

MOLOKAI PLANNING COMMISSION

REGULAR MEETING
FEBRUARY 25, 2004

The regular meeting of the Molokai Planning Commission was called to order by Vice-Chair Lori Buchanan on Wednesday, February 25, 2004 at 1:12 p.m. at the Mitchell Pauole Center, Kaunakakai, Molokai, Hawaii.

A. CALL TO ORDER

A quorum of the commission members was in attendance. (See record of attendance)

B. PUBLIC HEARING (Action to be taken after each public hearing item)

1. MR. MICHAEL W. FOLEY, Planning Director transmitting Council Resolution Number 03-189 containing a Bill for an Ordinance Amending Title 19 of the Maui County Code to Add a New Chapter Pertaining to the Transfer of Development Rights. (J. summers)

A. Public Hearing

Mr. Summers presented the staff report.

Ms. Johnson: I really appreciate you coming and trying to understand this sometimes rather complicated issue. The reason that this legislation is before you right now is that with all the development and urbanization of agricultural lands, particularly the lands that we're losing on Maui, this has been a tool that's been around for a long time and it's a tool that's been used to generate certain farm lands and open space, particularly when you don't have a lot of money and we're under increasing pressure for urbanization of agricultural lands and also welcome open space and it's happening at a time when we don't have sufficient revenues to be able to buy all the lands that we need to purchase. So through my travels and through my participation in conferences and particular American Frontline Trust, I found out that through my investigations we did have an enabling legislation as a safe level that would permit us here in Maui County to have this ordinance and yet it had never been done. Through additional research with Mr. Roth, we found that Oahu had already enacted on transferred developmental rights through legislation. Its never really been implemented. Also as we focus on Bill 84 which was our General Plan and Community Plan process change that we just went through. This is a really useful planning tool. The way that it is a planning tool is where we say that we probably preserve really significant open spaces or we wanted to preserve a transient quarter or we wanted to preserve a farming region that has always been in farming and we don't have the financial revenue to do that at the county level or the state level. We than are going to be able, if this goes through in some form, to be able to then allow this tool to be used either during a planning process or even now as a tool for you to consider when you have an agreement between a person who's a landowner who has a piece of property that you can't compensate them for and they would want either compensation for that or the ability to get compensation from

somebody else for doing what this is referring to as a density swap. Keep in mind that this legislation doesn't under mind the community plans it is in complete compliance with all community plans. Like you can't take a piece of land for example that would have a designation for farming and all of a sudden make it light industrial. You can't do those, I'm sure you could do those kinds of swap but this legislation, basically, is to implement community plan, it doesn't threaten them in any way, it just gives you one more tool to be able to act on that. I'm going to give you an example of how this might be used in Maui County. One of the places that we have a real critical area is in West Maui. For years we've been trying to look at state, purchase the Puamana to Ma'alaea. We don't have money. The property was transferred or bought by several different landowners and they're on the verge of selling it. Well with the price now at \$250,000 an acre how much can Maui County really afford to buy? So one of the ways that we could implement or utilize this kind of tool would be to come with a proposal because this is a voluntary program and the way that it's being proposed is voluntary, we could go to the land owner and say we really want to preserve this quarter and you need to have that in order to move our highway more mauka, and we also need an additional two lanes. Because he has other extensive land holdings in West Maui which underneath our ag bill right now might only give him a certain number of lots but the largest parcels would be really large. We could then go to him and make a proposal that under agricultural zoning he could take, for example, some homes that he could build on a particular parcel that we wanted to acquire, we would say all right you put some easement on that parcel that we want to either acquire and we'll give you those five homes but you can put them on your other agricultural lands, either in an adjacent parcel or on a completely different parcel. What happens then, he executes, if he agrees to do this, instead of making that other property, because they only have 10 homes on it, now he has 10 plus the five that he could have had there or a little bit more depending on what the formula is that's agreeable to this individual. Now he could have let's say 15 homes on that same acreage, give it if it's still agricultural, he would still have to follow all the rules and regulations under HRS 205 but now he executes an easement across that property that we have now said that we want to preserve either in farm land or in open space. When he executes that easement it basically can be of favor of the county, it could be of favor of a land trust and he agrees that no development will ever occur on that property. So basically what you're doing is just stripping the land of its development potential thereby reducing the cost of the land. So let's say if you have a piece of land that has no development potential because you sold it or we don't have to buy it or somebody else could but he could gain his value on this other piece of property. He's been compensated. We get the use, if we choose not to acquire, it would just be kept in open agriculture and agriculture could take place on that but no buildings. Now let's say we want to buy it or the state wants to buy it, because the development potential been stripped away from that, the county or the state can purchase that, extend 250,000 acre, it would just be a state purchase of agricultural land with all that value stripped away. So now what we would have done is we would have preserve a quarter, for example, and they would have to do this all the way let's say from Ma'alaea to Puamana and we'd be doing it with every hu'i that we're dealing

with. But at least if you make it attractive enough that's an incentive for people to want to do that. The biggest plus that I see in this type of legislation is that you begin a dialogue with somebody who would ordinarily not be willing to talk to you unless you (inaudible). It really helps us from a negotiating stand point because now when we don't have money we have the tool to actually preserve that area. My personal belief is that the legislation that's before you and I'll give you a little bit of history too from a committee's perspective, we knew that was going, we wanted it to come to you and by right it should come to you because that's the way it's structured, so you would come and take on this legislation. Mr. Ross is here to answer any technical questions but basically what he tried to do was follow the language that exist already in some of the ordinance. So he tried to follow their formula as best he could. The committee, knowing that this was going to come to you for comments, their biggest reason for wanting to send it, they wanted to first of all to find if you as planning commission's felt that the applicability would not need to feel that this applicable, well one land owner, if he's not willing to do it than well forget. So they would rather see us do a pilot program on Maui. We don't have to comprehensively act out this, the legislation that's before you is a comprehensive over view, we're looking and our committee was kind of wanting to get a sense from you as commissioners. So, if you supported the concept, if you think it can be useful whether it's for Molokai or maybe want to Molokai, maybe say try it on Maui first and if it works than maybe we'll see how it works and if it works well than maybe we'll look at it for Molokai. That was kind of the sense that we got from Lanai. But our committee really believes that we want to have your feed back and know, is it legislation that you feels have merit, can we get your support in moving forward because, I know one of the recommendations that exist right now and it's from Mr. Miskae because he was concerned about some of the maps, the time line that was, maybe additional staffing would be required, that you may or may not have sufficient revenue at this point and time to actually implement the bill the way it's written currently and his other concern was also that with the general plan and the community plan coming forward might be better for you to just defer and not do anything. My sense of urgency and what I have gathered from speaking to the committee about this was that we may not have a lot of time left. More specifically for Maui. Maui has some critical land use decisions that are going to have to be made in a relatively short way because for example the landowner for the property which I just spoke out, which is in West Maui, they want to sell right away. So we're gonna have to face, working with dealing of people, that they've already have some homes on these and this is really, really going to rough. That's why there's some urgency in this order. Even though it may not be in a form that is completely agreeable to everyone, because you may have a totally different view of what the formula should be for Molokai. You may have a totally different view of what it should be for a project. You may feel that it's something that's really valuable and this person should be having more credits give to them than just a straight one to one exchange. But what I basically and what our committee is looking at is for some direction on do you believe this has merit, do you believe it should continue moving forward and do you have suggestions as to how you might improve the legislation or questions with regard to how it might

be implemented here and if you even wanted it implemented here. So this is a working progress, we're looking for direction from you and feed back as to how you want us to proceed because it will be back before you and it may be a specific project, it may be this transaction with the a test project or pilot project. That may be something that we would use as a way to actually see, is this going to be workable and it would either come before you or if it's on Maui it would before the Maui Planning Commission. But mainly that's why this is before you. To just kind of get your feed back before we make our changes and before we get too far into the process. But anyway thank you for your time and if you have any questions that would be great.

Ms. Akutagawa: I have a lot of questions and I haven't fully reviewed the materials. The initial questions that I have is, we can just transfer development rights, is that something like a covenant that would run with the land regardless of who owns the land over time and when I was reading it it talked about receiving districts and transfer districts. Now is this, does this have to do with only ag land or is from different rezoned land other rezoned land and the third question is in terms of preserving open space, is that open space within that definition on that new ordinance, or is it open space on petting zoo's, we can get stuck in the terms and we need to understand what those terms mean as what is open space, what is conservation, you know, is this more like the kind of deals where we see where we do wetlands restoration on one area so that the developer can develop on another land? Is this where maybe envision and maybe possible the kind of good intentions could be put forth here? How does it not conflict with the planning, the community planning process? How does it separate that or does it supercede it? What exactly? Lots of questions.

Ms. Johnson: You know Malia I think it's going to be, most of these questions are answered in the rest of John's presentation. So when he gets through, because your questions are answered in what he's got there. So I think it might be helpful if he can go through the rest of it and than ask questions of either one of us or David is here also. That might help you.

Ms. Akutagawa: In that case I ask the commission for its patience and defer to the presentation and than we can ask questions at the end unless there's some pressing clarification that's needed with the presentation of a certain slide. So if we can get through this thing fast but be economical about it.

Ms. Johnson: Thank you.

Mr. Summers: The commission has four options in terms of dealing with this particular item. One option is to approve the proposed bill as it is and transmit that recommendation back to the county council. The second option is to approve this ordinance with a specific list of questions or conditions. The third option is to deny, recommend denial of the proposed ordinance and transmit

that recommendation back to the county council. The fourth option is to defer the item and take it up again in the future with further discussion.

Mr. Summers continued his staff report.

Ms. Akutagawa: The question I wanted to ask is we know about the Hokuli'a case and some of the landowners that came down from the third circuit court and also we know that there's been some efforts to kind of limit the powers of the land use commission. Does this in any sense give more power to municipality and less power to the land use commission in terms of what happens on ag lands, how is the balance between county and state taken care of and does this in any way possibly circumvent the decision that came down by the third circuit in terms of what uses are permissible on ag land? Like a density issue here and the Hokulia case was about impermissible urban uses of ag land. Does this piece of, propose bill address those kinds of concerns?

Mr. Summers: Absolutely. Any application in the ordinance would have to be consistent with HRS 205 and the requirements for density, minimum lot size, on going requirements. We're waiting for the consistency with state law as well as underlined county zoning.

Ms. Akutagawa: Please proceed.

Mr. Summers: We'd be happy to answer any other questions that come up. One brief additional note, because of purchase of developmental rights, PDR, the bill that is formally before the commission today that was transmitted by the council doesn't directly address the county's purchase of development rights as opposed to private parties. But the Parks and Agriculture committee which is chaired by Council member Johnson is considering another bill kind of a companion bill that would formally establish a PDR program which is designed to be consistent with TDR and serve some of the same principles but this bill would establish a more formal program to address the county's purchase of development rights. That bill has been separately sent to you, I believe it's part of your materials. Its just been transmitted informally by letter by Council Member Johnson in her capacity. If the commission wants to address that at all we'd be happy to receive any questions or comments. The PDR is probably a viable issue for a couple of reasons. One, there's a recent charter amendment that requires funding of an open space fund, annually based on one percent of real property tax revenues. The Council recently enacted an ordinance to further that charter amendment establishing an open space fund and specifying that open space funds can be used to purchase conservation easements which is basically the same thing as development rights from landowners. So actually even before this TDR program get's established, the county will be having an opportunity to effectively purchase development rights from land owners and this companion bill, its been separately transmitted would help to augment that. So again it's kind of sided issue but I just wanted

to raise that because that's also pending before the committee. Thank you.

Ms. Akutagawa: Commissioner's have questions?

Mr. Vanderbilt: One question regarding our options. The Maui, John you mentioned section 8.86 of the charter that says we have 120 days to get our recommendations. However 8.4 which is mentioned in the resolution says that we transmit, 120 days from the date of our last public hearing and so therefore if we elected this one of the options here because we need more information or whatever to defer, like the Maui Planning Commission, that theoretically and I talked to Cindy about this little bit, would that effective more that 120 days because the Maui Planning Commission wants to have more meetings, get more information?

Mr. Summers: That might be a legal question because we have two separate charter provisions that aren't exactly the same and we also have this county code provision.

Mr. Vanderbilt: Maybe Cindy can answer that.

Ms. Young: Thank you Madam Chair. Yes we believe under section 8-8.4, subsection 3 where it discusses, it provides that review of other proposed ordinances and amendments there to shall be, there to prepared by the Director or the council and after public hearing transmit such ordinances with findings and recommendations no later than 120 days after final public hearing to council. We believe that that provision governs and therefore you would have 120 days after your final public hearing. If you deferred your public hearing than you would defer your 120 days to that point of your final public hearing.

Ms. Akutagawa: I have a feeling that I want to defer this issue and make it a night time meeting and get input from the community. This is something that's really critical. But it has to be done before my term expires, it's the end of March. So I'm gonna have staff try and set up night meetings for the next meeting but I want to get a sense from the commissioners before, we need to take a vote on this but I want to get a sense from the commissioner's. What's also their preference.

Mr. Vanderbilt: Personally Madam Chair if you look at the bill itself one of the items of course is the protection of all the cultural and ag and open space. But another key one in there is to promote more efficient, sustainable patterns that development, where development is clustered in mixed use and higher density that reduce automobile dependency, blah, blah, blah. As you may recall when the zero lot line came in because that's something they wanted on Maui to make lots smaller, get more lots on the land Molokai didn't accept that because we didn't feel that we were at a point that we had to go to this high density small clusters. My opinion on Maui, that's really being abused

now, all the affordable housing lots and everything are getting down, 3,000, 4,000 square feet and they're using that sort of a way that doesn't seem quite right. Anyway, I'm just wondering, I can't even think of an example at this point, especially with the limited infrastructure we have in all of our town's where we could even have a map to start with and there seems to be ways which Molokai interim, if Molokai Ranch or the Ranch on the East End or Kamehameha Schools which has a lot of land wanted to do something good for the community, there's ways to do that now and as a matter of fact the Director Mike Foley brought up one, maybe John might explain that a little bit that was done with Hana Ranch and the Hana Community where they dedicated a lot of shoreline to the cows for future pasture land. They preserve all that pasture land along the coast and that's another thing. When we talk about prime ag lands or good ag lands, pasture lands needs to be considered too because that doesn't seem to get much play in the state law or anything. So I would certainly want to defer this but I think that we've been working so hard to try and get something in our community plans and everything that at this point I just don't see where this would work on Molokai. It's something that's urgently needed on Maui and I know a couple of other places that they're really considering this too because of the over development and everything and maybe if Molokai was even involved at this stage it might draw it out even longer as far as Maui trying to get this thing on the books. So it might be best if there's none, no urgent need for it on Molokai to let Maui go ahead and we'd be further like Lanai, down the road if you have some examples that work out on Maui than we could amend the ordinance and just include Molokai at that time and that wouldn't take much time. As I read these minutes here there's one fellow Spencer, he said there's been more barriers in TDR's than there have been success'. So with all that and all we have to do in the general plan coming up it just seems that this is something, if now we really need it and push it through than go ahead, but that's just my mana'o.

Ms. Akutagawa: So Degray you're suggesting that just to make this bill applicable to Maui and not to Lanai and Molokai and we'll revisit the issue if we feel a need for it in the future?

Mr. Vanderbilt: Well I wouldn't speak for Lanai but that's what they sort of wanted. Yeah, that's what I would recommend because there's a lot of work in this and they really gotta push it on Maui and, thank you.

Ms. Akutagawa: O.K.

Ms. Seales: Well I think that we should have, when we can have more public hearing, more input and of course we don't have the other three commissioner's here and maybe it would be good to revisit again to have more time to kuka, mahalo.

Mr. Vanderbilt: Can I make just one more comment? With regard to more public hearing, you notice

there's not even Molokai Ranch is here who would probably be the biggest one or any of the major land owners aren't here. So I don't know, I don't know what more public input to have unless there's a lot more public education in the form of workshops and everything else. I think this is just going to extend the process which I think we need to have workshops where we can really look at what are some realistic examples of what could be done on Molokai. You have some on Maui which are obvious but I couldn't even think of one here but, maybe there is.

Ms. Akutagawa: After hearing Degray, if it's possible to just make this a Maui pilot project and Molokai and Lanai can just sit back and see how it works for Maui before we get locked into this ordinance, I would concur with what Degray is suggesting. My feel was, I really want to go through this with a fine tooth comb to see what are the possible repercussions for Molokai and I don't feel confident in making a yea or nay today. But if it is the preference of the council to go ahead with this for Maui and if Molokai and Lanai, Lanai can speak for themselves, but in terms of Molokai this is something where we can just stand back and assess what are the positive impacts, what are the negative impacts on Maui, I would feel comfortable with that recommendation. I'd like to hear from Council Member Johnson and also Council Member Mateo on where you'd like to see this go. I just don't want to make a quick decision right now on this ordinance if it's going to affect Molokai that's all.

Ms. Johnson: Danny do you want to make comments first since you're the Molokai representative I think you should give your mana'o.

Mr. Mateo: Thank you very much. I guess this is my two cents worth. I think what you just stated a few minutes ago is real concise and I think that would be the direction that I would support. Because a lot of the impacts, really, we're kind of like not as populated and not in as much as a gross problem as Maui island is. Sometimes in order for us to see whether the ordinance works, especially this particular one, it might be better for us to let Maui island like actually have it implemented there and see how it affects us. To me it's similar in part like Bill 84 where we are not part of their rural growth boundary areas and I think it's good because like now you people will determine where we'll grow and not a separate committee that'll do that. So I think in the same line of thinking I think to be able to sit back and take a look at how the ordinance works and give us the opportunity to see the impacts that could or could not happen, I think that would be an advantage to us. Thank you very much.

Ms. Johnson: Thank you so much Danny. You know I was just conferring with John too and I think in terms of the timing because we have a lot of issues, we're going to be going into budget so those are other things that we won't be able to meet on this right away anyway. A sensing from the comments made on Lanai, because there's only one land owner there and also here your development

pressure which would make this really work for you is not here. You don't have the same kinds of development pressure so the effectiveness in my opinion would not be as good here. This would, perhaps not be a good test case. The way we kind of left it with Lanai was that they felt that, look you go forward on Maui, you do your test case and then we'll see if it has any applicability what so ever to Lanai. They kind of did speak for Molokai because they said we don't think Molokai and Lanai are really the candidates for this. We think that the development pressure is really on Maui. So at this point I think that for myself, to have a hearing, to give more educational input or whatever, we could have a workshop but to move this forward so that we can come back with your recommendation, which we got a Lanai recommendation, we will be going out for additional meetings on Maui and they did ask us to meet with the Board of Realtors. I think a recommendation right now from you saying that Maui go ahead and leave Molokai out because we really not certain it has applicability, that would be appropriate and that would allow us to than work on Maui to make that happen. So that would make our job a little bit easier because I really feel it's important, every time when this comes out for public hearing this is such an important bill that it takes staff time and everything else and it's not to say that Molokai, you know you desire every explanation but I think right now the pressure is not so much on Molokai as it is on Maui and that's where if I had any constructive to offer it would be that. As you said I think because Molokai Ranch is not here. Because it's a voluntary program if they're not interested in it, in the conversation unless there's other farming individuals that might feel that it has applicability to help save their family farm, something along those lines, where they had a portion of their property in preservation or it had archaeological resources on it and they needed to provide money for their kids to go to college, they didn't really want to lose the family farm, but they said well we need the capital. So we'll go out and sell this to some other developer, we'll give him the right to do it some where else. You would than have that as an example as how it might be able to use if you had a family that was under those circumstances. But it would probably not be a wide range application. I'll turn it back to John too so he can make his comments.

Mr. Summers: I would support that approach as well. It would allow us to move forward on personal issues on Maui, use that as a test case. See for Molokai and Lanai if this has future applicability.

Ms. Buchanan: Can I say something? I agree. I know Maui is very pressed in trying to come up with a solution. I first want to commend you Joann for even bringing this ordinance forth. I am familiar with conservation easement in my job and I'm familiar with how it's working very well in the mainland, for the same reasons as the last resort to preserve open space. I support the concept, I really do, I think it's great. When you're up against the wall and you really need a tool, this is it. I do support it, I'm glad your committee is working on it and although we might feel that it's not applicable now I can look down the road and set a scenario with Molokai Ranch and (inaudible) 266 subdivisions coming up and we all know that we don't want it but that tool could be used there as

well as Morris Point where Puu Hoku Ranch owns the land which is a main stop for tourist on the island. If they wanted to they could turn it around and well it for \$5 million dollars because it's prime beach front property and that would be a tool to be used too if they wanted benevolent landowner's or they say yeah we'll just give you the land for the people of Molokai. So, it does have applicability on the island but it's not pressing like Maui. But I just wanted to say that I really support the concept and I commend you for your hard work and investigations because I am a little bit familiar with how it's working now on the mainland.

Ms. Akutagawa: Technical question. This ordinance refers to all three islands right? So if it was the preference of the commission to make sure Molokai is left out of this ordinance and the pilot project only remains on Maui, how would a motion be fashioned?

Mr. Summers: Thank you Madam Chair and members of the commission. That approach could be to support the passage in the ordinance with a condition that it not apply, for the time being, to the island of Molokai.

Ms. Akutagawa: Specific language would be inserted to modify the language of this ordinance, correct?

Mr. Summers: That would be the recommendation in the Director's Report and be transmitted to the County Council.

Ms. Akutagawa: Any further questions? Go ahead Degray.

Mr. Vanderbilt: I would also like to commend John and David and Council Member Johnson for the thorough package that we got that included minutes and than taking the time to come out here and bringing enough copies of stuff in case we did have some people here. It's really helpful when we get a lot of material, especially minutes that we can read because, anyway I just wanted to congratulate you on that and the other thing is, on the conservation easements that Lori mentioned there is a vehicle now to have conservation easements and didn't Hana Ranch just do one, the one I mentioned for several hundred acres of shoreline?

Mr. Summers: That's my understanding. It's a very useful tool.

Mr. Vanderbilt: So if one of these large landowners did want to work out some sort of deal we have a way to do it?

Mr. Summers: That would be an option.

Mr. Vanderbilt: O.K. Thanks.

Mr. Summers: If I may Madam Chair I would like to clarify the previous statement I made. If the commission wishes to be very specific about the recommendation, they could recommend approval with the following language. To add a new section on page 5 of the proposed ordinance section 19.57.100, entitled applicability with the following sentence: "This chapter shall only apply to the island of Maui."

Ms. Akutagawa: Any questions or is somebody ready to make a motion?

Mr. Summers: We need to take public testimony.

Ms. Akutagawa: Is there anyone in the public wishing to testify? O.K. at this time public testimony is closed and we'll have staff recommendation.

B. Action

Mr. Summers: The staff recommendation based on the comments this afternoon in our report would be to have the ordinance approved for the island of Maui with the conditions incorporated in 19.57.100 entitled applicability, which would state that this chapter shall only apply to the island of Maui.

Ms. Akutagawa: Questions?

MOTION: I MOVE THAT WE HAVE THE ORDINANCE APPROVED FOR THE ISLAND OF MAUI, 19.57.100 STATES THAT THIS ORDINANCE ONLY APPLIES TO THE ISLAND OF MAUI.

MOVED: COMMISSIONER LORI BUCHANAN

SECOND: COMMISSIONER DEGRAY VANDERBILT

MOTION UNANIMOUSLY APPROVED.

After a short recess the meeting was reconvened at 2:45 p.m.

C. APPROVAL OF MINUTES OF THE SEPTEMBER 24, 2003, OCTOBER 22, 2003, AND NOVEMBER 12, 2003 MEETINGS

MOTION: I MOVE THAT WE ACCEPT ALL THREE COMMISSION MINUTES AS CIRCULATED.

MOVED: COMMISSIONER LORI BUCHANAN

SECOND: COMMISSIONER NOBUO SHIMIZU

MOTION UNANIMOUSLY APPROVED.

D. CHAIRPERSON'S REPORT

None.

E. DIRECTOR'S REPORT

1. Updates on:
 - a. Patnoe letter
 - b. Dave Curtis letter
 - c. Halawa Valley
2. Announcements

Ms. Akutagawa: Has something been prepared by Wayne?

Mr. Summers: Simply there were some transmittals by the Planning Director, one related to the Patnoe letter. Second letter from Dave Curtis and a summary on the Halawa Valley and Hospital improvements and the environmental impact statement. If there are any detailed questions on these items I would recommend that they be deferred till the next meeting when Wayne Boteilho will be available to answer those questions.

Mr. Vanderbilt: Is there any reason why somebody from the Planning Department didn't come so we can move through our agenda? This is kind of ridiculous.

Ms. Akutagawa: Yeah Wayne said, just for your information and the commissioner's information Wayne e-mailed me saying that he had to attend another important meeting and he had sent John in his place instead to provide a report.

Mr. Vanderbilt: It's unfortunately that he couldn't have given a written report on these. There's one person here from the public to hear what the status was one of these reports.

Ms. Akutagawa: For the next agenda let's leave these updates on and have Wayne do an oral report and if questions arise there after. Are there any initial questions?

Mr. Vanderbilt: I'd like to talk about the first letter? I didn't get a Dave Curtis letter in this package. I went in and I talked to Wayne Boteilho last week and I said what's happening with the Curtis thing and he said why don't you go and talk to Mr. Curtis. So Mr. Curtis was concerned about this thick form that he had to fill out about 12 or 14 pages and apparently they're not going to move and then he was concerned about the \$50 fee for this wheel chair ramp. Thanks to some patrons at the Hotel Molokai we raised the \$50 which I have here in an envelope for the fee and I went to see Ms. Yola Meyer Forbes and she signed off on the application and Dave Curtis went over it too and it has all the information filled out here and on the flood zoning and some of these questions answered and it's ready to go now. Because this ramp is needed for the ARC of Maui, Molokai kids that are all in wheel chairs and it's also needed by Ms. Forbes who's had a second stroke and has a hard time getting into her office. I talked to the Planning Department and they said once your application comes in it'll go into the stack along with the others and we won't be able to look at it for 90 days or we won't get an answer back for 90 days but they did say that if this application was received and the fee that the application will be signed with an SFMX number and that the girl in zoning that reviews that then once you get that give her a call and she will try to expedite this thing with a much faster time period than 90 days. So if I could Madam Chair I would like to give this to somebody in the planning department with the \$50, but we want a receipt for the \$50 and the application and let's try to get this thing developed and its been 8 or 9 months on this thing.

Ms. Akutagawa: I concur with Degray. I want this on the next agenda and I want it expedited and approved and pass it through what ever channels you gotta pass it through and get the approval letter because this is ridiculous.

Mr. Summers: Madam Chair....

Mr. Vanderbilt: One quick question, they said if this was an exempted action it would make it much easier to pass through. I don't know what makes it an exempted action but maybe corporation counsel, this is all about being a development and on the information sheet for these assessment forms one of the things says non-structural improvements to a commercial structure. It's not a development, now wouldn't a wheel chair ramp, could that be considered as a non-structural, it's not holding up the building or anything. On the information sheet that you fill out, Ralph do you know anything about that?

Mr. Nagamine: No, it would be for the planning department to determine that.

Mr. Summers: This will, as previous noted by the Planning Director, it will be assigned to a planner and assigned an SFX number and determine through the assessment process whether it's a development or not.

Mr. Vanderbilt: If they're exempt they don't have to apply for an SMA minor, correct?

Mr. Summers: That's my understanding.

Ms. Akutagawa: You tell Wayne that we're going to be in contact, me and him, I want to make sure this thing is expedited.

Mr. Summers: We'll do what we can do to get this thing expedited.

Ms. Akutagawa: Any other questions?

Ms. Buchanan: Malia I just wanted to share information with the commission. Only because I was made aware of it on Monday. Because it's a community issue and I really have very vague information about it but I had asked the Chairperson Stacey Crivello to write a letter to you the Chairman, Chairperson of the Molokai Planning Commission of their intent to, for that EZ Board to be working along with Molokai Ranch and the conservation fund on issues concerning properties owned by Molokai Ranch and dealing with the EZ to facilitate through the conservation fund. Different things to do with land use designation and issues on the island and I was surprised to hear about it and I asked Stacey Crivello if a letter was sent to you and she indicated that nobody wrote a letter to the planning commission to inform, have them informed about these proceedings that are going on but they're going to have a public statement coming out shortly in the newspaper. But I asked her to expedite a letter to you so if you get a letter from her you're not surprised.

Ms. Akutagawa: O.K. thank you and could staff also follow up on this as well?

Mr. Summers: Absolutely.

F. NEXT REGULAR MEETING DATE: March 10, 2004

G. ADJOURNMENT

There being no further business before the Molokai Planning Commission the meeting was

