

HANA ADVISORY COMMITTEE
TO THE MAUI PLANNING COMMISSION
REGULAR MINUTES
JULY 15, 2021

A. CALL TO ORDER

The meeting of the Hana Advisory Committee to the Maui Planning Commission was called to order by Chairperson Lipoa Kahaleuahi at 4:35 p.m., Thursday, July 15, 2021, online only via BlueJeans Meeting No. 780249907.

A quorum of the Committee was present. (See Record of Attendance.

Chair Kahaleuahi: ...(inaudible)... just a reminder that public testimony will be taken when each item is discussed. Testimony will be limited to a maximum of three minutes with 30 seconds to conclude. Testifiers, you'll be able to be called by myself, the Chair, to offer your testimony and are asked to mute your audio and video when you are not testifying. Testifiers via video, you are asked to sign up using the chat -- chat function to send a direct message to Suzette Esmeralda, Secretary to Boards and Commissions, providing your name and the item you are testifying on. Testifiers via phone, will be called by myself, the Chair, after video testimony is finished.

Mr. Mardfin: Lipoa?

Chair Kahaleuahi: Yes?

Mr. Mardfin: I just been looking over our membership and note that David Kawika Kaina is a member, and he saw me the other day, and he said he's moving to the Mainland.

Chair Kahaleuahi: Yes. I did hear that as well. I'm -- I'm sure --

Mr. Mardfin: He should inform the Planning Department so we can get a replacement for him.

Chair Kahaleuahi: I think that's underway.

Mr. Mardfin: Okay.

Chair Kahaleuahi: I've seen that email so that's underway and I'm sure that will be on our desk as a future meeting. Thank you, Ward.

Mr. Mardfin: Yup.

Chair Kahaleuahi: So, the first item on our agenda is:

Chair Kahaleuahi read the following agenda item into the record:

B. COMMUNICATIONS

- 1. MICHELE CHOUTEAU MCLEAN, Planning Director, requesting the Hana Advisory Committee's review and comment on a proposed bill relating to the digital zoning map for the Island of Maui, respectively described as follows: A proposed bill entitled "A BILL FOR AN ORDINANCE ADOPTING DIGITAL ZONING MAP (3) AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI." The purpose of the proposed bill is to adopt an amended digital zoning map for the Island of Maui. (K. Aoki)**

Chair Kahaleuahi: And, I believe --

Mr. Yoshida: Yeah, Clayton -- Clayton Yoshida, with the Planning Department. We have Suzie Esmeralda here. From the Corporation Counsel's office, we have your attorney, Mimi Desjardins. For this item, we have the Program Manager -- Program Administrator for the Plan Implementation Division, Kathleen Aoki. So, I'll turn it over for Kathleen Aoki to give the presentation.

Ms. Aoki: Thanks, Clayton. Good afternoon, everyone. My name is Kathleen Ross Aoki, and I'm the Division Chief for the Plan Implementation Division. I'll be doing a presentation tonight for you and explaining the proposed revision to the digital zoning map. I also have with me Peter Graves, he is the GIS Analyst V that does all of our mapping, so if we need to show you any kind of GIS layers, I have him available. So, now I'd like to share my screen if that's okay, and bear with me. Please let me know if you see the presentation.

Chair Kahaleuahi: Yes, Ward? And we don't see the presentation yet. You're on mute, Ward.

Mr. Mardfin: Is -- are we going to have the public testimony before the presentation or after the presentation?

Mr. Yoshida: It will be after the presentation so they kinda know --

Mr. Mardfin: Okay.

Mr. Yoshida: What the topic is. Yeah.

Mr. Mardfin: Okay.

Ms. Aoki: Can everybody see just the presentation or do you see the presentation with the notes? Okay?

Mr. Mardfin: I see a -- I see a Powerpoint.

Ms. Ross: I see just the presentation. I don't see the notes.

Ms. Aoki: Okay. Very good. Thank you. Alright, so we're here tonight to talk to you about Maui Digital Map 3. This is the first time that we've come before the Hana Advisory Committee, so I'm just going to do a real quick sort of history lesson on how we have come through with this project on the digital zoning maps. So, the digital zoning maps actually began way back in 2001 under Mayor Apana's administration, under the County's GIS Division with some staff temporarily loaned to them by the Planning Department, and this project was transferred to the Planning Department in 2005. Staff from each division within the Planning Department were pulled together to create a team and that's where we came up the term DSSRT, the Dead Sea Scroll Replacement Team, because a lot of our older paper maps really did look like the Dead Sea Scroll. So, we put this team together and the staff that was involved had historical and present knowledge of the County's land use and GIS skill sets to verify zoning to create this digital layer.

It's important to understand what is zoning. Zoning determines how a property may be used and where structures may be placed, it promotes orderly, sorry, orderly pattern in development, it separates incompatible uses, and zoning is the first thing landowners must be aware of before developing their property. Zoning is not community plan designation, it is not the SMA, the special management area, it's not the FEMA flood maps, and it's not State land use designation.

So, how property -- how is property zoned in Maui County. First and foremost, we have the comprehensive zoning maps. These were only done for Maui and Lanai. Molokai never had a comprehensive zoning map. We look at individual changes in zonings and comprehensive land use ordinances. Second, what's important to understand is the goals of this project and, basically, it was to digitize paper maps. It was to replace the County's very old, some of them up to 50 years old, now they're 60 years old, of worn out zoning maps with a comprehensive digital map. This project also allows zoning maps, digital zoning maps to be available online for the public to look at, and we -- as we've gone through this project, we've confirmed existing zonings for all parcels in the County of Maui, and best of all, it creates one single zoning map that encompasses each island.

Challenges to this project have included the age and lack of detail to the original maps, poor quality maps, they're worn out, falling apart, tears, they have tape on them, have handwritten notes all over them, they're not drawn to scale, they're so old that there's no digital spatial mapping tools that were used at the time they were completed, and then there was no complete set of maps for the islands. Zoning, as I just mentioned, is a patchwork of all these different maps put together.

So given the complexity of the project, the Department has presented a digital map for each island individually. We couldn't do the entire County at once. So, the first map that we did was for Maui, and it was adopted in October of 2018, and then we did an update to that map and adopted that map in November 2019, so, right now, we have Maui Map 2, and we are proposing Maui Map 3. A digital map for Lanai was adopted in August of last year, and a draft map for Molokai was presented and recommended for approval by the Molokai Planning Commission in May of this year, and I just sent that transmittal to the Maui County Council for their review and I hope that it will be scheduled sometime this year.

So why are we here today? There are hundreds and hundreds of parcels on Maui. There are also many, many parcel lines and zoning categories that needed and continue -- continue to need adjusting. As we always have stated since we started this project, we know that there are going to be mistakes that we are going to find on a map that we are going to need to correct; that's why we had to go back for Maui Map 2, I think there were 11 corrections that we had gone in for at that time. So, this is an ongoing process for each map with less and less updates as the maps are refined. This map, the draft digital map for Maui Map 3 contains two corrections. One correction is on a parcel located in Hana, and the other is in Paia, so we are seeking your comments for the correction of the Hana parcel. After receiving your comments, we will be holding a public hearing in front of the Maui Planning Commission on August 10, and then we will forward on their recommendation to the Maui County Council for their review.

It's important to understand that all proposed zoning recommendations for the digital map are consistent with underlying community plan designations. Title 19, Maui County Code, requires that any change in zoning that's done must be consistent with the community plan, so anything that we've recommended or -- or asked to be changed has been consistent with the community plan.

So now, I'll just give you a real brief history of our maps. So, way back, before Christ, there was no zoning up until 1957. In 1958, interim zoning was adopted for the island, for the -- for the whole County, but we're only talking about Maui today so I'm going to make this presentation specific to Maui. In -- in the '60s, there were several land zoning -- comprehensive land zoning maps that were adopted, there was nothing for Hana, but you'll see that there was for West Maui, Kihei, Central, parts of Upcountry. Then later, from the '60s till present, we had individual changes in zoning that -- that get adopted before the Council, so those get added on. Then in 1997, there was a rural zoning ordinance that was adopted by the Council, and you'll see, faintly on the maps, areas in light blue. If you look Upcountry, you can see quite a bit up there. So, what this ordinance did was that it stated anything that was State land use rural and less than 15 acres and community plan rural, and not in Hana, I cannot tell you why that was, maybe Ward knows, that decision was made, was changed to rural, so that's where the comprehensive, this comprehensive ordinance took -- took effect with the rural bill. Then in 1999, the Council adopted the ag zoning ordinance, agricultural zoning ordinance, and

what that said was anything that was community plan ag became ag, it did not matter what the State land use designation, and this was applied throughout the entire County so that's why you see a lot of green on the map, that is all agricultural zoning.

So, this is what the current zoning looks like today, and the correction that's being proposed for Hana, so, like I said, we have two -- two corrections, one is for Paia, one is for Hana, and this is the parcel that we're looking at. So, on the top of the slide, you will see that the arrow is point to a square parcel that's in green, so the zoning right now is agriculture, and what we need to do is fix that mistake and change it back to interim. It was always interim until we did the digital zoning map in 2018 and it mistakenly got zoned agriculture, and we'll explain why that mistake occurred.

So, here I have a copy of your Hana Community Plan, and if you look in the center, I highlighted the square parcel and put an arrow. Can all of you see that? Okay. So, that parcel is located within the C or conservation community plan area of your Hana Community Plan. It's very faint to see, but I -- I put green arrows along the boundary line between the conservation section of -- of this area and the ag, which falls makai of that boundary line, so you can kinda see that black boundary line that goes right makai of the parcel, and it goes all along, that's your -- that's where it separates between conservation and agriculture, so this parcel falls within that conservation community plan area.

So, Peter is here, and I'll -- I'll try to explain what he -- how he found this mistake. We are constantly updating our digital map in line with the Real Property Tax map layer. That is what we use for our zoning map. So, Real Property Tax is constantly updating that layer, and they usually release sort of a public view of it every year, once a year, so because there's -- there are adjustments that are made, Peter was in there last year looking over the thousands of parcels that he has to go through and came across and noticed that we had mistakenly put that parcel, the Hana parcel, within the ag district. Now, if you recall, I mentioned that in 1999, there was that comprehensive ag bill that said anything that was in ag, community plan ag, became ag zoning, agricultural zoning. Well, you can see that this line here separates the ag from the conservation, so it should not have been zoned agriculture. That was our mistake. It should always have remained interim. All this area up here is all in interim, and then this line here is what separates between conservation and ag. So, we made, basically, a human error, and that happens, and we are here to correct that mistake.

So, this is what the draft digital zoning map would look like and we show this because we -- we like to show that, in the scope of everything that we do, the corrections that we make are sort of so small in comparison to the entire map and all the zoning, but this is -- this is what your draft Map 3 looks like, so the parcel in question is down here.

So, with this comes a ordinance for Title 19, Maui County Code, that we need to have the Council adopt, and the only correction that is on here, the only sort of amendment is down here. If you can see my pointer, we want to change Maui Digital Zone Map 2 to Maui

Digital Zoning Map 3; that is the only amendment that's being proposed for Title 19. And with that, that is our presentation.

Chair Kahaleuahi: Mahalo, Kathleen. Thank you so much --

Ms. Aoki: You're welcome.

Chair Kahaleuahi: For the presentation. I'm sorry. My internet did go out for moment there so I missed part of that, but the things that I did catch were insightful, thank you. So, sorry, I kind of typed it in the chat, but can you remind me if public testimony goes next or do we have a chance to discuss?

Ms. Desjardins: Chair, this is Mimi. I suggest you take public testimony before you start your deliberation and questioning.

Chair Kahaleuahi: Thank you. Okay, the floor is open for public testimony. Do we have anyone that would like to testify on agenda item number one?

Mr. Blumer-Buell: Aloha, Lipoa. Can you hear me?

Chair Kahaleuahi: Aloha, John. Yes. We can hear you.

Mr. Blumer-Buell: Okay. Good. Yeah, I couldn't use the chat so I just went on. Yeah, I want to say aloha to everybody, all the -- all my friends in the Planning Department, and, look, this is -- I'm glad you folks are here and got a good quorum. This is important, not for this particular one today, but there is so much history here and I'm just going to comment on that. I'm not criticizing the Planning Department and all the history. This is important. And I wanna say I talked to Katherine Aoki, and a nice presentation, and I will get her report. Here is where I differ with what's going on. I really, personally, opposed the digital mapping activities when they did this, and I'm not here to get you to change things today, I just wanted ...(inaudible - technical difficulty)... for a number of reasons. One of the reasons was because of human error, and that's exactly what we have here. The other reason is if you look at the memorandum, it references in 1989, not 1999, but '89 was the year ag bill. The Hana Community Association, I was a co-chair with Eric Kanakaole, we were the only organization on Maui to oppose the 1989 ag bill ...(inaudible)...

Chair Kahaleuahi: John, you're cutting in and out.

Mr. Blumer-Buell: Can you hear me now?

Chair Kahaleuahi: You're coming in clear now.

Mr. Blumer-Buell: ...(inaudible)... I'm just saying part of the ag bill and the zoning things with interim, they go way back, and some of you were on the effort to preserve ...(inaudible)... area. This all came up ...(inaudible)...

Chair Kahaleuahi: John? John, unfortunately, your connection is -- sounds pretty spotty and it's affecting your testimony.

Mr. Blumer-Buell: ...(inaudible)...

Mr. Mardfin: John, you only have one bar.

Mr. Blumer-Buell: ...(inaudible)... one bar. I don't know what that means, Ward.

Chair Kahaleuahi: There's a --

Mr. Blumer-Buell: The last thing, you know, I'll say just for ...(inaudible)... should I speak?

Chair Kahaleuahi: You can try.

Mr. Blumer-Buell: Can anyone hear me? Okay. I don't know what's going on here. We have internet problems sometimes. The important thing in all this is I'm glad you're here and take this, all these zoning things serious because they're important when we review the Hana Community Plan again. You need the history of the Royal Patents. This digital process avoided the original Royal Patents and the Land Commission Awards, and they're historically the basis for everything since including all the -- all the County Department of Taxation TMK Maps. So, in the future, you know, that's very important. I'm currently -- last comment. Thank you. I'm currently in a controversy with the County because I'm using maps from 1891, and so it's all the mauka land between Puuiki and ...(inaudible)...

Chair Kahaleuahi: And you're out again, John.

Mr. Blumer-Buell: ...(inaudible)...

Mr. Mardfin: Lipoa, is there any way he can phone -- he can phone in so we can hear it?

Chair Kahaleuahi: I'm sure there is. There's, in the invitation to the meeting, there's several phone numbers that you could call, John, maybe by a land line so that we can accurately hear your testimony.

Mr. Blumer-Buell: Okay, would you like me to do that?

Chair Kahaleuahi: I think so. That was -- that was really spotty.

Mr. Blumer-Buell: ...(inaudible)... to the agenda, which I'll do. I'll have to go off of this and go back to the agenda, and I'll try to call you; otherwise, you know, otherwise, I don't know. I don't know what to do. I'll go off and maybe you can start your deliberations. I'll try to call in in a minute or so. Thank you. I've gotta get off of BlueJeans to be able to use my agenda.

Mr. Mardfin: John, you shouldn't -- John, you shouldn't need to -- John, you shouldn't need to get off of BlueJeans, you just need to phone in, and then ignore BlueJeans, but the BlueJeans will let you see what's going on and hear other people.

Mr. Blumer-Buell: Okay, I'm not -- I'm not seeing a phone number, Ward. Thank you. I mean if you can tell it to me, I'll dial it right now. I have a phone right here. I can't see it.

Chair Kahaleuahi: Okay, how about try -- try this one.

Mr. Blumer-Buell: Okay.

Chair Kahaleuahi: You'll have to dial 1-4-0-8

Mr. Blumer-Buell: 1-4-0-8

Chair Kahaleuahi: 9-1-5

Mr. Blumer-Buell: 9-1-5

Chair Kahaleuahi: 6-2-9-0

Mr. Blumer-Buell: 6-2-9-0. Okay.

Chair Kahaleuahi: They'll ask for a Meeting I.D. so let me know when you need that.

Mr. Blumer-Buell: Okay, it's ringing now. Okay, give me that code, Lipoa. I.D.

Chair Kahaleuahi: 7-8-0

Mr. Blumer-Buell: Wait. Start over.

Chair Kahaleuahi: 7-8-0

Mr. Blumer-Buell: Go. 7-8-0 -- is that it?

Chair Kahaleuahi: 2-4-9

Mr. Blumer-Buell: 2-4-9

Chair Kahaleuahi: 9-0-7

Mr. Blumer-Buell: 9-0-7 -- okay, they're saying I'm being placed in the meeting. Okay, star four.

Chair Kahaleuahi: Put your computer on mute.

Mr. Blumer-Buell: Can you hear me now?

Chair Kahaleuahi: And unmute your phone. And --

Mr. Blumer-Buell: Okay.

Chair Kahaleuahi: Okay. I think we can hear you on your phone. If you'd like to unmute and try again. You're on mute.

Mr. Blumer-Buell: They say I'm unmuted now. Can you hear me?

Chair Kahaleuahi: I'm not sure what that is.

Mr. Blumer-Buell: Can you hear me, Lipoa?

Chair Kahaleuahi: We can. There's an echo.

Ms. Esmeralda: This is Suzie. I think you're going to have to turn off your mike.

Mr. Blumer-Buell: I'm not sure what to do.

Ms. Esmeralda: You'll have to turn off your mike on your computer.

Mr. Blumer-Buell: Yeah, the -- the microphone is off on the computer.

Chair Kahaleuahi: Can you try to speak again, John?

Mr. Blumer-Buell: Can you hear me? What's that? Can you hear me?

Chair Kahaleuahi: Yes.

Mr. Blumer-Buell: I do have my sound off for me testifying ...(inaudible)...

Chair Kahaleuahi: John, it doesn't -- technology is ...(inaudible)... this evening.

Mr. Blumer-Buell: Okay. Can you hear me now?

Chair Kahaleuahi: Yes.

Mr. Blumer-Buell: Can you hear me now?

Chair Kahaleuahi: Yes.

Mr. Blumer-Buell: Okay, 'cause I just turned the computer sound off all together. Now, if you can hear me, I could start over or you could ask me questions. Thank you. We have -- we have sporadic internet out here so it's the first time I've ever had this problem.

Chair Kahaleuahi: Well, you sound great now.

Mr. Blumer-Buell: So, if I may start over and keep it under three minutes or --

Chair Kahaleuahi: Yes, please. We'll restart the clock. Thank you,

Mr. Blumer-Buell: Okay. Very good. Well, first of all, again, I want to thank the Planning Department and all of you for being here. Katherine, who I've talked to, her presentation, it's very good, and I just wanted to say that I -- I disagreed with the digital zoning during the original process, I still have the letter, and part of the issue here is just zoning in general, that the interim is a very important zoning in Hana. It's going to be very important in the next community plan review, and in 1989, not 1999, the Hana Community Association board, and myself and Eric Kanakaole was the chairs, totally protested the - the '99 ag bill. We were the only organization to do so and our reasons look better today than they were then. So, I just want you to be aware there's a long history and I think to really understand the -- the succession of -- of the overlays, you need to start out and look at maps in the -- the 1880s. I, currently, am in a ...(inaudible)... with the County over lands between Puuiki and Koali, all the mauka lands, I'm working from an 1891 map, and that is the -- the County does not consider the Royal Patents or the Land Commission Awards. They're working only from the Department of Taxation TMKs. So, that's just a matter of fact. That doesn't make what the County is doing wrong. They're working from a less historical perspective than I just gave you. Now, the last thing a number of you were on this board helping to preserve Makaalae and Hamoa and makai. The Hana Community Association protested this ag zoning ...(inaudible)... because we determined, with the help of the County, that all those Makaalae and makai land, which was four parcels at the time, owned by Mr. Kato, from Japan, which was in dispute with the Kaikauas, that could be turned into 41 different tax map keys ...(inaudible)... so that's why we were involved, and I'm not here to protest today, I think this is so important to know that this issue is important, and I think that well need to be better educated on the real history of these lands including going back and looking at the Royal Patents, I'm not asking you to oppose the Planning Department's recommendation, I'm just asking everyone including the County to, you know, try to better educate yourself. I'm happy to mail the 1891 map. I have ...(inaudible)...

Ms. Esmeralda: Three minutes.

Mr. Blumer-Buell: And that's about all so, you know, God bless everybody, and I'm glad to see Clayton today. I worked on, with Clayton, on the very first Hana Advisory Commission -- Committee, so we've known each and had agreements and disagreements over the years but we're friends, yeah. So, that's all, Chair.

Chair Kahaleuahi: Thank you, John.

Mr. Blumer-Buell: You're welcome.

Chair Kahaleuahi: For your service and your testimony.

Mr. Blumer-Buell: I hope it's helpful.

Chair Kahaleuahi: Is there anyone else here, I do not see, but anyone else here to provide public testimony? Alright, the testimony floor is closed. Now open up for discussion by the Committee. Ward, you have the floor.

Mr. Mardfin: I was going to give it to Dean but okay, I'll -- I'll go first.

Chair Kahaleuahi: Oh. Oh. I'm sorry. I actually -- sorry. I actually got you mixed up. I apologize.

Mr. Mardfin: Dean should start.

Chair Kahaleuahi: Sorry, Dean. You'll have to unmute yourself.

Mr. Mardfin: Dean, put your cursor on the screen near the top, and when you do that, four circles will come down, and the second circle is your microphone, so is it coming down?

Mr. Wariner: Okay. Oh, okay. Okay. So, I'm on now?

Chair Kahaleuahi: Yes.

Mr. Wariner: Okay. I'm looking at this map and I know that there are a lot of -- there is a lot of pohole that grows in that area, and I know it's being picked for sale by more than one farmer in that area, and I'm wondering if they will not be allowed to continue that practice.

Ms. Aoki: Chair, if I may?

Chair Kahaleuahi: Thank you, Dean, for your question. Yes, Kathleen, you may provide an answer.

Ms. Aoki: They will definitely be able to continue to use the property as they always have. Interim does allow for agricultural use. It's an allowed permitted use. I'm sorry. Interim allows for agricultural use, so nothing changes with the property, nothing's going to be affected as far as their real property tax, they're currently being assessed an agricultural rate, so absolutely nothing changes, so, yeah, rest assured they can continue doing the ag use.

Mr. Wariner: Thank you.

Chair Kahaleuahi: Thank you, Kathleen. Thank you, Dean. Ward, you have the floor.

Mr. Mardfin: Kathleen, I've got a couple of questions. You just said something. I want to confirm it. The -- the real property tax will not change with this change. Is that correct?

Ms. Aoki: Yes.

Mr. Mardfin: Interim rate, agricultural rates, and interim tax rates and agricultural tax rates are the same rate?

Ms. Aoki: Not necessarily. No. The Real Property Tax Division bases their rates on the use of the property. Interim is an unusual zoning district because it allows residential use, it allows public/quasi-public use, it allows agricultural use, so Real Property Tax makes the determination of the rates dependent on the use of the property. So, right now, I went in and I checked, and I also contacted them, it's being assessed at ag rates. There's no home on the property. There's -- there's no structures on the property. So, that's why nothing would -- would be impacted. The same thing happened with -- when we did Digital Map 1, the first one. We had over 900 corrections and adjustments. None of those properties' rates changed. None.

Mr. Mardfin: This is a follow up. Is there anything you can do on an interim zoned property that you could not do on an agricultural zoned property? And then I'm going to ask vice-versa.

Ms. Aoki: Off the top of my head, without pulling up the code, yes, exactly what I stated that interim allows for residential use; agricultural zoning does not allow for residential, like a single-family dwelling, it allows for an ag -- an ag farm dwelling, right? Potato-potato. Tomato-tomato. But, in the code, they are different and --

Mr. Mardfin: So --

Ms. Aoki: Yeah, so you can still have a home on ag, on agriculture, but it's called a resident -- it's a farm dwelling, right?

Mr. Mardfin: Farm dwelling.

Ms. Aoki: Yeah.

Mr. Mardfin: So, the same -- the same house could put -- you could put on -- you wouldn't put a mega house on an ag zoned place but you could, theoretically, put it on an interim zone?

Ms. Aoki: You could do whatever size home you want on either one as long as it falls within the development standards, so the setbacks and things like that you would have to follow. Interim also allows for duplexes, whereas agricultural zoning does not. Interim allows for public/quasi-public uses, pools, churches, things of that nature; agricultural doesn't allow that outright, it's not a permitted use outright. You'd have to get a special permit.

Mr. Mardfin: So, by making this change, you call it a "correction," by making this correction, we're allowing for more intensive use should they wanna do it?

Ms. Aoki: That's correct. They've had that opportunity since 1967. Let's see. Yeah.

Mr. Mardfin: On the tax map key it says it's zoned agriculture.

Ms. Aoki: On -- on the Real Property Tax -- yes, on the -- well, on the Real Property Tax site, if that's what you're talking about, they are using our zoning information layer so that's why -- yes, right now, it is showing as agriculture because that's the mistake that we're trying to correct. So once that zoning layer gets updated with the correct information, Real Property Tax will add it to their map. They take our layer and just has it -- have it as a feature to turn on and off.

Mr. Mardfin: I have another couple of questions but I'll let somebody else go 'cause it's sort of a change of focus.

Chair Kahaleuahi: Thank you, Ward. Do we have other Committee Members that would like to discuss the matter or have questions? I do have a quick question maybe to tag off of what Ward was mentioning just to add, you know, the -- the item of subdividing onto, you know, the -- the question of are they -- you know, what are the abilities to subdivide on -- with interim designated -- interim zoning parcels?

Ms. Aoki: Right. It's a great a question. My understanding with interim is that you are -- you can't subdivide, it doesn't allow for subdivision. With agriculture, you are allowed to subdivide but you do have to be consistent with the community plan, and the community

plan is conservation, so it would be in order -- I believe in order to subdivide even agricultural zoning, they would need to do a community plan amendment to change it to agriculture. So, yeah. Good question.

Chair Kahaleuahi: Mahalo.

Ms. Aoki: You're welcome.

Chair Kahaleuahi: Any other questions before we return to Ward?

Ms. Kahana: Yes. I have a question, Kathleen. So, my question is it seems like we had admitted that we made an error, right? And the zoning currently is ag and it should have been interim.

Ms. Aoki: Correct.

Ms. Kahana: So --

Ms. Aoki: Yeah, it should have remained interim.

Ms. Kahana: So, my question to you, even if we would deny, you know, having it to go back to the interim, couldn't the landowner, you know, make a case of it saying that we made an error to begin with?

Ms. Aoki: Um, well, in any situation with the digital zoning map, we were -- we -- that's a -- that's an interesting question because part of what we did with the digital zoning map was to correct mistakes that have been made in the past, there have been many mistakes that have been made in the past, and liability on the County is there because these mistakes were there, right? I mean, so we were -- a lot of what we have done to correct errors is to get the County out of liability for these mistakes. I mean, I guess it's the landowner -- the landowner did contact me, she called me last week asking questions about what was going on. One of her concerns had to do with the real property tax rates and getting ag discounted rates, and I told her that that's something that she has to apply for separately with Real Property Tax, and I don't know what their requirements are as far as, you know, showing receipts on ag and -- and your gross income and things of that nature, but having interim or being zoned agriculture won't make a difference because, as I say, interim allows for agricultural use and that's the rate that she's getting now anyway. I -- I don't know if that quite answers your questions, Chair, I'm sorry, Member Kahana, but it -- I mean, I think the County is always going to be liable if there's a mistake that's outstanding. It's a possibility.

Chair Kahaleuahi: Do you have a follow-up question, Mary?

Ms. Kahana: I'll let someone else go next. I think Maya raised her hand earlier, Chair.

Chair Kahaleuahi: Thank you. You're good, Maya? Okay. Thank you. Ward, you have the floor.

Mr. Mardfin: Yeah, Kathleen, this -- this has nothing to do with this particular property but it is -- it does have to do with your mapping. I was on the Maui Planning Commission when we did the Maui County Plan and, in particular, I was involved with it when they were putting in urban growth boundaries and rural growth boundaries. There are no urban growth boundaries within Hana District. There are rural growth boundaries and they were, virtually, all the land south of Hana, on the makai side of the property, and I just wanted to make sure that if you're doing these things, you're taking those rural growth boundaries into consideration 'cause they would -- they somewhat restrict what can be done with a property.

Ms. Aoki: Thank you for the question, Ward, and I do remember you being on the Maui Planning Commission with that wonderful Maui Island Plan and the Countywide Policy Plan. So, to answer your question, the answer is no. Zoning does not take into consideration these maps that -- this digital map, as I said, it is not a community plan map, it's not a Maui Island Plan map, it's not a State land use map, zoning is based on changes in zoning, comprehensive zoning maps, and the land zoning map, so these urban growth boundaries is a whole other layer, right, that got drawn on and it's separate and independent of zoning. So --

Mr. Mardfin: ...(inaudible)...

Ms. Aoki: Yeah.

Chair Kahaleuahi: Thank you, Kathleen. Were there any other discussion points or questions that Members had they would like to raise? Okay.

Ms. Kahana: Me, as a landowner, I purchased the property and it was initially zoned as agriculture, so as a landowner, my thought would be I would utilize the -- the land accordingly, so now here we are saying to the landowner, hey, it now will be rezoned to interim, which it should -- should have been interim to begin with, so now my mindset may be I no longer want to use the land as agriculture, I now wanna build, so now we would be giving that option to the landowner, the potential to build when, in actuality, the landowner purchased the land initially zoned as agriculture.

Ms. Aoki: So, you're right. You're correct in the sense that if a landowner came in and bought that property during the last two years, during that mistake, yes, they would have been told that their property was zoned ag. That is correct. Again, this -- this project, we knew we were going to make mistakes, we have constantly said that, and we're here to correct that error. Interim allows for ag and it allows for other uses. That is correct. It does. But the community plan designation is conservation, so depending on what they

want to do, they might have to be consistent with the community plan. Interim doesn't allow for subdivision, so they're going -- so there's pros and cons to each designation. What I explained to the landowner is I have to take myself out of those pros and cons and do what is correct. I'm not here to give an opinion whether agriculture or interim is better, or worse, or what can be done; the fact of the matter is it was interim since 1967, or whenever, and the mistake was made recently and we need to correct it; similarly to what we did two years ago when we came in and corrected 11 other parcels; similar to the two years before that when we corrected 900 parcels.

Chair Kahaleuahi: Did it help -- sorry, Ward. I'm just going to ask a quick question. Did it help that there was that recent sale, I'm forgetting when that was, last year? Did it flag this particular -- no? Okay.

Ms. Aoki: No. We -- we weren't aware. We only found the error, like I mentioned, because we were adjusting parcel lines and looking and following along and noticed that that community plan line was straight and didn't actually follow that parcel. That's what triggered us to find the error.

Chair Kahaleuahi: Okay. Mahalo. You have the floor, Ward.

Mr. Mardfin: Kathleen, just so I'm absolutely clear in my mind, when you refer to Map 1, Map 2, and Map 3, those are just chronological things, right? I mean, there's no significance to this other than we're currently working on Map 2 and if we're going to make this change, then we're going to call that Map 3. Is that correct?

Ms. Aoki: That's correct.

Mr. Mardfin: Thank you.

Chair Kahaleuahi: Are there any more questions from the Committee? Do we have a recommendation?

Ms. Kahana: I'm sorry. I have another question. My next question is John Blumer-Buell, when he testified, he stated that he doesn't care for digital mapping because of situations like this, of human error, so if that's the -- one of the statements that he made, what would be the solution for that? Is digital mapping not trustworthy?

Ms. Aoki: I -- I don't know what the answer would be because we've adopted the digital zoning map to replace the worse paper map. The paper map caused the errors that we had to correct in the first place, so while he has his opinion on these maps, you know, digital maps not being good, I can assure you that we are way better off with this digital map that has corrected hundreds of mistakes that would continue to occur using these horrible old -- I mean, they're terrible paper maps; that's why this project took 16 years to do. It was painstaking, not for me so much as the GIS people.

Chair Kahaleuahi: Thank you, Kathleen. Mary, are you pau for now?

Ms. Kahana: Yeah, I'm pau for now. I'll let Ward go, but I got another question.

Chair Kahaleuahi: Okay. Thank you.

Mr. Mardfin: I just wanted to respond to you, Mary. I use these maps all the time, I don't go back to 1890s, before the overthrow and before the illegal annexation by the U.S., but the digital maps actually made things a lot easier, and you can do it from your home, you can look these things up on your home computer rather than have to go to some central spot, dig out -- have these things dug out of the archives, I've done that for Hana in Honolulu, and it just is a huge mess. This makes things so much easier for everybody to figure out what's going on. So, I will tell you that, from point of view as a user, digital mapping makes life so much easier, now it's not the same as a survey, you know, you still have to get things surveyed because there are little bits and pieces along the edge that don't quite follow things, but for generally understanding who owns what and where, the TMK system works out pretty well, and you can, before this meeting, I looked up this parcel on the TMK map and found out all kinds of information.

Chair Kahaleuahi: Mahalo, Ward. I'll bring it back to you, Mary, for your question.

Ms. Kahana: Mahalo. Mahalo. Yeah, so my next question is I -- I'm not sure if we would have an answer. I don't know how the system works where it was initially determined as interim zoning, 'cause if you ask me, I would say we need more agriculture zoning, we need more agriculture land in Hana.

Ms. Aoki: So --

Ms. Kahana: So, I don't know if there's a quota for so many zoning for interim, so many zoning for rural, so many zoning for agriculture.

Ms. Aoki: So, Commissioner Kahana, as I mentioned, for Hana, which Peter just brought up a good point to me, Hana was one of the areas that never had a land zoning map. It was -- it was on its own and it was all interim. The entire area. When that rural bill and the agricultural bill got passed in '97 and '99, that was the first case of having comprehensive zoning that affected Hana, well, the rural bill didn't because it excluded Hana, so the ag bill came in, and that was why anything that was community plan ag got zoned ag. Everything else that gets zoned from here on out in Hana has occurred because individual change in zonings have come in. So, to have more ag, agriculture on interim, we would have to go in and either do changes in zonings or do some kind -- Council would have to do some kind of comprehensive zoning bill and pass it, the Planning Department could suggest it, but it would be another big effort to determine what should become agriculture. The rural bill though did affect, right, Peter, did affect parcels

that were over 15 acres in Hana, it did not affect parcels that were less than 15 acres, so Hana had this special caveat to it for the rural bill. But there's no you can only have x-amount of interim and x-amount of ag, if that's your question. There's no -- there's nothing that says that you're limited in how much of a zoning you can have.

Chair Kahaleuahi: Thank you, Kathleen,

Ms. Kahana: Okay. Mahalo.

Chair Kahaleuahi: Mahalo, Mary. Any other questions or discussions from the Committee? Ward, you have the floor.

Mr. Mardfin: Yeah, I'm just wondering, was this given to us, it says, "Communications," so you're not asking us to vote on anything?

Ms. Aoki: We're asking for your comment, like for the Planning Commission, because this will be going before the Planning Commission for the public hearing ...(inaudible)...

Mr. Mardfin: ...(inaudible)... we normally have four options: to approve, to approve with conditions, I forget the third one, and the fourth one is to deny.

Ms. Aoki: Yes. Right.

Mr. Mardfin: So --

Ms. Aoki: Right. The reason why Director McLean said that it should just be a -- sort of a comment and -- comment is because there are -- there's this other error that we're correcting in Paia, so you folks don't have jurisdiction over that parcel, so you're not making a recommendation on the entire -- you can't because you don't have jurisdiction over Paia. So, my understanding from Director McLean was that we would take this to the Hana Advisory to get their comment on this particular parcel and give those comments to the Planning Commission, but you're not making a recommendation because you really can't do that.

Mr. Mardfin: Could we make a recommendation on this particular parcel?

Ms. Aoki: I don't know if Mimi wants to jump in. I'm not sure ...(inaudible)... I don't know.

Ms. Desjardins: Yeah, I don't know. I mean, part of me says, you know, if this -- if this body has the authority to make a recommendation, then it should have been divided in a way that that recommendation could be made, right, instead of parceling it as one ordinance which then someone excludes this body from being able to make a recommendation by virtue of the way that it's packaged. I know nothing about how this is going down, so I can't really say one way or the other, but I would think making

recommendations, in your recommendations, you could be recommending whatever it is you have jurisdiction to say, right? I mean, you know what I'm saying? Like what's the - I don't know what the difference would be. You can recommend approval. You can recommend don't approve it. You can recommend approval with modifications. Does that sound right, Kathleen and Clayton? Would that be workable?

Ms. Aoki: I -- I just -- when I asked Michele how to do this, because of the fact that it's a map that encompasses other areas, this is why she said but I want you take it to Hana Advisory Committee to get their comment on the Hana parcel.

Ms. Desjardins: Okay.

Ms. Aoki: So, other than a comment is a recommendation to allow this, you know, to support this correction, I think that would be fine.

Ms. Desjardins: I do too. So, I would proceed as you would normally. It's just going to be couched as a comment as opposed to a recommendation, if that makes sense.

Chair Kahaleuahi: Thank you, Kathleen and Mimi. And thank you, Ward, for asking that. And yes, you have the floor.

Mr. Mardfin: I -- think Dean has a question maybe and let him -- I prefer him to go first.

Chair Kahaleuahi: Dean, did you have a question?

Mr. Wariner: No. I don't have a question.

Chair Kahaleuahi: A comment?

Mr. Wariner: I was talking to my wife. I think we should just recommend that they make the change.

Chair Kahaleuahi: Thank you, Dean.

Mr. Mardfin: Is that a motion?

Mr. Wariner: So move.

Mr. Mardfin: I second.

Chair Kahaleuahi: So, we had a motion, a comment, motion made by Dean to approve the ordinance, and a second by Ward.

Mr. Mardfin: The motion is to approve the recommendation of the Planning Department to make this change with respect to the property, the single property that is within Hana's District.

Chair Kahaleuahi: Do I have to repeat that? Okay, and it was seconded. Do we have any further discussion? All in favor, say aye or raise your hand.

Mr. Mardfin: Aye.

It was moved by Committee Member Dean Wariner, seconded by Committee Member Ward Mardfin, then unanimously

VOTED: to approve the recommendation of the Planning Department to make the change with respect to the single property that is within Hana's District.

(Assenting: L. Kahaleuahi; M. Kahana; D. Mardfin; M. Ross; D. Wariner)
(Excused: D. Kaina; B. Lind)

Chair Kahaleuahi: And it looks like all have raised their hands. Thank you, Committee Members. The motion is carried. Mahalo, and mahalo, Kathleen, again.

Ms. Aoki: Thank you all. Nice meeting you. Nice seeing you again, Ward. It's been a while.

Mr. Mardfin: Good to see -- good to see you.

Chair Kahaleuahi: Okay, the next item on the agenda is the Director's Report. Clayton.

C. DIRECTOR'S REPORT

- 1. Scheduling of other Hana Region Applications**
- 2. Discussion of Future Hana Advisory Committee Meetings**

Mr. Yoshida: Thank you, Madam Chair. I will try to be very brief as we approach the 6:00 hour and I know we're competing with the Governor's and the Senator DeCoite's community meeting on East Maui. I guess as far as the pending Hana items, I mean, it's pretty much the same as it was before. We have probably three short-term rental home applications that are open. The Council is considering the Department's recommendation to reduce the caps. Hana, at the beginning, in 2012, it was 48; then on a two-year review, it got reduced 30, so it's 30 right now, and there's 23 permitted. So, the Council is considering that. We have three open. And then we have some other pending items that which have been around for a while but they're still waiting for either the applicant or the

agency to dwell their differences. We have the Kawaiokapia Bridge Replacement -- Bridge Renovation Project. We have the Gary Stice project on Haneoo Road, which has been around for 12 years now. We have, let's see, we have --

Mr. Mardfin: DeJetley?

Mr. Yoshida: DeJetley subdivision up Hana Highway. We have the Kaupo School renovation for the community center. Those are -- those are the pending projects but they're not ready to go to the Commission -- not ready to go to the Committee at this time. The next meeting is scheduled for -- well, probably August 19 but we're not ready with any public hearing items. We said we would at least -- at least meeting on a quarterly basis on the third Thursday of the third month, every three months, but we've been meeting more frequently because we had to do things, like amendments to the Charter and so forth. I guess we will be down one if -- well, since Kawika has moved to out of the State, so we're down to six members. We need to get four members for the quorum. So, that's what we have to report, Madam Chair, under the Director's Report. Pretty much the same as the last time we met. If there are any questions? Ward?

Chair Kahaleuahi: Yes, Ward, go for it.

Mr. Mardfin: Clayton, is the Mayor preparing a -- to appoint a replacement for Kawika?

Mr. Yoshida: We have to work it out so that Kawika -- there's a form that you fill out when -- if you do -- for a resignation, and then you gotta turn it in the Mayor, and the Mayor has to notify the Council and that starts the clock. If you know of people that would like to serve on the Hana Advisory Committee, have them fill out an application and submit it to the Mayor's office so that they can be put on for consideration.

Chair Kahaleuahi: Thank you, Clayton.

Mr. Yoshida: And we thank you on this busy day when the Governor ...(inaudible)... community meeting on East Maui.

D. ADJOURNMENT

Chair Kahaleuahi: There's a lot of important discussions to talk about. Thank you so much. And thank you Committee Members. If there's no further questions, I so move to adjourn our meeting --

Mr. Mardfin: Aloha.

Chair Kahaleuahi: At 5:51. Mahalo nui.

The meeting was adjourned at 5:51 p.m.

Submitted by,

SUZETTE ESMERALDA
Secretary to Boards & Commissions II

RECORD OF ATTENDANCE:

Present:

Lipoa Kahaleuahi, Chairperson
Maya Ross, Vice-Chairperson
Mary Ann Kahana
Douglas Ward Mardfin
Dean Wariner

Excused:

David Kawika Kaina
Becky Lind

Others:

Clayton Yoshida, Planning Program Administrator, Current Division, Department of Planning
Kathleen Ross Aoki, Planning Program Administrator, Plan Implementation Division, Department of Planning
Mimi Desjardins, Deputy Corporation Counsel, Department of the Corporation Counsel
Suzette Esmeralda, Secretary to Boards & Commissions II, Current Division, Department of Planning