

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

A. CALL TO ORDER

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

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

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

B. INTRODUCTION OF NEW MEMBER – ROXANNE CATIEL

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

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

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

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

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

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

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

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

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

Ms. Green: Okay.

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

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

Mr. Yoshida: Right. Correct.

Ms. Green: Okay, thank you for clarifying.

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

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

Mr. Delacruz: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Yoshida: Possibly. Possibly.

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

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

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

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

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

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

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

Mr. Delacruz: Yeah.

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

Mr. Delacruz: Those three words on line 39.

Ms. Gima: Okay.

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

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

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

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

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

Ms. Gima: Yeah, your --

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

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

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

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

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

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

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

- 1. MR. WILLIAM SPENCE, Planning Director, transmitting two proposed bills relating to zoning maps and districts, respectively described as follows:**

- 1) A proposed bill titled "A BILL FOR AN ORDINANCE ADOPTING A DIGITAL ZONING MAP AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI." The purpose of the proposed bill is to adopt a**

digital zoning map for the Island of Maui.

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

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

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

Ms. Gima: Alright.

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

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

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

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

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

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

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

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

Mr. Peter Graves: It's all Maui.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Delacruz: Thank you.

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

Mr. Raatz: Absolutely.

Ms. Gima: Okay.

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

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

Mr. Raatz: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Shirley Samonte: Second.

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

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

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

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

(Excused: M. Baltero, B. Oshiro)

F. COMMUNICATIONS

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

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

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

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

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

Ms. Gima: Sure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Aoki: It's about 350 feet.

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

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

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

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

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

Mr. Ruidas: Wow, it did get bigger.

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

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

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

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

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

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

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

Ms. Gima: Sure.

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

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

Ms. Aoki: Right.

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

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

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

Ms. Aoki: I just --

Ms. Gima: Or is it --

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

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

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

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

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

Ms. Gima: Okay.

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

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

Ms. Aoki: You could vote --

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

Ms. Aoki: Right.

Ms. Gima: -- amendments. Okay.

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

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

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

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

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

Ms. Gima: Right.

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

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

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

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

Ms. Aoki: Well I was just --

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

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

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

Ms. Aoki: Normally --

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

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

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

Ms. Aoki: To get your answer.

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

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

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

Ms. Gima: Yeah, no I hear you.

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

Ms. Gima: Correct. Right.

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

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

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

Ms. Gima: Okay.

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

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

Ms. Aoki: Exactly.

Ms. Gima: Okay.

Ms. Aoki: Exactly.

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

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

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

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

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

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

Ms. Aoki: Yeah.

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

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

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

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

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

Ms. Catiel: Okay.

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

Ms. Aoki: Exactly.

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

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

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

Ms. Aoki: Okay.

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

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

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

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

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

Ms. Aoki: Okay.

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

Ms. Aoki: That's a great suggestion.

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

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

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

Ms. Aoki: Okay.

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

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

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

Ms. Aoki: Okay.

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

Ms. Aoki: Alright.

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

Ms. Aoki: It's been my pleasure.

Ms. Gima: We really, really appreciate.

Ms. Aoki: No, this is great.

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

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

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

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

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

Ms. Aoki: Yeah. I can let --

Ms. Gima: Or to Clayton?

Ms. Aoki: Yeah.

Ms. Gima: Yeah.

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

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

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

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

Ms. Aoki: My pleasure.

G. DIRECTOR'S REPORT

1. Lanai Planning Commission Native Hawaiian Law Training

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Gima: Okay. Time line?

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

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

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

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

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

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

2. Meeting Dates for Calendar Year 2018.

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

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

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

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

Ms. Gima: The Senior Center.

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

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

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

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

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

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

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

Ms. Gima: To the fourth Wednesday.

Mr. Yoshida: Yeah.

Ms. Gima: Okay.

Mr. Yoshida: Okay.

Ms. Cua: The 28th is a Tuesday.

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

Ms. Cua: Okay, sorry.

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

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

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

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

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

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

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

Ms. Gima: Just one item?

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

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

Mr. Yoshida: Right.

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Catiel: Correct.

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

Ms. Catiel: Correct.

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

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

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

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

Ms. Gima: Okay.

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

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

H. NEXT REGULAR MEETING DATE: OCTOBER 18, 2017

I. ADJOURNMENT

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

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

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

Respectfully submitted by,

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

RECORD OF ATTENDANCE

PRESENT:

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

EXCUSED:

Marlene Baltero
Bradford Oshiro

OTHERS:

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