all these development growth areas. Why there was no one there to support or comment on those.

CHAIR PALTIN: Okay, I think, maybe we're still early in this, in the process.

MR. BUGGA: And possibly we might hear from them in the CPAC.

CHAIR PALTIN: Yeah.

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MR. BUGGA: Yeah. Thank you.

CHAIR PALTIN: Thank you for your comments, and your time coming over here.

MR. BUGGA: Thanks, thanks very much.

CHAIR PALTIN: At this time I would like to recognize and welcome Councilmember Lee.

COUNCILMEMBER LEE: Thank you. I apologize for being late.

CHAIR PALTIN: No problem. Thanks for coming. Next up to testify we have Mr. John Seebart. Thanks for coming today, and Mr. Seebart will be followed by Mr. Wayne Hedani.

MR. SEEBART: Good morning, Council. Thanks for your time. I live in Kahana, West Maui. I'm a member of the Board of Directors of West Maui Taxpayers Association. I'm a member of Aha Moku Kahana. I sit on the steering committee of SP...I forget our acronym, but the erosion problem there in Kahana with the nine condos and one private individual who I, as a volunteer, I'm not a lawyer, who I represent in that steering committee for correcting the erosion. So, I'm fairly involved in West Maui and I've been to a lot of these meetings. Unfortunately, I've been away because I have some orthopedic issues. And I will be away again here shortly so, but I really think that the process as it has gone has been very good, and I think it's been very good in that it has brought a lot of people out, and the way that it's handled generally in these groups, it, around the tables and so forth, it has, I think, it has a unifying effect on a lot of desperate groups on Maui. Some of them have started off, you know, not being very receptive to this, but I think have become very receptive. There are still people who are not receptive, but I think, that over time this kind of approach can actually unify our community, especially if we get everybody's, everybody has an opportunity to speak and contribute, and then when the plans go into effect, people will have participated. Presumably, leaders of their own small area of the community, will have participated and they'll understand how the process went, and they'll understand the arguments pro and con many different approaches, and, I think, that can do nothing, but help us as a community overall. I'm sure there's more I can say, I don't, but that's about all I have right now.

CHAIR PALTIN: Thank you, Mr. Seebart. Members, any questions for the testifier? Seeing none, thank you for coming. Next up we have Mr. Wayne Hedani of the Kaanapali Operators [sic] Association followed by Michele Lincoln.

MR. HEDANI: Good morning, Chair. Good morning, Members of the Council. My name is Wayne N. Hedani, and I'm here before you as President of Kaanapali Operations Association, Inc. and an individual member of the public in support of the Department of Planning's outreach efforts in the planning process. I participated in numerous meetings with the Planning Department staff over the last several months on the update of the West Maui Community Plan. I believe the professional staff engaged in the planning process have done an excellent job in reaching out to the members of the

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public who will ultimately be affected by changes in the community plan update process for West Maui. I believe that the efforts of the Department have led to a more informed public, and has engaged the public in sincere, thoughtful, and open discussions on the future of West Maui. Public engagement at times can be a messy and chaotic process; embrace the chaos. Individuals can be emotional and aggressive in protecting their interest, especially when they feel those interests have been threatened by overdevelopment; listen to the public. Listening to the public is important especially if, and when you do not want to hear what is being said. Providing an opportunity for input by those most affected is the only way to reach true community consensus on the best way forward. We all learn something in the process. We have had meetings with an excess of 350 individuals present in West Maui. I think your Chair had something to do with that, and providing heartfelt testimony. I believe that the forums which were presented by the Department and in engaging the public, allowed the community to be heard. The community voice was heard, and has already resulted in changes in the trajectory and scale of future development and growth. Changes for the better. Unwanted overdevelopment has been dropped. Provisions for future sea level rise has been accommodated into long-term planning. The process is working. Thank you for the opportunity to provide input in your deliberations.

CHAIR PALTIN: Thank you, Mr. Hedani. Members, any questions or...

COUNCILMEMBER KING: Thanks for being here, Mr. Hedani. Do you, are you on any County boards or Commissions? Are you still on the Planning Commission?

MR. HEDANI: I'm just finishing up with the Real Property Tax Review Board.

COUNCILMEMBER KING: Oh, okay, but you have been on the Planning Commission in the past?

MR. HEDANI: I've been on the Planning Commission for two terms.

COUNCILMEMBER KING: Okay.

MR. HEDANI: I also submitted my application for a third term if that's allowed.

COUNCILMEMBER KING: So, you know, so my question to you is that do you think that these meetings are having an impact? Have you seen people from the Planning Commission, other than yourself at any of these engagement meetings, and do you think it's having an influence on the Planning Commission, the public input?

MR. HEDANI: Well, having been a member of the Planning Commission, I have seen members of the Planning Commission attend the public outreach meetings. So, they are receiving feedback, and they are getting the message, I think, from, through the course of the meetings.

COUNCILMEMBER KING: Okay. Thank you.

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MR. HEDANI: Thank you.

CHAIR PALTIN: Councilmember Sugimura?

COUNCILMEMBER SUGIMURA: Thank you, Chair. Nice to see you, Mr. Hedani.

MR. HEDANI: Thank you.

COUNCILMEMBER SUGIMURA: I know that you have been a great volunteer Planning Commissioner. I've seen you on those planning meetings, and because of your position with the Kaanapali Operators [sic] Association, I'm just curious, over the years, so it looks like to me that the Planning Department is doing a lot more outreach or there's a lot more happening in terms of individualized communication. I just want to hear your opinion since I'm sure you've been involved with the community for many, many years.

MR. HEDANI: I think the Planning Department has done a great job. They provided a lot of information, basic information for the public. They tried to answer questions from the public because when everybody comes together on an issue, a lot of times there's a lot of misinformation that's going on. They've had numerous meetings on all facets of the community plan which were helpful in addressing the true scope and content of the plan itself. I think it was worthwhile, exhausting at times, but worthwhile.

COUNCILMEMBER SUGIMURA: Thank you. Thank you very much.

CHAIR PALTIN: Members, anybody else have any questions? Seeing none, thank you so much for your time, Mr. Hedani.

MR. HEDANI: Thank you very much. I'd also like to say, I think the Council did a great job in moving forward Director McLean's name, because I think she's one of the hardest working members of the County Administration.

CHAIR PALTIN: Thank you.

MR. HEDANI: Thank you.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR PALTIN: Up next we have Ms. Michele Lincoln, to be followed by Mr. Dylan Payne.

MS. LINCOLN: Thank you, Chair. My name is Michele Lincoln and I live in Lahaina. I want to thank you, Councilmembers, for allowing me to testify and I see a lot of the facilitators here, the staff that's been helping with the We Are West Maui. They are doing a fantastic job. The value of community engagement in the process of updating the community plan is vital, and I believe that if the values and opinions of the community are taken into consideration and included in the plan as well as upheld by



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the County Council and the Planning Department, then there'll be a lot less opposition to developments and costly drawn-out lawsuits like the Lahaina Wastewater Reclamation Facility's ongoing case. The educational workshops, I really felt helped the community become informed and to formulate opinions based on tangible evidence and projected growth requirements. The results of these educational workshops, I believe, encouraged a sense of unity. One example was the workshop about transportation. A solution to traffic congestion included the merits of buses, trollies and shuttle services. Identifying the specific location to put a future bus terminal wasn't part of the educational workshop; however, during the community engagement workshops, without any outside influence, many of the groups expressed an interest in alternative transportation and chose the Pioneer smoke stack area for a bus terminal hub. Last week the community engagement workshop divided people into small groups, and we were to write down our suggestions of what we wanted to change and what keep the same, and then each group shared their ideas in a presentation with the whole group, and in most instances, and I went to all four meetings, in most instances, everyone came up with the same basic concepts. It was amazing to see so many people from different circumstances be so like-minded in how we want our community to grow over the next 20 years. During the West Maui Community Plan vision workshop, every group in one way or another, admired our west side close-knit community and wanted to ensure we continued those feelings of unity and overall the most outstanding noteworthy community value that was expressed at that meeting was, is to love one another. And to accomplish that, community engagement is paramount for implementing policy and planning. It's during this process that we learn what our fellow community members want and come up with a comprehensive plan that ensures the vision of loving one another is achieved. For example, I don't ride mountain bikes or dirt bikes, but someone requested a designated area for these activities to take place. At another meeting I had heard complaints about dirt bikes damage to the aina, and all the community in West Maui requested fire prevention measures including firebreaks. In the spirit of loving one another, what if firefighter experts met with land holders, environmentalists, cultural practitioners, lawmakers, and bikers to create a co-existing plans for some firebreak biking trails. These are just some of the benefits of community engagement. It's a way to hear about the issues, find ways to resolve them with an attitude of compromise, consideration for others, and hope for the future. I hope the community plan commissions, the County Council, the Maui Planning Department, appreciates the value in community engagement, and when it comes time for their oversight, that they will take into consideration our vision that is to love one another. Thank you.

CHAIR PALTIN: Thank you, Ms. Lincoln. Members, any questions for the testifier?  
Miss...Chair King?

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here. That's great testimony, and I'm glad you were participating. One of the, you mentioned the Lahaina wastewater lawsuit, and was there any discussion about that, those issues in the community engagement that you participated in?

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MS. LINCOLN: Yes. Yeah, it was brought up on multiple occasions. Just that we need to do something about it instead of keep fighting it, actually resolve the issue the, you know, do something rather than injection wells and using it to irrigate and help with the fire prevention because that Hurricane Lane fire was terrifying. We all had to evacuate and there was really no place to go, so.

COUNCILMEMBER KING: Okay, but yeah, I just wanted to know if there was...

MS. LINCOLN: So, yeah, but using the water for irrigating was huge.

COUNCILMEMBER KING: Right. So, there's some information coming out of those community engagements that has some suggestions for an alternative plan or for solutions to the issue?

MS. LINCOLN: Yes. Alternative use to the injection wells. Yes.

COUNCILMEMBER KING: Okay.

MS. LINCOLN: Yeah.

COUNCILMEMBER KING: Thank you.

CHAIR PALTIN: Members, any other questions? Seeing none, thank you for your time, Ms. Lincoln.

MS. LINCOLN: Thank you.

CHAIR PALTIN: Next up we have Mr. Dylan Payne, and my apologies, all the testifiers to date have been testifying on agenda item PSLU-6 as is Mr. Payne.

MR. PAYNE: Good morning, Chair, Members. Thank you for the opportunity to be here, and testify on PSLU-6. My name is Dylan Payne. I live in West Maui, and I'm testifying on behalf of myself. I am a real estate professional, and I work for West Maui Land Company who is a landowner in the area, but I have been attending the majority of these meetings, kind of representing myself, and I've really been impressed by Staff and the Planning Department's execution of this phase of the community plan process. I think they've done a commendable job trying to engage the community, and get a wide cross section of voices from the community to get involved in the planning process, and that's no small feat. My educational background is in planning. I studied urban planning, and got a degree in planning at college. Although I'm not a practicing planning professional at this time, but I, throughout this process, it's been refreshing to see a lot of really, I think, forward-thinking planning principles being implemented here. I did an internship with the Long Range Planning Department actually as part of my education back in 2009, I think, and at the time I, no offense to the Department, but ten, this was ten years ago right, I was just, I felt like was banging my head against the wall because the things I was learning were not being implemented. And it was kind of discouraging to see that because I was learning all of

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these great ideas that I thought, gosh these would be just so valuable to Maui and our community, and when I saw what Long Range was doing at the time, it was so far from it and I was just like, this is, I don't know what's happening, you know. Fast forward ten years, we're finally seeing those things happen. So, it's really refreshing. I think a big part of the community engagement is education, and I think that staff has done a really, really, fantastic job at that. They have to keep reeducating people over and over again, and hopefully, over time, some of those principles stick, but it's a challenge as you probably know. I've really enjoyed attending these meetings. I've learned a lot, and I hope that we all as a community can move forward together into the next stage of the community plan process to create a better West Maui. Thank you.

CHAIR PALTIN: Thank you, Mr. Payne. Members, any questions or comments for the testifier? Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Yeah, thank you. Thank you for being here. I love your enthusiasm and glad that you have your educational background. So, you are on the CPAC, correct? Yes?

MR. PAYNE: I don't know. I'm not sure. I applied, but I wasn't, I'm not sure.

COUNCILMEMBER SUGIMURA: I think he's on the, yeah, the Mayor submitted your name and you're on the CPAC.

MR. PAYNE: Oh, awesome. Cool.

COUNCILMEMBER SUGIMURA: Yeah, so Mr. Bugga, who just recently testified first, that he didn't see any developer --

MR. PAYNE: Yeah.

COUNCILMEMBER SUGIMURA: --so to speak, maybe the two of you should meet.

MR. PAYNE: Yeah, yeah, yeah, yeah. Perfect.

COUNCILMEMBER SUGIMURA: You would be able to provide that input.

MR. PAYNE: How's it?

COUNCILMEMBER SUGIMURA: But I, I'm glad to hear your perspective from a professional perspective of what you saw, and what you're seeing. I'm sure that the Planning Department would have, you know, open arms to hear more about your ideas, but I appreciate your positive perspective. That's all.

MR. PAYNE: Thank you.

COUNCILMEMBER SUGIMURA: Thank you.

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CHAIR PALTIN: Chair King?

COUNCILMEMBER KING: Thank you, Chair. Yeah, I think Councilmember Sugimura touched on my question was, I'm not sure if West Maui Land is considered a developer. I know your land, the company's a landowner, but just from my personal dealings years ago where we tried to work with them on a grant for some land that they were trying to get into ag. But you know, I was going to ask you do you consider it, that company a developer? So, if you were there, were you there as a developer or more at those meetings as a realtor?

MR. PAYNE: I was there as a --

COUNCILMEMBER SUGIMURA: Individual.

MR. PAYNE: --community member --

COUNCILMEMBER KING: Okay.

MR. PAYNE: --as a resident.

COUNCILMEMBER KING: Okay.

MR. PAYNE: But I also work for the company and it's, I suppose at times it's kind of hard to separate the two, but to the first part of your question, West Maui Land is a management company. They don't actually own any land.

COUNCILMEMBER KING: Okay.

MR. PAYNE: It, the land is owned by a bunch of separate partnerships that are usually made up of the same group of partners, at least the majority partners. So West Maui Land would be a developer, I would think, in that they assist those landowners in pursuing entitlements or doing projects. A good example would be the Kahoma Affordable Housing Project which was a 100 percent workforce housing project that we recently completed, and moved in 50 people into their homes in the last year and a half. I got to be involved in that process, and that was really rewarding to me to see a lot of my peers and people that I went to school with at Lahainaluna get a home; something that they never thought they'd be able to do on the west side. So...

COUNCILMEMBER KING: So, that was, so you're a consultant to a developer, that company?

MR. PAYNE: I'm a real estate professional.

COUNCILMEMBER KING: Oh, you are. Okay.

MR. PAYNE: I'm not an employee.

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COUNCILMEMBER KING: Oh, okay.

MR. PAYNE: Yeah.

COUNCILMEMBER KING: Okay. Thank you.

MR. PAYNE: Thank you.

CHAIR PALTIN: Members, any further comments or questions? Seeing none, thank you, Mr. Payne.

MR. PAYNE: Thanks.

CHAIR PALTIN: Next up we have Mr. Albert Perez testifying on agenda item PSLU-11, and he's testifying on behalf of Maui Tomorrow as the Executive Director, and Mr. Perez will be followed by Ms. Donna Clayton.

MR. PEREZ: Good morning, Chair, Councilmembers. Albert Perez, Maui Tomorrow. I did want to comment very positively on the outreach efforts, community outreach efforts of the Planning Department with respect to the West Maui Community Plan, but my testimony is on the other one, the implementation report. So, I'll start with a quote from Page 6 of this year's latest implementation report. It says, it's important to note that the documents within the general plan are not to be equated with zoning, whereas general plan documents are intended to shape development over time and provide guidance and direction for community zoning is mandatory and provides for explicit types of uses. So, this shows a continuation of the same old approach that zoning rules over the community plans which is incorrect. When I first got to the Planning Department in 1988, one of the first things I saw was the community plan hierarchy diagram which I passed out to all of you folks, and it clearly shows at the very bottom zoning underneath the community plan as one of the ways of implementing the community plans. So, unfortunately that hasn't been considered how we go about things here on Maui which begs the questions, if you are on the Community Plan Advisory Committee, what are you spending your time on? If your plans are not followed while you're at work and developers consultants are here at the Council trying to convince the Council to change the community plans that the community has trusted you with, then have you wasted your time? Our Charter says that community plans in Section 8-8.5, community plans are created and revised by citizen advisory committees, and they're supposed to set forth in detail land uses within the community plan regions. Also not just the land use designations have the force of law, the text is law and can be enforceable where specific and wherever it's stated as it shall occur. So, there are many examples of this. State law says that zoning is supposed to be putting the general plan into effect, not the other way around, and so specifically this 2019 report is almost exactly like the 2018 report. It's like the numbers of permits and things that have been processed have been changed but the statements, as far as I can tell, are the same. So, I think, this attitude zoning ruling over the community plans is continuing and what I would like to see, I'm almost pau here, what I would like to see is some discussion of what has happened, not just

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with the implementing actions, but with the objectives and policies. So, for example, the West Maui Community Plan objective number one under Land Use, says protect and enhance the quality of the marine environment. So, and I'll finish up here, Chair, number five says, lands north of Kapalua and south of Puamana to the region's district boundary should ensure the preservation of traditional lifestyles, historic sites, agriculture, open space, and recreational activities. That's not what we're seeing in Launiupoko, and this report should discuss things like that. So, in summary, the community plan is not just a guide and it's time for our County government to respect the time that our people have put in and implement the community plans. Thank you.

CHAIR PALTIN: Thank you, Mr. Perez. Any questions for the testifier?

VICE-CHAIR SINENCI: Chair?

CHAIR PALTIN: Mr. Sinenci?

VICE-CHAIR SINENCI: Yeah. Mr. Perez, could you explain again the, what it said about the community plans actually establishing the zonings of each community? Can you repeat that part?

MR. PEREZ: You mean from the Charter?

VICE-CHAIR SINENCI: Yes.

MR. PEREZ: Well, there's several parts in our law that the community plans are created and revised by the CACs to set forth in detail the land uses within the community plan regions of the County. So that's in our Charter. Regardless of what's elsewhere in our laws that might be inconsistent with that.

CHAIR PALTIN: Any further questions for the testifier? Seeing none, thank you, Mr. Perez, for coming today.

MR. PEREZ: Thank you.

CHAIR PALTIN: Next up we have Donna Clayton followed by Theo Morrison who is the last testifier that we have information for. Ms. Clayton will be testifying on agenda item PSLU-6 on behalf of herself.

MS. CLAYTON: Good morning. I'm Donna Clayton, an advocate for a multi-use trail along the West Maui Mountains. I have attended as many of the West Maui Planning meetings that I could get to, the We Are West Maui, and I would...that I could, and I appreciate the opportunity to publicly thank the hardworking planning group. It's been many meetings, a lot of work, and it's been well done. Right from the start, the Planning team kept the conversation civil, they set rules for conduct, they ensured everyone was heard, and they captured the comments and ideas from the public in a very fair way. At the start, the attendees were in their own groups, at the beginning of

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these meetings, and now we're mixing up. We're going from group to group. We get to know each other, and we're listening to each other, and we're engaging in new ideas. Now, the meetings are fun to be at because of the comradery in the room. At a meeting last week, one of the children in the room made a presentation for the group she was working in with the help of her mom. So great to see, and then also the planning team has gotten to know many members of the community, and when a topic at one workstation has a question, they find the member of the community working on that issue, and bring them to that table, and then they can work together on the issue. I find this extraordinary. With this kind of leadership I have great hope that the West Maui Community Plan will be supported by the community and the County Council. Relationships are important to get people to open up and this team has achieved this important goal of getting many people to be involved and share their knowledge. Thank you.

CHAIR PALTIN: Thank you, Ms. Clayton. Mr. Molina, you have a question for the testifier?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Good morning, Ms. Clayton. You know this a first. I never heard of a community plan meeting referred to as fun. I mean that's good. That's a wonderful sign --

MS. CLAYTON: Yeah, they are now.

COUNCILMEMBER MOLINA: --that things are being done right. Just to clarify when you mention groups that were, folks that were by themselves, and sound like they mixed together --

MS. CLAYTON: Yeah.

COUNCILMEMBER MOLINA: --can you describe that, or are you talking about folks that are in the building community and folks that are in the environmental community being separate at the start and then they came together.

MS. CLAYTON: Yes, and you know, people interested in biking and, I mean, we were just there as our little group and looking out for our own interests, which at the start I would say that's pretty much what everybody was doing, and now it doesn't feel like that. Now it's like, oh that's a good idea, oh let's do this, oh we can incorporate this and that together, and it's very helpful and it enlarges all of us.

COUNCILMEMBER MOLINA: Yeah.

MS. CLAYTON: It's been wonderful really.

COUNCILMEMBER MOLINA: Yeah. Well, thank you for your observations and thoughts, and you know, kudos to the Department on how they're conducting the meetings. So, thank you.

MS. CLAYTON: Yeah, thank you all.

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CHAIR PALTIN: Any further questions for the testifier? Thank you, Ms. Clayton.

MS. CLAYTON: Thank you.

CHAIR PALTIN: Next up we have Theo Morrison testifying on agenda item PSLU-6 testifying on behalf of herself.

MS. MORRISON: Good morning. My name is Theo Morrison. I'm the Executive Director of Lahaina Restoration Foundation and the former Executive Director of Lahaina Bypass Now and Lahaina Town Action Committee. So, I've been working in the Lahaina community for over 28 years. I'm currently a participant in the We Are West Maui project that you've, planning project that you heard about today, and I agree with everybody who's testified. It is just a fantastic project. The staff is just going to all ends to make it work, and the comraderie and I agree, it is fun. It is totally fun. We're totally looking forward to participating in this. As many of you might know, the Lahaina Bypass project, yeah, Lahaina Bypass project was delayed for 40 years, 40 years, because the community was not involved with the planning. Out of sheer frustration and a complete gridlock in West Maui, Lahaina Bypass Now was formed as a community group. I was hired to be the Executive Director, and my job was to bring the community together on this and other transportation projects in Lahaina and we did it the very same way that the Planning Department is running their workshops. We did workshops, we did promotions, we did, we just brought everybody together, we listened to everybody. Sure there was controversy, but we all did it and at the end, everybody came together. It's an amazing, amazing process when you bring all those people together, and everybody at the end really has the same goal. Transportation is all about getting from point A to point B, and that was the goal. I use this same process when LRF started the harbor front improvement project in 2012. It was a community planned project. And we planned it for nine months, open community meetings, advertised it in the paper, every meeting anybody could come, and at the end of nine months we had a fantastic plan. We went to the County, we had no money by the way, but we went to the County and the Mayor agreed to fund the project. We finished phase one of that project. If you go down to the harbor in Lahaina, you'll see all the trellises and all the new plantings. Ironically, the State was planning a new pier, badly needed new pier in Lahaina, around 2005. They had no community planning. They came to the community with three ideas. The community rejected all three of those ideas. Fourteen years, and so they had to start all over, 14 years later they have not yet started that project. That's the difference between starting with the community or not. It's the total way to make things happen. So, I think what's going on is fantastic. I'm a part of it, and the Planning Department is doing a great job. Thank you.

CHAIR PALTIN: Thank you, Ms. Morrison. Any questions?

COUNCILMEMBER KING: I have a question.

CHAIR PALTIN: Miss...Chair King?



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COUNCILMEMBER KING: Thank you for being here, Theo. I actually have a question about a comment you made earlier about the Lahaina Bypass group, and did you, did that group make a statement on whether the next phase should be the north or the south?

MS. MORRISON: I don't think that group exists anymore.

COUNCILMEMBER KING: Oh, that was, so you're talking about, you're not, that group is not still in existence, still meeting?

MS. MORRISON: I don't know.

COUNCILMEMBER KING: Okay. I was trying to get some extra information out of you. Thank you.

MS. MORRISON: No, sorry.

CHAIR PALTIN: Any further questions, Members? Seeing none, thank you for your testimony. Staff has checked in with the District Offices, and at this time there's no notification of testifiers there. Last call for testimony anybody? Mr. Seebart, did you want to testify on an additional agenda item?

MR. SEEBART: Just last...I just wanted to comment on the last testimony on the bypass.

CHAIR PALTIN: Oh, I don't think we're allowed to because of the Sunshine Law.

MR. SEEBART: Okay.

CHAIR PALTIN: But maybe you can get in touch with Council Chair King.

MR. SEEBART: Sure.

CHAIR PALTIN: Staff maybe.

MR. SEEBART: Okay.

CHAIR PALTIN: Thank you for volunteering though. So, Members, seeing there are no more individuals wishing to testify on agenda items, without objection, I will now close public testimony. Any objections?

COUNCILMEMBERS: No objections.

CHAIR PALTIN: Seeing none, public testimony is closed.

**...END OF PUBLIC TESTIMONY...**

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CHAIR PALTIN: The Chair also received a request from the Department of Planning to take an item out of order today to allow a staff member additional time to come to today's meeting and assist us. If there are no objections, the Chair will take up PSLU-6 first followed by PSLU-11, and then PSLU-3. Any objections?

COUNCILMEMBERS: No objections.

CHAIR PALTIN: Thank you, Members, for your flexibility.

**PSLU-6: COMMUNITY ENGAGEMENT IN THE COMMUNITY PLAN REVIEW  
PROCESS (CC 17-216)**

CHAIR PALTIN: So first up we have PSLU-6, which is the Community Engagement in the Community Plan Review Process. The Committee is in receipt of County Communication 17-216, from Councilmember or Council Chair Kelly T. King, relating to the matter of professional services for community engagement in the community plan review process. And the reason that I scheduled this item is, well for my district, it's what we're going through right now and much of the community is, you know, looking forward to the start of the Community Plan Advisory Committee reviewing the draft plan, and because we do have a lot of new Members, and this is the Planning and Sustainable Land Use Committee, I thought it would be a good topic for today. So, at this time, I would like to ask Acting Director McLean for your comments on this item.

MS. McLEAN: Thank you, Chair, and thank you for scheduling this item. I don't have anything to say other than to give a big shout-out to the Long Range Division and the efforts that they've undertaken with the West Maui Community Plan update process. You've heard it from the folks who've been participating in that meeting. It's nothing that we've seen before here, and what we want to continue doing in the future, and just with that I'll turn it over to Pam Eaton who's the head of our Long Range Division.

CHAIR PALTIN: Thank you, Acting Director McLean, and thank you, Ms. Pam Eaton.

MS. EATON: Good. Okay, great. Thank you and really appreciate it. It's always nice to hear positive comments in this Chamber. So, I really appreciate the folks from West Maui making the trip, especially on a incredibly rainy and probably dangerous driving condition type of day. So, I'd like to mix it up a little bit. We're going to talk about community engagement, its role, but also as it relates to drafting the plan, and where we are in the plan in terms of moving forward. I'd like to start with a super, it's a pretty brief video just because it, and huge thank you to *Akaku* who did this for the bubble, but it really gave a nice overview and synopsis of all the different types of folks and really touching upon a lot of what the testifiers said. Is that okay, Chair?

CHAIR PALTIN: Yes, please do.

...*(Video presentation)*...

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MS. EATON (FROM VIDEO): We're here today dealing with the update of the West Maui Community Plan. The existing plan for West Maui is dated and was approved in 1996 so we have quite a bit to update in terms of really making it a viable community plan. The community plan is the blueprint for a community. The community plan should be dealing with how a community is developed in the future, what the infrastructure needs are, and what the community wants and desires. Right now, we're in a process that we call community engagement. It's all about getting community input now in terms of a variety of topics and issues that really affect West Maui that are much more unique and very specific to West Maui, more so than for example the Maui Island Plan. So, we're drilling down in West Maui, dealing with issues unique to them such as traffic, congestion, dealing with coastal vulnerability, you know, to beach erosion, coastal erosion, stormwater runoff, the impact on the reefs. Housing is a tremendously important issue in West Maui, and we also are going to be talking about infrastructure. For example, looking at infill development within Lahaina and West Maui, we really need to look at the carrying capacity of our roads, wastewater, water, and sewer. What we're really focusing on, development within Lahaina Town, Kaanapali area with regard to instead of creating new development in different areas that needs new infrastructure that's very, very expensive that really cannot be afforded right now, we're looking at those areas where we can redevelop like areas that are close to transit, public transit, walking, biking, services, medical, shopping, and those sorts of things. So, really focusing compact within town development. Redevelopment really is a better word. The workshop that we have today it's really an open house. We have a number of like seven or eight stations set up with staff addressing the issues of community livability. You know what do we mean by community livability? We're looking at issues such as where can we have more sidewalks, where can we have more bike paths.

UNIDENTIFIED SPEAKER (FROM VIDEO): Well, as far as recreation in the West Maui Mountains, you know, tourists go up there and zipline and tourists go up there and ride their off-road vehicles. And so over 300 tourists a day go up into the West Maui Mountains where as a resident living here there's not one legal thing for me to do up there as far as, you know, biking, hiking, camping. Oh, I'd like to see a mountain bike park and a dirt bike park.

MS. EATON (FROM VIDEO): So, that we're looking at the health aspects of the built environment. Where can we get people biking, walking, and taking the bus and maybe better bus stops and more bus stops. And what do we want the homes and houses to look like in West Maui? You know what sort of character do we want to preserve? And we're looking at things such as basically roundabouts and traffic, how do we tackle the traffic issue. We have the Maui Metropolitan Planning Organization here today with a booth. We've got the West Maui Greenway here with a booth. We have the Parks Department looking at parks. So, we're really looking at what are those issues that really hit home with you as a West Maui resident in terms of what you want this community to look like in the next 20 to 30 years.

CHAIR PALTIN: Thank you, Ms. Eaton, for that presentation and...

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MS. EATON: I'm not done. I've got a PowerPoint.

CHAIR PALTIN: Oh, I was wondering too, if you know, the PSLU-6 I know we're going through the engagement phase of West Maui. I was wondering if you could briefly touch on because the budget process is coming up about, you know, any kind of need or if, how to get the engagement going with all the community plan processes if there's need for outside consultant services, and like that of the overall?

MS. EATON: Yeah, if I could, this is actually somewhat brief and it touches upon that and it tries to link to that in terms --

CHAIR PALTIN: Sweet.

MS. EATON: --of draft development, implementation, and so forth.

CHAIR PALTIN: Thank you so much.

MS. EATON: Okay, sure. Great. Thank you. So, before I go further and thank you for enduring that. There's nothing like hearing your voice which is kind of miserable, but I thought that Chivo did a phenomenal job and *Akaku*. I think, what's really important as a part of this process is to talk about what we're doing and the time it takes. I think a lot of people are concerned about that, and the value that's added as a part of that. I love this quote, and before I go any further I want to, I wish they could swing the camera, but this staff, as much as they've talked about the community, really embracing this and coming together, I want to again point out that this was done completely in-house and I don't think any other staff in the State because everyone else has a consultant, I don't think this is possible without my staff and I don't think any other Planning Department staff could have achieved what this staff has achieved. And we have Jen Maydan who is the project manager for this. She is the project lead. And Tiffany Bostwick, Kate Blystone, and Annalise Kehler, we're very fortunate with her coastal resources expertise, I'm sorry, cultural resources. I'm still thinking of yesterday's Council meeting, as well as Doug Miller, our planners and our GIS team, Dan McNulty-Huffman, Mark King, Mike Napier and Sean Birney as well as Richelle who basically holds us all together. So that's huge and that kind of is going to get to your point about professional services and the ability and why this is taking so long. So, with regard to the engagement, this is the first time ever on Maui island where we've really tried to embrace doing online engagement. What we've seen through some of these plans and a lot of the plan development is that if you want to get engaged and if you want to be involved, you're limited to attending an evening meeting, and a lot of those meetings are very difficult, very passionate folks, and plus a lot of people just can't make it. So, for the first time ever we created a website and the point of the website and by the purpose of the website, and that quite frankly took a lot of time and a lot of effort. The website was created by us with the help of a consultant, but even just putting something together to figure out what we needed and what we wanted took a huge, you know, took a bit of time and effort. We also branded this effort, and I know there's been a lot of questions about that, but, I think, if you

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knew what we were facing two years ago, we were given the opportunity to take time off to really look into what communities around the country were doing. What was successful? What is making community planning successful now which is very different from 20 years ago, and branding is important and the website is important, and an important reason for that is because quite frankly, I'm sure everyone in this room can understand that two years ago we had a complete break in a trust. Not just here on Maui, but nationally. So, we weren't just trying to get this effort up and running. Yes, that was important, and yes everyone wanted to get it done yesterday. We were faced with a community understandable who completely had no trust in County government, and quite frankly the Planning Department. That's what we were faced with. The first couple of meetings we went to, we had several members stand up, air their frustrations about how the community plans were not being implemented, they weren't being applied to permits or various project proposals. There was anger. People getting up and just walking out. What I'm going to show to you today are some of those same members who were leading and they're facilitators, they're leaders in our process right now who have committed themselves to the process. Hundred and eighty degree, I mean, just completely turned around. So, I really want people to understand that what we were up against was trust. You cannot rebuild trust in a month with a professional services contract. It took a lot of time and a lot of effort and it wasn't trust between the community and us, it was even the community members, among the community members. It's a very, very diverse community. So, the online engagement and the website which is the first ever and we've got it done now so we could have the next one for the next community plan probably up and running within days as opposed to months so there's value in creating efficiencies. So, one of the first things we really started with was trying to understand what is important to the community. So, we looked at things like neighborhood character, you know, what is important to you. We looked at traffic. We asked questions, open ended questions, and this is what came out as a result of the survey. Many folks were of course concerned about sea level rise and the effects of coastal erosion, and so these were, just gives you a snapshot of the results of a lot of our online surveys and interviews. We also asked open-ended questions. So, the online engagement wasn't just check a box. It was all kinds of different methods in terms of trying to get folks engaged. And so there's some really cool stuff. This is called the idea wall, and the other thing I want to point out about the online engagement which has been fantastic is that there's a class or a few at Lahainaluna, and a couple of the teachers have made this part of their class project. And that's what we've really been missing is hearing from the youth because of course this is for them as well as future generations and that's been a huge benefit, as well as folks that are infirmed and can't get out or don't want to come to the meetings, as well as people who work at night. So, it's really given us a huge variety of responses. This is the example and the reason why this is up here is to let you know we had the community design workshops last week. So everything we did kind of in-person, we also tried to mirror those efforts online to give people an opportunity to do that. And this just is only as of the last couple days that gives you an idea of the type of website engagement we've had in terms of the number of responses and so forth. In addition to the website, we've also tried to appeal to folks in terms of perhaps they want to express themselves through photography. So, we've got quite a following and thank

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you to the Chair and others who have shared our Facebook page which we really appreciate. So, this was kind of fun. We've got a photo contest that's recently ended. Trying to get again kids, youth, older folks, I mean, all kinds of people who just want to send in a nice picture. You know, maybe not get entangled in all of stuff, but just there's a lot that can be expressed by images, right. A picture says a thousand words. Those are just some of the entries that we received as part of the photo contest. So, community engagement is actually many phases within just community engagement. When we started in West Maui we basically from looking at people who participated in GPAC, looking at people who participated in the existing West Maui Community Plan, a lot of the community leaders and so we started with them. We got names of folks from, for example, the former district representative to say, who do we need to talk to. Who do we start with, you know, in terms of what's going on, what are the hot issues, what are some of the challenges, who else should we be talking too? That took time. That took time. We wanted to make sure we got people in West Maui, and tried to start with one-on-one interviews with people to find out what was important to them, what are they frustrated with. So, it started there. From there we then developed, of course, the website, but then we had a series of workshops I'll run through. But it took time to really make sure that we were truly hitting the roots, if you will, of West Maui, and as I'm sure many of you understand, West Maui is probably one of the most diverse communities in all of Maui. So, we had an open house kickoff that was in August of 2017 and really the purpose of that open house kickoff was just to sort of introduce the process. You know, here's what we plan to do, here's some really important documents to look at, here's some planning principles, what do you think, what's important. We had all kinds of interactive stations and activities to try to be positive and get the people, get folks engaged. A part of this is also public education. One of the former testifiers brought this up. There was a lot of misinformation being spread and a lot of misunderstanding, a lot of information that was lacking. So, we had a series of thematic workshops dealing with transportation. We had the director of the State Department of Transportation come and speak with his deputy. We had the Director of Maui County, the Maui Bus come and speak about bus and transit. We had a representative from Maui Hotel Association because there's a lot of talk, of course, about rental cars and so forth, and shuttling and the Executive Director from Maui MPO. With this we had all this information, we also had plenty of time for Q&A after every single one of these presentations. We had a panel on infrastructure because of course roads, wastewater, and water are critical issues in West Maui. We had the directors of those departments come and speak, and give presentations. Yesterday, in the meeting that was here in the Council, we talked about coastal resilience, the importance of sea level rise. Tara gave a phenomenal presentation, as always, as well as folks from UH University of Hawaii and Sea Grant. We had many opportunities where we had evening meetings, we also tried to mix it up with e-meetings on Saturdays and during the day to try to get different types of folks come, checked into community design. A lot of folks in West Maui preserving their character of their neighborhoods are important, sidewalks, bike paths, parks, those types of things, very interactive hands-on exercise. We also had two other discussions that were critical with panels and that was a discussion on housing. We had developers who build affordable housing in West Maui come and talk. That was a, you know, that was a tough night, a lot of tough questions, good questions. It was a good

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discussion, and then we had a cultural resources discussion with some folks who were really concerned about historic and cultural resources, a phenomenal panel on that night also. So, we've had at least, you know, over 1,360 participants through these public meetings and workshops and interviews and stakeholder meetings as well. What I do want to point out also because a lot of people have commented on this, in December and this is the start, if you will, of actually developing the draft, we had a vision workshop, and this was actually a really cool night. We have a group of folks in West Maui, leaders for a long, long time, lots of experience, and they now call themselves the Alakai, and it was very cool. We've been meeting with them also. They actually facilitated these discussions. So, in December, we had all kinds of online engagement, as well as this workshop, you know, asking people what is important to you, defining what a vision is, and how that's going to be created, and this was divided by the subregions within West Maui and the Alakai ran those meetings, and it was just a phenomenal night. It was really a great night. This is an example of, you know, our branding, and what we did in house, and this, the point of my showing this to you is to show you that this process has been extremely transparent. We've tried to make it very understandable. There's nothing worse, I think, than throwing planner jargon at people who don't understand. It's frustrating and I think it's quite frankly disrespectful. So, we've really tried to make an effort to make things more visual, more graphic, and more understandable so everybody understands where everything came from that everybody had a part in. Last week was rather exhausting, but we're all here and walking and talking. We had the community design workshops, and those were four evenings last week, again, by each subregion. Had a lot of advertisement and a lot of participation in these workshops. One of the first workshops was in Lahaina and we broke up, I think at that night, it was eight different tables. You see the folks around the tables hands-on talking about the vision, well reading the vision, but then really looking at what do you want to stay the same, what do you want to preserve, and then what do you want to see change and where. That also happened in Kaanapali and in Ukumehame. That was a nice evening. And then our final one, that's another one, we had a lot of folks that night. Oh, and this to me was an example of a situation which obviously people are very passionate about, yet around each table you had everybody listening to one another respectfully, voicing very different opinions, but putting it together on paper, and then finally in Kapalua. So, research to reality. Again, I want to emphasize there's a lot involved in research and so far everything has been done in-house to this point and again, it starts with first of all throughout this process before you can even begin to put your fingers on the keypad to begin to draft, you've got to build public trust. You have to have community trust which we really wanted to have happen in this plan and in all future plans and a part of that is making sure that the community feels engaged, listened to, and then you need to really develop stewardship. Many aspects of a community plan to be successfully implemented quite frankly needs to also start within the community and that takes time. So, in terms of the sequence of our process, I know folks have been asking, again I've talked about the research, right, you know, technical research to updating the previous community plan to now having before us 2.80B which is new in terms of all new types of content which is required to be in these community plans. We then reached out to the workshops. I've shown you pieces of those workshops in terms of all the type of engagement we've done, and then

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we're now gearing up for the CPAC and phase three. I do want to comment that where we are right now, is putting together, I don't even know how many sheets there were, 64, gosh, I don't know from last week, and over the next several weeks plan to put those together, and then have sort of a final series, if you will, to take back out to the community. Here's what we heard, here's what we saw with regard to what you want to see stay the same and change, translating that into community plan land use designations, letting everybody see that both online as well as in a workshop on the weekend and at night, and then it's going to take us at least three to four weeks to actually draft the plan. And again, this is in-house, everything else we're doing to then sit down with everything we've received over the past year and a half to really sit down and draft the plan. And I sort of want to add to say that in the last year and a half, there's been a, this is what's called, this is my favorite thing. Some of my staff teases me. This is called a word cloud. This isn't just put up there because we like certain font. If you've ever known a word cloud, basically this is the result of the online surveys and meetings and so forth that we've had in terms of asking the community what their values are, and the words that pop out that you see that are largest are the most frequent responses that you get. And to me, the point of this is as diverse as West Maui is, there's a lot of commonalities within a community, and I think, over the course of time the community themselves have seen that in fact they have a lot more in common than what divides them and to me that's critical and takes time. And so this is a phenomenal quote my staff came up with which I love, and that is, if you want to go quickly, go alone, if you want to go farther, go together. And I think that kind of sums up everything and what we're at and I'm, with that, Chair, thank you for the time, and for allowing us. I was going to go through the website, but I think you guys have questions so let's get to that.

CHAIR PALTIN: Thank you, Ms. Eaton. At this time I would like to recognize Council Vice-Chair Keani Rawlins-Fernandez. And I see that it's 10:15. Would Members like to take the midmorning break, and then begin the questions or would you...how you guys feeling?

COUNCILMEMBER KING: Well, Chair, I would like to go into questions since we got started late, we had some Members that came late, if we could go into questions. Looks like *Akaku* has already got us in a break.

CHAIR PALTIN: You want to take the break after this discussion?

COUNCILMEMBER KING: Yeah, I mean, that would be preferable to me.

CHAIR PALTIN: Everybody okay with that? Okay. And looks like you have a question already.

COUNCILMEMBER KING: Well, thank you, Chair. And I wanted to start with kind of an explanation of what the exact item is since it came from a communication from myself from last year. And it...and, you know, I've discussed this with Planning that there's been a frustration out there about how long it takes, and why we can't do simultaneous communities. Hopefully, I mean, and none of this is about the process.



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The process has been great, and I'm hoping it can be cut at least in half now that we have templates, and we have a process that doesn't have to be created, but the bottom line is that, if we don't start doing multiple applications for different communities at the same time, by the time we get done with the next two communities, it's going to be time to review the Lanai plan all over again because ten years will have passed, and so this process that takes, you heard two years just to do the engagement process, this was started in 2017, here we are in 2019 and we haven't put the CPAC in its first meeting yet. So, that's going to be another six months of CPAC, another six months of Planning Commission before it even gets to the Council. So, this has been a three-and-a-half-year process and it's been linear up to now where we do one community at a time, and then by the time...and in the Charter it says we're supposed to review every community every ten years, every community plan. So, that's not happening. And what the original intent was and we met, I met with previous Chair White with the Planning Committee in the beginning of my term over two years, well two years ago and discussed bringing in some other entities to help us with community engagement with other communities while we're going through this process. That didn't happen. Money was put in a semi-proviso that didn't really require it to do that, but so that's kind of what the intent of this was. Let's just have this discussion and try to get outside the box of linear thinking, and try to discuss how we can move through maybe three communities at one time or more. We have after the West Maui, because it took I don't know how many years, probably eight years just from Lanai to Molokai to West Maui, maybe more than that. We have Kihei, and this is not in order, Kihei is next, but we also have Haiku, Paia, we have Kahului, we have Wailuku, we have East Maui, we have Upcountry to do, and by the time we get done with that it's going to be 20 years if we do it in this process. So, a couple, so anyway that to me that was the discussion that I was trying to engender with this communication was, how can we get these done quicker recognizing the value of community engagement, but, and also recognizing the fact that if we use this same template or something similar, we can, we should be able to either engage a lot more volunteers, or more some other groups. But I also wanted to make a couple of comments because I thought we were, I thought I had heard from the Planning Committee...Department that the CPAC was going to be involved in drafting the plan from this information, but now I'm hearing that you're drafting the plan and then going to give it to, present it to the CPAC, and then I guess they'll refashion it to with their input and with the public input from their meetings. The other thing I wanted to comment on and before I let the Department comment was when I went to a meeting of the Alliance of Community Associations two years ago, and there was a presentation from the Planning Department Long Range Planning, and I don't think Ms. Eaton was there, I think it was somebody else, maybe Jen Maydan, to talk about the community plans and how long it was going to take to get to the next and the next one. and what was said in that meeting was shocking to the alliance because we were talking a lot about these issues that we heard about, and what the statement that was made from the Long Range Planning was community plans are just about land use and that's what really what it is and there was comments made by people in that alliance that talked about sustainability and other aspects of the community. So, I really want to recognize the Department that it has evolved and it's good to see things like multimodal transportation, and recreation, and the character of the community, and

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sea level rise, and those things worked into the plan because those statements that were made were kind of akin to what Mr. Perez was talking about in his testimony is that that idea that this is only about land use designation, and don't talk about anything else. Because I heard that from the Molokai community from the CPAC and from the Planning Commission that they were told to only talk about land use designations, but all these other things are so important to the community and that, that's how we see our community plans. I know we see it in South Maui as that. I see that that was a discussion in West Maui, and I think that's, you can't just talk about land use designations because the reasons for the land use designations are all these other things. So anyways, that's my, I was just trying, wanted to get us more focused in how we're going to apply this process or a similar process, and get through all these, the rest of the six community plans before two more decades are up.

CHAIR PALTIN: Thank you, Chair King. I certainly share your concerns in that regard, and I'm sure many in our County agree with that. If I may before the Department speaks, it has been my understanding that the Planning Department would draft the original community plan because for the reason that, you know, if you're drafting a community plan, you kind of do want professional planners to do it, and then the Community Plan Advisory Committee and the testifiers would then make comments and revise that original. So, that has pretty much always been my understanding, and they can weigh in on that, but I think that in my opinion it's good to start with a professional foundation, and then allow for the community to make their adjustments to it. I think to me, in this whole process, the community seems involved so far. The Council we're getting up to speed. If there's any gap I would say, it might be in the Planning Commission if they're not as up to speed as the rest of us. I know in the Molokai Community Plan process, I think, I've been told that the Planning Commission just, you know, kind of reviewed it and left it largely alone. No? Okay. Never mind.

COUNCILMEMBER KING: Actually, if I can comment on that because the Planning Commission was actually the body that added the East End Policy and the West End Policy. So, there were some major changes made by the Planning Commission on Molokai. Ms. Rawlins-Fernandez can probably speak to that, but no, I understand what you're saying about the drafting of the community plans. I'm just telling you what I was told at one point, but I also think we have to remember that we have community plans. These are not brand new community plans. These are revisions to the community plans. So, for us to take three-and-a-half years to get to that final revision is to me, and you know, if we're not moving ahead simultaneously with some of these with the communities at one time, we're going to have a whole different community by the time we get to, especially you know, if South Maui was at the bottom of this list, the way that our community is, people leave because they can't get what they need out of the community, and so that's one of the things that's been happening. We're already 20 years, over 20 years, I think, by the time we start on South Maui. So, it wasn't that I feel like the CPAC needs to draft the plan, but I just feel like we shouldn't, we're not drafting a whole new plan. We're drafting a revision. We're doing a review and...

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CHAIR PALTIN: Yes, sorry. I misspoke. I meant drafting the update, and like you said, part of it, if I may, is that 23 years have passed, and I believe that there's been a lot of changes in the way that planning professionals operate, and you know, I have no problem with our previous community plan. I wish it was implemented and enforced to the full extent, but because of the language and things like that, and the people in power maybe it wasn't able to be done, and so with the updates to planning, I'll probably let the Department speak because they're more expert at it, but that was my understanding. And, Ms. McLean, if you'd like to, at this time, answer Chair King's questions better than I am able to. Thank you.

MS. McLEAN: Thank you, Chair. You did a good job. I'm trying to figure out where to start with this. The existing community plans, the ones that haven't been updated yet, those were adopted under a prior Code requirement, Chapter 2.80A. In the early 2000s, I think it was 2004, that was replaced with 2.80B, and 2.80B is what created the Maui Island Plan. We didn't have the Maui Island Plan before. So, in terms of the older community plans getting updated, that was essentially put on hold while 2.80B was created and created the Maui Island Plan. So, then the effort went toward the Maui Island Plan and that took many years before it was adopted. Finally adopted in 2012. First was, excuse me, first was the Countywide Policy Plan, and then the Maui Island Plan. So, that was a big delay in the community plan update process that would've started in the early 2000s started to update the older plans, but that didn't happen, the Countywide Policy Plan was created, the Maui Island Plan was created, and then it was time, finally, to get back to the community plan updates. And so that started with actually, started with Molokai, and then the Council voted on the order of the plan so it went from Molokai to Lanai, then Lanai was adopted, then Molokai, and now here we are working on West Maui for the first Maui island community plan since the adoption of the Maui Island Plan. The process as Chair King described does allow six months for the CPAC, six months for the island Planning Commission and then one year for the Council. So, already in the law is a two-year process and that doesn't include the preparation and community engagement and all the work. It is and 2.80B does require the Department to draft the plan that gets presented to the CPAC.

CHAIR PALTIN: Draft the update right?

MS. McLEAN: Draft the update to the plan. The other thing that 2.80B did, however, was add additional content requirements. So, it wouldn't be sufficient to simply update the plan that's there because there are additional, there's additional content that's required so that has to be added. It is...all the different components as Pam described should really be conducted by the same entity whether it's a consultant, whether it's our staff because the ones who conduct the community engagement should be the ones to draft the plan because they are the ones who were there throughout the community engagement, they should be the one to draft the plan, and the ones to pass it through the process. I do agree, it takes too long. We've talked about that many times. We are requesting money in the FY '20 Budget to be able to completely contract out one of the plans so that we can continue to do one in-house and have another one going at the same time, but again, it should be the whole package because to cut it up in pieces you'd have disconnects. You'd have that loss of

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continuity. So, if we are able to get that funding, then we could start with South Maui which is the next one in order, and our staff would be involved with it, but it would be largely contained by an outside entity. We simply don't have the staff resources to do two at the same time in-house. We'd love to do it, the team's doing a great job, but we just don't have the resources. I'll just, I'll end there for now. I don't know, Pam, if you have anything you want to add.

MS. EATON: Yeah, the only thing I do want to add is, and I, we all appreciate the challenges of the time it takes. I do want to add that it's not really quite that linear. We did transmit the Molokai Community Plan in May 2016, and really jacked it up, if you will, in terms of West Maui community engagement. While we were even going through the Molokai with the Planning Commission and getting the draft ready for Council, we were, I think I had two staff members, one and a half doing, starting the research, and you know, really trying to get us geared up. So, it's difficult when you have four planners and a half of a position, but we did the best we could. And then while Jen and I went through a rather lengthy approval process with the Council, we didn't just drop West Maui. We continued to do West Maui. There was work done on the website. So, it wasn't really that linear, and then even as we were completing the, going through the final approvals, we had engagement meetings going on in West Maui, and I cannot even begin to describe to you what's that like when half of your brain is dealing with what was an interesting process, and the other half is really kind of being positive and gearing up with West Maui, and trying to bring new energy to that. So, I, it really wasn't quite that linear, but with four staff members, we did what we could in trying to balance two plans at the same time.

CHAIR PALTIN: Council Vice-Chair Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. McLean, Ms. Eaton. About how much do you think it would be to contract an outside party to work on a plan simultaneously if you have that number?

MS. EATON: That's a great question.

MS. McLEAN: For it to be entirely done separately, would probably be approaching 500,000.

COUNCILMEMBER RAWLINS-FERNANDEZ: Thank you.

CHAIR PALTIN: Councilmember Sinenci?

VICE-CHAIR SINENCI: Yes, question. Can you speak to the CPAC and just the process, the selection process and some of the duties of the committee?

CHAIR PALTIN: Ms. McLean?

MS. McLEAN: Thank you, Chair. The CPAC is a 13-member body, with nine Members appointed by the Council and four members appointed by the Mayor. And the West Maui CPAC, Council appointees were named at the end of the last term and the

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mayoral appointees were just confirmed recently by Mayor Victorino who stated that he would honor the choices that Mayor Arakawa had made, but hadn't finalized. And so the responsibilities are described in 2.80B as are some of the requirements. The goal is to find a diverse group. The way that we described it is anybody in that community should be able to somehow identify with at least one member of the CPAC, you know, whether it's, you know, your background, your culture, whatever it may be, you should be able to identify with somebody in that group. In terms of their responsibilities, I'll let Pam answer that since she has the more intimate contact with the most recent CPAC.

CHAIR PALTIN: Ms. Eaton?

MS. EATON: Great. Thank you, Member Sinenci. That's a great question. So, I want to point out two things I'm constantly plugging the website. On the website we have a whole panel dealing with CPAC, what it is, what they do, and during the process for the Council solicitation of members, we had those applications online as well as the Mayor's. We also have a handbook which I'll send around, but we have a handbook for members and we've had them at all of our meetings and everything describing specifically, exactly what CPAC members are to do. I will however say that the three things that are most important, number one, attend the meetings. That was an issue last time. You really need to attend and I know that means a lot to Councilmember King, and I appreciate that amendment. You need to attend all the meetings. That is critically important. Secondly, you need to do your homework. You need to read. Not just become familiar. Like I would tell CPAC members right now, become familiar with the Maui Island Plan, become familiar with the Countywide Policy Plan, and know the existing West Maui Community Plan, and we've provided tons of information on the website, all kind of reading lists and so forth to bring them up to date and that's much of the reason why the website's put together the way it is and everything's been documented. You can catch up pretty quickly with what's going on. So, attend all the meetings, and do all the reading and be open minded. So, in terms of what their responsibilities are, they really need to do the reading and talk to your community members. And so come ready. Come to the meetings ready.

VICE-CHAIR SINENCI: So a follow-up question, Chair.

CHAIR PALTIN: Sure.

VICE-CHAIR SINENCI: So, would the Committee be of different, the diversity of backgrounds, whether it be professionals, kupuna, cultural practitioners, different age groups, those types of things?

CHAIR PALTIN: Ms. McLean?

MS. McLEAN: That's certainly the most desirable, but the nine members appointed by the Council and then the four appointed by the Mayor are intended to provide that mix, but then it's up to the Council and the Mayor to see that through.

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VICE-CHAIR SINENCI: Thank you. Thank you, Chair.

CHAIR PALTIN: Councilmember Molina?

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair, and good morning, Madam Director McLean and Ms. Eaton. Just, if you could just confirm for me, my understanding you do have a private consultant as part of the process with conducting these meetings? No? Okay, I was just curious.

MS. McLEAN: We do not.

COUNCILMEMBER MOLINA: Oh, okay.

MS. McLEAN: We did have assistance first creating the website, and otherwise it's all been done in-house --

COUNCILMEMBER MOLINA: Oh, very good.

MS. McLEAN: --with Department staff.

COUNCILMEMBER MOLINA: So...

CHAIR PALTIN: I think maybe the confusion they had assistance with the branding yeah. It's like a consultant to help with the, come up with the We Are West Maui logo and stuff.

COUNCILMEMBER MOLINA: Oh okay. So, there was no private consultant involved in facilitating the meeting or helping throw out ideas to the members of the community then? Okay.

CHAIR PALTIN: Ms. McLean?

MS. McLEAN: Yeah. No. No.

COUNCILMEMBER MOLINA: Okay.

MS. McLEAN: It's all been Department staff.

COUNCILMEMBER MOLINA: Well, that's good to know because whatever you guys are doing in engaging the community seems to have gone real well. So, okay, well thank you. I guess, this is one of the instance where the County doesn't need a lot of outside private help when conducting meetings like this. So --

CHAIR PALTIN: I think...

COUNCILMEMBER MOLINA: --good job.

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CHAIR PALTIN: Sorry. I think it's like, you know, they can only do one at a time, and so if they want to do, go through the community plans faster, like I don't know where Makawao is on the list, but if you need to wait until after South Maui, and after all these, it's going to be a very long time. So, I think the discussion is more about like, if we need to or want to do two or three at a time, they cannot do it with what they have, and so that's where the discussion about outside consultants come in. If they focus on, say West Maui, there's a consultant doing South Maui, then maybe leap frog over to the next one. Is that a little bit more clear?

COUNCILMEMBER MOLINA: Yeah, completely.

CHAIR PALTIN: Is everybody in agreement that's what we're talking about?

COUNCILMEMBER MOLINA: Yeah, and, I guess, it ties into what the comments made by the Department about lacking the resources to, I guess, push things along a little faster. So, okay, and that was just out of my own curiosity. Thank you.

CHAIR PALTIN: Councilmember Sinenci?

VICE-CHAIR SINENCI: Yeah, just an idea. You know, this is a great website, and you've put a couple prompts on the website like, you know, what do we want to less of, what do we want to see more of. Could we technically start collecting those data now simultaneously in all of the communities? I mean, without a lot of, you know, work from the Department because of the limited resources.

MS. EATON: Thank you for that question. A couple comments, responses to that. First of all, if that were to start out now in all of the communities, by the time we were able to, us engage with that community to then make sense of, apply, integrate those comments, it would be stale, and then the second thing I do want to point out, and I think it was a hard lesson, but a really valuable lesson that we learned is what happens when you start this process and then you stop it. I came to the Planning Department in 2014. My understanding was that it was either in 2009 or 2010--right, Keani--that the Long Range Division staff at that point in time started the Molokai Community Plan process, and I've seen pictures and I wanted to bring them today, phenomenal pictures of tons of people and chili and ukulele playing, and talk story, just an amazing energy that started that process. And then for whatever, again I wasn't here for whatever reason there was a decision made by the County Council to instead start with Lanai, and have Lanai go first, and again, getting the resources it was very difficult to do both at the same time. So, Molokai was stopped, and, I think, it was three or four years before we got back to Molokai. And so now understanding the anger and the frustration of start stop, start stop, we do not ever want to repeat that again. So, that was a hard lesson, but I think it was probably one of the most valuable lessons we learned.

COUNCILMEMBER KING: Chair?

CHAIR PALTIN: Chair King?

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COUNCILMEMBER KING: Just if I could add to that. I'm not sure that it was the County Council that made, I was on the Council at the time, but I do know that at one point Planning came to me and asked me to set aside the West Maui Community Plan after the engagement process had started, and that came from the Mayor and to go to the South Maui instead. So, some of these decisions are being made outside of, I think it was Director Spence that came to me with, and I can't remember who he was with but asked on behalf of the Mayor if the Council would be willing to stop the process on the Lahaina, on the West Maui Community Plan, and set that aside. So, these decisions are not necessarily made by the Council, not instigated by the Council. I told him no, and I said I'm not going to even consider that, but I just wanted to throw that out there because I don't know for what reason Molokai Community Plan got set aside for Lanai, but sometimes those ideas get proposed by either Department or Administration for some reason or other. But I do know that when the Molokai Community Plan came to the Council, it sat on, it didn't get addressed until I came on as Chair of Planning. So, it sat for seven months without even getting addressed, and I also wanted to kind of comment on something that Ms. Eaton said earlier that, you know, you need to have the people involved be the ones all the way through, and we didn't have that in Molokai. We had no one from Planning come with me on any of the talk story meetings I did to get caught up to speed on where the community was at. So, I think lessons learned hopefully. I mean we went two, almost two years of trying to get the community plan shepherd it through the Council process, and in none of that time, other than the two official meetings, the Committee meeting and the Council meeting did anybody from Planning come over to Molokai. So, you know, it's a little disingenuous to me to hear that that we need to have that whole process all the way through, and I'm just saying that because, I think, that's a real linear way of thinking and, I think, that we have to start thinking outside the box on what community engagement is, and whether we need that same body to be part of the entire process or whether community engagement can happen, you know, without the entire Planning Department or maybe with one or two people, and still get through the CPAC and the Planning Commission being staffed by the Planning Department which is what it says in our ordinance, that those are supposed to be staffed by the Planning Department, not a consultant entity. So, there's a lot of pieces here that need to be looked at, and it probably needs a lot more than what we could solve on the floor, but I think what we, what the point of it is to start, I mean, I'm really looking for leadership that can start thinking outside the box and not thinking in this linear, you know, it has to be this plan, then this plan, then this plan, and maybe we can do two at one time, but how can we create that process as Mr. Sinenci brought up where we can start engaging the communities. Because frankly, as Chair of Planning Committee the last term, I was telling the communities, you don't have to wait for the Planning Department, you can start talking among yourselves about what, you know, what you'd like to see in your community plan because things are coming up almost on a weekly basis that are changing those community plans, and what I'm hearing from, you know, people both inside and outside the Department is, well maybe we should wait till we get to that community and address the community plan before we make those decisions. Well that may be ten years, and we can't wait that long and the people that have, I mean I was involved in the original move to build a high school in



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South Maui, and when I thought my kids were going to be able to go there. So, this is the progression, the slow progression that's been happening with our community plans. But...

CHAIR PALTIN: Thank you, Chair King. If I may try to pull out what I perceive to be your questions for the Department? Is there a range of options, you know, for these contracting consultants like, take it, if the same entity takes it all the way from the start through to Council adoption, like what is the range of options and maybe the associated costs? Like if they just do bring us up to the CPAC process or bring us through just the technical resources papers? Would you have like a range of options available to us about engaging the community in the community plan process and maybe associated costs, and if it's not available right at this time maybe Staff can send a request for that type of information?

COUNCILMEMBER KING: And, Chair, just to follow up on that thought. The reason why this came up was a conversation I actually had with a former Councilmember, Gladys Baisa, who was Chair of Planning at one point, who told me that she had proposed this, and it never went anywhere, but she was working with MEDB because they were involved in the GPAC process in the Maui Island Plan in doing the community engagement. And so, when I went to meet with MEDB they said they could do this for the communities, the community plan engagement for less than 100,000 per community, and it might even be cheaper once they had a process. So, if they adopted the process here, but they would do it much quicker, and their point was, and this is what I want the discussion to be like, not get so locked in that it has to be a two-year process, but their thinking was that it needs to be a process that's three to six months because after that, you have a different community a lot of times that you're talking to and people fall out, and I see this happening in South Maui. I'm not as familiar with the West Maui community, but I see it happening in South Maui just because of our transient population where people can get really involved and have a really strong message and then not be there for six months, you know. So, I don't know if that's the West Maui, but I know that we've had people, we had at least one person apply for the West Maui CPAC who I know who is only here six months out of the year. So, that was their thinking, but you know, the point being that there are other entities, and that could do that community engagement, and, I think, the idea of needing ownership all the way through needs to be really rethought because to me, nobody has ownership of anything all the way through in South Maui because of our, you know, the transient nature of our community, but there are certain people who will be involved from the community all the way through.

CHAIR PALTIN: Thank you, Chair King. Ms. McLean or Ms. Eaton, if you'd like to try and address that.

MS. EATON: Yeah, I want to respond to what you most recently said, and with regard to three to six months, I would love to find out how you can create, repair, and reestablish community trust in three to six months because, I think, if nothing else from what I'm hoping we discuss today, and many of the testifiers showed and demonstrated is that a critical part of a community plan is not churning it out,

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checking the box, and moving onto the next community, but to really reestablish and create that community trust and rebuild those relationships. One of the things that did come out of Molokai in our over 42 meetings with the community, is many folks on the Planning Commission and also the CPAC, and it was a really cool night where they talked about, we were discussing implementation at that point in time, and several of the CPAC members brought up that it was really important to create the stewardship because they felt that they needed to own this plan to help with the implementation in many aspects, and I just thought that was very revealing and really, really valuable and I think a lot of that has come out through this process. So, my response would be, I beg to professionally differ, that I don't think that a community engagement which to us and the community members is more than just kind of making a checkmark in the 2.80B requirements, but it's really creating community trust, rebuilding relationships, and do you want a product, and to me it's not just a piece of paper right. That's what we're all discouraged about is it shouldn't just be a plan that sits on a shelf. That's what we heard time and time again going into West Maui and quite frankly with Molokai that was their frustration too. We need a plan that is livable, that means something that the, you know, everybody from developers, to Planning Department, to County departments, to community members are going to believe in and follow, and I think an integral part of this process is the community engagement and I don't think it can be contracted out, check a box and get it done, and then move forward. I think it's an important part of this whole process. I also want to say that efficiencies have been created. I mean we can get a website for the next several communities up and running in no time. Branding's done. A lot of the things are done. So, it's not going to take time. We've created this new template. Lessons learned. We've created this new template, and so it's not going to take as much time, but I am going to strongly stand for the need, the critical need to listen to that community, and not just say we're doing it, but they need to believe and understand that we're listening to them, and that we're working with them and that this community plan is vital to them.

CHAIR PALTIN: If I may clarify, are you not for contracting any part out or...

MS. EATON: I think it's got to be the full package if you will. I don't think you can just contract out one little piece and then, and then what? I mean okay, so if the community engagement is done by another entity, then what happens? Then, who...does it just sit there until we are able to physically get to then draft the plan? So, I think it's got to be the full package. And I know we've talked about many, many times with our colleagues from Kauai and Big Island and Oahu and City and County and they've been through this process as well, and yes, the South Kauai Community Plan we got a lot of our ideas from them. They did, they hired a phenomenal consultant, and they did the full package, and it's interesting because, I think, the planners in Kauai are just absolutely phenomenal and very cutting edge and they always push the envelope which is great, but even though they had an incredibly qualified consultant, it took a huge amount of their time even working with the consultant. So, but I do think you can't break this apart, and, I think, the sequence is important and it being very tight, that flow from one stage to the next. So, I'm not saying no to a consultant. I'm saying that it needs to be full package. I also want to

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point out that I think another thing that we're working on now is updating the technical reports and we're putting in the budget for and planning on starting, you know, for South Maui now in terms of, you know, an update on the public facilities, and infrastructure assessments and all of that, and thank God we can contract that out, but in terms of community engagement, the draft of the plan, that really needs to be the full package.

CHAIR PALTIN: Can I just clarify as well, when you're talking about the full package, you're talking about from community engagement all the way through to the Council passing it?

MS. EATON: Yeah, I'll give you an example for instance. Right now I'm involved with the Maui MPO in updating the Long-Range Transportation Plan. We were fortunate or the MPO was fortunate that they had the funding to hire a phenomenal consultant Nelson/Nygaard and in working with Lauren Armstrong and the Maui MPO they have started all the research. So, they took the existing transportation plans, Federal and State, and from that research they created a profile for the island dealing with the issues of transportation and they did a huge, they organized all the...we probably had 17 public outreach meetings going to First, Second, Third and Fourth Fridays, going to supermarkets, the shopping malls. They did all that. That is exhaustive. I don't think folks understand what is involved every time we have one public outreach event. The consultant did all of that. They also are now, they have come up with a first draft of the Long-Range Transportation Plan. They set up community think tanks and they're ultimately going to have the final draft. Lauren Armstrong and myself, and we have a tech...a TAC committee, will review that draft, but they are taken care and doing everything. They have done presentations to the Council. So, I guess, what I mean by that, is they started with the initial research, updating the existing documents, all of the community and public engagements, setting up a community think tank, and ultimately drafting the Long-Range Transportation Plan.

CHAIR PALTIN: Thank you. And, Ms. McLean, you had some comments as well?

MS. McLEAN: Thank you. Yes. Just to add to that. So, you have the community engagement. That's the basis to create the first draft. So, those are intimately connected.

CHAIR PALTIN: First draft update.

MS. McLEAN: The first draft of the update, of the plan update. That gets presented to the CPAC and when the CPAC reviews it, they may have questions. Why is this in here? Why is this other issue not in here? And to have the same participants, whether it's our staff or our consultant to be able to explain how and why those things are or are not included. Then the CPAC's draft goes to the Commission and the Commission will have the same questions, and you need the same people involved to be able to say, oh this is what their thinking was or they were really torn on that issue whatever it may be.

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CHAIR PALTIN: For consistencies.

MS. McLEAN: And same for Council because Council had a lot of questions. Well, what did the Commission say about this, what did the CPAC, did the CPAC discuss that, and so you have the same resources all the way through to be able to answer those questions. And, I think, it's valuable for each body along the way to understand what led to what they're reviewing at that moment.

CHAIR PALTIN: Thank you. Thank you, Councilmember Sugimura, for your patience, and then Councilmember Lee after.

COUNCILMEMBER SUGIMURA: Thank you. Very good discussions. Appreciate this. So, I only have experience with the Maui Island Plan going through this with the Chair then for being the Planning Committee Chair, and I will say that I appreciate the...I can see where having consistency was important because when it came to us, it already had CPAC and the Molokai Commission who gave their input, and when it came to us it was really important, I use to keep in my binder a letter that we got from the Long Range Planning, and you basically dissected the plan when it came to us and told us areas that were inconsistent or that we needed to pay attention to. And that professional expertise comes from having the Long Range Planning Department keeping an eye on the Molokai Community Plan as it went through the process. Sunshine is important. So, whatever you decide to do, if it's going to be a consultant that, you know, takes it from the start to the end, the whole Sunshine element is important because I didn't realize it until we had this Council discussion hearing that there were five or six meetings that happened on Molokai that were not part of this process, and so therefore we had testifiers that said, hey how come we didn't know about this. So, that put up, you know, concern for some of the...some of the community members were asking what happened, and I, you know, and I think that those meetings were held in good faith of trying to get more input, but then it caused a stir. So, somehow if whoever handles, you know, this group please be sure that it's Sunshine'd, that it's noted by everybody so that people can attend. I think I did see on *Akaku* that there was a meeting that was filmed, and that's how I heard about, or that's how I saw that there was a meeting going on. It was great, and I think it was said that minutes would be provided. So, I did ask for a copy of it although I never was fortunate enough to receive it. Maybe it just went to the Molokai community, but things like that, and I think everything was done with good faith of, you know, trying to get more input and trying to reach people in the community who maybe were not able to go to other meetings that, you know, were handled through CPAC or the Planning Commissions, but that's one thing that I would like to say that when you develop, whatever it's going to be, make sure that it's Sunshine so that everybody would know. I value having Ms. Eaton and the team basically provide the Council information on, you know, different areas that were, you know, inconsistent I guess with, you know, where we're trying to, whatever the law is. So, that kind of thing, whoever the consultant is if that's the route that's going to be, I can see the value from start to end just because of the experience that I could see happen with the Molokai Island Plan. I do know that the community fought to get I don't know if it's east or west, but it was an appendix and it was added to the plan. So, it became part of the

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plan and not in one of them east or west was added in so it was completely what the community had asked for and it was through a lot of discussion. So, it wasn't just an easy fix I don't think, but it was the community was heard on that. And we had really good input from two planners, that I forget their names, but they basically came up with recommendations that were also considered for the island plan. So, I think, that was done in addition to, I think the Planning Committee Chair had that as a discussion and that was very interesting. So, just, you know, some of my observations from the Molokai Community Plan process, it was excellent, it was two years, I think it was the whole term because we approved it at the very end, but there was a lot of meetings that happened. So, I can see the reason why you would need somebody to do it, you know, from start to end.

CHAIR PALTIN: Thank you, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: And the trust factor is important.

CHAIR PALTIN: Thank you, Member Sugimura. Ms. Lee?

COUNCILMEMBER LEE: Thank you, Madam Chair. Sorry I've been sitting in the back, but I've been waiting for a long distance call, and every time I sit down I get the call, but I go out there and I lose the call. So, anyway, that's the reason why I was back there, and I still have to go back there. Thank you, ladies, Ms. McLean and Ms. Eaton. I just have a little different kind of a question. As you know, I've been through this process for over ten years yeah, and for the life of me, I can't understand why we review the entire island, all three islands, all four islands, when we develop maybe 10 percent, maybe 15 in that 10, 15-year period. So, why can't we condense the review to where you expect development to occur or changes to occur when half the island doesn't have infrastructure anyway, yeah. Where there's no water, there's no electricity, there's no nothing, why would you review that, yeah? And if the owner has no plans to develop why would we review that? I think we need to be more realistic and efficient, and look at and review the areas that we anticipate can be developed because after all we don't own all the land. Is it the landowners we have to check with? Let's say Haleakala Ranch. I'm sure they don't have any immediate plan. I don't know, but I mean, their land has been there for tons of years, and I'm sure they have...most of their land is not planned for development. So, and then there's always the possibility of coming back for a community plan amendment. So, why do we review the coastline and the this and the that that's never going to be developed? So, that's my question. I think the process can be much shorter and much more efficient if we review what we think is capable of being developed in the future. That's, do you have any comments to that?

CHAIR PALTIN: Thank you, Ms. Lee. Ms. McLean?

MS. McLEAN: Thank you, Chair, and thank you for the question. Now, that we have the Maui Island Plan which has growth boundaries, for the land use portion of the community plan updates, we are looking just at the areas within the growth boundaries. And even so, we're probably not going to be looking at all the areas within

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the growth boundaries because some of them, at least in that community's eyes aren't ready to be designated anything in particular yet. So, in terms of the land use component, what is being looked at will be scaled down to just the areas within the growth boundaries.

COUNCILMEMBER LEE: So, then how much shorter would the process be?

MS. McLEAN: Well, the plans aren't just land use. The land use does drive a lot of it, but it does go beyond, the plans do go beyond land use. It's in some ways it all ties back, but it's, we can only give our recommendations, our judgment, our input, it's still is up to the community to craft the framework for that plan and then the CPAC and the Commission will do what they're going to do. We don't constrain those. Again, we give our recommendations, but if they want to venture beyond what we're advising then they can and they do, and that gets included. We do want the plans to be more efficient. We want them to be realistic. We've talked about that a lot how it, how the plans should tie into the budget. They should tie in to every County department that has an implementing role. We're going to keep advocating for that, but it takes everybody's participation to make them realistic, and, I think, it's very difficult for the Council to get a plan that comes out of a Commission with all sorts of things in it, and you folks know realistically we're never going to be able to accomplish all these things, but then how do you remove those things that you know are really important to that community, you know? It's very hard to do. Either that or you need to be prepared to fund those to be able to get them done. So, those are, they're very hard choices, but our role in that is giving advice, but then once it's, once the process is underway the content is what each of those bodies puts in the document.

COUNCILMEMBER LEE: Okay. If I may, one last comment. Ms. McLean, a lot of what's in the plans are aspirational, okay, and the way it's being handled now engages a lot of the community which is great, but then it's not useful because by the time it's passed, it's outdated. So, what we want to do is make it useful. We want whatever the input is, is to be taken seriously so you can implement the will of the community, but if we just going through the motions just to get their input, and then nothing happens after that then we have to really take a second look at the process, yeah, which I know you are doing, but maybe we ought to check with Kauai again if they're so progressive. Thank you, Pam.

CHAIR PALTIN: Thank you for your comments, Ms. Lee, and I appreciate that the Planning Department isn't imposing their will on the community, and just making recommendations. I really appreciate that approach to the process. If I may, Council Vice-Chair Rawlins-Fernandez, you had a question or comment?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, thank you, Chair. I think there's a lot of lessons that were learned on Molokai for sure. So, I wanted to make a few comments. I'm not sure initially, when the community plans were created if it was supposed to just focus on land use, and perhaps it's evolved, and thank you so much for, again, clarifying that our community plans are not only about land use. I appreciate that because on Molokai we use it for so much more than that, and it means a lot to us

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and it is useful, and we hope that other communities will find it equally as useful because they are putting so much of their mana into it, so much of their time and energy, and really making it their own like we did on Molokai. And I think it's, I mean, when you look at Lanai, 98 percent of the island is owned by one person. The community...large landowners, they can come and go, you know. A community, the people in the community they stay there like on our islands, and they deserve to have a voice, and they deserve to be the architects of their future, and not be imposed upon when large landowners come because the characters of our islands can very quickly change, and our people fight so hard to maintain all that we value about our home. I wanted to clear up some of the statements or correct some of the statements that was made earlier by Councilmember Sugimura. I followed this all the way through the Council review. The inconsistencies that were made was because our community was fighting so desperately to communicate the fact that we are not one community, we are an island of communities, which you know, thanks to Chair King, the title of our plan now reflects that, the Molokai Island Community Plan. So, those inconsistencies were created because the East and the West End Policy Statements were included as chapters, and there were some redundancies and some conflicting information that were in there that the Planning Department wanted to point out. And with Chair King's, you know, guidance and assistance a lot of them were either corrected or left there because we're communities, and it's okay to have redundancies because it just shows that it's really important to a lot of our communities, whatever that is. And the informal meetings, you know, our community was thankful for because as, you know, Chair King said our community plan was submitted to the Council in May 2016, and sat for seven months. It just sat there, like nothing was done with it. It's so disrespectful and so to kind of get the ball rolling again, I think, these meetings were important to have and, you know, it, because of Sunshine laws, and because of cost, not all Councilmembers could attend, but you know, my predecessor and Chair King were both at all the informal meetings. I think there was seven of them. And all of them were filmed by *Akaku* so that anyone that missed it could review it later, and I helped to try to get the word out as much as possible and so did others, and not everyone can make it to all the meetings, but a lot of the meetings were really well attended. And I just, one last correction, Chair. The, what was included was both the East and the West End Policy Statements so that all of our communities would feel included in this community plan. Mahalo for me, allowing me to make those corrections.

CHAIR PALTIN: Thank you for your comments, Ms. Rawlins-Fernandez. Is, Ms. King, you have...

COUNCILMEMBER KING: Chair, I just want to say I appreciate this discussion. I hope we can start getting the Planning Department to think outside the box because one of the things that is disturbing is that first of all, trying to compress the process is not a matter of just checking off a box, and it's a matter of getting people deeply involved in a shorter period of time so that we can capture what the community wants before the community changes over the course of two years. So, I don't appreciate that language, but I also want to say that, I think that, if we can start thinking a little more creatively, and I'm willing to go and look at possibly engaging an entity like MEDB to

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do the entire process, and see how quickly that can go. If we can do that under current ordinances that require the staffing of CPAC and the Planning Commissions by the Planning Department. This, and I went through this with Corp. Counsel because they told me that they're required to staff it. When the previous Planning Committee agreed that we should send parts of the plan back to CPAC for clarification there was a vote taken and we voted yes and Planning Department said they would not staff it. So, you know, that's what I dealt with the last two years of trying to shepherd the Molokai Community Plan. There were also attempts to have Committee meetings and I was told by the previous chair that I would not be allowed to have Committee meetings over there because it requires the staffing, and all the Councilmembers, and the notices and so the, so basically, when you hold the talk story, and you go into a community, and you'll probably do it in your community, maybe you already have, it's just that, it's a talk story, and we got the word out as much as possible and people showed up. It was not meant to be under Sunshine Law. It was actually forbidden to be an official meeting by the previous Chair. So, you know, let's let that go, Councilmember Sugimura. That was highly appreciated by members of the Molokai community, and I heard actually comments that no other Council Planning Committee Chair had ever been there that often in that short of a period. So, it was an attempt to meet multiple times so we could get multiple engagement, and I think one of the things that and, I heard this earlier and I think it's a true statement by the Planning Department that, you know, they have to get over the proprietary attitude about these community plans and that the, I don't feel like from my community anyway there's a trust issue within the community. I think we need to bring people physically together, but if the trust issue is a Planning Department trust issue or a County Administration trust issue, or even a County Council trust issue, we've got to mitigate those trust issues on our own, and they shouldn't be done through, it shouldn't be using a two-year process to mitigate that trust issue. Hopefully, we can do that by addressing more of the community's concerns directly and having those engagements. That's what those talk stories are meant to do is to bring people together. So there's a little bit of a, to me, an irony going on about, you know, having these types of meetings or not having these types of meetings and whether people can speak freely when it is under Sunshine Law and all notes are being taken. And the last thing I wanted to say was that the Kihei Community Association, I think most of the community associations are volunteer associations, and they have their meetings outside of Sunshine Law because they're not official. They're not getting paid. There's no one there to record, and I know that our President Mike Moran has been asked before for minutes and he says, we're volunteers, we don't take minutes. We're trying to address community concerns, but it's not an official, it's not, nothing's binding, and so we have a lot of these organizations throughout the County that we perhaps need to take more stock in, and do more engagement with and understand that there's a lot of volunteer efforts out there that could be harnessed, and they're not going to be official. They're not going to be people that are going to be held liable, but they need to be appreciated just as much as the people who are getting paid and the people who are under Sunshine Law and we need to start looking at the entire conversation. Not just the bits and pieces of it that we're putting together as a Council or the Department. So, that's kind of my push on trying to get that community engagement to happen sooner rather than later for the communities who want it and are willing to engage.



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Not every community is ready for this, but we're, we've already pre-described the order of which we're going to undertake this. And I've been talking to communities like Haiku, Paia. You know if you guys are ready come and lobby us. We can change that order. That order was created by the Council and it can be changed by the Council. So, you know, we should be working with the communities who are ready to have that engagement, and then they'll be that much further along. The process, you know, hopefully can be cut at least in half with the templates that have been created and the lessons learned through the last two years of the West Maui process.

CHAIR PALTIN: Thank you, Chair King. If I may, I just wanted to point out one clarification. You know, some of the trust issues obviously are with the plans not being implemented and whatnot, but in our specific community we had the unfortunate circumstance where there was a big development that had been presented to our community, and some of the trust issues stemmed from community members not disassociating that this community plan process that was starting was completely separate from that other community and they had thought, you know, with the collared shirts, that the Planning Department might be developers because that's in our community we kind of associate collared shirts with developers. So, that was a portion of the trust issues. I think Ms. Eaton wanted to further comment, but I just wanted to point that out.

COUNCILMEMBER KING: Yeah. No, and I understand that, Chair, just what my point is that we should not be, you know, having this proprietary idea that we own these community plan or the process and that we need to mitigate our own trust issues because those can be done in other ways outside of the community plan process.

MS. EATON: Thank you. So, I want to get back to that proprietariness. I'm hoping that through the testimony that you heard today, the public testimony, the incredible amount of information on the website, that if nothing else we've demonstrated two things. Number one we have been thinking outside of the box. That's the whole point of everything we've been doing is to think out of the box. There is no box. And my second point is I've heard several testifiers here today talk, and I think even the Chair talk about the fact that we don't own this plan. The whole point of what we do and why we do what we do is to have the community...and I myself have said today that it is critically important to have this community not only be heard, but to take on the stewardship of this plan. No one...I've said this again and again and again. So, I think we've more than demonstrated that not only thinking outside the box, there's no box, there's no box, and we do not have any sort of proprietary problems with this. The whole point is making sure the community feels heard and they take this on. I do have one question because this has come up again and again, and I just really want to make sure I understand with regard to procurement. I've heard a specific entity be mentioned today, and many, many times about taking on community engagement for \$100,000. My question is I thought that with regard to procurement, if there's a project or professional services that cost more than \$25,000 you have to put it out to an RFP. So, I really want that cleared up because this one entity keeps being mentioned and we mentioned that we're open. We've tried to come up with solutions like, yes great let's bring in a consultant, but it really we've tried to make the

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argument and many testifiers have understood to have it as a whole package so things don't get stale and it's not disjointed. So, if, I just want to know, the \$100,000 and MEDB, I thought there was an actual procurement process, and things would have to go out to bid. I know we just went through this with the Title 19 rewrite.

CHAIR PALTIN: I believe you're correct and if I may just jump in, Ms. Sugimura, I was wondering do you have an RFP ready to go? Is there like a contract that's already been drawn up?

MS. McLEAN: To contract out the entire, an entire community plan?

CHAIR PALTIN: Yes.

MS. McLEAN: No, we do not have one. We don't have the budget. So, we can't put out an RFP if we don't have the budget to pay for it. In this fiscal year we don't.

CHAIR PALTIN: So, you wouldn't make the RFP until the money is allocated?

MS. McLEAN: Correct or at least if we're far enough through the budget process where we feel like this money will stay, and then we might start drafting it so that we can issue it as soon as possible.

CHAIR PALTIN: And then like the RFP would have what the contract would include and like that and so that none of that is ready or anything? You got to wait?

MS. McLEAN: We would wait. Yes.

CHAIR PALTIN: Okay. My apologies --

COUNCILMEMBER SUGIMURA: Oh, no.

CHAIR PALTIN: --Ms. Sugimura. Thank you for your patience.

COUNCILMEMBER SUGIMURA: So, appreciate this discussion. I think that we're all talking about the same thing, you know, that we want to do the best job possible. We want to hear from the community. We heard from the community engagement process and the testifiers this morning on the effectiveness of what the Planning Department has done. And that, you know, I want to say that the statements that I made regarding the Molokai Island Plan, I was just trying to clarify some of the things that were said and that I hope that just so that we didn't have that confusion of testifiers who came to us when we were trying to do the Molokai Island Plan that it was clear, you know, what the process is, I guess. I'm not downing the talk stories that were, you know, happened on Molokai. I mean, that was good. I only was fortunate enough to see one of the, you know, *Akaku* replays, but and that was very good too. I think they were talking about fishing, you know, something, but and it's important, you know, I mean, we heard on the floor for two years, you know, we heard from the people from Molokai who came and testified as well as some people even flew over just to talk to us, and

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then have panels. I mean we all want the same thing, you know, just as we do in West Maui and the other plans. So, I was just trying to say that, you know, I think lessons learned and there's lots of voices out there, I guess, the process that you're doing now, your community engagement that I think you said before is too bad we didn't do that on Molokai because there are a lot of voices who wanted to be heard and who had, you know, you had stopped at some point and then started again and that created some of the frustrations. So, it's good, you know, where we are and whatever you plan to move forward, I think, we have to appropriate funds first in this budget cycle if that's going to be approved, and then from there forward, you know, we take it the next step because if its \$500,000 that's, you know, need to be discussed. So, thank you.

CHAIR PALTIN: Thank you, Ms. Sugimura. I appreciate the comments, and, Members, it's, we've been discussing this for a little over an hour, and I really appreciate your patience and participation in this process. I think we've come at it from all angles, and if, unless there's any other comments, I'd like to...

COUNCILMEMBER KING: Chair?

CHAIR PALTIN: Yes?

COUNCILMEMBER KING: I have one more comment because, I think, the Planning Department brought up a good point about going out to RFP. I think there are certain things that have been put in our budget that were specific to certain entities, but there also was and I wanted to throw this idea out, there was \$250,000 put in the last budget under the Council to contract out for a housing plan or housing, the community came to us and said, you know, we need somebody to actually put together a plan and that was put under the County Council and the RFP was initiated by the Chair, by the previous Chair. So, there is precedent for us being able to put that money into the Council and send out an RFP and work with the Planning Department to contract for that entity, but I do believe that we should do that through RFP. I think it's good to put that out there and see who else is out there that may respond to that, but it's sort of a little bit of a hybrid of versus putting it into the Planning Department and that gives the Council oversight also into making sure that it gets done. So, I just wanted to throw that out there. Thank you.

CHAIR PALTIN: Thank you. I appreciate those comments. If there's no objections, I'd like to defer this item.

COUNCILMEMBER SUGIMURA: No objections.

**COUNCILMEMBERS VOICED NO OBJECTIONS.** (Excused: AL)

**ACTION: DEFER PENDING FURTHER DISCUSSION.**

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CHAIR PALTIN: Okay. So that item is deferred. Who's up for a five-minute break, ten-minute break? Okay. We'll be in recess, coming back at 11:35 about. . . .(gavel). . .

**RECESS: 11:23 a.m.**

**RECONVENE: 11:36 a.m.**

CHAIR PALTIN: . . .(gavel). . . The Planning and Sustainable Land Use Committee meeting of February 13<sup>th</sup> will come to order. The time is 11:36.

**PSLU-11: ANNUAL STATUS REPORT ON IMPLEMENTATION OF MAUI  
COUNTY COMMUNITY PLANS** (CC 18-75 and CC 19-65)

CHAIR PALTIN: And we're moving forward to PSLU-11, the Annual Status Report of Implementation of Maui County Community Plans. The Committee is in receipt of the following: County Communication 18-75, from the Planning Director, transmitting the Director's 2017 report on the status of implementation of eight of the nine community plans for the County pursuant to Section 8-8.5 of the revised Charter of the County of Maui, as amended and Section 2.80B.030, Maui County Code. The ninth community plan, the Kahoolawe Community Plan is excluded from the report because its implementation is within the jurisdiction of the Kahoolawe Island Reserve Commission and there have been no related County actions; number two, County Communication 19-65, from the Planning Director, transmitting the Director's 2018 report of the status of implementation of eight of the nine community plans for the County pursuant to Section 8-8.5 of the revised Charter of the County of Maui (1983), as amended and Section 2.80B.030 Maui County Code, and again the ninth community plan, the Kahoolawe Community Plan is excluded from the report because it's implementation is within the jurisdiction of the Kahoolawe Island Reserve Commission and there still have been no related County actions. And I chose to put this on the agenda because it seems like it, you know, just flows from our previous discussion on PSLU-6. And at this time, I'd also like to recognize Plan Implementation Division Administrator from the Planning Department, Kathleen Aoki.

MS. AOKI: Good morning, Members, and Chair. My name is Kathleen Ross Aoki and I am the Division Chief for the Plan Implementation Division of the Planning Department, affectionately known as PID, P-I-D. I'm here this morning to provide to you just a brief overview if you will of the annual status report for the implementation for the community plans. Just for your reference, we've been doing this now, this is our third year. We do have the 2016 and 2017 implementation reports online under PID's page if you want to look back and see the 2016 and 2017 reports. So, as mentioned, we are required to do this report based on the Charter and based on 2.80B. The report you have before you is a compilation of us getting responses from every department. We compile those and put this report together. For the State and Federal and other jurisdictions that are in this report, we reach out either to those agencies or private entities. We look online. We do what we can to try to research. Some of these action

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items are very outdated so it's sometimes hard to get information on them. So, what I'd like to do is just go through the report. We categorized each implementation action item and their status either based on one, being completed, meaning the action item is done; two, in progress, and in-progress can mean that it's been touched in some way, shape or form. It could be something that was looked at and then decided upon that it wasn't something to continue to pursue. It could be something that will forever be ongoing so it will never be completed or and it's not begun. And then the last category is that it has not begun, meaning the agency has not yet addressed it. For the community plans we have 711 action items total, and based on 2018's report, we have implemented 168 of those actions which is 24 percent. We have partially implemented 342 actions, which is 48 percent, and we have not implemented 201 or 28 percent. What we do is, as I mentioned, we, when either we're asked or a project comes up, we can provide our input to the departments and let them know that there are corresponding community plan action items that support what it is that they're doing. I'll give you one very, very recent example is on Molokai. The Police Department is looking at trying to build a new station, and they are, they have been in the past few years looking for land and so there is a specific action item in the newly adopted Molokai plan that talks specifically about the Police Department looking at and acquiring land. So, that's where these plans, as you say come in, they are very important as far as the County's role in continuing to do CIP or providing infrastructure for our citizens. As far as enforcement goes, this report talks a great deal about how it is that the Department "enforces the implementation of the plans." It is done through discretionary permits. You have SMA permits, you have zoning, you have legislative action such as changes in zoning, changes in community plan, you have conditional permits. We review subdivisions and subdivisions, the law requires that they have consistency with the community plans and then you just have direct enforcement with our inspectors. So, that's really all I have to report. What I would like to say which came up last year, which I know a lot of you are new Members, there was a lot of individual questions about specific items that are in our plans that relate to specific departments. I'm one person and there are 1,089 implementing actions total. So, I can try to answer questions for you, but my recommendation is always that it is best to talk to those departments individually because they know their kuleana, they know where they're at, and I don't want to surmise that I always know the right answer. Thank you.

CHAIR PALTIN: Thank you, Ms. Aoki. Vice-Chair, Vice Council Chair Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair, and mahalo for your presentation and for the report. As I was reviewing it, I couldn't help but wonder where in progress an item is. So, I was wondering if, you know, in future reports, if we could have like maybe some kind of a scale for the in progress column instead of an X so we have something to compare from prior years. So, we have like some things where it's from like the 1995 plan, and it shows that it's still in progress and so I'm --

MS. AOKI: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: --you know, I'm left to wonder.

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MS. AOKI: Right. No, I hear you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Has it made progress since the '90s, you know, or is it at like a stale mate where it can no longer move forward? So, I was wondering if maybe that could be implemented in the report so that we have an idea. Maybe like a scale from one to ten. Ten, you know, being like it's complete or near completion so that we have an idea of where it's at.

MS. AOKI: Okay. That's a great suggestion.

COUNCILMEMBER RAWLINS-FERNANDEZ: Thank you.

CHAIR PALTIN: And maybe like a code to like say that it's always going to be in for, like this item is always going to be in progress, like have a special letter or something to go along with that. Sorry, just adding in.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right. Yeah. Thank you, Chair. Yeah, because some things --

MS. AOKI: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: --it's like encourage the community to do something, and so you'll always be encouraging the community --

MS. AOKI: Right. Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: --which I understand.

MS. AOKI: Exactly.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. Yeah, but for things that, you know, have an end date --

MS. AOKI: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: --it would be great too.

MS. AOKI: It might be good to just like you say, take that out, and make a separate column for things that you know will always be ongoing.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right. Thank you.

CHAIR PALTIN: Thank you. Council Chair King?

COUNCILMEMBER KING: Thank you. Thank you for this report, Ms. Aoki. It's really helpful. I'm wondering if there would be, if it would be easy enough to categorize these

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implementation items by district so that, you know, the Kihei community could take a look at the things in the Kihei-Makena plan, and you know, I mean these are all by departments, and then so it's broken up to each community, but if we could have...would it be difficult to do that, to just like redo a spreadsheet that just has all the Kihei-Makena issues so that we could take a look at...some of these, I mean, I'm looking at a implementation action item that says seek State and private support for the establishment of a four-year university in the Kihei-Makena region.

MS. AOKI: Right.

COUNCILMEMBER KING: And some of those things, we may want to have a discussion, you know, in South Maui about to, you know, we still want to have this, do we, can we take this off the, you know, before we get to the, before we even get to the review there's some things on here that may be very outdated, where the priority is going to be different today than it was 21 years ago when this was created and so, is that possible? Is it an easy thing to do? I mean, this is a really nice spreadsheet. It's just it's broken down by departments, so if you were looking --

MS. AOKI: Right.

COUNCILMEMBER KING: --at a specific community plan, you would have to go...or do we have that already?

MS. AOKI: Well, I just wanted to make sure I'm hearing you correctly. So we have it by agency, and what you're asking for is just to have it by community plan?

COUNCILMEMBER KING: The action item, right, implementing --

MS. AOKI: Yeah.

COUNCILMEMBER KING: --then each Councilmember --

MS. AOKI: Yeah.

COUNCILMEMBER KING: --can kind of take a look at their respective district, and look at things that are, might be coming up, things that haven't been done that maybe should be done.

MS. AOKI: Yeah.

COUNCILMEMBER KING: You know, since we work directly with some of the departments that you may not be talking to every day.

CHAIR PALTIN: Ms. McLean?

MS. McLEAN: If I could comment. Just essentially cutting and pasting and putting the community plan groups together, that would be relatively easy to do, but then to

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notate which department is responsible for that action the way that it's sorted now, that would take some additional time to do, but --

COUNCILMEMBER KING: Okay.

MS. McLEAN: --it's certainly doable.

COUNCILMEMBER KING: Okay. Or even if the action item, because the reference just has one, two, three, four, five, six, seven, eight, I mean, I don't know what the reference number. Can you speak to that, Ms. Aoki? In this document under the column that says reference.

MS. AOKI: Sorry. That's just for us to keep count. That has no relationship with the community plan.

COUNCILMEMBER KING: Okay, because some of these, I don't know if, I don't know maybe you weren't doing it back then, might not even know if you were doing it back 21 years ago or not, but did we, were there like in the community, Molokai Community Plan we have the, you know, we just have the priority one and priority two which we actually did an exercise in the community to try to, you know, get that a little more focused, but were there priority numbers used back then?

MS. AOKI: No.

COUNCILMEMBER KING: So there, so we don't even really know what the priority of the community was, and that might be something that communities can start looking at ahead of time before we get to their community plan review process. At least get a handle on what items are outstanding that may be top priority or may not even be a priority anymore.

MS. AOKI: Would you be comfortable as Director McLean said, it would be easier for us to just say cut out Kihei-Makena for Environmental Management, Kihei-Makena Water Department. And so it --

COUNCILMEMBER KING: Yeah.

MS. AOKI: --will still be broken up by departments, but all of Kihei-Makena's will be on, in one section.

COUNCILMEMBER KING: Right. That's, I think would be helpful.

MS. AOKI: If that's okay because it would be harder for me to go back to the Kihei-Makena Community Plan, figure out the order of all how it's in that plan, and then figure out if it's done or not done.

COUNCILMEMBER KING: Yeah, I don't want to make your life that hard.



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MS. AOKI: No. No. No. I just, I want to know what you want.

COUNCILMEMBER KING: Yeah. Okay.

MS. AOKI: So, if you're okay with that --

COUNCILMEMBER KING: Yeah.

MS. AOKI: --yeah, we can do that.

COUNCILMEMBER KING: Yeah. Yeah because that'll make it easier for me working with the --

MS. AOKI: Right.

COUNCILMEMBER KING: --South Maui District to go through and say --

MS. AOKI: To see, yeah.

COUNCILMEMBER KING: --and look at the things that, you know, that I think maybe are lower down on the priority list or maybe we could even agree to, you know, make amendments about whether they still are priorities because I'm not seeing anytime soon that we're going to have a four-year university in South Maui.

MS. AOKI: Right.

COUNCILMEMBER KING: So, I'm not sure how much time we should spend on that.

MS. AOKI: Right. Right. And like you say, those didn't contain any prioritization in them so they're just listed --

COUNCILMEMBER KING: Yeah.

MS. AOKI: --one through however many.

COUNCILMEMBER KING: Yeah. So, I, we had a very good exercise, Chair, in Molokai where we took the one and two, the number one priorities which were over 100 and to try to do something like that in each community might be a good exercise while everybody's waiting for their number to come up in the order of community plan amendments.

CHAIR PALTIN: Thank you.

COUNCILMEMBER KING: So, that would be really helpful. Thank you.

CHAIR PALTIN: Yeah, that's a good suggestion. I know, Councilmember Sinenci's been waiting, but is it okay for Councilmember Molina to go --

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VICE-CHAIR SINENCI: Sure.

CHAIR PALTIN: --because he might have to leave.

VICE-CHAIR SINENCI: Yeah, sure.

COUNCILMEMBER MOLINA: Oh, thank you, Mr. Sinenci. Thank you, Madam Chair. I'll be real brief. First of all, I want to thank the Department with this report because it does give me a handle as a, for example, with issues in my area that constituents would like updates on. For example, last night I was at the Makawao Community Association meeting discussing proposed projects in the community, and one person from Haiku asked about the status of the Haiku Fire Station. So, I'm glad to see that it was listed here as something in progress. Now, in terms of just the, we had a discussion earlier about the implementation of the community plans and the process, does this status report ever review the issues and concerns from the public related to their concern that, for example, zoning trumps the community plans now to resolve that perception? And also can this report also have any impact on the, as far as changes, the community plans being made by the Planning Department versus, you know, when the reports are completed, or the community plans are completed by the CPAC and the Planning Commission? So, I'm just kind of throwing that out for you here with the impact of this report or so anyway, just kind of, I'm just kind of, I may be reaching here a little bit, but just wanted to get your thoughts on it, but I find it very helpful. At least gives me as an area representative to help answer questions from our constituents. So, anyway, I'll throw that out there, Madam Director.

CHAIR PALTIN: Ms. McLean?

MS. McLEAN: Just in general, I think, it goes to underscore how we would like these plans to be more implementable, more achievable, more realistic. And they are aspirational as the previous discussion noted. So, it's not to say that you can only put things in there that will absolutely be accomplished because you do want to have the longer term vision, but to see that there's still a significant number that haven't been completed, I think, that's just something to keep in mind for the communities as the new plans are created and for the Commissions and Council as the plans go through the process to try to make them implementable, and also to hold all of the responsible departments accountable for pursuing those. And certainly, you don't want a department pursuing something that everyone agree, oh, we don't want to do that anymore, that's not important anymore, but for this to be in everyone's thinking when the budget is adopted and when different projects are proposed to say, well is that in the community plan? So, it's, yeah, they are helpful in that regard and it is something to keep in mind.

COUNCILMEMBER MOLINA: Thank you. And thank you, Councilmember Sinenci, for giving me that opportunity. Thank you, Madam Chair.

CHAIR PALTIN: Thank you. Councilmember Sinenci?

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VICE-CHAIR SINENCI: Yeah, I just wanted to support my fellow Councilmembers. I, too, find the document very helpful. For somebody who's transitioning from a previous Councilmember it helps to see which one has been worked on, which one still needs to be worked on, and I agree about the budget going into budget where should we be putting our focus. Also, just reading some of the, some of these objectives that has been put in place by my predecessors and then maybe making, I don't know how long, in 1994 some of them have been, and so and then just making that connection with today's standards or today's issues. So, just putting, it probably needs to be reprioritized since 1994. So, I appreciate this, and I too would want to see like Councilmember Molina where I can take it back to my community as part of our community plan process to just put these things out and present it to my constituents. So, thank you.

CHAIR PALTIN: Councilmember Lee?

COUNCILMEMBER LEE: Thank you, Madam Chair. So, I guess, it comes down to money, and so how many more positions do you need?

CHAIR PALTIN: Ms. Aoki?

MS. AOKI: That's a loaded question.

COUNCILMEMBER LEE: No. I'm serious.

MS. AOKI: Well, my response to that would be, it's not just planning. We are only responsible for a few hundred of these. Department of Environmental Management, Water Supply, Public Works, when you start reading through all of these and what the desires of the community are it's about staffing, but it's just CIP things. I mean there's the desire to have greenways everywhere, and bicycle paths, and new stations, and things that aren't even under the County's jurisdiction are thrown in here. So...

COUNCILMEMBER LEE: May I clarify?

MS. AOKI: Yeah.

COUNCILMEMBER LEE: I didn't mean to solve all the problems.

MS. AOKI: Okay. Sorry.

COUNCILMEMBER LEE: I meant, before people can implement, they have to have a plan. So, starting with the plan, so that you can expedite and speed up the process. You're shorthanded right? Right. We all want the plan so that we can move to the next step on implementation. So, I mean, how many more positions would you need and how much money do you need to outsource the rest of it?

MS. McLEAN: If you're talking about the community plan updates --

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COUNCILMEMBER LEE: Yeah.

MS. McLEAN: --we estimate that it would be about 500,000 to contract out another plan. To do it in-house we'd need to come close to replicating the staff that we have. So, probably five people to do it in-house rather than contracting it out.

COUNCILMEMBER LEE: Isn't it true that you actually are never going to catch up so that five people will finish their job and have nothing to do? Right? I mean it's ongoing.

MS. McLEAN: It's ongoing, yes.

COUNCILMEMBER LEE: So, you need about five more people in-house and about 500,000 to outsource the rest?

MS. McLEAN: If we had both of those things, then we could have three plans well in process at the same time. If we had one of those things, then we could have two fully in process at the same time.

CHAIR PALTIN: If I may --

COUNCILMEMBER LEE: Yes.

CHAIR PALTIN: --just jump onto that, would it be possible to do like a limited-term appointment per each plan as it needs to be done? You know, when I used to work for the County of Hawaii, we had limited-term appointments, for like just say the summer, to cover a need. So, would it be possible to write, I think, there's maybe six more plans or so, would it be possible to write, like limited-term appointment positions for each of those plans and then get it moving in that way?

MS. McLEAN: Yes, that's possible. By the time those plans are finished though, it would be time to do the Maui Island Plan again. So, it's like painting the Golden Gate Bridge as they say.

CHAIR PALTIN: Thank you. Council Chair King?

COUNCILMEMBER KING: Thank you. This shows how these two, the previous issue and this issue kind of overlap, but I wanted to kind of go back to the idea of how many implementation items we have because this is over a period of 20 years for most of these plans. So, we're all...and I think, there might have been some taken off of here that were completed. I'm not sure. Was this all the implementations items for all the plans since they were renewed? So that, so what you're saying is there's a total of about a thousand action items for 20 years for nine different plans, and we've gotten through 168 of those items in 20 years or was it...what...

MS. AOKI: Sorry, Councilmember King. There's 711 for the community plans, 305 for the Maui Island Plan, and 73 for the Countywide Policy Plan.

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COUNCILMEMBER KING: Okay. So, but for the community plans we have --

MS. AOKI: Seven hundred and eleven.

COUNCILMEMBER KING: --711.

MS. AOKI: Right.

COUNCILMEMBER KING: And that's like over a period of 20 years.

MS. AOKI: Yes, since...

COUNCILMEMBER KING: So over 20 years we've gotten 168 of those implemented, and 342 are in partial.

MS. AOKI: Correct.

COUNCILMEMBER KING: So, I just...okay. So, you know, I mean, that kind of goes back to the idea of planning during the review of prioritizing, and deciding what we want to happen when because there's a lot of things in, and it wasn't really done for the Molokai island, I mean we tried to prioritize, but that wasn't accepted by the Committee, but there's not a vision of, you know, these are the items for the next two years, these are the items for the next four years, and these are items...so things get done in accordance when, with when money's available or when somebody, some department has time to do it, has an extra person happens to look at this and go, oh, we should be doing this. But there's not really that, and that's, I think, what's missing from these plans is a timeline and a priority, a sense of priority which is what we were trying to do in the Molokai plan with the community is prioritize and say, okay if we have 200 items, you know, what are the first ten that should get done right away? And understanding that things change and there may be new technologies available, there may be issues that come up with climate change, there may be grants that become available that make something a top priority, but at least to have the community when we're going through and, you know, West Maui is going to be next is to have that ten-year plan for all those action items and which ones are priorities over the others. So, at least we get the most important things done when they're still relevant instead of waiting, you know, you know, eight years down the line, and probably it's going to be at least another 20 years before it gets updated again. So, you might need a 20-year plan, and I think that was, even though they're supposed to be updated every ten years, Chair, the plan is actually for a period of longer than ten years. So, I think the Molokai Island Plan is for a period of up to 2030, I believe.

MS. AOKI: Yeah.

COUNCILMEMBER KING: So, I know it was long, it was close to 20 years, but it's supposed to be updated every ten years is the point. So, I think we have to keep those things in mind and start looking at timelines for some of these things, especially in light of the fact that we are running out of time. You know, we're running out of time for a lot of

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these issues. If we don't start getting our ducks in a row, we're going to, you know, climate change is a huge threat, sea level rise is a huge threat, and we have to go back and look at some of those mitigations and prioritize those over development, especially development in those areas. Thank you.

CHAIR PALTIN: Thank you. That's very pertinent points, and if I may also...

MS. AOKI: I'd like to just add that since the Molokai Community Plan was adopted late last year, this report is based on the previous plan. So, when you get the 2019 report at the end of this year, we will add 161 more action items. The 2001 Molokai Community Plan had 62 action items which is in this report. The newly adopted plan which I went through pretty quickly my count was 223 give or take. So, that's where we're going to be adding on 161. So, just so you know --

COUNCILMEMBER KING: Okay.

MS. AOKI: --that's why these numbers can change and be dynamic. Lanai was the same thing. You'll see the 2016 report is different from the 2017 report --

COUNCILMEMBER KING: Okay.

MS. AOKI: --because Lanai got adopted and then --

COUNCILMEMBER KING: But, Chair, if I may just to ask a question. So, you're adding on, but don't those 201 replace the previous action...

MS. AOKI: There were 62 --

COUNCILMEMBER KING: Right.

MS. AOKI: --in 2001. There are 223 in the 2016.

COUNCILMEMBER KING: But those other 61, those don't carry over.

MS. AOKI: No. No. No.

COUNCILMEMBER KING: Okay.

MS. AOKI: I'm just saying. So, I'm taking out the 61.

COUNCILMEMBER KING: Okay.

MS. AOKI: I'm going to put in the 223. The difference between those two is 161 additional. They're different, but I'm just saying that's going to increase that number from 711 to 872 --

COUNCILMEMBER KING: Okay.

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MS. AOKI: --total for our --

COUNCILMEMBER KING: Okay.

MS. AOKI: --community plans.

COUNCILMEMBER KING: But then those action items too...that's and this is where the priority comes into because those are effective today up until 2030. So, you've got --

MS. AOKI: Right.

COUNCILMEMBER KING: --you're looking at, you know, a period of --

MS. AOKI: Yeah.

COUNCILMEMBER KING: --leftover of about 11 years I guess.

MS. AOKI: Yeah.

COUNCILMEMBER KING: And so what needs to happen is, you know, and I, you know, maybe you can look at that priority that the community already did or maybe you want to have them do another one, but I think there needs to be some direction from the community in those implementation items for, you know, how that happens over the next 11 years. So, you may be looking at only 61 in the next five years or something like that.

MS. AOKI: Oh, absolutely. I'm just, wanted you to know that that's why --

COUNCILMEMBER KING: Yeah.

MS. AOKI: --the report, the numbers can change.

COUNCILMEMBER KING: Right.

MS. AOKI: It's not...

COUNCILMEMBER KING: So noted.

MS. AOKI: If you adopt a new plan, and there's more or there's less, the numbers, the totals are going to change.

CHAIR PALTIN: I just wanted to add on to Chair King's previous point about the priorities. I kind of would also like to see that, but as well maybe some like low-hanging fruit items that might not be super important, but would be just easy to address, and so we might as well.

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MS. AOKI: And I don't know if my Director is going to agree with me, but I'm just going to answer. For me, the objective in doing this report is to let all of you know where we're at in things. It is not for me to determine what the low-hanging fruit is. It's for the departments, it's for the Administration, it's for the Council, it's for the public, it's for everyone to provide their input and determine what's going to get done. I don't feel comfortable, I can't tell you what the low-hanging fruit is for Public Works, and that's not the point of this report. It's for all of you to look at exactly and say, okay maybe having a community college in Kihei is not what we want to focus on, and we want to focus on this, and the public comes in. These things, they vary, they change. It's the community. It's homelessness now. Homelessness is hardly even mentioned in a lot of these plans because they're so old. Helicopters were more important at the time, and that noise. So, you, when you read it, it's actually very interesting because you can see what the passions were of the people at the time. So, I hope that answers your question on how that's not really my authority to do that or the Department's authority.

COUNCILMEMBER KING: Chair, if I may? By having it broken out by districts, I mean, I think that allows the communities to look at it and see what low-hanging fruit is because we know what can be done quickly in our community, and what can't be done quickly, and what's more important, and what's not more important. So, that was kind of my objective of having it broken down by districts so that we could take our implementation items for our areas back to our communities and say, you know, look through it and maybe somebody says, well that can be done tomorrow because I know, you know, whatever. And so maybe we can develop that scale of low-hanging fruit and prioritization within our communities while we're waiting for our next community plan review. Thank you.

CHAIR PALTIN: Okay. Council Vice-Chair Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So, you mentioned that in the first, in the last group of community plans there was no priority one, priority two, but for Lanai and now Molokai and this round of updated community plans, they will have prioritization. Do you have an idea of or is there any indication because this report incorporates the updated Lanai plan...was it 2017, 2016? So, they had priority ones and twos. Is it indicated in your report whether it's a one or two?

MS. AOKI: Oh, thank you. No, but I can add that in. I can add that in as a column to let you know what the priorities are.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Thank you. And then...

MS. AOKI: Yeah, I have that written down.

COUNCILMEMBER RAWLINS-FERNANDEZ: Thanks, Ms. Aoki. And then the second thing, on Page 6, one of the testifiers, I think, I guess brought to our attention that in the last paragraph on Page 6 of the report, it kind of continues to perpetuate the idea that zoning supersedes community plans' land use, and that on the exhibit you provided



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us that community plans should be, should kind of inform zoning, zoning now and not just, you know, zoning, future zoning. So, I don't know, do you have any thoughts on that or should that be amended in the report?

MS. AOKI: I'm sorry if I'm not understanding your question. If it's about amending Title 19 Zoning Code? Sorry, I wasn't here for the testifier.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, so on Page 6 of your report --

MS. AOKI: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: --it says that it is important to note that the documents within the general plan are not to be equated with zoning.

MS. AOKI: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Whereas general plan documents are instead to shape development over time and provide guidance --

MS. AOKI: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: --and direction for our committee zoning, communities. So, it kind of perpetuates that idea that zoning supersedes community plan designation.

MS. AOKI: I think I would rather have my Director answer that question.

CHAIR PALTIN: Director McLean?

MS. McLEAN: Thank you, Chair. This is a very important and fundamental issue where there is a difference of opinion. There's, there is previous Corporation Counsel opinions issued on the subject and the Planning Department has long been of the opinion that the specifics of zoning and the uses and so forth allowed by zoning regulate property and that the community plan has a regulatory role in specific instances, but that zoning is what really governs the use of a property and a community plan land use designation is regulatory when the law calls for it to be regulatory. And there are people, well respected, experienced people who disagree with that, believe that community plans are just as regulatory, and actually should have more of a regulatory role than zoning does, and that has not been the Department's position for decades, and that continues to be the Department's position. But I have also said repeatedly that we really have to have some open, free discussion on the topic because this is going to keep coming up, and it's not a question of right or wrong. It's just understanding where the different opinions come from and what the repercussions of those opinions are, and how can it be reconciled and if co-changes are needed then co-changes are needed.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Hi. Thank you, Acting Director. Thank you, Chair.

COUNCILMEMBER KING: Chair, just a quick follow up from, and, I think, maybe we need, I think we need an opinion, official opinion from Corp. Counsel on this on where changes in zoning can be made, and where they can't be made because it's my understanding that if you, and obviously you wouldn't go into something that was built in a certain zoning code and take it down because the community plan decided, and we went through this with that hotel in South Kihei about it's zoned Hotel, but in the community plan it said Single Family and so we realigned those. And you wouldn't necessarily go in and say we should take the hotel down because the community plan now wants it to be Single Family, but you know, I just would like to get a definitive opinion, legal opinion, on what the authority of the Council to actually change zoning and especially in areas where nothing has been built yet, to align with the community plan because right now what we're doing is we're trying to align the community plans with the zoning. But is there an opportunity to align zoning with the community plan if the Council sees fit or is it, you know, once something is zoned, is it considered a taking if you change that zoning, especially if you down zone versus up zone?

CHAIR PALTIN: Mr. Galazin?

MR. GALAZIN: Thank you. To come at your question from a broad standpoint, the way that general plans work and community plans as a component of that, they are the driver for zoning. They do contain some aspirational things, but they also contain implementation, things that are meant to direct in the future what will happen. I think just from my past experience, I've seen from the Department standpoint that if there is an existing use on land and it's potentially a use that will continue for some significant period of time, it doesn't make a whole lot of sense to change the community plan to something markedly different where you, you know, you would keep the zoning the same. You can change the zoning of any parcel at any time, you know, the use will be allowed to continue so long as it's not intensified until there is a change in some use of that property. So, it wouldn't affect a takings. For vacant land if nobody has invested in any money in it, if there's no vested rights to a specific type of development on that property, you know, it can be rezoned if the Committee determines, okay, this area was Single Family. We think it should be Open Space and somebody happens to own that, zoning is Residential, an R1 for that parcel of property, and the Council wants to come in and say, okay, well the Community Plan they want this area to be, you know, park now. So, you can go ahead with the zoning process. That may be something where, you know, if it's fundamentally different you would have to look at certain issues, but changing from a higher intensity residential use to a lower intensity residential use that's not a problem, especially for the vacant properties. What I, you know, to sort of weigh in on the underlying question for, you know, ministerial actions, zoning, the only required compliance with zoning, compliance with community plan is required in other circumstances, you know, compliance with SMA is required in certain circumstances. So, there's a lot of layers of regulations that apply when any person wants to do anything on their property, but

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yeah, as a body, you folks are in charge of rezoning, and it should always be, hopefully, consistent with the underlying community plan. If not, then I, I'll let the Department weigh in, but I'm not sure that they would support that. So, if that doesn't...

COUNCILMEMBER KING: Well, yeah, it didn't really answer my question.

MS. GALAZIN: Oh, sorry.

COUNCILMEMBER KING: No, I mean because, you know, we deal with community plans that may be in conflict with zoning, and if we want to align the zoning with the community plan which is what the concern is because now we're just saying we want, you know, that the intent is to always align the community plan with the zoning, that the zoning is the, you know, is the all underlying authority. And so, you know, what I was trying to get at is some legal support for when it is appropriate for the Department to recommend or the Council to, you know, vote on a Change in Zoning to align with what is already said in the community plan because I haven't seen that done on any significant parcels, and so what we end up doing is we try to align the community plan with what's already zoned or what's proposed under that, the current zoning. So, that's why I'm just trying, you know, if the community plan takes precedence and we should be able to align especially underdeveloped parcels align the zoning, but I don't want to get us into a lawsuit where we're, somebody's zoned Hotel and we're saying well we're going to rezone that Single Family because our community plan wants that area to be Single Family and then we get sued because we're, somebody bought the property with the intent to develop it under that current zoning and now we're taking that away from them. Do you understand what I'm saying?

MR. GALAZIN: Yeah. Thank you. May I?

CHAIR PALTIN: Just keep it tight to the agenda item.

MR. GALAZIN: Yeah.

COUNCILMEMBER KING: Yeah.

MR. GALAZIN: So, for that specific question, yes. The community plan is supposed to put forth the policy and zoning is supposed to match up with the community plan.

COUNCILMEMBER KING: Okay.

MR. GALAZIN: And that is if, especially when you're talking about vacant land, if somebody hasn't, they may have the intention of wanting to do something, but you're certainly within your power to change the zoning before they've invested a dime in it.

COUNCILMEMBER KING: Okay.

MR. GALAZIN: Once they get further, then there could be an issue.

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COUNCILMEMBER KING: Okay.

MR. GALAZIN: One thing this Council could do, I haven't seen, is do a comprehensive rezone of an entire area once you adopt a community plan amendment, but that's something that's a possibility.

COUNCILMEMBER KING: Okay. Thank you for that.

CHAIR PALTIN: Ms. McLean, briefly. Yes?

MS. McLEAN: Yes, quickly, and I think this might help. If you change your zoning, it has to be consistent with the community plan. If you change the community plan, it can be inconsistent with the zoning. So, when you do a community plan update, you often have those inconsistencies and that's okay, and then as Corp. Counsel just said, then you come in and implement that community plan, but you would not change your zoning in a way that's inconsistent with the plan. You cannot do that.

CHAIR PALTIN: Thank you. Members, our numbers are dwindling and we're working our Staff into their lunch hour so I'll entertain a motion at this time to file County Communication 18-75.

VICE-CHAIR SINENCI: So move.

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

CHAIR PALTIN: So, filing of County Communication 18-75 moved by Councilmember Sinenci, and seconded by Councilmember Rawlins-Fernandez. All those in favor say "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: Opposed? None. So we have four "ayes," three excused, and motion carries.

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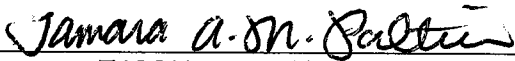
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CHAIR PALTIN: Okay. This concludes today's Planning and Sustainable Land Use Committee meeting. Thank you very much, Members and Staff. This meeting is adjourned. . . .(gavel). . .

**ADJOURN:** 12:25 p.m.

APPROVED:



TAMARA PALTIN, Chair  
Planning and Sustainable Land Use  
Committee

pslu:min:190213:jg

Transcribed by: Jaydee Giron

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CERTIFICATE

I, Jaydee Giron, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 4<sup>th</sup> day of March, 2019, in Kahului, Hawaii

A handwritten signature in cursive script, appearing to read "Jaydee Giron", is written over a horizontal line.

Jaydee Giron