

**MOLOKAI PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 28, 2007**

A. CALL TO ORDER

The regular meeting of the Molokai Planning Commission (Commission) was called to order by Chairperson, Robert Ribao, at 12:34 p.m., Wednesday, February 28, 2007, Mitchell Pauole Center, Kaunakakai, Molokai, Hawaii.

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

Chairperson Robert Ribao read the February 14, 2007 Agenda into the record.

Mr. Robert Ribao: Okay, first of all, we have any public testimony on anything on the agenda? Seeing none, we're moving on. Okay, under Item B, Mr. Jeffrey Hunt, Planning Director, requesting the following land use changes on behalf of the Department of Fire and Public Safety, it's listed a, b, c, regarding, under a., Community Plan Amendment from Open Space to Public/Quasi-Public for a portion of the 5-acre Project Site; under b., State land use district boundary reclassification from the State Agricultural District to State Urban District; under c., Change in Zoning from Interim District to P-1; Public Hearing, and Action. Nancy? Okay, we'll take a recess until Nancy comes back.

(A recess was called at 12:35 p.m., and reconvened at 12:38 p.m.)

Mr. Ribao: Okay, we were waiting for you, Nancy. You're ready to roll? Okay, we're going to get started. Nancy going give a presentation and I guess the Fire Department people, and your recommendations, then we're going to open it up for public testimony after that.

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

- 1. MR. JEFFREY S. HUNT, AICP, Planning Director, requesting the following land use changes on behalf of the DEPARTMENT OF FIRE AND PUBLIC SAFETY for the new Kaunakakai Fire Station and related improvements on approximately 5 acres of land at TMK: 5-3-003:portion of 015, Kaunakakai, Island of Molokai (N. McPherson):**
 - a. Community Plan Amendment from Open Space to Public/Quasi-Public for a portion of the 5-acre project site (CPA 2005/0002);**
 - b. State Land Use District Boundary Reclassification from the State Agricultural District to the State Urban District (DBA 2005/0002);**
and

- c. **Change in Zoning from Interim District to P-1 Public/Quasi-Public District (CIZ 2005/0001)**
 - (1) **Public Hearing**
 - (2) **Action**

Ms. Nancy McPherson: Good afternoon, Chair Ribao, members of the Molokai Planning Commission. Nancy McPherson, Staff Planner, Molokai. This is the application. It's a County initiated application, so the Department of Planning is proposing to amend the community plan land use from open space to public/quasi-public, State land use district boundary amendment from ag to urban, and change in zoning from interim to P-1 public/quasi-public district for the proposed Kaunakakai Fire Station on approximately five acres of land at TMK: 5-3-003:015, a portion, Kaunakakai, Molokai, Hawaii. The docket numbers are CPA 2005/0002; CIZ 2005/0001; and DBA 2005/0002. This is based on the Final EA that was accepted by this body in January and so all the information in the staff report, most of the information in the staff report, is based on that Final EA and finding of no significant impact, which was accepted by the Molokai Planning Commission as the accepting authority.

We're requesting a community plan amendment for a portion of the site. Now the site's going to be subdivided from the greater portion of the property, that's in process right now. I'm just going to do a short summary here and then I'm going to defer to the applicant to go ahead and make a presentation and update you all on where they are in the process.

So we're looking -- the rest of the site is already public/quasi-public so we're only asking that a small portion be changed from open space. I think it's kind of over by the pu`u, the pu`u side, and in order to make it one community plan designation for the entire site. Then also the district boundary needs to be amended from ag to urban in order to be in conformance, and the zoning also has to be changed to public/quasi-public. This is to facilitate permitting and construction of the fire station. The original fire station was built in the flood zone and which has become inadequate. The needs of the community have outgrown the existing facility so that's why this project is being proposed and entitlements being requested.

So the community plan amendment has been reviewed based on Chapter 2.80B, and Section 2.80B.060A, Non-decennial amendments to the general plan proposed by the director of planning. Our district boundary amendment is an area less than 15 acres in size so that means that the decision-maker is the Molokai Planning Commission. And the change in zoning is based on Section 8-3.3, the Charter, County of Maui, the planning director can prepare, administer, and enforce zoning ordinances, zoning maps and regulations and any amendments or modifications thereto.

Procedural matters. Forty-three days prior to the hearing, public notice was made by the Planning Department. The notice of hearing was published in *The Maui News* and in *The Molokai Dispatch*, in January. The action, there are two triggers for Chapter 343, that's environmental impact statements, an EA was triggered by the community plan amendment and the use of State or County funds, so those are the two triggers for that. It's not an exempt class of action, therefore, an environmental assessment was prepared and accepted and finalized.

So this record -- recommendation and record shall be transmitted to the County Council within a 120 days from the date of certification of completion of the applications or by May 2, 2007.

So the original parcel was about 1800 acres, but the project area is a subdivision of that parcel so it's only 5 acres. The existing land use designations are ag for State land use, public/quasi-public and open space for the community plan, interim for zoning, and it's not in the special management area.

Surrounding uses are residential, single-family, Ranch Camp Subdivision to the north; to the east is agricultural uses; to the south is the Molokai Education Center, the highway, wetlands, and single-family residential; and to the west is agricultural, single-family, and the regional park.

So as this information has all pretty much come before you before when you were reviewing the environmental assessments so I'm not going to review everything, but we do have existing services to the property, those will need to be extended. So along Alanui Kaimi`ike, there are -- there is infrastructure but then there's going to have to be laterals that are run, there's going to have to be an additional power line that's put in to service the site. The sewer capacity is considered adequate for the additional generation from the project. Drainage. There will be -- there is a drainage plan and these changes will be made as the site is graded and put in place to mitigate any impacts to drainage. There are, in front of the education center, a sidewalk and there are curbs, but not going up mauka from the education center, so there has been some discussion of what the fire station can do. They do want to make sure that they provide the opportunity for those improvements in front of the fire station, such as sidewalks, curbs and gutters. I'll let them talk about that a little bit more.

Going through the infrastructure impacts, there are not any seen. The -- we've discussed the need for the fire station. If you have any additional questions about that, I'm sure the applicant will be happy to answer those for you. This has been planned for a while and the applicant did go through a community input process, has come to this body on several occasions to outline their -- present their proposal and get feedback from the community.

And, with that, I think I will turn it over -- well, my analysis is that these land use entitlements: community plan, change in zoning, and district boundary amendment, will actually be fulfilling policies and implementations of the State Plan, the County General Plan, and the Molokai Community Plan because it is improving public service; it is improving fire protection and public safety for Molokai for the region that it's going to serve; it's going to be improving the training levels and ease of training for the firefighters, so it's really considered to have significant public benefit. And as we are going to into a general plan and community plan update phase, we are looking at that as a factor. We do want to be able to show that there is significant public benefit to projects that are recommending changes sort of in the midst of that process, so there's definitely finding of significant public benefit. It is not impacting coastal resources, per Chapter 205A, Hawaii Coastal Zone Management Program. It's not in the SMA but because the entire State is in the coastal zone, we do have to apply the SMA criteria to all projects.

So I think I will go ahead, at this point, and -- oh, we do have alternatives. We have not yet received any letters of public testimony but all the letters that -- the Draft EA was circulated to different agencies, I've got also an addendum coming, I apologize for not getting them all into the original staff report, but I do have additional letters. They're mainly kind of like, well, we have no comment or, you know, kind of acknowledgment things, so, hopefully, they're all pretty minor, won't affect the findings. And the alternatives are, for the proposed actions, are you can defer. You can defer to another meeting date in order to obtain additional information. You can approve with no conditions. You can take action to recommend approval without imposing any conditions. You can, three, approve with conditions. You can take action to recommend -- and those recommendations will be transmitted to the County Council for final action. And then the fourth option is denial. You can recommend denial and those recommendations will be transmitted to the County Council for final action. So if you don't have any questions for me, at this point, I can let the applicant come up and make a short presentation.

Mr. Ribao: Question: You have any recommendations?

Ms. McPherson: Do I have -- I have a recommendation for approval, yes.

Mr. Ribao: Okay. Okay, that's the only recommendation you have?

Ms. McPherson: Yes.

Mr. Ribao: Okay.

Ms. McPherson: Oh, well, I take it back.

Mr. Ribao: Okay. Why don't we let them testify first then you come back with your recommendations.

Mr. Mike Munekiyo: Good afternoon, Mr. Chairman, commissioners. My name is Mike Munekiyo and I'm assisting the Department of Fire and Public Safety in these land use applications. If I may, Mr. Chair, I'd like to hand out a few maps just to kind of clarify the areas that are being requested for the land use entitlements.

What I distributed to the commissioners is the maps which more precisely delineate the areas for which the land use changes are being sought, and the top map, if you look at the title, it's the "Land Use District Boundary Amendment Map No.," and it's blank, but it's from the agricultural to the urban district, and that area which is being rezoned or reclassified is designated as Lot 938-B-2, and the total area, if you look at the lower right-hand corner of the map, is 5.379 acres. Now, Nancy had referenced a approximately 5-acre parcel but the surveyor actually more precisely defined it and it actually comes down to about 5.37 acres. And this is the area that would be reclassified from the agricultural district to the urban district.

If you turn the page, this is the community plan map. Nancy did mention that a portion of the parcel is in the open space district so if you look at the map, you see that on the top of the parcel you see the designation "OS" and that portion, that top-half of the parcel is that segment within the open space district which would need to be re-designated the public/quasi-public district. The bottom portion is already public/quasi-public. So, again, that would be the area for the community plan amendment.

And, finally, the last page designates the same area as the previous two maps in total but this is the change in zoning map, which would, again, reclassify or rezone about 5.37 acres from the interim zoning district to the P-1 public/quasi-public zoning district. And these are, again, the land use request before the Commission today. Of course, we'd be happy to answer any questions that the commissioners may have with respect to the building itself, and I think Nancy explained that previously and I think the Commission has had opportunity to review the project under the EA process, but we'd certainly be happy to answer any questions you might have today.

Mr. Ribao: Any questions from the commissioners? Yes, Steve?

Mr. Steven Chaikin: Yeah, I'm looking at my -- the site plan that we had at the, I guess the environmental assessment. Is the location of the helipad remain the same or will you change that or is it the same as what's on the map here?

Mr. Munekiyo: The location of the helipad -- may I take a look at what you have? I don't have that. Yes, the helipad is as shown in that Final EA document.

Mr. Chaikin: Okay, do you know how many -- what the lateral distance between the telephone lines and the helipad is? Cause the telephone lines go along -- I think Commissioner Dunbar brought that up at one of our previous meetings that the helipad is in real close proximity to the electrical lines.

Mr. Munekiyo: If I may just have the civil take a minute to just see if he can scale that distance off. To the edge of the helipad from the electrical line is about 40 feet; to the center where the helicopter will land is about 90 feet. To the edge of the pad to the lines is about 40 feet; to the center of the pad is 90 feet.

Mr. Chaikin: So what's the -- I mean I'm not real familiar with helipads but it seems like that's a real close proximity to electrical lines. Is that something that's normal or is that something that's, you know, a potential safety hazard?

Mr. Munekiyo: I think that's something that needs to be looked at in the design in terms of the clearance requirements and what the, you know, actual flight -- flight patterns are. I think that's something that would need to be looked at for sure.

Mr. Chaikin: Also, I guess in regard to the helipad, has there ever been any kind of documentation that's been set forward in terms of arrival and departure procedures from that helipad because it's in close proximity to a residential neighborhood and also a school?

Mr. Munekiyo: I think previously what we had indicated was it'll be for emergency use only. I can't recall what the count was but it was I thought was two to four flights per month but, in terms of specific arrival flight patterns, I'm that familiar. Chief, are you familiar with what the flight patterns might be?

Mr. Neil Bal: Generally, when we set up an LZ, the pilot in command will look at this. If it's a regular one like we had at the Kahului Fire Station, then their chief pilot would set up landing and departure procedures and that's strictly to do with the FAA people along with the flight rules dealing with this type of landing pad. They would make their suggestions further on down the road. We get them now. But we've landed normally with even closer than that. We don't like it.

Mr. Chaikin: Are the pilots that you guys have are something that you subcontract out to somebody else or does the Fire Department have their own pilots?

Mr. Bal: We subcontract out. They are, basically, they work for one company and we actually approve who is flying for the Fire Department because it's my people that's -- that have to ride with those pilots, and if we're not happy with them, then we send them down the road.

Mr. Chaikin: So do you put the responsibility on that subcontractor to come up with the procedures for the helipad or is that something that the Fire Department would take control of themselves and put in procedures for that?

Mr. Bal: There is procedures that is followed by the Federal Government that mandates certain restrictions and we don't really have any -- anything to say about that. It's all up to the Feds. We can say we don't like it. Go away. We don't want you landing here. But that's about it. As far as their own approach and departure, it is by the FAA once you leave the ground.

Mr. Chaikin: Well, that's not in a -- that's in an uncontrolled airspace right here so there is no control of this airspace in this particular area so it's up to the pilot to make the determinations of how to approach and they're not in contact with air traffic control when they come into that helipad. So I guess -- I guess my question is that --

Mr. Bal: I beg to differ with you. They are in --

Mr. Chaikin: Who would they be in contact with?

Mr. Bal: They would be in contact with the approach in Honolulu.

Mr. Chaikin: I don't even think they'd be able to pick them up on radar because it would be too low.

Mr. Bal: Well, no. They call for the separation on the way in and they are under radar all the way -- all the way over. And, you know, when you get down too low, then you are in fact under your own control.

Mr. Chaikin: You know, cause the radar facilities are over in Honolulu so anybody low in this area is -- usually, you gotta be up quite a ways and you go a 1000 feet, so when you're coming in for a landing -- anyway, I don't want to belabor this point. I'm just trying to kind of stress the fact that maybe it would be important for the Fire Department to come up with some procedures for the use of that heliport rather than just leave it wide open in terms of which way they would come in and which way they're going to depart just to -- for the -- you know, there is going to be, you say, two or three a month and there is a residential neighborhood right there and helipads are not real good neighbors with residents. So, just for the sake of residents, if you had some kind of written procedures as to how a, you know, flights paths and stay clear of this and that, and thank you.

Mr. Ribao: Okay, thank you. I'm going to interrupt here. We have one person who wants to talk, and, Nona, you wanna come up and say something for public testimony? She has to go. Then we'll continue.

(1) Public Hearing

Ms. Harriet Fukuoka: Good evening, Mr. Chairman and Molokai Planning Commission board. My purpose, hopefully, my testimony today will kind of help matters to change the zoning of the new fire station on the five acres. Did I give my name? My name is Harriet K. Fukuoka and I worked for the Molokai Police Department for 21 years as an adult crossing guard, so the only emergency route that the Police Department and Fire Department have is on Ainoa and Ailoa Streets, which means I kind of witnessed the emergency route that the Fire Department has to use. So, for years, I wanted the fire station to be relocated outside of town. So when I heard about the five acres, well, I jumped for joy. So I'm hoping that the Molokai Planning Commission board will think seriously about rezoning the five acres for our new Kaunakakai Fire Station for public safety purposes. Thank you.

Mr. Ribao: Thank you. Any questions? You guys wanna continue with your presentation?

Mr. Munekiyo: Mr. Chairman, that concludes our -- the information that we'd like to present this morning -- this afternoon.

Mr. Ribao: Okay, fine. Nancy, where are you again? Oh, there. I'm sorry. Your recommendations then -- oh, you guys wanna ask questions first? We can do that.

Ms. McPherson: Chair, also, I'd like to distribute this addendum first, if I may, so but --

Mr. Ribao: Okay, go ahead.

Ms. McPherson: I have to ask Corp. Counsel though, because they didn't get this ahead of time, what's the procedure? Should I pass it out? Okay.

Mr. Ribao: Okay, Nancy, before you do your recommendation, we'll ask if there's any questions from the commissioners to the applicant. DeGray, you had some questions?

Mr. DeGray Vanderbilt: Yeah, this is just on the helipad, maybe Neil could answer. On the helipad, you said that 90 feet is something you don't like and that there's somebody that does regulate. Is there a minimum standard that has to be followed by -- that's set by the Feds or anybody else besides the Fire Department?

Mr. Bal: There's a minimum standard and it would be set by the Feds, yeah, not by us.

Mr. Vanderbilt: Well, is the 90 feet acceptable to the Feds?

Mr. Bal: Yes. Yes, it is.

Mr. Vanderbilt: Oh, okay. And then -- that's the only question I had on that. And, oh, yeah, Neil, one other thing. As far as an alternative, so you don't really think there's a need for an alternative if it meets the Federal requirements, right?

Mr. Bal: There was a -- there was a suggestion that we bury the lines.

Mr. Vanderbilt: Yeah.

Mr. Bal: I think I'd like, before I say anything, I'd like to speak with the electric company and see what they have to say about it because I don't wanna be -- I'm not going to speak for them.

Mr. Vanderbilt: But, as far as you're concerned as the Fire Department, it meets the standards you have to meet legally.

Mr. Bal: That's correct. Yes.

Mr. Vanderbilt: So anything additionally you'd do just would be the be a good neighbor, do whatever?

Mr. Bal: Right.

Mr. Vanderbilt: Thanks.

Mr. Vanderbilt: And make my crew happy also.

Mr. Ribao: Commissioner Dunbar?

Mr. Kip Dunbar: Yeah, Chief, one question for you. I didn't -- when I brought up the electrical lines, I didn't intend it to be, you know, a deal-breaker. It just would seem to me that if it were possible at least to bury the lines where you're going to take off and land, it would certainly make it, not only safer for the public, but, you know, safer for those in the helicopter. I'm not so sure it'd be too good to hit, you know, 125 volt lines. But, again, I don't intend it to be a deal-breaker. I think we're all in support of the fire station. We can't wait to vote for it, and we can't wait to have it. I have a friend of mine, as a matter fact, that might be retired before the whole thing is built but what can I tell you. He's been fighting for it for a long time.

Mr. Bal: Well, the LZ at the Kahului Fire Station was about as big as this room and I tell you what, that's some very close quarters, and it's hemmed in on all four sides by buildings. The back side where they slide over our mechanic shop and into the landing, very small landing zone, it's covered by high-tension wires, and that's 90 feet in the air.

Like I said, you know, we dealt with that every day for almost four years and we never had an incident but we weren't going to tempt that any further, and since this last -- late last year, we ordered the rescue helicopter to be stationed at the Kahului Airport, which was close enough to get ready and fly when we needed it. But these LZ's at Wailea Station, for instance, that's even -- that's even smaller than what we're proposing here with even less room to wiggle, as I call it. And our pilots, they have to have all kinds of certifications and ratings, monkeys fall from trees, but still, they are very good at what they do and, especially, when you put my rescue crew in those helicopters, that's my people that I have to account for and if I wasn't comfortable, I wouldn't allow this to happen.

Mr. Dunbar: Well, thanks. Yeah, I can appreciate that, and, you know, not -- you're not hemmed in on all sides so at least you can land east to west.

Mr. Bal: We can. We don't --

Mr. Dunbar: Take off east to west.

Mr. Bal: We don't --

Mr. Dunbar: Or west to east.

Mr. Bal: We don't intend to have an issue. And with the housing area, we will not fly over that unless it happens to be burning down or something like that, but we don't intend to be overflying any homes, and there is areas that we can come in on and land on the pad.

Mr. Dunbar: Well, the only thing I can about that, if I'm out there drowning, I give you full permission to fly over a house.

Mr. Bal: Okay. Well, the Federal -- the Feds have laws over that also. Any other questions?

Mr. Ribao: You wanna -- yeah --

Mr. Steve Wong: My name is Steve Wong. I'm the architect from Mitsunaga and Associates, who designed the station, so I wanna clarify something on this helipad cause the chief may be getting a little -- first of all, it's emergency only, and I think we gotta change the designation, for emergency only it's, actually, a landing zone. It really should not be designated a helipad. So being it an emergency landing zone, I do not believe the FAA will have any requirements for that. We can check with the FAA. But since it's not a designated helipad, it's going to be like the helicopter landing in the park or something like that, so the requirements will not take into effect for this area. That's what I think, you know. I'm not sure. We haven't checked with the FAA. But I think we should change the

designation to something else and do not say it's a helipad but landing area or something. Most of it will be like grassed and part of the green sustainable thing. We only have a small area of concrete padding. So I just wanted to clarify that, that point. Okay, and we'll check too. The other thing on the -- if -- I guess you can put it in your conditions or whatever to check that kind of things out, but I think the -- if it goes underground, which I don't think it has to cause it would be a major cost, but it's something that Maui Electric will have to look at and give you a -- yeah, but since it's only like I believe he said five times a year that they come in, yeah, or maybe one time a year so that's it. But I think you guys are familiar with the plans and everything. I mean if there's any questions, I can answer architectural but --

Mr. Vanderbilt: Excuse me.

Mr. Ribao: Yeah, okay, you have a question?

Dartanian DeCoy: As far as testimony?

Mr. Ribao: Yeah, afterwards we'll allow that.

Mr. Vanderbilt: Excuse me, I have a question. When you talk about emergency only, would that involve police emergencies?

Mr. Wong: You gotta -- you have to answer that one.

Mr. Bal: Any life safety issues is what our helicopters would be dealing with.

Mr. Vanderbilt: How about green harvest?

Mr. Bal: No.

Mr. Vanderbilt: Okay, thank you.

Mr. Ribao: Okay, Nancy, ready for your recommendations then we're going to open it up after that to public testimony, okay. Comment by Corp. Counsel.

Mr. Michael Hopper: I just wanted to add to what Nancy had said. With respect to the change in zoning, in addition to just your recommendation of approve, not approve, approve conditionally, or defer, the change in zoning, the County Code, Section 19.510.040, states that the appropriate planning commission shall conduct the public hearing on all change of zoning applications and then upon closing the public hearing and upon reviewing the report and recommendation of the planning director and all other applicable information on the application, the commission shall prepare a report, which is

includes, but which is not limited to, the commission's findings of fact, conclusions of law, recommendations, and any recommended condition which the commission determines to be necessary pursuant to the conditional zoning provisions of this chapter. Now the Planning Department has prepared, and you all have in your packet, a document entitled *Maui Planning Department's Recommendation Memo to the Molokai Planning Commission*, which includes that information and also the proposed conditions that will be on the recommendation that you could give. If you so choose, you may adopt that as your, not only recommendations on the State land use reclassification and the community plan amendment, but also as your findings and conclusions on the change in zoning. You could also recommend additional conditions. If there are conditions in this report that you do not agree with, you could strike them and, of course, you could still defer action on this until a later date. But just to clarify further, that's the -- the findings and conclusions are an additional requirement with the change in zoning.

Mr. Ribao: Okay, go ahead, Nancy.

Ms. McPherson: Yes, Chair Ribao, Nancy McPherson, Staff Planner, Molokai. I did find a mistake on Page 2 of my recommendations that, under State Land Use District Boundary Amendment, the decision-making authority is the Molokai Planning Commission, not the Maui County Council, so I apologize for that error, and I will make sure that all the other necessary language gets into the final -- did I -- do I not have the most current copy? Oh, okay. Oh, go ahead.

Mr. Clayton Yoshida: Sorry, Clayton Yoshida with the Planning Department. For all three recommendations: the community plan amendment, the boundary amendment, and the zoning change, the Commission is recommending to the Council. The Council is the final authority.

Ms. McPherson: Okay. So, according to conclusions of law, the community plan amendment has been processed according to the proper amendment procedures. The State land use district boundary amendment has been reviewed pursuant to Chapter 205-3.1(c), Hawaii Revised Statutes. I stand corrected on the ultimate decision-making authority for the change in zoning. I want to thank the Corp. Counsel for clarifying the additional tasks that are required once this body's done with its deliberations. I did the analysis based on the following criteria: that it meets the intent of the general plan, this is for the change in zoning, and objectives and policies of the community plan, provided the community plan amendment is adopted and the district boundary amendment is approved; number two, the request is consistent with the applicable community plan land use map of the County provided the community plan amendment is adopted and the district boundary amendment is approved; the request meets the intent and purpose of the district being requested, so public/quasi-public; the application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems,

sewage and solid waste disposal, drainage, roadway, and transportation systems, and other public requirements, conveniences, and improvements, provided the project contributes its pro-rata share of infrastructure improvements to accommodate the new development, well, I think that's -- that's being negotiated; the application, if granted, would not adversely impact the social, cultural, economic, environmental, ecological character and quality of the surrounding area.

Recommendation. The Maui Planning Department -- Maui County Planning Department recommends that the Molokai Planning Commission recommend to the County Council approval of the community plan amendment, the State land use district boundary amendment, and the change in zoning. We're also recommending that the Department of Fire and Public Safety comply with the following change in zoning conditions:

One, that water conservation measures shall be incorporated into the project's design, construction, and operation to discourage excessive use of water. This is really being applied to every -- just about every project that comes in now so water conservation, as we all know, is really important in Maui County, especially Molokai so;

Item 2, that wherever feasible, energy conservation measures shall be incorporated into the project's design. My understanding is that the applicant is already doing both of these things;

Condition 3, that best management practices designed to prevent infiltration of contaminants that could reach the underlying aquifer, cause this is a sole-source aquifer, shall be incorporated into the design and construction of the project. In addition, the applicant shall provide the suggestions for preventative measures to reduce the potential of groundwater contamination by activities of the fire station;

Four, landscape planning throughout the project shall include native species, particularly species native to Molokai, as often as possible. We do, you know, we are trying to keep invasive species from coming onto the island so that's a concern;

Condition 5, that should 'iwi or native Hawaiian cultural or traditional deposits be encountered during ground disturbance work shall immediately cease and appropriate agencies shall be contacted pursuant to applicable law. This is a State Historic Preservation Division condition;

That a noise permit shall be obtained from the State Department of Health prior to initiation of construction.

In consideration of the foregoing, the Planning Department further recommends that the Molokai Planning Commission authorize the Director of Planning to transmit the

Commission's recommendation and reports of findings of fact, conclusions of law, decision and order to the Maui County -- well maybe not the decision and order part, sorry -- and report to the Maui County Council for appropriate action. Are there any questions?

Mr. Ribao: No questions. Thank you, Nancy. DeGray, you had some questions for the -- yeah, do your questions now, then we'll open it for public comment.

Mr. Vanderbilt: Mike, you got a minute? Yeah, I did read through this and just on Page 11 of the -- what is this? The staff report. You have Page 11?

Mr. Munekiyo: Yes, I do.

Mr. Vanderbilt: Right there at the top on cultural resources. I was trying to wonder why that was in there. What's the purpose of those statements and the fire station being consistent with those?

Mr. Munekiyo: I think, in general, what this section of the staff report does is it draws from the Final EA the goals, objectives, and policies that were identified that could have applicability in this -- in this particular project. When we first started the project in the Draft EA phase, of course we were, at that point, still working on the archaeological field work, and we put that in to ensure that if anything was found at that time that it'll be treated accordingly.

Mr. Vanderbilt: Okay, so there's nothing that you found that would require any recording of ...(inaudible)...

Mr. Munekiyo: No, there is nothing on the site.

Mr. Vanderbilt: And then the other thing, just as a planner, on Page 10, it says, Objective 1 is to require all zoning, discretionary land use, and development approvals to be consistent with the Molokai Community Plan and be subject to public review, and then it list a lot of policies, goals, and objectives. When you see the word "consistent," does that just mean consistent with zoning changes or consistent with goals, policies, and objectives in the Molokai Community Plan?

Mr. Munekiyo: I think it's intended to reflect both the land use designation on the map as well as the goals, objectives, and policies.

Mr. Vanderbilt: Okay, thank you. And the only other question I had, with regard to what was just handed out to us in the addendum, there was a three or four page letter from the Maui Community College, as far as you know, and they have a lot of concerns in there but,

as far as you know, everything's been satisfied as far as any concerns the college might have?

Mr. Munekiyo: That is our understanding and, as a matter of fact, I think we did receive a supplemental letter from MCC indicating that there's concurrence with the project or support for the project. I think that was included.

Mr. Vanderbilt: Did we get -- oh, that was included where? In the -- oh, it was in the -- okay, that's fine. That's fine. That's alright. If you've gotten a letter, that's fine. Thank you, Mike.

Mr. Munekiyo: And, Mr. Chair?

Mr. Ribao: Go ahead.

Mr. Munekiyo: At the appropriate time, we do have a very minor comment we'd like to offer on the -- Nancy's recommendations so if, at that point, we may have that opportunity just to speak on the recommendations.

Mr. Ribao: Okay, why don't you do it now.

Mr. Munekiyo: Thank you, Mr. Chair. First of all, I think the department is very appreciative of the work that the Planning Department has done and the conditions which they have set forth in the recommendation memo. We'd just like to suggest that the Commission consider one change and that is on Condition No. 6, on Page 4, where it says, *That a noise permit shall be obtained from the State Department of Health prior to initiation of construction.* We'd like to suggest that the phrase, "as applicable," be attached to the end and so it would read, *That a noise permit shall be obtained from the State Department of Health prior to initiation of construction as applicable.* And the reason for that is the need for a noise permit will be dependent on the contractor's method of construction, and if the contractor uses certain types of equipment or whatever method that might be that would require them, certainly, that would be an obligation to get the permit, but some methods may -- may not cross the threshold for a noise permit. So I just note that if we put "as applicable," then they -- rather than as a mandatory statement then it gives us some flexibility to the contractor.

Mr. Ribao: Okay. If there's no further questions, I'm going to open it up -- okay, Steve, go ahead.

Mr. Chaikin: Yeah, as the fire station has one of its closest neighbors a community college and then on the other side is residences, I think that's at least important that we take a look at the different ways that we're going to at least mitigate the impacts or reduce the -- the

negative impacts that may occur, and one of the things that came up was a flashing light, I guess that would be down at the intersection. I'd like to hear the comments from the Fire Department as to whether or not that would help in terms of reducing, you know, flying out of the station, lights and sirens, and making all kinds of noise, and whether or not it would be good to also have one on the other side of the station. So if I could just get some feedback on that.

Mr. Bal: Would it be going to your house? Okay, Corp. Counsel can help me on this. Oh, yes, you can. It may be required that we do that and, naturally, I know my captains they will -- they will make that determination on their run, and if they are going by the college, that road is wide open, I don't see any reason that they should be making all of that noise either. And I would caution, as is written in our rules and regulations, that you're not allowed to run a stop sign even though you have your lights and sirens on. All you're doing is asking, "Hey, stop and let me through." Same thing with the red light. Nobody blows those lights, at least not in front of me because that's not what's in our rules and regulations or is it in the County or State driver's rules and regs either. So as far as the sirens going when they're at that stop sign or before, that can be shut down and then properly anchor on to that highway going either way. But either way, then they're required to have it back on again, so I don't know how often that -- the fire trucks go out here, until recently that is, but it's not like Maui and I think -- I think our captains and our TA people will take a little consideration when it comes down to that. And if it comes to that that I have to intervene, then so be it, but as far as following our laws, rules, and regs, I will expect them to do that.

Mr. Chaikin: Yeah, yeah, I'm not sure whether or not the law requires or does not require flashing light on one or both sides of the fire station, but is it, the fire station, is it a preference for you to have flashing lights on both sides of the fire station, or what's your feeling on that?

Mr. Bal: Okay. I'm not qualified to answer that.

Mr. Wong: The plans currently have two exterior lights for warning when the fire truck comes out. Currently, we got one at the corner on the mauka side by the corner, this is more for safety. If the fire truck come out, it stops the traffic. And we also have one on the makai side. So it's a safety issue. I think we really -- we need that and it's for the fire truck so there's no accidents. So only when the -- so, right now, the plans currently have two.

Mr. Chaikin: Thank you for that clarification. While I've got you up here, also on that road you've got speed bumps, what's the intention of the Fire Department and if you're going to do anything with those speed bumps or what's going to happen with those?

Mr. Wong: On the exterior road? On the interior road?

Mr. Chaikin: Yeah, that interior road has, currently, has speed bumps on it.

Mr. Wong: Yeah, we're not -- we're not -- we have no work out there on the --

Mr. Chaikin: No, on that road. What is the name of that road that your fire station's going to be on? And that has speed bumps on it. Yeah, there's speed on that road. Yeah, to slow traffic down when they come, you know, near the community college. Has there been any discussion or any -- what's going to happen with those speed bumps?

Mr. Wong: We haven't got comments from the street -- in Maui yet, yeah.

Mr. Munekiyo: I think what the intent was to maintain the speed bumps or speed humps on Alanui Kaimi'ike, and I think those bumps are on the mauka side near -- on the Kakalahale Street side mauka.

Mr. Chaikin: And what would be the rationale for keeping the speed bumps?

Mr. Munekiyo: I think the speed humps were installed, initially, to -- as a general public safety measure and so I don't think there was any intent to change that position.

Mr. Joseph Alueta: The Commission required it when I did the SMA for that project.

Mr. Chaikin: Thank you.

Mr. Ribao: Okay, one question. Those lights are on the entrance/exit of the fire station on the makai and mauka side as you come out of the fire station? There's nothing down by the highway warning that the fire truck is coming? Okay. Fine. Any further questions? Go ahead, DeGray.

Mr. Vanderbilt: Yeah, and I just wanna -- I don't know why Joe came up to tell us what we did, but we put those in for safety reasons and I think the only concern was that there isn't any problem, technically, for the fire trucks and it appears that there are not so that's good.

Mr. Ribao: Okay, if there's no further -- public testimony. Anyone want to come up, please come and speak. State your name please.

(1) Public Hearing (Con't)

Mr. John Sabas: Thank you, Mr. Chairman. Aloha, commissioners. My name is John Sabas with Molokai Ranch. I'd be remiss if I didn't also add some historical background to this subject matter. The discussions on this specific site also occurred during the community based planning process for Molokai Ranch lands, and it's too bad Firefighter

Greg Jenkins isn't here today but he was very much involved in those discussions, and I credit him and also the Deputy Chief for showing up for at least one of those meetings, and maybe two, but -- eight? Okay. But they're fully aware of, you know, how this discussion was going back and forth. There were definitely some people that didn't think it was the right thing, and there were definitely some people who supported it. In the long run, you know, Molokai Ranch made the decision to make these lands available and we're pleased to see that it's come this far where people like even Councilman Mateo stepped forward and provided the funds. So I stand here just -- just to give a little perspective on our view as to how some of this started and also our support for it. Thank you.

Mr. Ribao: Thank you. Any other public testimony? Okay, go ahead.

Mr. Dartanian DeCoy: Good afternoon, council. My name is Darntanian DeCoy. I'm President and Captain at Engine 4, and just to address your question about the helicopter landings. When we train with our pilots, they request an area approximately 75 feet wide by a 100 feet long. That's -- they feel really comfortable. So, normally, when we land, emergency landings, we land it in the park and then we have somebody -- we actually go out there, physically, surround the area, one guy stands up, puts his hands up; if it's at night, we put out lights in a T formation, and then we make sure we guide them down. So when landing in that area, we'll have people on the ground guiding the chopper down, and they're pretty good. They can put it in an area, you know, like the size of this thing right here, even small sometimes, which is not very comfortable but they're really good at what they do. What was that? What you were asking about? Oh, training with them? Yeah, so that's what they want, they ask us to do, and we train with them.

The other thing about sirens. I think we are required by law to run lights and sirens but, you know, in the middle of night, when you're going through Kalama`ula, I think we all kinda cognizant of the fact that get plenty people sleeping, you know, so if it's 1:00 in the morning and there's no traffic, we turn the sirens and the lights off, I mean not the lights, the sirens off so not wake anybody up so we try and be considerate of our neighbors. Thank you.

Mr. Ribao: Okay.

Ms. Judy Caparida: Hello, everybody. I'm back. We've been busy, really busy, so we're up at the school but, today, we're thankful we're here. The thing is that, about the helicopter, I would rather be safe than sorry, so it's good for us to say everything we need to say to make sure that it's going to work right. This is Molokai, right, guys? And we support because it is a necessity. It's a very necessary thing for us. For those bumps over there, well, we never thought we going to have a fire station there. Now that we do, everybody going have to know that slow down. We still going have to need safety. So I really wanna, you know, be thankful about our department having to have a home here

where it's safe for all of kids. Our community is growing and we need all of that. So thank you, commissioners.

Mr. Ribao: Thank you. Anyone else? Okay, we're going to take a, per Corp. Counsel, he needs to talk our planner, we're going to take a, yeah, let's make it a five-minute recess, and then we'll get started after that.

(A recess was called at 1:35 p.m., and reconvened at 1:38 p.m.)

(2) Action

Mr. Ribao: ...(inaudible)... if you wanna make a motion, fine.

Mr. Dunbar: Okay, I'd like to move that we approve this application as presented and as recommended by staff.

Mr. Ribao: I need a second.

Ms. Lynn DeCoite: Second that motion.

Mr. Ribao: Hang on.

Mr. Hopper: I think the motion would be perhaps a bit more specific just cause of the rewording of the code. It would have to adopt the findings and conclusions of the Planning Department per, you know, what Nancy has discussed today. But it would, basically, be to adopt the findings, conclusions, and recommendations and conditions of zoning that were recommended by the Planning Department, just to have that on the record and to be clear about what you would choose to adopt and Nancy has a comment now as well.

Mr. Ribao: Go ahead.

Ms. McPherson: Chair Ribao, I also want to advise that the applicant has requested that Condition 6 be amended to state "as applicable" at the end of the sentence. So I would like to make sure that that's also in the record.

Mr. Ribao: Okay, Kip, you wanna just rephrase the --

Mr. Dunbar: As applicable, so noise -- to noise limitations as applicable.

Mr. Ribao: So we're going to adopt the recommendations by the Planning Department. Okay? I need a second.

Ms. Lynn DeCoite: I second.

Mr. Ribao: Any discussion before we vote? Okay, Steve.

Mr. Chaikin: I'd like to also add that we recommend to the Council they bury the lines in front of the fire station for safety reasons. Currently, there's only one electrical line, there's only one line currently, so now would be the time to do it rather than, you know, at a later date trying to fix it.

Mr. Ribao: Okay, that would have to be done on another motion. Right now we're voting on Mr. Dunbar's motion to accept the thing as is with the exception of "as applicable" for the noise permit, right?

Mr. Dunbar: Correct. And as discussion, the reason why I did not make that a ground of condition, even though it was my first thought when we brought this up two months ago, was Deputy Chief Bal's explanation that, and Captain DeCoy, that they do monitor their landing zones precisely and that this particular landing zone, even though the architect doesn't wanna call it a landing zone, if you land, it's a zone, is actually apparently wider and bigger and has more access in and out east -- west to east than any of the LZ's, either Wailea or Kahului that they presently employ, you know, on Maui. So I'm sure that the -- that the architects and Council will go back and take a look at whether or not this needs to be done and I'm sure if they find that it's going to be in the best interest of the community, they'll do it, and if not, then so be it. I certainly would hate to have a price tag so high that we don't have a fire station, and I think because there are other alternatives to landing and taking off, that I didn't make it a condition. And that's why.

Mr. Chaikin: Yeah, let me just say that, you know, I can go along with that and really use the judgement of the Fire Department, you know, whether or not they need to really make that move or not. I just suggested that because, you know, we do have very strong tradewinds, gusting to 30-40 miles an hour sometimes, and at night it's very difficult to see those lines and it is potentially a hazard, although I do know those helicopter pilots are really good pilots and I'm sure they'd be aware of that, but I will defer that to the Fire Department for them to make their judgement on that.

Mr. Bal: If I may? The -- our helicopters don't normally fly at night, and if they are flying, it's ocean rescue, possibly mountain rescue. If anything, landing here at night, we would probably either go to the airport or down here at the park. There'd be really no reason. That's for emergencies there. If we had to change now and bury those lines, we'll be talking about some very expensive changes.

Mr. Ribao: Okay, Commissioner Vanderbilt.

Mr. Vanderbilt: How expensive would the changes be?

Mr. Bal: Well, my designer there just turned away when you -- when you said that and he said that would definitely hold up a lot.

Mr. Vanderbilt: Well, how much is -- he estimate?

Mr. Wong: ...(inaudible)... based on -- it's not only the lines, what we would have to do is do all the sidewalk improvements, we would have to do drainage studies, that kind of thing. Well, I'll -- if you wait a few minutes, he's checking the length right now.

Mr. Dunbar: Well, I think I heard the figure of about 100,000 about three months or four months ago so that's ...(inaudible)...

Mr. Wong: That's probably only -- that's probably only the electrical, so he's --

Mr. Vanderbilt: Well, I would have thought that, you know, cause statements are that it would kill the project, I thought you would have that figure already calculated if you're making those kind of statements.

Mr. Wong: Well, the reason -- the reason being is that this -- the area we're giving is way bigger than Wailea and, of course, Wailea, the lines are across the street, but what's happening is that we was informed that it's not a helipad, that's what I spoke earlier, it's more an emergency thing. One thing I gotta bring up is it's also an additive alternate so it may, budget being, it may not even be put in, depending on the -- if you look on the recent final plans, it's an additive alternate four, and in case the bids come in too high, it might not even go into the project. Anyway --

Mr. Vanderbilt: How much was that? 60,000?

Mr. Ribao: Commissioner DeGray, you're satisfied with that answer?

Mr. Vanderbilt: Well, I don't know what safety is worth; 60,000, 100,000, 10,000, but we hear that it might kill the project so it doesn't put us in a very good position so I'm just going to let it ride.

Mr. Ribao: Okay, Nancy?

Ms. McPherson: Nancy McPherson, Staff Planner, Molokai. I've been in discussions with the Planning Department and the consultants for quite a while now and my understanding is that they are cutting their margins very close for this project. One thing I wanted to mention though was that in the community plan, under infrastructure, we do have an

implementing action, number six, under energy and public utilities, "Encourage the undergrounding of existing overhead utility lines as well as the provision of underground utility lines in major new developments." Now, I don't know that this item necessarily only applies to applicants for projects. My question is: Can the department and perhaps the Commission get into a dialogue with Maui Electric regarding their plans for undergrounding? There are a lot of scenic resources here on Molokai and I would like to know, you know, what their future plans are. To me, the power lines really should have been underground when the road was put in and so I don't really understand why that didn't happen. I wasn't here yet so -- but, you know, I don't know that the onus should be entirely on the applicant. In my opinion, there should be discussion entered into with Maui Electric and there should be some long-term planning for a consistent undergrounding of utility lines goal or project, you know, improvement plan, however Maui Electric handles it, but that would be my recommendation.

Mr. Ribao: Okay, that's a whole other issue, yeah, that can be discussed on any project. Any further discussion on this issue? Okay, if not, there's a motion on the floor to accept this as recommended by the Planning Department and with the change that either the noise permit be obtain as applicable, and we have a second.

There being no further discussion, the motion was put to a vote.

It has been moved by Mr. Dunbar, seconded by Ms. DeCoite, then

VOTED: to accept the Planning Department's recommendation as amended.
(Assenting: K. Dunbar; B. Feeter; L. Decoite; S. Chaikin; D. Vanderbilt; R. Ribao)
(Excused: J. Kalanihuia; S. Napoleon, Jr., J. Kalipi)

Mr. Ribao: Okay, motion carried. Passed. Thank you. How many times we're going to see you guys over here more? Okay, next item on the agenda, under C, Unfinished Business, this is regarding the off-street parking and loading. Joe will have a presentation on this. Just a reminder that we had discussion on this subject at our last meeting so we should come to some sort of conclusion today.

C. UNFINISHED BUSINESS

- 1. MR. JEFFREY S. HUNT, Planning Director, transmitting Council Resolution No. 06-131 containing A Bill for an Ordinance Amending Chapter 19.04, Maui County Code, Pertaining to General Provisions and Definitions, and Chapter 19.36 Pertaining to Off-Street Parking and**

Loading. The purpose of the draft bill is to establish new definitions and standards for residential uses within a single project, in the Village Mixed Use District as allowed in a Project District, the B-2 Community Business District, the B-3 Central Business District, and the B-CT Country Town Business District. (J. Alueta) (Public hearing conducted on February 14, 2007.)

The Commission may take action to make a recommendation to the Maui County Council on this matter.

Mr. Alueta: Okay, alright. So, Mr. Chair, what I passed out to you, as I told you I was going to get you at the last meeting, was a cleaned up version. That cleaned up version incorporates the changes that I verbally talked to you about that I had not incorporated in -- in the department's proposal that was attached to our staff report. Hopefully, you still have my staff report. That staff report, basically, is just kind of an update of Exhibit 3 in that staff report. Those changes that I talked about was I installed loading zones back into it that I put as a new section. I clarified --

Mr. Vanderbilt: Can you tell us where this is? There's no page numbers on there.

Mr. Alueta: Oh, I'm sorry. It's added in as 19.36.160. I also added into 19.38.130(A)(2), we clarified that should be -- should read, "Commercial and Residential Mixed use," under that area, so that was added. And then also, under the shopping center, under the table that incorporate shopping centers, the standards for shopping centers, that's in that table, and that's under 19.36.010, Shopping centers, and that indicates residential mixed use development shall not be assessed as a shopping center, okay.

The second thing that we talked about is that the walking -- walking distance, or because this ordinance is attempting to incorporate neo traditional town planning in trying to get people -- trying to get people out of the automobile maybe and to walk to commercial or to what I consider non-required travel. I mean we all know that your required travel, for most people, is to and from work. Non-discretionary or, I'm sorry, discretionary travel is after you get off work, in between, or on the weekends, you know, you get up in the morning on Saturday or Sunday and you wanna go to church or you wanna go to the coffee shop and, you know, get a bagel, and if you have the ability to walk there, as oppose to drive there, it cuts down on the traffic. Pau hana drink, instead of driving there, walking there might be a better idea. It's always best. So what I tried to -- and that's what this parking ordinance, these amendments to 19.36 is trying to encourage residential mixed use developments to try to get the residential component back into some of the commercial areas and to encourage that type of development.

Like I said, this bill really impacts or really helps on Maui because we have project districts that have residential mixed use; Lanai, because of the way the structure is on Lanai with the business country town. On Molokai, when I came before you several months ago with the amendments to the business country town district, Molokai opted to be exempted from allowing residential mixed uses within the business core. So, except for Molokai, that is in there so what this is kind of sort of the Council did was in this resolution that they did was kind of as a follow up now because, one, they said, we wanna encourage residential mixed use. On top of that, now we want -- to encourage it, we wanna say, hey, we're going to create a different or reduce the amount of parking standards because we recognize that if you have residential mixed use, you have residential units within the commercial core, it's going to reduce the amount of traffic that -- or the amount of parking that that commercial complex is going to be required because part of their customer base will no longer using a car to get there. Through national studies, we have seen, as indicated before, of up to 30 percent reduction in the parking requirement for commercial complexes that exhibit this type of mixed use. The standards of the reduction is found predominantly, in the studies that are done, predominantly within older communities, Wailuku Town, Makawao Town, where you have residential and commercial in close proximity. The standard that's used for this neo traditional town planning or new urbanism, as they like to call it, is a quarter mile or five-minute walk, and that's what these maps display for you, okay.

I tried to get two maps here. One is Maunaloa Town, the other one is Kaunakakai Town, okay. I did not do Kualapu'u. So, in both of these, fortunately, I had some aerial photos that display this. I had our Long Range GIS Division overlay the mapping over the parcel data so you can see the parcel datas. In the upper right-hand corner of each of those maps, you'll see the legends, so that'll tell you what those lines mean. So, one, I've done a -- I highlighted or we highlighted in silver, if you look at the Kaunakakai map, we'll take the Kaunakakai one first. What I've done was I highlighted what we considered to be the commercial core of Kaunakakai, and that's all there is that is zoned for business or light-industrial in town, B-CT, okay. That red line, that red dash line represents sort of a quarter mile from the outside, the nearest point, so the stretch of a quarter mile, okay. The circle, the dash circle, I took what I considered to be the center of Kaunakakai or the main commercial, which is I think I took the Friendly Isle Supermarket. Supermarkets are very common destinations. I took that as a center, and that shows you a quarter mile radius from that point, okay.

So, like I said, there's a few residential areas within -- that could, and this is the kind of things that the director, under our proposal, would take into consideration as to whether to grant any -- some type of parking reduction for any type of new -- or if someone comes in with a commercial development or residential commercial development, they're going to tell us, well, look, you know, we're a commercial development, we're within so many walk -- we have good transportation or sidewalks or whatever. I did do a tour and I didn't see any

sidewalks that leads up to -- I'm not sure if the subdivision located to the northeast of the core -- is that Ranch Camp? I can't remember what it's called. The subdivision? Manila, yeah. Yeah, right above the town. Right above here. Ranch Camp, yeah. Yeah, across from Manila Camp, okay. So Ranch Camp. I thought that was -- yeah. You can see that, from the very edge, which would probably be Stan's or you know the surplus store in that area that, you know, part of that camp is nearby that so -- however, in that area, I noticed that getting down to the commercial core from that, I saw people walking but there's no sidewalk so it's kind of a discouragement for -- to have no sidewalks in that area. And those are the kind of things that we would take into consideration as far as whether or not granting the parking waiver or reduction is appropriate.

In looking at Maunaloa Town, we took in that, once again, that quarter mile, we're using the same graphics, and I think this is inherent to, one, that I think Maunaloa was designed specifically with -- to have that so I think they -- they knew exactly how far, using that quarter mile radius, they knew that going into the design or the redesign, I guess, of Maunaloa Town. So you can see that, for the most part, there's many, many or the entire residential area is within walking distance of that commercial core that they have.

So I hope, I mean that's pretty much where I left you guys at and the information that we kind of talked about and I hope that's been informative. I will just go over some of the things that were pointed out. I did --

Mr. Ribao: I can ask you one question about this map?

Mr. Alueta: Okay.

Mr. Ribao: That center X is the town center, right? So this red dotted cauliflower looking thing is quarter mile from that. Why is it --

Mr. Alueta: Which one you're looking at?

Mr. Ribao: The Kaunakakai one.

Mr. Alueta: Okay. The community plan --

Mr. Ribao: Yeah, why isn't it a circle and why is it kind of like a cauliflower kind of thing? If you're going quarter mile, it should be a circle, right?

Mr. Alueta: A quarter mile from a center point you can get a circle.

Mr. Ribao: Okay.

Mr. Alueta: But the quarter mile red line is a quarter mile from the -- from each -- from the further -- the outside boundary of that commercial core.

Mr. Ribao: Oh, okay, okay.

Mr. Alueta: So that's why it goes a little funky because if you look at that silverish gray that's printed on there, those are -- that's highlighted of the commercial so, you know, there's like a little line here and it just kind of follows, it makes a quarter line.

Mr. Dunbar: Mr. Chair? Question. Joe, yeah, what are the immediate effects that, in looking at this ordinance, you know, I mean I'm sure that we're not all are going to look through and see that one-and-a-half for a motel and, you know, two for an apartment and, you know, three-quarters for a hamburger stand, and so how do these -- how does this ordinance, in a nutshell if you could, immediately impact what we're concerned with, which is, you know, our -- our town sites, you know, Kualapu`u, Kaunakakai, and Maunaloa, you know, what are the impacts or are there any because we're not at this juncture yet or --

Mr. Alueta: I think it, for Maunaloa Town, I think it has increase applicability, maybe Kualapu`u.

Mr. Dunbar: Why?

Mr. Alueta: Because of the close compactness, and that the commercial core, if someone decided to do a residential mixed use or even a commercial use within that area and they couldn't fit enough parking on their site, they could justify having a reduction in the parking from what is standard code and coming to the director and say, look, you know I'm required ten stalls, can I put seven instead because I think the majority of my people are going to walk to my -- and my rationale or justification is that, look, I have a map, here's the commercial, here's the residential uses around me, if -- or even market studies. They may say, look, I've been in business. I'm planning to expand. I know my customer base; the majority of them will walk or, you know, for some reason. I mean there's going to be -- and that's what leaves it open. We have, as I said in my staff report, if you look at the four determining factors of what makes up parking, and then there's also those determining factors of what would justify a reduction in the parking. That's what each individual person would have to come to. And for Kaunakakai, I think that it's -- it would be a little more difficult for anyone to come in because, one, you don't allow the residential mixed use unless the ordinance is changed again within the commercial core, okay. So if a new -- if an existing business in town, they would still have to do whatever is under the code, regardless. The only addition that this code does is allow for a reduction, a potential reduction. It doesn't -- so it doesn't necessarily hurt anyone, it just says that it doesn't give you an out or a reduction, and I think that, you know, for anyone that comes in, a new commercial development, we're going to say, well, the County Code specifies this is how

much stalls, you do this many stalls, and they say, well, can I do a reduction? Well, yeah, the code allows for it but what's your justification? I think it's a harder sell because they can't say, well, I'm doing a 2,000 square foot commercial building and I'm doing 6 apartments above. You know what I mean? We don't have that here. Or, another one was do you have a bus system? No, there's no -- I mean I don't know what kind of bus system there is on Molokai, there's no commercial hub so -- I mean those are kind of things that you're going to -- I mean that each individual business is going to have to assess. And I think that, you know, like I said on that map, you know, maybe a business on the fringe on the edge of town, who's closer to Ranch Camp or closer to some of these residential, they may have a better option of saying, hey, yeah, I think I can meet that core and I think it's going to be up to the director to say, is that really necessary.

Mr. Chaikin: Thank you. So is the ordinance based on the red dotted line or the yellow dotted line?

Mr. Alueta: Is the ordinance?

Mr. Chaikin: I mean we have -- the thing is, we have this yellow circle and then we've got the red cauliflower one.

Mr. Alueta: It's not the ordinance, per se, it's the quarter mile radius, but it's just I was just trying to give you two examples of it and, you know, it shows how much of your residential districts would fall within that quarter mile. The intent of the ordinance is to say -- is to encourage residential mixed use developments and to give a parking, as a reward for someone doing a residential mixed use development, give them an option to have a parking reduction to encourage it. Because, you know, if someone doesn't -- I mean if someone doesn't have to pave 20 stalls or pave 5 extra stalls, that's money saved in their capital cost, that's less impervious surfaces, it also encourages people to provide housing or some type of, you know, apartments, and I think that's -- that's good, I mean for us, I mean at least on Maui and I think on Lanai too is that they wanna see more housing options, you know, not just maybe a single-family unit on a 10,000 or 2-acre lot, they'd like to see apartments, they'd like to see maybe studio apartments above a commercial. I mean there's a wide mix of issues and --

Mr. Chaikin: I guess my question was if I'm going to build a commercial development and I'm outside of this red line, would I not be able to use this argument that, you know, I'm, you know, within walking distance? Is there --

Mr. Alueta: Yes. The answer is yes. You would not be able to use that argument.

Mr. Chaikin: So if you're within the red line but you're outside of the yellow line, would I be able to make the argument?

Mr. Alueta: Potentially, along with other things. If you look at my staff report, it's more than just are you within walking distance. If you do a straight commercial development and you say -- and you can provide us with some other justification besides that, I mean we'll say, yeah, you're within walking distance of a bunch of people. Okay, we'll give you, you know, you're required ten stalls, okay, you can do nine stalls. We're not going to give you the whole 30 percent. But if you say, well, you know, I got six apartments above my 2,000 square foot commercial complex, I have -- I'm within, you know, a quarter mile, I have, you know, the entire Ranch Camp, and I have a bus stop in front of me, okay. I'll say, okay, that makes sense. Yeah, we'll give you a 30 percent waiver on your parking requirement because you have a lot of things going for you. And I think that's -- that's the main issue. Or, you know, I have -- I'm adjacent -- I'm, you know, 50 yards from the County parking lot, or, you know -- you know, in some areas that makes sense.

Mr. Chaikin: Yeah, okay, I was just trying to clarify. It sounds like, with our particular town of Kaunakakai, anybody that builds a commercial enterprise within this town could, theoretically, try to make the argument cause they're within the red dotted line and within walking distance of residences so they could come forth with some argument. Whether or not you buy their argument or not is another thing.

Mr. Alueta: Right. Yes. And they would create their own map and say -- to be more specific to their use.

Mr. Chaikin: Okay. So, basically, the bottom line is that this ordinance would make it easier to do commercial development in and around Kaunakakai Town. If you're able to pursue the planners. If Nancy and them get along well and things go well, then it'll be easier than it was before the ordinance.

Mr. Alueta: Well, I think it's, if you come in, it's easier to do a residential mixed use development. I think that's going to be the key is that if you come in with a straight commercial development, I think it's going to -- the code is the code, and you could still come in to try to say, hey, like you say, within a quarter mile I have X-amount of people who live nearby and that's primarily my customer base, you can make the argument whether, as you say, whether we believe or buy that or how much of a factor we consider that's going to reduce your need for commercial parking, you know, it's --

Mr. Chaikin: Yeah, well, noone can come in with any mixed use so that's out.

Mr. Alueta: Yeah.

Mr. Chaikin: Cause, you know, so the only thing they could do is build it and then come and make an argument that, you know, there's going to be less need for parking because they're close to whatever.

Mr. Alueta: Yeah. Right. Or if they -- I mean if they need that waiver. I mean some people may build the site and they say, I'm going to meet the code, I'm going to build a parking lot, and they have no problem with that. It's -- what it is is, for most developers, if they don't have to build something, I mean as far as I mean cost, they're going to -- that they feel they can get away with not building at that time, they're going to do it. I think they're going to try. But, yeah, we hope to encourage the right development, I guess.

Mr. Dunbar: Mr. Chairman? Yeah, Joe, I guess as an example, I think, you know perhaps for the board, is that I remember when Friendly Market Center was considering expanding right out here in this corner and it was going to go all the way on the borders of Pau Hana, and if I look at your, you know, your map correctly, you know, part of what they were going to do looks like it would reach past the yellow line, and in between the yellow line to the red line, but because it wasn't a mixed use, it really wouldn't immediately impact them, you know, because they would -- they could go in and get, you know, perhaps a judgement as to whether or not they could have cut down on the amount of parking stalls that they needed to provide for their -- for their new building and -- and I know that cost with what they were doing when they originally came in with that plan was a huge consideration, it was one of the reasons why they backed out of it and it's really too bad. It would have been -- I think it would have been a real boom for the community. But if you look on your map here, you can see where it would have crossed over that yellow line. That's just an example.

Mr. Ribao: Okay, DeGray?

Mr. Vanderbilt: Yeah, Joe, in the example Kip gave for the Mid-Nite Inn even when they were trying to rebuild after the fire, the determination of whether they could get a reduction in parking that would be considered along this residential mixed use, that would be the Planning Commission's decision correct?

Mr. Alueta: Not the way, well, the way the Council's proposal, as indicated in my staff report, there's two bills before you or two versions of 19.36, okay. The Council's resolution, which they're asking you to comment on, in that ordinance, in that resolution, they are giving straight reduction for residential mixed use developments, okay?

Mr. Vanderbilt: Hold it right there. Now, the residential mixed use development, anywhere in that does it explain that it would be between the red or the yellow line, or five minutes or ten minutes?

Mr. Alueta: No, this concept is only to -- that concept that I provided with you is only applicable to what the department is proposing.

Mr. Vanderbilt: But the residential mixed use just says, "residential uses located within the village mixed use district." Is there a village mixed use district zoning?

Mr. Alueta: Not for Molokai.

Mr. Vanderbilt: Is there one for Maui? I looked under zoning.

Mr. Alueta: Yes. There's one in Maui Lani Project District.

Mr. Vanderbilt: That's a project district? Okay.

Mr. Alueta: Correct.

Mr. Vanderbilt: Okay. But, okay, go ahead with your --

Mr. Alueta: So, like I said, that the -- there's two ordinances that the -- there's two bills, or not bills, but two drafts of 19.36. There's the resolution that's coming down from Council, okay, which -- and, as in the staff report, and it basically segregates a new section, a new parking standards specifically for residential mixed use districts, okay, or for residential mixed use developments, okay, and their standard is a minimum of 30,000 square foot property, I mean they have a whole new standards for what qualifies as a residential mixed use development. We felt that some of the -- that the parking reduction, one, is too complex the way they got it. It's, like I said, it doesn't make any sense. It doesn't take into account the four factors that determine how much parking is needed for a commercial development, or residential mixed use development, or whatever type of development. It doesn't take in all four factors. It only took in two factors. And I explained that in my staff report, and I'm sure all of you have read it, but it's -- that's why we saw a flaw and from the department's perspective, we felt it was easier for us to just rewrite how we thought it should be done, so that's what we have as your Exhibit 3 is that -- and what we're proposing is that, you know what, you scratch the Council's version and you say, tell Council you like the path that the department has gone down.

In the department's version, what we have done is consolidated a lot of the parking waivers that is scattered throughout 19.36, consolidated them down into one section, and created standards or considerations that the director needs to take into account for parking waivers. Currently the parking waivers, in the existing code, is most of them are done by the department and a few are done by the Commission, okay. So that's all I have to say about that.

Mr. Vanderbilt: No, but, and I appreciate you because you're doing the work because the Committee Report that you attached is only two pages so I don't think the Council did a whole lot of research on this when they sent it down but -- but, under 19.36.120 of your --

of your draft, it says, in the special management area, which is Kaunakakai Town," Nothing in this chapter shall be construed to limit the authority of the Maui planning commission," I assume you meant any planning commission, huh?

Mr. Alueta: Well, that's one of the changes that Lanai recommended was that, in addition, I mean we had missed that but then Lanai had made a recommendation that it include Lanai, Molokai, and Maui.

Mr. Vanderbilt: Okay, so let's assume Molokai is in there, then it's up to this Commission, if we feel there's a real need, whether it be Friendly Market or something, to give them a reduction in parking, we can't do that?

Mr. Alueta: No.

Mr. Vanderbilt: Why not?

Mr. Alueta: You can't -- you can be more restrictive, not less restrictive. You cannot trump 19.36 with a less restrictive in the SMA.

Mr. Vanderbilt: No, I'm just saying, we're saying that if Friendly Market comes in, they would -- we could say you could have the same reduction as other residential mixed use developments because we feel that you're within those lines and they're making an argument for us.

Mr. Alueta: No, no, what you could do is say Friendly Market, you could say, well, you know what, you're required ten stalls but we think that, yeah, that -- yeah, that you need 15 stalls. You could say they need more stalls based on the driving practices of Molokai. That condition is basically saying --

Mr. Vanderbilt: Alright. Well, wait, wait, Joe. I guess where I'm coming from is drew all these lines and everything and you say, "It would be a harder sell." A harder sell, you were talking about Kaunakakai would be a harder sell than Maunaloa for business.

Mr. Alueta: Yes.

Mr. Vanderbilt: Okay, so if an existing -- if Friendly Market went up into the middle of Maunaloa, they could qualify for the mixed use parking. On what basis?

Mr. Alueta: Well, they wouldn't necessarily qualify as a mixed use -- residential mixed use because they're not a residential mixed use, but they could -- they could ask for, under the section that we've titled *Parking Waiver*, it's open to commercial developments, churches,

industrial people, and it would say, you would say these are my rationale and I outline, under 19.36.130, which is the new section --

Mr. Vanderbilt: Okay.

Mr. Alueta: For parking waiver it says you have off-site agreements, okay, provided said parking stalls off-site within 400 feet; you have a joint use parking agreement, so say a commercial use came in and my example was --

Mr. Vanderbilt: And they have superior pedestrian, right?

Mr. Alueta: Right. And then where a publicly owned parking lot is available, okay.

Mr. Vanderbilt: Okay, let's stop right here.

Mr. Alueta: Off-site employee parking is --

Mr. Vanderbilt: Alright, wait, wait.

Mr. Alueta: Superior pedestrian. So, remember --

Mr. Vanderbilt: Joe, that's okay. You don't have to go into a long -- I'm just trying to find the rationale. So in Maunaloa, you could make a case for Friendly Market?

Mr. Alueta: Yes, for any market.

Mr. Vanderbilt: In Kaunakakai, you can't even make a case because why?

Mr. Alueta: You could make a case not necessarily on superior pedestrian, bicycle, or transit access. Maybe he can make a case that he is leasing a vacant lot and has off-site parking. Maybe he could make a case that he has joint use parking because the Mid-Nite Inn operates from 6-12 and the supermarket shuts down --

Mr. Vanderbilt: Okay. Alright now -- alright, alright. So he's making a case, now he comes before our Planning Commission, and he makes that case to us and we agree and we say you can have the 30 percent reduction in parking.

Mr. Alueta: I think if under the -- I think the Director of Planning, based on the way I have it, would take that into consideration and most likely grant it if the conditions felt --

Mr. Vanderbilt: But we're the final authority on the SMA permit.

Mr. Alueta: That is correct, but not on the parking waiver. The way we've got it structured is to make that it's up to the director.

Mr. Vanderbilt: I wonder if it wasn't up to the director, like we have on -- when we go for an SMA exemption.

Mr. Alueta: You can do that and the way I've indicated to the Maui Planning Commission is that what we could do is just have it -- because all of the items that are, I hope I'm not speaking -- but I believe that most items by the director, that are approved by the director, are appealable to the commissions. So if, you know, our director said, no, no, no, we're only going to give you, my professional planning judgement says this is what it is." And the guy says, well, you know, I'm going to appeal it. I say fine ...(inaudible)...

Mr. Vanderbilt: Is that only within the SMA?

Mr. Alueta: No, I believe -- I think -- I believe it's other items --

Mr. Vanderbilt: Well that's an important -- that's an important thing.

Mr. Alueta: Maybe my -- Mr. Yoshida has the answer. I'm just trying to think. I --

Mr. Vanderbilt: And I don't mean to keep on this but I'm just having a hard time understanding. It seems like the residential mixed use, just because of good designing in the past and --

Mr. Yoshida: Yes, Mr. Chairman, members of the Commission, Clayton Yoshida for the Planning Department. I believe that SMA determinations by the director could be appealable to the Commission. Title 19, which we're dealing with now, specifically Chapter 19.26 provisions, determinations by the director are appealable to the board of variances and appeals, which is also in -- by the applicant.

Mr. Vanderbilt: So, Clayton, could, in 19.36.130, Parking reduction and waiver, you're saying there's no -- that couldn't be upon approval of the Molokai Planning Commission?

Mr. Yoshida: As currently written, the authority for approving the reduction or waiver is the Planning Director.

Mr. Vanderbilt: But could it be the Planning Commission?

Mr. Yoshida: If that's how Council approves it. I mean if -- if the language is amended and Council approves it as such, it could be.

Mr. Vanderbilt: Okay. But now --

Mr. Ribao: Okay, I'm going to ask a question. You've been on the mike long enough, DeGray. The bottom line on this, whatever proposal we go with, the Planning Department or the Council, or we do our own thing, who makes the final decision? If I read this right, it's the County Council, not us, so we're just doing recommendations, correct?

Mr. Yoshida: On the amendments, the final authority is the County Council.

Mr. Ribao: So we can give whatever recommendation we want but it's the County Council who's going to say yes, no?

Mr. Yoshida: That's correct.

Mr. Ribao: Okay.

Mr. Chaikin: Just, again, for clarification. There's two different ordinances that are up before us: the Planning Department's and then the Council's version. If the Council decide they want their version to move forward and it becomes part of that ordinance, would that affect Molokai at all because we have none of those districts?

Mr. Alueta: I'm not following, Steve.

Mr. Chaikin: I guess the Council's version is based on what these mixed use districts. We don't have any of those districts here on Molokai is that correct?

Mr. Alueta: That is correct.

Mr. Chaikin: So if this thing became an ordinance, it would have no affect on us, is that correct or incorrect?

Mr. Alueta: That is correct.

Mr. Chaikin: Okay, so that what would affect us is if we take your version, then all these arguments come into play that we've been talking about I guess?

Mr. Alueta: That is correct.

Mr. Ribao: Any further discussion? Okay, DeGray.

Mr. Vanderbilt: Just one more. So if, on 19.36.130(A), if we said, "Upon approval of the Molokai Planning Commission."

Mr. Alueta: That can be your recommendation. We, as the department, would recommend or at least would rather see, if you want the Commission to be involved in determination, that it be appealable to the planning commission. Then we specifically indicate in here that in a Section C, that the applicant may appeal the determination of the director to the Molokai or to the planning commissions, plural.

Mr. Vanderbilt: Yeah, that would be okay.

Mr. Alueta: Okay. That would --

Mr. Ribao: Okay, any further discussion?

Mr. Alueta: Is that -- I mean I can add, if that's agreeable to the Commission, I can --

Mr. Vanderbilt: Well, that's something I'd like to consider but we have to have a motion.

Mr. Alueta: Okay.

Mr. Ribao: Okay, no further discussion. I'll entertain a motion.

Mr. Vanderbilt: Okay, I would like to move that we approve the recommendations of the Maui Planning Department regarding the Maui County Code to establish parking requirements in residential mixed use districts with the amendment that decisions on waivers -- decision on waivers be appealable by the applicant to the Molokai Planning Commission.

Mr. Ribao: Okay, so you're saying we're going to go with the County Council's proposal with the exception?

Mr. Vanderbilt: No, go with the Planning Department's proposal with the amendment that appeal of a Planning Director's decision on a waiver could be made to the Molokai Planning Commission.

Mr. Ribao: Okay, I need a second on that. Second by Bill Feeter. Okay, any discussion?

Mr. Dunbar: Yeah, I have some discussion. I thought that any appeal, if I heard correctly, any appeal of the amount of spaces either required or not required could be appealed to the board of variance and appeals already and not come to us.

Mr. Alueta: I believe that it is my interpretation that you can -- if you specifically state the board, I believe that you can because if you look through Title 19, in many of the cases, parking -- off-site parking approvals are done by the Commission.

Mr. Dunbar: Okay.

Mr. Alueta: So I think that, you know, I believe that if you -- and, like I say, this thing is going to go to Corp. Counsel for final review and so -- I mean they'll red flag it for me, but my understanding of the code, as long as it -- as long as you put in -- specify specific designation that, you know, if you disagree with the director, it gets appealed to the Commission, then I think that's -- I think that's fine.

Mr. Dunbar: Okay ...(inaudible)...

Mr. Vanderbilt: And I'd just like to go back to Kip on this that the only reason I apply that, it's like Friendly Market and everything, there's still the local knowledge here, planning directors change, and there probably wouldn't be that many appeals anyway, but if there was an appeal, we'd be better able to hear it than the -- the board of variance, so thank you.

Mr. Ribao: Okay, fine. Any further discussion? Okay, if not, all those in favor -- go ahead.

Mr. Hopper: Just to keep in mind, the Commission has already made SMA exemptions, which are originally determined by the Planning Director. The rule on that that was originally adopted states that the -- states that the decision of the Planning Director would be a recommendation to the Planning Commission and that the Planning Commission would then have to review all -- all exemptions, whether or not they were recommended exempt or not recommended -- whether or not they agreed or disagreed with that recommendation and then if they disagreed with that recommendation would have to make specific findings of facts and conclusions of law and a determination on all of those issues. I just wanna be clear that those will be coming before the Commission as well as these issues. Also, the -- I would recommend agreeing on some specific language in this ordinance that would, you know, that would outline how these appeals would be done. There may be other sections of 19.36 that need to be amended aside from 19.36.130 and I'm not certain, right now looking at this, what the best way would be to do so. Joe is the expert on this particular ordinances, or at least on the Planning Department's version of this. So just -- those are concerns I would have to raise; just as concerns from a legal perspective.

Mr. Vanderbilt: Mr. Chairman?

Mr. Ribao: Okay, DeGray.

Mr. Vanderbilt: Yeah, and I think -- I think if the other commissioners agree is that all we're recommending is that's our recommendation, and it'll go back to the Council, and Planning or whoever can see what needs to be done to make that recommendation come through,

and then it's up to the Council to approve it. If it's too cumbersome, the Council will probably say no. It's just our recommendation. I don't think we have to sit here all day and try to figure out the legal so --

Mr. Alueta: And if I may, Mr. Chair, like I say, as long as you put it in that the Commission reviewing the appeal, the way I read it and the way I'm hoping most people will read it is that the Commission is just going to look at the same factors in determining whether -- or a parking waiver and that is as outline under Section B, a through f, and -- and like I say, the range that the Commission or that the director can waive is from 0 to 30 percent, and so if the person is just basically going to say, well, I didn't get the number I wanted so, therefore, the Commission is going to have that same limitation of I can give this guy 0 to 30 percent parking waiver, and it's from a through f, and he may find that the director gives him a 10 percent waiver, he may be taking a crap shoot by going to the Commission cause the Commission may say, well, I don't think you should get any waiver. So I think that the same parameters that are binding the director's decision is going to bind the Commission's decision.

Mr. Ribao: Okay, any further discussion?

There being no further discussion, the motion was put to a vote.

It has been moved by Mr. Vanderbilt, seconded by Mr. Feeter,

VOTED: to approve the proposal of the Maui Planning Department regarding Council Resolution No. 06-131 with the amendment that decisions on parking waivers be appealable by the applicant to the Molokai Planning Commission.

(Assenting: D. Vanderbilt; K. Dunbar; B. Feeter; L. DeCoite; S. Chaikin; R. Ribao)

(Excused: J. Kalanihuia; S. Napoleon, Jr., J. Kalipi)

Mr. Ribao: Okay, motion passed. Thank you.

D. CHAIRPERSON'S REPORT

Mr. Ribao: Chairperson's Report. I have none. Director's Report.

Mr. Alueta: Mr. Chair, I just wanna make one thing clear. So the Commission, as far as the four questions that the Council put forth before you that's outlines in the staff report, you have no comments except for approval of ours? Thank you.

Mr. Hopper: And one more point. Would there be any consideration, I know that you had mentioned in 19.36.120, the special management area, Joe, you said Lanai's recommendation was to add in a reference to the Lanai Planning Commission in addition to the Maui Planning Commission?

Mr. Alueta: To, basically, all commissions, so we're going to -- we recognize that as a change and the department is also going to make that to incorporate all -- to all commissions.

Mr. Hopper: Okay, and I don't know if the Commission would want to take or have a motion and take a vote on that to add that to the recommendations.

Mr. Alueta: Well it sort of, to make it clear, it was sort of part of my proposal that that would be a change.

Mr. Hopper: Oh, that's part of the proposal?

Mr. Alueta: Yes.

Mr. Hopper: Okay.

Mr. Ribao: Okay, Director's Report.

E. DIRECTOR'S REPORT

- 1. Pending Molokai Applications**
- 2. Closed Molokai Applications**
- 3. March 14 Public Hearing Scheduled on the following:**

MS. FRANCES FEETER requesting a State Land Use Commission Special Use Permit and a Conditional Permit to operate the Pukoo Hale, a short term rental in the State Rural district and the RU-0.5 Rural District at 775 Kamehameha V Highway, TMK: 5-7-007:009, Pukoo, Island of Molokai. (SUP2 2001/0024) (CP 2001/0031) (N. McPherson)

Mr. Yoshida: Thank you, Mr. Chair, members of the Commission. The department has circulated the list of pending and closed Molokai applications.

Mr. Ribao: Any comments? If not, we'll -- Item 3. Oh, you have a comment, DeGray? No? Okay, Item 3.

Mr. Yoshida: We had intended to schedule a public hearing at your next meeting on the Feeter transient vacation rental, however, I guess the department erred in the TMK parcel so we have to -- well, we have to correct that and we have to reschedule the public hearing to a later date. We are working with the Feeter's to try to schedule it for as expeditious a time as their schedule will allow.

Mr. Ribao: Okay, any questions for Mr. Yoshida? Steve?

Mr. Chaikin: Yeah, at one of our earlier meetings this Commission made a I guess it was a resolution that the Dunn application I guess, on her own initiative, go forward and get an SMA, I think it was a minor permit. I just wanted to follow up on that whether or not she elected to do that or is going to decline to do that.

Mr. Yoshida: I believe that Ms. Dunn's conservation district use permit was granted by the land board, there was a certain deadline they have to make a -- take an action within 180 days after that application is complete, so I do not believe that she was going to surrender her exemption.

Mr. Chaikin: Thank you.

Mr. Ribao: Okay, Kip?

Mr. Dunbar: Yeah, Clayton, you said that you issued the pending Molokai application and the closed. Is that these?

Mr. Yoshida: Yes.

Mr. Dunbar: What applications are we looking at? These guys?

Mr. Yoshida: Are we talking about the pending or the closed?

Mr. Dunbar: I don't know. I'm just talking about the agenda, pending Molokai applications and closed. I'm just trying to determine which ones they are because --

Mr. Yoshida: Okay, the pending starts off with "Planning Department Open Projects by TMK Report," dated 02/19/2007. And, basically, the Molokai applications pending are starting on the bottom of the second page with the Maunaloa Community Facilities, the third item from the bottom. A lot of these are duplicated because of the several TMK's for the Laau Point.

Mr. Dunbar: These are the open?

Mr. Yoshida: These are the open. And then the closed projects are "Planning Department Completed Projects by TMK Report," and Molokai is --

Mr. Dunbar: Where are the Planning Department Completed --

Mr. Yoshida: There's another report entitled "Planning Department Completed Projects by TMK Report." And, basically, if you look at the TMK under Zone 5, those would be Molokai closed applications. This is a list of all of the closed applications for the period from 2/05/2007 to 2/19/2007.

Mr. Dunbar: Okay, then it leads me to a question.

Mr. Yoshida: These are the ones that have been closed.

Mr. Dunbar: I get tired of seeing my name on this, which was effective 7/5/05.

Mr. Yoshida: Seven five --

Mr. Dunbar: Yeah, I'm down on Page 47 of 53, at three garutes from the bottom, and I'd like to know why this garute is still on there. I mean we're still --

Mr. Ribao: You may, Commissioner Dunbar, I know it affects you but maybe you should talk about it outside.

Mr. Yoshida: Yeah, I believe that --

Mr. Dunbar: We're just talking about open and close so I mean I --

Mr. Ribao: Okay. Okay.

Mr. Yoshida: Yeah, I believe that's --

Mr. Dunbar: Am I open or am I close?

Mr. Yoshida: I believe that the Council did take an action on your conditional permit time extension request so it should be closed.

Mr. Dunbar: Okay, so someday I'm going to find myself on this one then?

Mr. Yoshida: Right, or you won't find yourself on the open one.

Mr. Dunbar: So it would just be erased from this one?

Mr. Yoshida: Yeah, right.

Mr. Dunbar: I was just checking.

Mr. Ribao: Okay. Go ahead, DeGray.

Mr. Vanderbilt: Clayton, regarding the Dunn proposal.

Mr. Ribao: Yeah, you know what? We're going to bring that up under Other Business. I sorry I let it in but it's not on the agenda, so we'll continue on first. You have anything else, Clayton, on that Director's Report?

Mr. Yoshida: No, I guess other than the Mayor has submitted her nominees to boards and commissions and it's going through the process with the Council.

Mr. Vanderbilt: And they are who?

Mr. Yoshida: I believe it was in Sunday's *Maui News*. They went -- I think they went before the Council yesterday and the Council pretty much approved all of the Mayor's nominees except for one because of a technical reason that they had not -- she had appointed someone who had served on the Police Commission previously and the person had not sat out for two years.

Mr. Vanderbilt: Yeah, Mr. Chair, and regard to that, if the Planning Department could let this Commission know when things are coming up that the Commission might have an interest in, that would be good, like, I don't know, the Council already talked about the Planning Commission nominees and then the CRC just recently had a meeting, the only agenda item was on was Molokai and they were hoping some people, I got a call from one of the commissioners hoping some people from Molokai could come over but it was only two days notice so nobody could get off work, so if there's some way to just interact with Nancy so she could --

Mr. Ribao: Okay, again, we're off the agenda. First of all, we have any announcements? No announcements? If not, then we can talk about that. Okay, just remember, under announcements, we cannot make any decisions, it's just a matter of handing out some papers and information stuff, okay? Then you can talk about your thing right after that, DeGray, okay?

F. ANNOUNCEMENTS

Ms. McPherson: Chair Ribao, commissioners. Nancy McPherson, Staff Planner. I'm not sure if this is the right spot on the agenda to do this thing but we went ahead and produced

copies of the Cultural Resources Commission comments that did go to the Land Use Commission and MPL and PBR, and I'm going to distribute those to you. And we also have copies, I think you might have received some of these but we weren't sure if you got them all, so copies of the comments that you approved along with your last letter of public comment, so I'm going to just distribute this now.

Mr. Ribao: Yeah, we have no -- we can just take that as documents and make no comments about it at this point.

Ms. McPherson: Yeah. Okay.

Mr. Ribao: Okay. Okay, DeGray, now you can bring up your subject what you wanted to ask Clayton.

G. OTHER BUSINESS

Mr. Vanderbilt: Okay. Well you mean on the Dunn proposal?

Mr. Ribao: The Dunn, yes.

Mr. Vanderbilt: Yeah, Clayton, on the Dunn proposal, you said she didn't wanna give up her conservation district use permit. Could she still have come in for an SMA permit? I mean did the fact that her coming in for an SMA permit have anything to do with her conservation district use permit?

Mr. Yoshida: Well, again, with the conservation district use application, by rule, the land board or the decision has to be made within a 180 days after the application is deemed to be complete. I believe when Linda was here before you in January, she was running pretty close.

Mr. Vanderbilt: Okay, well just say she got that, that thing that she needed from the land board, but then couldn't she still come in for an SMA permit?

Mr. Yoshida: Basically, before the land board can issue the conservation district use permit, she has to clear --

Mr. Vanderbilt: Okay.

Mr. Yoshida: SMA requirements.

Mr. Vanderbilt: Thank you. And one last thing, Mr. Chairman. I was wondering if -- if there was some way in our follow-up with the public, we had three or four meetings on this Draft

EIS for Laau Point, and there's a ton of comments that went into the State, and if you live in Honolulu, you can go to OEQC or the State Land Use Commission and review those, and I was hoping that maybe our staff could get a copy of all the comments to leave in the Planning Department for people here at -- in Kaunakakai or anywhere on Molokai to at least have a reference copy if they wanna follow-up because, otherwise, you gotta go to Honolulu.

Mr. Ribao: So, Nancy, you have all these documents in your office regarding the comments, the answers?

Ms. McPherson: I've only received the comments that were sent directly to me, to the Planning Commission, to the Planning Department, comment that came to public hearing, you know, I documented the verbal comments as much as I could. I have not received anything else that was sent directly to MPL, PBR, and/or the Land Use Commission.

Mr. Vanderbilt: Mr. Chair, the State Land Use Commission has all the comments and I was just wondering if maybe Nancy could contact them and just get a copy of what they have and so we have a copy for everybody if they want, not for all the commissioners, but just a copy in the Planning Department that we can let the public know is there if they need to look at it.

Mr. Ribao: Yeah, I think that's a good idea just to keep in your office. DeGray can go over there and read it, yeah.

Ms. McPherson: Sure. It'd be my pleasure.

Mr. Ribao: Okay, any further other business? Okay, if not, our next meeting is March 14 and meeting adjourned. Thank you.

H. NEXT REGULAR MEETING DATE: March 14, 2007

I. ADJOURNMENT

There being no further business brought before the Commission, the meeting was adjourned at 2:47 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards and Commissions I

RECORD OF ATTENDANCE

Present

Robert Ribao, Chairperson
DeGray Vanderbilt, Vice-Chairperson
Bill Feeter
Kip Dunbar
Lynn DeCoite
Steven Chaikin (Arrived at 12:41 p.m.)

Excused

Janice Kalanihuia
Joseph Kalipi
Sherman Napoleon, Jr.

Others

Clayton Yoshida, Planning Program Administrator
Joseph Alueta, Administrative Planning Officer
Nancy McPherson, Planner, Molokai
Michael Hopper, Deputy Corporation Counsel