

(Approved: 11/28/07)

Molokai Planning Commission
Special Meeting

October 22, 2007

A. CALL TO ORDER

The Special Meeting of the Molokai Planning Commission was called to order by Chairperson Degray Vanderbilt on Wednesday, October 22, 2007 at approximately 12:29 p.m. at the Mitchell Pauole Center, Kaunakakai, Molokai, Hawaii.

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

Mr. Vanderbilt: I would like to call the special meeting of the planning commission, October 22 to order. Today we have on the agenda just sort of a catch up session to review on the policy plan because at our last meeting the transient vacation rental took all day and we weren't able to get to any of the other items on our agenda. So today we're going to be looking at four sections and that would be sustainable land use we're going to do first. Than physical infrastructure, than housing, than parks and public facilities.

B. PUBLIC TESTIMONY ON ANY AGENDA ITEM FOR THOSE WHO HAVE TO GET BACK TO WORK OR HAVE OTHER SCHEDULING CONFLICTS.

Mr. Vanderbilt: So is there anybody here that wanted to testify, do we have anything set up for testimony, well if anybody wants to testify they can come right up next to Julia and talk into the mike about any planning matter or about anything on the policy plan.

C. UNFINISHED BUSINESS

1. MR. JEFFREY S. HUNT, AICP, Planning director, transmitting the 2030 Countywide Policy Plan (Plan) to the Molokai Planning Commission pursuant to the provisions of Chapter 2.80B of the Maui County Code

First public hearing was conducted on August 22, 1007

- a. Public Testimony
- b. Action

Mr. Vanderbilt: We have with us today Simone Bosco and Julia Staley who's in front of the computer who will help us work through these four sections today. You have to leave by what time?

Ms. Bosco: 6:30 pm.

Mr. Vanderbilt: 6:30, o.k. hopefully we can move through these expeditiously. Without further, do go ahead and let's get started with sustainable land use and for the public, do we have copies of the review? Yeah, over on that table there's some matrix's of each of the policies that we're going to review that has the original draft language, what the Maui, Lanai and Molokai General Plan Advisory Committee's recommended and what the Maui County Planning Director recommended. We're going to look at all these and we're going to come up with a Molokai Planning Commission recommendation.

Ms. Bosco: Thank you Degray. We're going to be going through land use and I'm going to start off reading the goals statement and I don't know if you want me to read each statement but I was planning to let the commission work on their own pace, objective section by objective section. So if you can take a look at the screen and let me know if everyone can read the screen. If we kill the lights will it be better, would you like it magnified...?

Mr. Vanderbilt: Do we have the matrix's up there for each section we're going to review today?

Ms. Bosco: Does anybody need land use? O.K., we'll wait. Can everybody read the screen? Great. Let's start with the goal: Goal J: Community character, lifestyles, economy and natural assets will be preserved by managing growth and using the land in a sustainable manner. I'll let you start with the goal and move down. Taking your comments will be Julia over here.

Mr. Vanderbilt: So Simone we're going to discuss the goal, we're going to discuss the objective and than you're going to read through all the policy statements under that objective and than we'll come back?

Ms. Bosco: That's right. Degray would you like me to read it all? You're just going to discuss them.

Mr. Vanderbilt: The goal first and than we'll discuss the objectives. Than you can read through all the policies under objective one.

Ms. Bosco: You want me to read each one?

Mr. Vanderbilt: Yes.

Ms. Bosco: O.K. we'll do that.

Mr. Vanderbilt: But first we're going to discuss the goal and objective.

Ms. Bosco: O.K. so any discussion about the goal statement?

Mr. Chaikin: I would only point out that when the Molokai GPAC went through that they used the word limiting growth rather than managing growth and that would be the only different. I'm o.k. with managing growth because managing growth encompasses limiting growth if it's appropriate. I don't have a problem with the goal.

Ms. Bosco: Thank you.

Mr. Vanderbilt: Excuse me just to follow up with what the Vice-Chair said, my put in managing growth and the original was limiting growth. We went back to limiting growth, we supported the original.

Mr. Chaikin: You know I took a look at that too and I kind of felt that limited growth is o.k. but if it's not managed even though it is limited, can be a negative thing. So it would be better to have both of them in there and I tried to figure out how the wording would sound right and it didn't work so I was just kind of go with manage. Because if you manage something properly you're going to limit it if that's the appropriate thing to do.

Mr. Vanderbilt: I would just like to read what's in the current General Plan it says to preserve for future generations, existing geographic, cultural and traditional community lifestyle by limiting and managing growth through environmentally sensitive and effective use of the land in accordance with individual character, the various community and regions of the county. That's what the current land use goal is in the current plan. So they did use limiting and managing in the existing general plan. So I would suggest that we add, by limiting and managing, put both in.

Ms. Bosco: We'll add that comment.

Ms. Pescaia: Not wanting to jump ahead but if you kind of look down on the following objective and policies you'll see the word limit pop up a couple of times in a more specific manner. So it might address the kinds of things that you would want to limit and the kinds of things you would want to manage, kind of what you're saying, where managing is an all encompassing word and the specifics are kind of outlined below.

Ms. Bosco: Any other comments? If not we'll move to the objectives. We have one change...

Mr. Vanderbilt: I have on the goal, community, character and than put cultural and traditional lifestyles.

Ms. Bosco: Can you repeat that?

Mr. Vanderbilt: It would be in front of lifestyles, what's in the current General Plan which would be cultural and traditional lifestyles.

Ms. Bosco: O.K. If nothing we'll move to the objective statements which reads, improve land use management and implement a land use and directed growth strategy. You'll see that the original language was slightly more expanded and staff had changed the final statement to be more sustain so we just want to note that that language changed slightly from our original language all the way across.

Mr. Chaikin: I have a problem with the directed growth strategy. The whole concept of this whole goal is how do we do things sustainable. This is almost like mandating growth. You're going to grow in a directed area and we haven't been able to sustain at the level we're at right now let alone get bigger and try to be self sustainable. So I have a problem with those words where it says directed growth strategy. If you go back to the regular GPAC, I think that was pretty good up until about half way and then it starts to get into implementing action. But they say implement a land use strategy to sustain our finite land, water, and natural resources for the benefit of current and future generations, I think it's good up to that point. But after that it starts getting into some detail.

Ms. Bosco: O.K. so you were referring to the GPAC recommended language?

Mr. Chaikin: Right the first half of it.

Ms. Bosco: O.K. You'll note that the Maui GPAC and the Lanai GPAC language basically followed staff's original language so that was unchanged except for Molokai's changes. Is there any other support for the GPAC language?

Mr. Vanderbilt: I would support what the GPAC said but I was just trying to, I was looking at the minutes from the GPAC and it was Ron Kimball who suggested the base line inventories.

Mr. Chaikin: Don't get me wrong, I think that's a very good suggestion. Although it almost seems like an implementing action or it doesn't seem like it should be in that particular area but maybe moved some how so it's still in the plan but not that part of the sentence. It limits to just the base line inventory, I don't know, I would move it.

Mr. Vanderbilt: In those minutes John Summers suggested instead of a base line inventory a carrying capacity study which includes more detailed base line conditions.

Ms. Bosco: Staff would just like to note that the Director's recommended language attempted to include managing resources, land use management strategies typically include managing the resources such as land, water and natural resources. The addition of the language directed growth strategy is there because there's a number of land use tools or directed growth tools out there that planner's always seem to fall back on in order to protect resources or at least to direct development where it's more appropriate. So, for example if the community wants to try and protect agricultural land we want to try and create land use strategies or directed growth strategies to protect the ag land

and direct land to existing urban infrastructure or urban areas. So that language is very common across the planning industry. So I just wanted to let you know the reason why it's in there. A lot of the policies that follow this objectives are aimed at opening the door for directed growth strategy. That's just to explain why that language is there.

Mr. Chaikin: I think that Molokai is a little bit different. That's where Maui and Molokai is different. Maui has every intention of getting bigger and growing. Whereas Molokai the feeling here is we don't have a mandate to get bigger. Whereas in Maui they have every intention of doing that.

Ms. Bosco: I think that's true and I also think that if the Molokai Community Plan can emphasize the local communities preference it would be better, when you're going through this document remember that it's going to apply to all the islands. So if the language is something this community can live with than great, to remember that the community plan will be another opportunity to further refine how you prefer the growth go.

Mr. Vanderbilt: I think that we have to be aware again what we were told by Corp. Counsel that if there's any conflict with the community plan and this policy plan, this policy plan prevails. So when you put in things that you think are typical, you're coming from a planner's stand point, a lot of people, I guess the think that would be good if some way this and our community plan is something that the average person that's coming to Molokai or planning to do something on Molokai can read and understand without having to be a planner or something else. That's where I think I have a tough time, the Molokai GPAC said implement a land use strategy, land use would talk about growth, it would talk about preservation, it would talk about different types of land use. Whereas a directed growth strategy is, as Commissioner Chaikin said, seems to be focused on one thing. So if this is a general policy document, it seems to me that land use strategy would be something that would fit with all the islands and it's up to each island....so anyway, I would go with the Molokai GPAC.

Ms. Bosco: Commissioner Steve over here suggested ending that statement after future generations. Is that the preference of the commission?

Mr. Chaikin: I think the part that follows that should be moved to a policy statement. Establish a baseline....

Ms. Bosco: Establish a baseline inventory of available natural resources and their respective carrying capacities. O.K. so we'll drop that down to a new policy statement and we can vote on that later.

Ms. DeCoite: I kind of confused on that one. So why would we not want to have it right there after a baseline inventory? That's still a recommendation.

Ms. Bosco: That's right, thank you. Let me answer it this way. If you drop that part of the statement down to a policy than it allows for this statement to be carried forward in an almost implementing action. If you drop it down it opens the door for agencies to try and do that policy, it would still carry forward. An objective typically is something that you aim to do and the policies are how you do it. Even further down even an implementing action is a how to. So taking that out will allow agencies and the public and communities and the community resources to figure out how to do that. In this case it would probably be a task that planning would do, DLNR would do and so forth.

Any other discussion?

Ms. Bosco: I'll read the policy statements:

J1J, establish and enforce urban and rural growth limits.

J1K, identify and define resort destination areas.

J1B, limit the number of visitor accommodation units and facilities in community plan areas.

J1A, maintain a sustainable balance between resident and visitor population.

I just want to note that those three statements closely relate to visitor accommodations which as you know the commission's are heavily into right now. So when you read these three statements keep in mind that they sort of interact and work together.

J1C, encourage redevelopment and infill in existing communities on lands intended for urban use to protect productive farm land and open space resources.

J1D, discourage residential, resort or commercial shoreline development.

J1I, direct new development in and around communities with existing infrastructure and service capacity, and protect natural, scenic, shoreline and cultural resources.

There is a portion of the original policy that became an implementing action and that is transfer and purchase of development rights. Basically what that is is establishing a program to administer purchase of development rights, TDR's and PDR's which is a direct growth strategy.

J1E, preserve a separation between towns to protect the distinction of places. We dropped a portion of the statement to become an implementing action which reads: establish and maintain permanent green belts between communities.

J1G, support the public dedication of land for public uses. I believe that statement was greatly simplified from the original one. If you look at the large matrix, it was quite simplified. We tried to capture the essence of the original policy statement and make it very simple and broad, actually, to apply to a lot of different areas.

J1F, enable existing and future communities to be self sufficient through sustainable land use planning and traditional ahupua'a management.

J1H, encourage the re-establishment of traditional Hawaiian and cultural villages where appropriate and when supported by Native Hawaiian communities.

This next policy was actually moved to the natural environment section so there's just a note here that it was in the original matrix under land use but we moved it entirely to natural environment so you've already acted on this next statement regarding shoreline conservation.

J1L, is an implementing action, so it will drop from the policy and it reads, develop policies to limit the construction of hotels, time shares and like tourist accommodations.

J1M, same thing, this was dropped and re-scope for implementation, establish carrying capacity standards for resident and visitor populations.

Any discussions?

Mr. Vanderbilt: I can't find it right now but some where in the minutes of June 14 there was talk about existing state law and everything about continual lateral access. I think Mr. Summers said in effect the public has continual lateral access along the shoreline. Under state law is it?

Ms. Bosco: That's part of the coastal zone management program and that program is administered by the state and the counties actually have been delegating the responsibility of carrying out the CZM state laws and so we as a county have a shoreline planner and we have special management area rules and so forth. But just to address that, I think there's a policy later on that, maybe we've already covered it, that requires shoreline access, I think it was under natural resources.

Mr. Vanderbilt: That was in J1G?

Ms. Bosco: Well it was originally, require the public dedication of land which provides for continuous lateral access parallel with the shoreline and maintain convenient access to the shoreline. That was the original statement and because the essence of the statement is really about dedication of public land we wanted to make sure it was broader so that we just don't require or require public dedication of land just for the shoreline, we're not precluding other kinds of land being dedicated. So if you would like to create a policy that specifies something....

Mr. Vanderbilt: It's hard for me to understand the Director's making recommendations that go so far out of whack from what we were looking at, we were looking at public access. Now if he wants to put in another one that's fine, but to take something that we've discussed on, Maui's discussed, Lanai discussed, which was the original draft language and we're all support of that and he goes off on another tangent, I think that's the kind of recommendations that aren't really in the spirit of things.

Ms. Bosco: Well the commission can maintain the original language if the choose and we could consider adding than a policy statement that broadens the statement to include all land available for dedication...it's up to the commission.

Ms. Wade: I'm Erin Wade, I also work in the Planning Department. I just wanted to point out that there was a statement that was really similar in the cultural resource section and I think Julia has pulled it up on the screen related to mountain and ocean access. I could have been that it was just

redundant with a couple of statements in cultural and that's why it was streamlined, the way that the statement is written now in land use.

Mr. Vanderbilt: Is that the one, protect and preserve?

Ms. Wade: Yes.

Mr. Vanderbilt: That doesn't say anything about lateral access. I think it comes up in our community because there's a major development going in on the West End where one of the quirks is that they're going to allow shoreline access all along the shoreline to the public and some people feel that the public already has that right and that was mentioned by John or somebody during the GPAC meetings, I can't put my finger on it right here but I remember reading it. So when you say up here, where was it....

Ms. Bosco: We're in natural environment right now. Did you want to go back to land use?

Mr. Vanderbilt: No, where you were.

Ms. Bosco: Land Use?

Mr. Vanderbilt: No, you went back to show where it was in the cultural..protect and preserve access to mountain, ocean and island resources. Commissioner DeCoite just pointed out, it says ocean it doesn't talk about lateral access. I think that's very important on Molokai where you've had history of trying to open access along the shoreline.

Ms. Bosco: So Chairperson Degray, do you want the original language maintained?

Mr. Vanderbilt: Yeah, I would support the original Molokai GPAC.

Ms. Bosco: Any more discussion on that?

Mr. Chaikin: Well I think they're both very important. The Director's recommendation is one that takes in all dedication for lots of different reasons not just lateral access, I think that's important. But I think what the chairperson is saying is that lateral shoreline access is really very important and so I think we should have that in there as well, either maybe a different one or maybe a new policy statement, having that in there because I would hate to take out either one of those because they're both very important. One thing that kind of bothers me in the GPAC, it says require the public dedication, that is a scary proposition that we're going to have in our plan, that you have to require people to give up all of their front yards, all the way across, up and down the shoreline so people can get back and forth and that might be a harsh term to put in there. I would take our require and say encourage or something like that.

Ms. Bosco: Is support o.k.?

Mr. Vanderbilt: Again the Molokai GPAC didn't put that word require, the planning department put the word require in, we just agreed with it. So that wasn't Molokai being unreasonable or anything. I guess my problem is and I will find where Mr. Summers talks about it but he said that people already have continuous access the shoreline. But this doesn't say that, it says require the public dedication of land which provides so that sounds like you don't have continuous public access along the shoreline. I think we need to understand that this a pretty important statement. What is the current state law regarding lateral access along the shoreline? Or the CZM law.

Ms. Bosco: Right. I don't have the CZM law here with me but from my experience as a planner, developers are required by state law to provide lateral, continuous lateral access along the shoreline. That's a policy right out of the special management area rules and state law. Another requirement is...

Mr. Vanderbilt: Excuse me is that a requirement if they want to develop?

Ms. Bosco: Yes. That's a requirement if they want to develop.

Mr. Vanderbilt: How about if the land was undeveloped like people on Molokai that say there's continuous access from Mo'omomi to Hale O Lono right now but nobody's dedicated any land to that.

Ms. Bosco: Well the shoreline in public land. That's not privately owned.

Mr. Vanderbilt: So the statement that there's continuous public access from Mo'omomi on the north shore around the west side and down to Hale O Lono on the south shore is a correct statement.

Ms. Bosco: What I can say is that owners are required to not, in other words a developer or an owner of land cannot block lateral access with developments. Also they can't restrict access to the shoreline, I think there's laws on the books that say every so many feet they have to provide actual access to the shoreline. To answer your question, I don't know the reality of it, I can't tell you but if there's a violation of that law than a developer and an owner have to remove any impediments to lateral shoreline access, which is along the shoreline.

Mr. Vanderbilt: Unless they can get the legislature to pass a bill to exempt them from that environment like the Super ferry.

Ms. Bosco: JIG now reads support the public dedication of land which provides for continuous lateral access parallel with the shoreline and maintain convenient access to the shoreline. That's the

original statement. We'll maintain that if the commission likes and I'd like to recommend that the Director's language be dropped down as a new policy if that's all right.

Mr. Dunbar: A question. I'm getting confused by lateral access and shoreline. Is that, are we talking that the yellow stuff is public and the green stuff is private? What are we talking? I mean anybody can walk along the shoreline any time they want to. But when you're talking lateral access what are you talking? Are you twenty feet in from the shoreline, are you forty feet in from the shoreline, where are you?

Ms. Bosco: I think the state interprets the shoreline to be the high water mark line or where the natural vegetation line begins.

Mr. Dunbar: I understand that so you're telling me that the yellow stuff everybody can walk on but the green stuff where the high water mark doesn't go is exempt, continues to be private property?

Ms. Bosco: Let me finish. After that point it does, it depends, you gotta look at the map to see who owns what, but...

Mr. Dunbar: I'm just talking in general, I'm not saying who owns what.

Ms. Bosco: Let me try and answer that if I can. After the state jurisdiction than starts the county jurisdiction. So the county requires continuous lateral access. So if we go out to a piece of property and a developer owns all the up to the state line, and they're proposing something within that area, what kicks in is the SMA laws and the shoreline set back laws. We don't allow for development within the shoreline setback area and that is designed to protect that shoreline area and that is designed to protect that shoreline area and maintain lateral access. That law is designed to protect everything that's actually mauka of the state line according to the shoreline setback rules so that lateral access can be maintained and the resources are protected. Even though it's privately owned. So I can't tell you if it's green or if it's yellow but I can tell you that there's laws in place that require protection of the shoreline.

Mr. Dunbar: I don't doubt that but I'm just trying to have someone tell me where it is.

Ms. Bosco: I can tell you that it's calculated for every single property to be a different amount. There are shoreline erosion maps that have been developed which calculate exactly how close to the shoreline a developer can develop. So for each property that area is different. You have to actually go through calculation. It's not a static number. I think if you were to get as static as possible I think it's like 150 foot shoreline setback line for large properties. But it changes per property.

Mr. Dunbar: I think that's the maximum. But you know you're still, you would still have, in order for me to really feel comfortable I would need somebody to tell me this is what it is. In everything

we've done so far with a setback, the setbacks we talked about includes lateral right-of-way. It's only setback from the ocean where you can put that first stone in the ground.

Ms. Bosco: Well when a project is reviewed and I'm saying a project now and there's, it's a vacant piece of land....

Mr. Dunbar: Single family...

Ms. Bosco: We look at lateral access as part of the process. We require lateral access. So if somebody comes in and wants to build something and block lateral access we won't allow that. We try to work with the developer to create lateral access in most all cases. I'm sure there's cases where it's unique like if there's a lot of erosion in one area, that's a different story. But what is the goal you want, that's what I'd like the commission to focus on. If the commission supports this statement and achieves what you feel is the goal than is this statement o.k. or do you want to improve it?

Mr. Vanderbilt: Are you saying, let's just take an undeveloped shoreline parcel. Are you saying that there exist, the public has right to that shoreline right now, access to that shoreline?

Ms. Bosco: That's right.

Mr. Vanderbilt: And the public has access to lateral access of the shoreline.

Ms. Bosco: That's correct.

Mr. Vanderbilt: The public has the right to lateral access along the shoreline?

Ms. Bosco: That's correct.

Mr. Vanderbilt: Will than if that's true, couldn't we say preserve the public's existing access to in lateral access along the shoreline?

Ms. Bosco: Things change though, the shoreline changes. So existing could change.

Mr. Vanderbilt: Existing access to and lateral access along, I mean we're preserving the access and the lateral access, the access to and the lateral access, that might change a little if the sea rises. That's where we're having trouble figuring out, there's a lot of people that say, like at La'au point, the offer is we're going to give you access to the shoreline, people say we already got access to the shoreline, we got access along the shoreline without the development. You're saying that developers are required to do this.

Ms. Bosco: I see where you're really going with this.

Mr. Vanderbilt: So I'm just saying preserve the public's existing lateral access to...

Ms. Bosco: I think the word you might, well I'm not sure if this is the word you're looking for, preserving traditional access is that part of the issue here?

Mr. Vanderbilt: I don't know what the traditional access is. Unless it's defined somewhere. It's hard to use words that we don't know what they are and then they go into a policy document and you don't know what traditional means. Because I agree with Kip on the setback. There's no right of way for the public included to walk along the building setback from the shoreline, I'm pretty sure. Maybe there is in resort development but I don't think, I don't know. But I've never seen that. I didn't think if you have a house on the East End you'd have to, in the setback, your building setback allow a walkway for the public.

Ms. Bosco: Well there's spacing for access points, you have to look at. I can't remember what the distance is, but every so often a developer has to provide access to the shoreline. A developer doesn't have to put access in all throughout a development but there has to be some access to the shoreline. I would say in this case and I don't know all the details of this case but the issue is traditional access and I know that Native Hawaiians have rights to preserve traditional access as well as fishing rights.

Mr. Vanderbilt: Now we're talking Native Hawaiians and that differs from the public.

Ms. Bosco: O.K. The language is broad because there's always situations that vary. So you may not always want to preserve an existing access but you do want to preserve access and it's up to the community to decide if they'd like to preserve the existing access point or another one and that's what usually plays out in public hearings and in forming other kinds of laws and through the processing of permits. That's the task that the commission have to look at too. The issue that the commission's have to look at case by case. So tell me to (inaudible) if I'm talking too much. But please help me out.

Ms. DeCoite: I think we just trying to look at it more so that the community going ask us the same thing which is why we want you to define it for us and whether it be traditional or which ever way you want to look at it, we need a definition is what we're saying so we can understand more so what the approach is on it and the recommendation.

Mr. Vanderbilt: Excuse me Simone, what would it be like if we preserve the public's access to, preserve the public's, do you think they have a right right now? Preserve the public's right to access to and continual lateral access along all shorelines.

Ms. Bosco: Preserve the public's rights of access to...

Mr. Vanderbilt: and continuous lateral access along all shorelines. We're not going to define what that is under state law because we can't seem to get a handle on what that means. This just says preserve it.

Ms. Bosco: That's one way of saying it, you can also say just preserve public access to and continuous access along, I would add the word lateral, continuous lateral access along all shorelines. We're trying to create a right here by setting policy. This language is creating a right.

Mr. Vanderbilt: I though you already said public has the right?

Ms. Bosco: We do. But we're trying to re-enforce it in the general plan.

Mr. Vanderbilt: I know so you said preserve that and how are you going to preserve it so that the communities can...you gotta let people know because somebody's going to say preserve access to, what does that mean? But if you have right in there, and maybe they don't have a right ,right now I don't know. On Molokai we got a right but I'd like to see right in there.

Mr. Chaikin: I think there's a difference between actually having access and practically being able to get pass that point because it might be cliffs or rocks or something. So there might actually be an access way but you may not be able to get through.

Mr. Vanderbilt: I think more of it is, well just to make it clear and make it easy, Molokai Ranch says that you have to get permission from them to go along the shoreline. I mean if you want to walk along the shoreline from Kaupoa to La'au you need to, I mean our planning commission, we can't just go down there, we have to sign waivers and everything else.

Ms. Bosco: Any other discussion. Would the commission like to include the word preserve the public's right to, is that it Degray? Preserve the public rights to....o.k. There's no further discussion, this is just the way the language is...

Mr. Chaikin: I don't have a problem with that language, I guess the question that remains is what are we going to do with the support the public dedication of land for public uses. I mean we gotta figure out if we're going to keep that or if that's gong away.

Ms. Pescaia: Can the new statement be a separate statement? And keep J1G the way it is and preserve the public's rights be a new statement.

Ms. Bosco: Thank you. I think this language needs to, it's missing something. It needs to be looked at here. Preserve the public's rights to what, the shoreline and continuous lateral access along all shorelines?

Mr. Vanderbilt: Of access to all shorelines and continuous access along those shorelines.

Ms. Bosco: O.K. thank you. Any other discussions?

Mr. Dunbar: I need to know where the shoreline is. What are we talking about a shoreline? Are we talking about a beach? Are we talking below high water or we talking above high water?

Mr. Vanderbilt: We're just talking about preserve the public's rights. We haven't been able to explain what those rights are. There might not be any rights.

Mr. Dunbar: Well let's vote on it, that makes good sense.

Mr. Vanderbilt: Who could explain what the public's rights are to developed and undeveloped land?

Ms. Bosco: Along the shoreline?

Mr. Vanderbilt: Access to and along the shoreline.

Ms. Bosco: That would be the coastal zone management planner in planning and also DLNR.

Mr. Vanderbilt: O.K. could you request an explanation from them?

Ms. Bosco: Sure, absolutely.

Mr. Vanderbilt: Thank you.

Ms. Bosco: Just to add, shoreline properties also include all properties privately owned, closest to state owned shoreline property. Closest to the beach. So that's a shoreline property. A shoreline property is defined as it includes the land that is privately owned closest to state beach land, state shoreline property.

Mr. Vanderbilt: On Molokai we have conservation district.

Ms. Bosco: You have that too.

Mr. Vanderbilt: So I don't know what the public access rights along the state's conservation district because that's privately owned. As a matter of fact if you own a piece of conservation land you can put a house on it.

Ms. Bosco: I'll find that information out for you. Anything else in this section?

Mr. Dunbar: One more comment, this has to do with J1D -9006, discourage residential resort and commercial shoreline development so we're talking residential development as in a residential subdivision. We're not talking single family home.

Ms. Bosco: We're including single family homes.

Mr. Dunbar: O.K. I'd like to dis-include them then.

Ms. Bosco: O.K. The suggestion is to remove the word residential from the policy. J1D.

Mr. Dunbar: It's not to say you shouldn't have a residential development, subdivision development, I would discourage that, I would not discourage a single family dwelling.

Mr. Vanderbilt: Well I think a lot of that too came, I know there was discussion on Maui about that with these 15,000 square foot houses going up along the shoreline that are humongous. So I think a lot of that came out of that.

Ms. Bosco: Any other discussion?

Mr. Vanderbilt: Why don't we put in development of residential subdivisions?

Ms. Bosco: Did you want to add discourage residential subdivisions? Commissioner Dunbar will that be acceptable? Discourage residential subdivisions, resort or commercial shoreline development?

Mr. Dunbar: Yeah that'll be o.k. Either that or if you took out residential you could put a comma and say, except for single family residences. If you want to put in of 3500 square feet, that's fine.

Ms. Bosco: Keep in mind that residential also includes apartment complexes, residential the way it's used here includes apartment complexes. So in this case somebody would interpret that to mean well we can put up a residential apartment building.

Ms. DeCoite: But wouldn't that mean that that apartment complex comes under commercial?

Ms. Bosco: No it does not. It's a residential use.

Ms. DeCoite: I got a problem with that residential.

Ms. Bosco: Why don't we go back to the original language and say except for single family residence.

Mr. Dunbar: I'll buy that.

Ms. Bosco: O.K.

Mr. Dunbar: If we could enter a square footage number so we get away from the mega list of the shoreline, that's fine with me too.

Ms. Bosco: I wouldn't recommend going into that kind of detail. I would get into that kind of detail at the community plan level.

Mr. Vanderbilt: When it says residential, a development is not considered a single family home, at least under the coastal zone management. Single family home.

Ms. Bosco: It is considered a development however it's exempt.

Mr. Vanderbilt: So it says to discourage residential...

Ms. Bosco: Because it says discouraged doesn't mean in all cases we won't allow it. It means we'll need to further refine which kinds of developments are discouraged. Julia could you add at the end except for single family homes or single family residences.

Mr. Vanderbilt: Not associated with a subdivision development, right?

Ms. Bosco: O.K.

Ms. Decoite: On that I would want to put restrict instead of discourage because you can really manipulate that word. So if we put restrict I think that would be better yet.

Ms. Bosco: I caution the commission against using that kind of language because it could become construed and I'm going to have to use this word as a takings in a lot of cases. There could be, there's a lot of property out there that's already zoned for these kinds of uses and if the general plan comes out with restrict, that's very clear, that's like you cannot develop, and I totally see your point but I caution against this kind of language only because it could be considered a takings and that could be grounds for a law suit.

Mr. Vanderbilt: Simone I think and I don't know if Erin will recall this but we brought up restrict and prohibit because one time something on Maui said restrict this and the lawyers got the project through because they said you should have put prohibit. Prohibit means no development, restrict means that there could probably be some development. Now you're saying restrict means no development.

Ms. Bosco: It's a very strong word. If you'd like we can put it in and go with it.

Mr. Vanderbilt: .And again we get back to our community plan where we did have a lot of fluff words because staff said you can't use prohibit even if they did in the Paia plan, prohibit hotels in certain areas.

Ms. Bosco: What if we do this, we leave it in and we get some input from Corp. Counsel on that word and we see if a softer language would be required.

Mr. Vanderbilt: Although Corp. Counsel didn't say anything in the minutes about the use of restrict when he was sitting there with us when we were discussing it.

Ms. Bosco: Any other...

Mr. Dunbar: I think I would put in with a greater subdivision development. You might have a parcel or property that's four acres and you got two kids.

Ms. Bosco: So add within a greater...

Mr. Dunbar: We're looking at it, we're trying to be fair to the populist and restrict development to non-populist, how ever we do that.

Ms. Bosco: So you want to add within a greater subdivision development? O.K.

Mr. Chaikin: I'm just wondering about commercial shoreline development or any resort shoreline development, what is that? I mean they're sprawling developments. Where does the shoreline end, where does it begin and where does it end and how far do you take that? Because the shoreline is only one aspect. The other aspect you have rising sea waters you know that can go way in land. You have that whole thing going on too.

Mr. Vanderbilt: Commissioner Chaikin that was one of the things from the GPAC that was discussed and I think on Maui too about the counties permitting all these shoreline developments in these low line areas but they're not requiring it, you know, who's going to pay the tab if there's damages from rising oceans in the future on those lands. Does the county require that somebody that gets a permit signs an indemnification agreement that the county will not be liable for any damages done by rising seas in the future? I don't think so but that was the discussion that came up. They're just setting themselves up maybe for some liability down the road. There was a lot of talk about and that was what sort of led to this whole thing anyway. At the start of the policy plan it talks about rising sea levels and you'd better start thinking about how the shoreline may change drastically.

Mr. Chaikin: Well maybe that's something we should address than in here because basically we're not really saying, don't build anything where it's projected to flood fifty years from now or something so maybe it would be appropriate to have something in here. Say something like along the commercial shoreline or projected sea water inundation area or something along those lines which would say hey, if it's forecast. I know that the planning department hasn't yet, they haven't, I don't think accepted global warming because I haven't seen that come through in any of the staff reports or anything saying hey, this single family residence that's being built, you might be under water 100 years from now. It doesn't say any of that so there's no recognition, official recognition by the planning department that hey this is, we're forecasting this to actually occur. So there's nothing coming through but maybe we need to stick something in here.

Ms. Bosco: How about creating a new policy to address that concern? We could propose language along those lines that discourage development along the shoreline where rising sea levels or projected to occur, or could damage or destroy structures and threaten lives.

Ms. Chaikin: I think it might get a little too messy to stick it in this one but maybe we should create a new one.

Ms. Bosco: O.k., do you have any other proposed language? Anyone? Do you want to take a stab at it, Steve?

Mr. Chaikin: I would use the word restrict. I don't think restrict means you can't do it. It just means you can do it with a whole bunch of restrictions. When you restrict something you can still do it. All of the development is all restrictive, there's all kinds of things that they can't do, they have to follow restrictions, so just cause you say restrict that means you can't do that, you have to do it under a certain set of conditions. So I think we should say restrict development in areas maybe that are forecast or projected or, how are we going to say that?

Ms. Bosco: I would say where seasonal rise may threaten life or property. That's what I would, I don't know, let me think about this here. Restrict development in areas where sea level rise is projected.

Mr. Chaikin: Restrict development in areas that are forecast for or sea water inundation areas or something, I don't know. We saw that at the conference, boom, this is what's going to happen at Waikiki, this is what happens, this is what it's going to look like and it doesn't look too pretty.

Ms. Wade: Mr. Chair, it's Erin over here. To me this seems like a good opportunity to include natural disasters, so if you're going to say flooding, natural disasters and sea level rise that are prone to flooding, natural disasters and sea level rise than you're going to take care of all of those issues that are probably. The challenge with sea level rise for us because it does talk about it in the front of your document in the county wide policy plan is it depends on who does the calculation based on

what projection. Because some people will tell you it's projected to rise two inches in thirty years, some will tell you it's projected to rise twenty feet in thirty years. That's where the county is not on solid ground at this point. We haven't assigned ourselves to any specific projection at this point. So for us to say where it's forecast or projected probably puts us not on very solid ground. But maybe to say where it may be prone to and leave it open ended so when we do have more information it's easier to enforce.

Mr. Vanderbilt: Erin you went to the state conference? What was the general feeling about all the planners there about sea level rise and how that should be looked at as far as land management?

Ms. Wade: I think by and large it's accepted.

Mr. Vanderbilt: What is?

Ms. Wade: That it's going to occur. I think the challenge is determining what does that mean for our land use regulatory tools. At this point Maui has the most restrictive of all the coastal zone rules so we require the greatest set back and Kauai is actually amending their laws right now to match the County of Maui's. So we've gone further than any other county has at this point and perhaps if we put in this statement, restrict development in all areas prone to natural disaster or sea level rise it's going to enable you guys to revisit that again and determine is this enough, are there areas where you need to do more.

Mr. Vanderbilt: Well I think we got to get back to looking at this as a policy document, just make sure that it doesn't restrict us from looking at things further as it applies to Molokai.

Ms. Bosco: Thanks Erin. Can we move on to the next section or did you have anything else on this section? If not, we'll move on to...

Mr. Vanderbilt: Where are we now? Did we get down to what?

Ms. Bosco: We are on J1, section J1. I'm leaving it up to the commission to discuss which policies that they have comments on.

Ms. DeCoite: You know under 9009, J1G, I'd like you to read require, require the public dedication of land for public uses.

Ms. Bosco: Change the word support to require.

Mr. Chaikin: What does that mean?

Ms. Bosco: That means require some public dedication of land, I mean it's a strong statement but it depends on who does it too.

Mr. Chaikin: I think they have that now, eminent domain right? That's what this is right?

Ms. Bosco: Not necessarily. I mean it could be the county that dedicates land for public uses too, we own land. It could be the state, it's not necessarily private owned land that gets dedicated. So we would have to interpret this further.

Mr. Dunbar: Simone the public, support public dedication of land. So the public dedication is, this is state, county and federal land already owned. That is the public dedication.

Ms. Bosco: It could be private land that's dedicated too. Again this doesn't mean that we're going to require every single developer to dedicate land, but it doesn't mean not, it means that we're looking for opportunities to dedicate, to publically dedicate land for public uses. Now we could remove one of those words, actually, require the dedication of land for public uses. That would probably read better. I'm going to delete the first public. Any objections to that? It's require the dedication of land for public uses.

Mr. Dunbar: I still got a problem with that. It didn't clear up anything.

Ms. Bosco: O.K. how about this. Require the dedication of land for public uses when supported by the community, is that better.

Mr. Dunbar: I still got a problem with that. Why not require with dedication of public land for public uses.

Ms. Bosco: Well staff wanted... the intent behind the original statement was to allow for non-profits and other groups and other community groups to be able to dedicate land and receive tax write offs or whatever have you. So that's the reason for the softer language of support.

Mr. Vanderbilt: Wait a minute, wait a minute. I remember the discussion. The state requires continuous lateral access. This statement says you're going to do this dedication which provides for the continuous lateral access. Now maybe the state or the feds or the county don't own any land and here you come along and they don't own any land for about half a mile. So if they're going to say have continuous public access and something's gotta be done to get some land there. When you have a dedication, I don't know where a dedication is where you buy out the development rights, you buy the land, it doesn't say in there require the private land owner to give the land.

Ms. Bosco: Well it originally, if you were to remove, staff would recommend removing the word public because we're trying to encourage, even the community, to participate in giving back to the

community. That's the intent of this statement, the original statement. There would be programs set up to try and encourage or give incentives for this. I would strongly recommend the word public.

Ms. Pescaia: So you're referring to, I think there's an example on Oahu in Eva Beach or Kapolei or something where the developer gave the city and county a chunk of land to develop the park and they partnered in developing the park for the community. But then it became managed by the county I think or something like that.

Ms. Bosco: That's right.

Ms. Pescaia: So that's the kind of dedication of land that this is referring to. Because I was thinking public lands being developed for public uses or increasing public....

Ms. Bosco: Open public uses like for the general public.

Ms. Pescaia: Like I was mentioning to him from One Alii Park all the way to Halawa there are no public restrooms or facilities any where. But I'm sure that there are pieces of land that are owned by either the county or the state. So I'm looking that this could be a policy that could, would encourage that to happen.

Ms. Bosco: The intent is to encourage the private community or the broad community to dedicate land to the public.

Ms. Pescaia: The wording needs to be more clear.

Mr. Chaikin: The way it reads right now it looks to me like if there's going to be a new freeway going in and it goes right through your house that you're going to have to give up your house to let the freeway go through, when I read that that's what it sounds like to me.

Mr. Vanderbilt: Which may, that's the other thing that we don't get to and maybe that's in the community plan policies, but rising oceans, if it goes up a foot we may have to on Molokai move some of the roads going east inland. I guess that's what you get too in your community plan but there ought to be some policy statement in here that points to the fact that we may have to realign some roads with global warming for communities to start thinking about that.

Mr. Dunbar: I think global warming is with us. The other two things is if you live on the water you take your chances. You know. I mean the house I live in is a hundred years old, its been through four tidal waves, you take your chances. If it's a real big one, I don't care about FEMA, I'm not going to be alive to collect. And if you're worried about moving the road mauka that's fine but most of the stuff on the mauka side of the road is all agriculture, you can't build on there either. So if you're going to move people from the shoreline to the mauka side of the road then you better be

thinking about transferring some of those agricultural lands in the rural. It's not a..I even tried to give state land. They wouldn't take it and all of their fire hydrants, telephone poles, on off valves, pipe line, they're not even in their easement, they're in mine. No one's ever come along and say Mr. Dunbar could we please pay you handsomely so that you don't have all this stuff on your land? No.

Ms. Bosco: How about if we come back to this at the next meeting, after I've looked into it with Corp. Counsel the way it reads now so we can move through the section? We'll exclude J1G from the book.

Mr. Vanderbilt: I have a question on J1L. It says develop policies to limit the construction of hotels, time shares and the like tourist accommodations in the Director's recommending moving that to an implementing action. But because developing policies is more of an implementing action?

Ms. Bosco: Yes.

Mr. Vanderbilt: But that's incorrectly stated on this matrix what Molokai said. I'm reading directly from, we have an addition, 9-11 which is to limit the construction of hotels. So Molokai didn't vote to put develop policies too. I'm looking at the vote, so moved, second and it was voted on 9-11A which read limit the construction of hotels, time shares and like tourist accommodations. So, the GPAC didn't include that development policy. So I would leave it as a policy and take the development policy.

Ms. Bosco: O.K. we can do that. We have good language from Julia here , on the last one I just want to point out for you on J1G, the one that reads require the dedication of public land for public uses. How about this, assist public, private and non-profit groups to dedicate public lands for public uses. Is that better?

Mr. Chaikin: One of the things, Mikiala brought up that we have no bathrooms and that might actually be private lands that we might want to try to really encourage people to hand over some how or other. So I don't know it kind of changes the whole thing. I was going to say something like leave the statement when there is a compelling public need like for instance, that is when you would require it.

Ms. Bosco: O.K. So add the language when there is a compelling public need?

Mr. Chaikin: Well then it would lessen the impact, I don't know, what do you guys think? I would just say land because it doesn't matter if it's privately owned or...

Ms. Bosco: Remove the word public. We'll come back to this, is that all right? We'll move on. Do we want to move on to J2?

Mr. Dunbar: The J1L that Chairman Vanderbilt brought up, I do not like the word like tourist accommodations. I find myself thirty years later battling the same type of word and I don't know what it means. Some people will make it all inclusive, some people will interpret it more loosely, so if the construction of hotels, time shares, condominium, red light districts, whatever you want to put in, put in.

Ms. Bosco: The commission can decide here what they would like to put. You can keep it this way which it doesn't sound like it's clear enough or you can say visitor accommodations, or you can be very specific.

Mr. Vanderbilt: I'm trying to find where there's some discussion on that. By the way and for the other commissioner's, I have a copy of all the GPAC minutes which I got and they can be released and there's a disclaimer that the minutes are unofficial and should not be relied upon as an accurate transcript to the meeting. The Planning Department is required by law to have the minutes available within thirty days from the date of the meeting. I requested that these minutes be e-mailed to every commissioner and that a hard copy be sent to them in the mail. Did anybody get those? I think it's really helpful, you don't have to read them all but if you're going through and I took the time to put where each of the sections were discussed in the minutes which I can share with everybody, but Simone, what's the deal with the minutes?

Ms. Bosco: I've been gone ever since the last meeting so I don't know.

Mr. Vanderbilt: Well I have a copy and I feel very uncomfortable with me just having a copy and not the rest of the commissioner's. Whether anybody looks at them or not, I don't know but I can provide a cover sheet where the final votes for each section was taken and discussion and where the first round of discussions were taken. It may be helpful and short in our meetings to get an idea if you have a particular item that, why did that happen, you could at least go back. Nobody needs to read all the minutes but it provides a little continuity on how the members of the GPAC may have been thinking. We'd have guys like Joe or Bill say that why do we want to change a lot of what was already done by the community.

Ms. Bosco: I'll find out on that and get back with you.

Mr. Vanderbilt: I would like by the next meeting which the next meeting is the 24th. But I'd like these to be sent out because I just don't feel comfortable me having them and nobody else having them.

Ms. Bosco: Back to J1L, did you want to get more specific?

Mr. Chaikin: Why can't we just say tourist accommodations instead of and like or and other tourist accommodations.

Ms. Bosco: O.K., anything else? We'll get back to this when Kip returns.

Mr. Vanderbilt: How about this one Steve, limit the development of visitor facilities so that it does not infringe upon the traditional, social, economic and environmental values of our community?

Ms. Bosco: That's from the old?

Mr. Vanderbilt: That's from the existing community plan.

Ms. Bosco: That's a good policy too, actually, we can use that. Can you read that again?

Mr. Vanderbilt: It says limit the development of visitor facilities so that it does not infringe upon the traditional, social, economic and environmental values of our community.

Ms. Bosco: Is that from the land use section of the existing community plan?

Mr. Vanderbilt: It's page five of the general plan under, just says visitor industry.

Ms. Bosco: I think that's actually proposed under the economy section.

Mr. Vanderbilt: Might be because this would be under economic activity.

Ms. Bosco: I don't see it here yet, so...I have similar policies in the economy section but if the commission would like to propose this language we can support that.

Mr. Chaikin: So Degray, how would you like to handle this? You want to put that new thing in there that you were reading?

Ms. Bosco: You'll get to economy and we can compare.

Mr. Vanderbilt: Actually what it says is control the development.

Ms. Bosco: Control the development of visitor facilities so that it does not infringe upon the traditional, social, economic and environmental values of our community.

Mr. Vanderbilt: That's on page five.

Ms. Bosco: So we're replacing the implementing action statement with this new policy. Any other discussion? Does the commission want to take a five minute break it's 2:00.

Mr. Vanderbilt: Just before we take a break I'd like to point out that the existing policy is, never mind, never mind.

Mr. Chaikin: Can we make a motion to approve this section?

Ms. Bosco: O.K. so we're on the section J1 and the goal statement J and if somebody would like to make a motion, please.

Mr. Chaikin: Can we review the ones that we have changed?

Ms. Bosco: There's been an amendment to the goal statement. Amendment to the objective J1 statement. There's a new policy I don't know if you want me to read it.

Mr. Chaikin: Some of them got replaced and some of them are brand new.

Ms. Bosco: One, two, o.k. there's four new statements and the rest are amendments. There's four new statements, there's an amendment to J, J1, J1D, J1G and this one actually I'm excluding until we, exclude J1G from the book. That's it.

Four new policies, and then a change to the goal statement J, change to an objective J1, change to J1D and we're excluding J1G, that's it.

Mr. Chaikin: One more time which ones did we amend? Not the goal and the objective but the policy statements?

Ms. Bosco: J1D and that's it, J1D is the only change to an existing. Then we have new policy statements. So J1L was an implementing action but now it's a policy, so that's a new policy.

Mr. Chaikin: Well I guess we don't have to ask the public if there's any testimony because we've been successful at driving the public away before we even finished the first objective.

MOTION: I MOVE THAT WE ACCEPT WITH GOAL J AND OBJECTIVE J1 AS AMENDED AND THAT WE ACCEPTED ALL OF THE POLICY STATEMENTS AS SET FORTH BY THE PLANNING DEPARTMENT EXCEPT J1D WHICH WE'VE CHANGED AND ADDED THREE NEW ADDITIONAL POLICY STATEMENTS AND J1L HAS BEEN AMENDED AND MOVED TO A POLICY STATEMENT AND EXCLUDED J1G.

MOVED: COMMISSIONER STEVE CHAIKIN

SECOND: COMMISSIONER KIP DUNBAR

Ms. Bosco: I'll go through each one. The goal statement is amended to add the words, cultural and traditional lifestyles and adding the word limiting. The objective J1 statement has been changed to the actual Molokai GPAC recommendation. So it's been completely removed, the words removed and replaced with the GPAC language. We have a new statement, new policy reading establish a base line inventory of available natural resources and their respective carrying capacities. The objective statements not all of the original language was taken. We only took part of it.

Mr. Chaikin: Excuse me the objective, why is some of that underlined and some not underlined?

Ms. Bosco: Would you like to underline the whole thing it's new, Julia, thank you.

We then have a change to J1D, we changed discouraged to restrict and we added except for single family residences not associated with a greater subdivision development. We have a new policy, restrict development in areas that are prone to natural disasters or sea level rise. Scrolling down we have a change to J1G but we're excluding this from the vote until I can back with you on if this is supportable by the director and corp. counsel. J1L has been replaced as an implementing action with a new policy that reads control the development of visitor facilities so that it does not infringe upon the traditional, social, economic and environmental values of our community.

APPROVED: COMMISSIONER'S DEGRAY VANDERBILT, STEVE CHAIKIN, MIKIALA PESCAIA, KIP DUNBAR AND LYNN DECOITE.

ABSTAIN: COMMISSIONER BILL FEETER.

Mr. Vanderbilt: We'll take a break.

After a short break the meeting was reconvened at 2:22p.m.

Mr. Vanderbilt: I'd like to call the meeting back to order and we are on objective J2. How many objectives do we have here?

Ms. Bosco: We have J2 and three policies and one implementing action.

Mr. Vanderbilt: How many objectives do we have real quick under this section?

Ms. Bosco: Four

Mr. Vanderbilt: Four, so we got three more to do. So let's try to get through these sections in the next hour if we can. So we're gonna have to move a little quicker and I think again these are general policy statements and I guess we should try to keep little detail in them so we can get to our community plan and do the detail. Anyway let's start with objective 2.

Ms. Bosco: J2, strengthen planning for and management of the county's agricultural lands and rural areas.

J2A, protect prime, productive, and potentially productive agricultural lands to maintain the islands' rural identities and economies.

J2B, provide opportunities throughout the county for self-sufficient and subsistence homesteads and farms in rural areas.

J2C, prohibit developing or subdividing agriculturally designated lands when non-agricultural activities would be primary uses.

J2D, is an implementing action, it was originally a policy but we dropped it as a action, inventory and protect prime, productive and potentially productive agricultural lands from competing non-agricultural land uses.

It's very similar to J2A, so we still have a policy that intends to protect these kinds of lands. We're discussing J2 and the three policies and the one implementing action.

Mr. Chaikin: J2B probably the last couple words that say in rural areas. I think that's a little confusing, I think we should just drop that.

Ms. Bosco: So drop in rural areas.

Mr. Chaikin: There's one thing that I don't see in here that I think it's important is that especially here on a place like Molokai is that we only have so much prime agricultural land and we see that land being uses almost in its entirety for mostly non-edible products. So it would be nice to have a policy statement that says like encourage prime ag land to be used for edible agricultural products.

Ms. Bosco: O.K. that's great, let's put that as a new policy. You want to restate that?

Mr. Chaikin: Yes. Encourage the use of prime and productive ag land for the production of edible ag products. It gets back to the self sustaining thing.

Ms. Bosco: There's the language if you want to look at it. Encourage the use of prime and productive ag land for the production of edible agricultural products. Should we use the word cultivation or is production what you want? Production? O.K..

Mr. Vanderbilt: Steve you know I had something on that too. Like on 9016, I would take out inventory and just say protect prime and potentially productive agricultural lands from competing non-agricultural uses and preserve the water resources to allow these lands to be utilized by future generations for food production. Because it came up again and again in discussions where there's no point in preserving the ag lands if you don't preserve the water resources for production of food on those lands.

Ms. Bosco: Can you read that again?

Mr. Vanderbilt: That was on 9016 and it just took out inventory and it started, protect prime productive and potentially productive agricultural lands from competing non-agricultural land uses and preserve the water resources to allow these lands to be utilized by future generations for sustainable food production. Maybe that could replace 9013. You could combine or something like that. See 9013 has protect prime, productive, and potentially productive agricultural lands to maintain the islands' rural identities and economies.

Ms Bosco: We could turn the J2D back into a policy.

Mr. Vanderbilt: And take out 9013 as a policy? What do you think Steve?

Mr. Chaikin: I just wanted to try and make that point. The statement I was making is that I just wanted to make sure that agricultural is good but happens if we use all of our land to grow timber? Then all of a sudden the barge stops and we don't have anything to eat? That was really the focus on my thing. Let's make sure at least we use our land to be producing some food here. That's what we're in to. Now we've taken all of our land and now we're growing seed corn or something. It's not edible. We're doing that with all our land here. So that's what I was trying...

Mr. Vanderbilt: And in the state plan they're pushing for using ag lands to grow fuel products, renewable fuel products also.

Mr. Chaikin: I think that's o.k. but we got to make sure a certain percentage is reserved for edible products.

Ms. Bosco: How about this. What if we maintain that language as a policy that you just read, Degray, a separate policy instead of replacing J2A? Just create this as a new policy with your language. I think Julia if you can add, after the word utilized, do you have that? O.K. to be used by future generations, that's what he said. Are you o.k. with that Degray? If we maintain that as your new policy statement?

Mr. Dunbar: The term prime ag land, this doesn't have to do with all the little critter's that live in the dirt? It has to do with market, it has to do with product, it has to do with the infrastructure they get in, pesticides and herbicides in order to grow back and (inaudible) it's transportation, it's water, it's labor, I mean it's a whole lot of stuff other than just the lepo. So when you talk about prime ag lands, there ought to be some sort of a definition that says what it is that you want to protect them for. There's also competition. I mean Lynn can make the very best sweet potato but if Monsanto decides to raise sweet potatoes and they got jillion's of dollars I guarantee you that they're going to raise sweet potatoes. Or you can raise the best sweet potato and do everything in the world that's correct and you go to market and you're expecting eighty cents and Mexico just shipped across the boarder 400 million tons, which means your price has gone from eighty that makes your money down to two cents which makes you nothing. So I just, this is just a matter of discussion. I think

we ought to know what we're talking about when we talk about the prime ag land. Again there's more than just the dirt.

Ms. Bosco: I would just want to add that your comments are addressing really economic sectors and I think the, if you want to address the issues with economics of using ag land, we're going to get to that. This is really focused on preserving ag lands so that we don't foreclose on the opportunities to use prime ag land that has good soil and good productive capabilities. It's not necessarily getting into the economic discussion about what's marketable and what makes money. It's just maintaining the resource so that there's an opportunity there.

Ms. DeCoite: That's why I think that, under that new policy, like Kip said, you can grow the best potatoes but the bottom line is if you just don't have water which was the add on on, to preserve the water resources to allow for these ag lands, you've already lost half the battle. What you got to look at in my eyes, if we looking at ag lands and protecting of ag lands, here again if you look at ag lands to secure as a bed and breakfast or which ever way we want to put it, you know it's really preserving ag lands or is it just the way of going around what is the protection of those ag lands. In order to get these people to start farming, I would go back to J2B, and say provide opportunities and incentives throughout the county for self sufficient and subsistence homesteads and farms in rural areas. Because like you said, we up against gas, freight, you know here we again on a one way street, you know we subsidize the neighbor islands on water and the arrow doesn't come back to us, 360 full. You know you shoot the arrow out one way and subsidize water cost to the state even though this is a county issue, we want the same preference here. Then subsidize us on freight and fuel and market. You can raise the best potatoes like they say but you go the market and hey can just close then door on you. Try and open up the market is 2050 is the talk of the town and we want to talk about sustaining itself, provide for the incentives because you sure as hell can't eat corn seeds and a building or cement for that matter in case of a natural disaster. So I'd like to see the incentives provided and push forward as well as the protection of water to even think about farming.

Ms. Bosco: Thank you, good points thank you.

Mr. Chaikin: Not to muddy that water, but there's something that I think that's important that I don't see in this in protecting the ag lands. When you look back over the last 100 years we've had sugar cane and then we had the pineapple and basically all these big ag users, basically they've gotten a free ride and right now it's the same thing. We encourage ag, we want people to come with ag, we want them to do that, but the reality with the past is that they've been incredible polluters of the land. Rural toxic chemicals and now on this particular island we have one of the largest chemical company's in the world that has taken over most of our agricultural land for the next 99 years, they're going to be doing something on those lands and when I look at that land right now there's no weeds, it looks really scary. Because it's not natural to look at that vast amount of lands and not see any weeds. So really the question is how do we environmentally manage these lands and that's what I want to see in here some where so when there's big, big users of the land like that we can

actually check to see what they're doing from an environmental stand point to their water table or what have you. So I don't know where we stick that in, I'm looking at the objective some where we could stick a word in or something to allow us to do that.

Ms. Bosco: Would you like to create a new policy along the lines of manage of agricultural lands in a sustainable or environmentally friendly?

Mr. Chaikin: Well the goal is to make it clean and simple and short and not to add a bunch of more policy statements. So if there's a way that we can just add a word in some where like maybe an objective, strengthen planning for and the environmental management of, but maybe that's too restrictive when you just say environmental management. Some how if we can stick it in some where without creating a whole new something.

Ms. Bosco: Can we add in an environmentally friendly manner or a sustainable manner? Can you proposed some language? I need some help here. We're on the objective J2, we're trying to insert language as I understand it to hold owners accountable for using agricultural land in an environmentally friendly manner.

Mr. Dunbar: I don't have a problem with that when I think Steve has really brought up a terrific point in that it's unfortunate but the Hoolehua land and the Maunaloa lands too for that manner is seeping in heptichlor. How do you get it out of the soil without growing, well you shouldn't really grow melons or cucumbers or squash or anything else it sits on the ground, I don't think it affects the potatoes too much does it? I don't think so. I think it's just stuff that lie on the ground more so than what's grown in the ground. To have to go through this battle again would just be ridiculous.

Ms. Bosco: Do you have language?

Mr. Vanderbilt: Could you add on at the end, agricultural lands, planning and management this is sensitive.

Ms. Bosco: In an environmentally sensitive manner, how's that?

Mr. Vanderbilt: That is compatible with environmental, I don't know, whatever. I thought we took out in rural areas, or not?

Ms. Bosco: How about this...adding on at the end of the sentence, using environmentally sensitive practices, something like that.

Mr. Vanderbilt: Could you say that is consistent with sound and environmental practices?

Ms. Bosco: That is consistent with sound and environmental practices.

Mr. Vanderbilt: Than each community can figure out what that is.

Ms. Bosco: Want to make a motion on this section, are we done with it?

Mr. Vanderbilt: Yeah.

Mr. Dunbar: I guess what I'm looking at is and I don't know if this is the right spot to do it, I can certainly look at to preserve agricultural lands that are prime for agricultural uses, but if they're non agriculture lands than I think you ought to be converting a rule. I think we have to say something here about it.

Ms. Bosco: I think there's a policy, let me look for that policy, hold on.

Mr. Vanderbilt: If we're going to move everybody off the shoreline because the waves come we gotta put them some place and that's ag.

Ms. DeCoite: No, you cannot do that only because you might have an ag land there and the adjoining could be a residential and the biggest problem they getting right now is dirt, noise, going into these other houses and that's a major problem. It's either that, I think right now for DHHL, their new plan is to relocate on ag lands that want residential into the residential area. So you gotta start thinking about breaking ag away from the residential areas only because of dust factor, cattle, they no like flies, they don't want this, they don't want that. So, I mean, I wouldn't recommend trying to do that. Unless they going have to sign some kind of waiver.

Mr. Dunbar: I agree with that but I just happen to sit in one place where this lot goes up this high and it's rural. Then the thing drops down like this and it's ag. Then this lot goes all the way up to the same elevation lot and it's rural and right next door to it, it goes ag again. I'm saying there's no great differation between this land here and these lands here in between. So if they are not all prime ag, then they should be brought into a conformance of designation. Because if someone is over here and I'm pushing cattle over here, I can guarantee it's going in his window. But if it was a rural parcel, you don't have to make it any smaller.

Mr. Vanderbilt: I think that's where we get into our community plan when we're looking at our community planning, that's exactly where we're supposed to go in along the roads and the parcels and see if it should be rural or ag or what ever.

Mr. Dunbar: I understand that but as you so eloquently said earlier, if it's not addressed in the community plan and it's not addressed in here than this is what prevails. If we don't have it in here and it's not discussed in the community plan then it's no where and it's the same thing I went through 10 years ago, actually 12 years ago. I'm not saying that the J2 section would be the section that this be in, if the J3 section is the more appropriate section to put it in. Such as you were telling

me perhaps J4 was the section to put something on economics. I don't know that, I don't know where this goes.

Ms. Bosco: Correct me. What I'm understanding is that there should be some evaluation on which agricultural lands could be reclassified as rural, is that right? So maybe a new policy statement under this section, that encourages the county and the state, so encourage the county and the state to evaluate agricultural lands that could be redesignated as rural, something like that. Encourage the state and the county to evaluate or actually re-evaluate all....

Mr. Vanderbilt: I got a problem with a policy plan that's going to be an over working thing for our community plan and where we're saying to the state that you guys evaluate what you think is good, it's a dangerous slope to go on.

Ms. Bosco: O.K. let me hear your concern again? I didn't quite understand the concern.

Mr. Vanderbilt: Well, it's just like, it's designating them to go ahead and encourage the state to re-evaluate the land, that's not the way it's supposed to work. It's supposed to be our community coming up with changes in the community plan and not saying that you gotta change your community plan because these guys say that, there's been a couple of bills I think in the legislature where they want to change all the lands that isn't prime ag land for road crops, truck crops, without any regard to pasture land or anything. They want to change everything from ag to rural.

Ms. Bosco: How about if we drop encourage the state and county and just say re-evaluate all agricultural lands to determine their redesignation into the rural state land use district. Into the rural state land use district. How's that? To determine if...

Mr. Dunbar: I think that's close, all I'm trying to do here is not take all ag lands out and make them rural. I'm just saying that there has to be some kind re-evaluation. If we're talking about global warming and pushing everybody up the shoreline, believe me I'd attend meetings week after week and they say that's going to happen. I have no intention of moving from my house and it's about 90 feet from the shore. The waves come, it comes, that's my kuleana. But if you talking about pulling people off rural which is primarily below the road, you're gonna want to put somebody above the road, than if that's on ag land, you're gotta re-evaluate where it is. Right now on Molokai it's just so hudge pudge. I can only speak for myself, I can't speak for anybody else. I got two neighbors on either side of me whose rural lands go as high as my ag lot. It makes no sense. So all I'm saying is that either they go into ag or I go into rural but at least than we're on the same designation. If you gotta move off of one area you have some other area to move to.

Ms. Bosco: I'm trying to come up with some language that would address that concern. This needs to be changed a little.

Ms. Pescaia: Are we actually striving for consistency in rural and ag zoning designations?

Ms. Bosco: Basically they need to meet a certain criteria to be...

Ms. Pescaia: Some how what ever entity that needs to look at that and evaluate, because it's just not evaluating but it's taking the steps to actually get them all lined up.

Ms. Bosco: Basically it's really a joint effort between the community, county planning and state. But the state ultimately has to reclassify agricultural or rural lands for the state land use district change. I'm trying to come up with language. Re-evaluate rural and agricultural lands to determine their most appropriate state land use district. I'm trying to come up with some language to basically get out reclassifying rural and agricultural lands to be consistent with their uses, or something like that.

Evaluate rural and agricultural lands to determine if they are consistent with their uses.

Mr. Vanderbilt: How about something like, if you want to have something like this because I know, lets see I think Molokai Ranch now has a master plan where I sat on that thing where they wanted to convert 20,000 acres, they want to have 10,000 acres...Kip I was talking about the rural lands like one block of 10,000 acres, they want designated from ag to rural, that's a pretty big block. Isn't there legislature going on trying to develop ag lands into rural by the major land owners? Have communities consider certain agricultural lands for designated to the state rural land use districts.

Ms. Bosco: Have communities consider...

Mr. Vanderbilt: Certain agricultural lands for designation to the state rural land use districts.

Ms. Bosco: It's actually into the state land use agricultural district. I would say if you're going to go with this language I would say, have communities consider certain agricultural and rural lands appropriate for reclassification.

Mr. Vanderbilt: What would you reclassify the rural lands?

Ms. Bosco: Well I guess that would have to be evaluated, I'm not sure. You need to look at certain rural lands.

Mr. Vanderbilt: I think the concern is ag, at least.

Ms. Bosco: That's not what I heard. I heard Commissioner Dunbar say some rural lands or similar.

Mr. Vanderbilt: We don't have hardly any rural lands on Molokai.

Ms. Bosco: So keep it the way it is?

Mr. Dunbar: We hardly have rural lands in the state.

Ms. Bosco: Have communities consider...

Mr. Vanderbilt: Have consider certain agricultural lands for designation to the state rural land use district. Like Kip said going out East End you have things that should be drawn with a straight line.

Mr. Dunbar: This is one of the problems we have. There's a giant in the neighborhood and every time someone wants to do something small they refer to the giant. We get problems with the giant. So if we do something for the smalls we're gonna end up doing something for the giant. This is certainly not the first time. I don't necessarily have problems. All I want to do is have it mentioned.

Mr. Vanderbilt: The community plan is just going to put a designation, community plan designation of rural and than from their you go to get it comprehensively zoned from the county.

Ms. Bosco: You're saying into the rural community plan designation?

Mr. Vanderbilt: Or just rural use and than you have to go through the process Would be starting when we go to the community plan, there's a policy that says consider this for rural use, we slap a rural designation on it and than it goes from there to the process.

Mr. Chaikin: Why can't we just leave it broad? And say have communities consider certain agricultural lands to be reclassified. Because maybe it's more appropriate for some of them to go through conservation.

Ms. Bosco: That's true.

Mr. Vanderbilt: That's a good point Steve.

Ms. Bosco: So put a period after reclassified.

Mr. Dunbar: I'll go with that.

Mr. Vanderbilt: Are there any other changes? Are we ready for a motion on this short section?

Mr. Chaikin: Maybe we need to see from the public if there's anybody that wants to testify.

Ms. Bosco: O.K. there's a change to objective J2, we added, that is consistent with sound environmental practices. Amendment to J2B, we added the words and in sentence and we turned

J2D, originally implementing action into a new policy. Per Degray's new language we have two new policies.

MOTION: I MOVE THAT WE HAVE AMENDED J2 AND WE'VE AMENDED J2B, J2D AND WE'VE MADE TWO ADDITIONAL NEW POLICY STATEMENTS.

MOVED: COMMISSIONER STEVE CHAIKIN

SECOND: COMMISSIONER KIP DUNBAR

MOTION UNANIMOUSLY APPROVED.

Ms. Bosco: OK objective J3, would you like me to read these in the interest of time? It's up to you. J3, design all developments to be in harmony with the environment and compatible with the community's sense of place. There's a number of policies under this one. Go ahead and discuss them unless you would like me to read them.

Mr. Feeter: In our state conference we learned an acronym called L.E.E.D. and it fits J3 nicely. Leadership and energy and environmental design. I'd like to inject that policy in the objective of J3.

Ms. Bosco: Do you want to propose language Commissioner Feeter on that?

Mr. Vanderbilt: What was LEED again Bill?

Mr. Feeter: It's a green plan basically and what it means is leadership, energy, environmental design. That is over simplified but that's the term for that concept. In other words if you break that down you have leadership, you have energy which is conservation of energy, looking for new energies, the other concept in that acronym is environment. Which we've all been talking about here today, in many aspects. Over all is design. Design structures, single family homes, farm houses, barns, what ever that are environmentally friendly. That whole concept is the LEED system and it encompasses what J3 says in harmony with the environment. For example I read just last week of this concept being used in a building on the mainland where they're using all of these design concepts for the best of the community and energy conservation, environment and it incorporates all of this in a given design. We certainly could use that on this island.

Mr. Vanderbilt: So Bill, would it be proper like if J3A to put protect and enhance the unique architectural and landscape characters through each community through the green development LEED system?

Mr. Feeter: That says it, yes.

Mr. Vanderbilt: Would people know what a LEED system is?

Ms. Bosco: I have to offer this comment. LEED is only one system of green building practices and there are many others. I would broaden the statement to read something along the lines of support and provide incentives for green building practices. It's clean. I don't know if you want to make it a new policy, but it doesn't exclude LEED, it supports LEED as one system but it doesn't exclude other systems too.

Mr. Vanderbilt: Well is the LEED a pretty well known system?

Ms. Bosco: It's a very known system but there are others out there being developed.

Mr. Vanderbilt: Well could you, through green development systems such as LEED?

Ms. Bosco: You could say that.

Mr. Vanderbilt: I like such as because it's not limiting but it gives somebody reading this a broader understanding on what you were talking about because sometimes you read these things and what does that mean? If it's such as something, that's why I asked if LEED was...

Ms. Bosco: It is however you have to remember that this is a 20 year plan. You don't know how LEED might turn out in 15 years, we could actually be behind the times.

Mr. Vanderbilt: Well I wasn't there at the state conference.

Ms. Bosco: So my proposed language if you want to consider it is to support and provide incentives for green building practices, as a new policy.

Mr. Vanderbilt: Terrific. Can you explain the Director's recommendation on J3H, adequate ly landscape developments to enhance the urban environment.

Ms. Bosco: Thank you. That came from a change to the original policy. Take a look at the large matrix and you'll see that J3A was originally establish design standards which will protect the unique architectural and landscape characteristics of each community. What we were trying to do was encourage all kinds of landscaping even along streets and so forth. So we needed a policy above and beyond that originally statement that basically encouraged developers and even the county to landscape areas. Just encourage landscaping period, even street landscaping, so staff added that as a cap on because the J3A didn't do that enough. So do you follow me?

Mr. Vanderbilt: Why couldn't you just say on the original J3A, provide for design standards which would protect the unique architectural and landscape characteristics of each community, landscape

characteristics could be applied to all situations, not just urban. This just focused it down and is very limiting. It's like the Director said we can't have these limiting situations. But if you just take the J3A and say, provide for adequate design standards.

Ms. Bosco: Actually we have that as an implementing action. It's an implementing action.

Mr. Vanderbilt: You did but you changed it and moved it to the implementing action.

Ms. Bosco: Do you want to retain it as a policy? Because it's really an implementing action.

Mr. Vanderbilt: You see this is what, you mentioned that J3H came out of J3A and it just talks about landscape characteristics of each community, that's pretty general. But now the Director has focused it, adequately landscape developments to enhance the urban environment. So it's gone from a general thing like you may want adequately landscape your parks, your harbors, everything else. I don't know how it changes one and moves it to the implementing rather than change J3A into something that isn't an implementing action by changing a few words and you can still get in the adequate landscaping.

Ms. Bosco: How about if we change the language of J3A to something like support and encourage urban beautification.

Mr. Vanderbilt: How about if you just put in, where it says establish, just encourage design standards?

Ms. Bosco: Where are you right now?

Mr. Vanderbilt: Just take out establish which is an implementing action and put encourage design standards which will protect the unique architectural and landscape characteristics of each community.

Ms. Bosco: O.K. but I just want to remind the commission that this is an implementing action. We can keep it as a policy, that's fine. But designing standards are typically used to implement policies. If you would like to keep it there that's fine. I want to also note that J3L is another implementing action statement that discusses landscaping as a tool.

Mr. Vanderbilt: I can go through here and show you where the Director has got some implementing action still left in and ones that we've already gone by. No use changing that if you don't want to but let's leave it like it was.

Mr. Dunbar: Frankly I'd rather see something established than just encouraged. Encouraged means to me like well yeah.

Mr. Vanderbilt: Kip the thing is that the Director has set up an implementing action which really isn't called for, our GPAC really didn't get it and Erin might argue with me but we didn't look at each policy statement and say how can we make this a policy statement and then also strengthen that policy statement by adding on an implementing statement in the implementing section of the policy plan because it wasn't every contemplated at least I haven't seen it clearly written where it would be an implementing section within the policy plan. The implementing section would be in the island plans and the community plans. So now all of a sudden the Director didn't like the wording so now he's established an implementing section on just those ones that he felt were more implementing statements.

Ms. Bosco: Staff, I don't personally have a problem with the change.

Mr. Vanderbilt: I don't have a problem leaving it how ever you want to leave it.

Mr. Dunbar: Let's move on.

Mr. Chaikin: : J3D, walkable destination, does anybody know what a walkable destination is? I would say something more like attractive and pedestrian friendly destination.

Ms. Bosco: Ensure business districts are distinctive, attractive and pedestrian friendly destinations. We do need welcome signs or do we need welcome signs? Anything else?

Mr. Vanderbilt: Are we ready for a motion?

Mr. Chaikin: Just one more thing about that equestrian? I don't know what that is saying, is it saying that we will put equestrian things in all of our developments or is that just saying that it's possible to put that in?

Ms. Bosco: It's possible, it doesn't say we will, it's opening the door for that.

Mr. Chaikin: O.K.

Ms. Bosco: I have to say that we don't have any actually around so it's an interesting proposal.

Mr. Dunbar: One question before we vote on this, so many times you see, our lead statement here is to encourage green but for many times new state and county buildings that are being built don't even go that way. I would like some thing put in here that all new state, county, federal buildings have to be green in order to be built. Or have to have a portion of it green, whether we use portable picks to do night lighting or solar hot water...I think they have to go deeper than that. I don't know how to put it into words.

Ms. Bosco: I remember very specifically the Maui GPAC discussing retrofitting or encouraging all government buildings to be designed as green buildings. I don't know where that went.

Mr. Dunbar: I'm not so sure I would go that far, I think it would be terrific to have the money to do it but I would say that if there's going to be any new building or major renovations that they utilize a portion or they think green in doing it. Coming up with that 19 million dollar fire station out here they can think a little bit green with that.

Ms. Bosco: How about language, I'm going to take a stab at this, identify new government buildings and developments as green buildings?

Mr. Dunbar: Use alternate energy sources.

Mr. Vanderbilt: Why not just put require all new governments, it's in one of these plans, it's already stated some where. Require all new government buildings to be developed... to maximize green efficiencies. Because they've got to set the example. They're asking everybody else to do it. So maximize green technologies.

Mr. Dunbar: What did you say Steve?

Mr. Chaikin: Energy efficiency.

Ms. Bosco: Is that o.k. the way it's written or you want more?

Mr. Chaikin: I'm reading this J3C, says encourage the construction of structures which utilize indigenous Hawaiian architecture and tropical building designs. Indigenous Hawaiian architecture is basically a grass shack. So maybe we ought to say Hawaiian style architecture or something.

Mr. Vanderbilt: No but I think there was a lot of testimony, even on Maui, that...

Ms. Bosco: There is a policy in the cultural section that promotes indigenous architecture forms. We have that covered.

Mr. Feeter: We have a perfect example in our community, Kulana O Iwi and Maui Community College branch, I remember when it was dedicated the architect was asked how he got his inspirations and he said I looked at the mountains and the pitch of the roof and so forth...I think Kulana O Iwi is a classic example. That's alive and well, we got that.

Mr. Chaikin: It's like a little hair splitting thing with the words. Whether you call it Hawaiian style architecture, because we're not really using indigenous Hawaiian architecture. They didn't have this

kind of architecture back than. So what we're doing is taking that and making it a Hawaiian style architecture.

Mr. Dunbar: As a matter of fact a Hawaiian home was the least amount of effort to be put into something.

Ms. Bosco: O.K. Commissioner Chaikin should we remove the word indigenous?

Mr. Vanderbilt: This just says they use the designs. It doesn't have to be all of the same, nobody seems to...

Ms. Bosco: Question, should we put the word style at the end of the sentence or leave it where it is?

Mr. Chaikin: I think it's good right where it is.

Mr. Dunbar: I like style.

Ms. Bosco: O.K. Are we ready for a motion?

Mr. Feeter: Did J3F get eliminated because I have it on my schedule here.

Ms. Bosco: No.

Mr. Feeter: O.K. I see it. That has no meaning. I'd like to see that eliminated.

Ms. Bosco: O.K.

Mr. Feeter: It sounds like a teenager talking.

Ms. Bosco: The intent behind this is to create internal linkages between land uses would you consider changing the language to read create better internal linkages between land uses?

Mr. Feeter: No throw it out.

Ms. Bosco: O.K.

Mr. Dunbar: What was the intent of that again?

Ms. Bosco: The intent of it was for example, when I walk to town there's no clear path. So it's encouraging linkages whether it's pedestrian pathways or bike ways, just alternative corridor's

between land uses so that there's not only one way to get some where, by car, or even by car you have many ways to get some where. That's the intent of this.

Mr. Dunbar: So this would be more for Maui urban setting verses a concrete....

Ms. Bosco: Basically but it could be any where because it's broadly written.

Mr. Dunbar: Why do you want it removed, William? I'm just curious.

Mr. Feeter: It's redundant. It's just wasting words.

Mr. Dunbar: It's redundant with what? I'm just trying to figure it out.

Ms. Bosco: Is it redundant with J3K?

Mr. Dunbar: Am I on the wrong one?

Mr. Feeter: Well I'll leave it to your imagination but it just looks like it was created without any function. The other question on J3G, I'd like to suggest that it reworded adequately buffer and mitigate and instead of noise, pollution. Or if you like noise pollution and also add dust in there some where because those are factors that refer to maintaining the quality of life.

Ms. Bosco: How about noise and air pollution?

Mr. Dunbar: You can have animal stink too. It's all.

Mr. Feeter: Well any noise by definition is anything that exceeds the threshold of pain. So when you put the word pollution in there I think it puts an edge on it and certainly dust is on going, if you want to add air pollution sure. It's borne by air.

Ms. Bosco: This doesn't mean that if you have a pig farm in an agricultural area it's pollution. That's a permitted use. So that's part of it. But air pollution, there's standards for that out there that it can be evaluated.

Mr. Vanderbilt: Last call, anybody else have any comments?

We're ready for a motion.

MOTION: I MAKE A MOTION THAT WE ACCEPT ALL OF THE RECOMMENDATIONS AS SET FORTH IN J3, THE OBJECTIVE ALONG WITH ALL OF THE POLICIES NOTED THAT

WE DID CHANGE J3C, J3D, J3G AND WE REMOVED J3F AND WE MADE TWO NEW POLICY STATEMENTS.

MOVED: COMMISSIONER STEVE CHAIKIN

SECOND: COMMISSIONER KIP DUNBAR

MOTION UNANIMOUSLY APPROVED.

Mr. Dunbar: You got 10 minutes.

Ms. Bosco: J4. O.K. the objective reads strengthen county land use planning and management. It's very broad and then we have a number of policies, 12 policies.

Mr. Dunbar: Question on J4L, requirement that a reliable long term source of water be available to serve major new developments prior to their approval. I really don't have a problem with that statement, is there some definition for major? I mean is major 40 and over is major 3 and over, is major a minor?

Ms. Bosco: We do have a definition. I'm trying to figure out how to describe this. Typically it relates to any new developments that have a significant impact. So it's impact related. It could be a large area or it could even be a small area that has a prominent impact like a new public facility or something like that. Typically we take those kinds of projects to a public hearing when they are a major. So we're hearing anything that requires planning commission approval and even county council approval.

Mr. Dunbar: O.K. so it doesn't necessarily mean if they're three new lots or four new lots.

Ms. Bosco: That's not major. That's like a minor permit and a minor project. Unless there's a significant aspect to that project. For example a significant archeological site or some kind of pollution there or something.

Mr. Vanderbilt: Where did these two J4L and F come from? They were both initiated by the Director?

Ms. Bosco: No they came from public testimony.

Mr. Vanderbilt: But the Director picked them up right?

Ms. Bosco: Yes.

Mr. Vanderbilt: The Director's recommendations. The GPAC made their recommendation and he looked at the GPAC recommendations also listened to public testimony and came up with his recommendation.

Mr. Dunbar: This isn't an objective this is new policies.

Ms. Bosco: One of them is an implementing action , the one that you were discussing, if you want to make it a policy this is your chance.

Mr. Vanderbilt: I would like to make it a policy.

Ms. Bosco: O.K.

Mr. Dunbar: I don't mind it being implementing, if they gotta plan a long term water source, they gotta do it.

Mr. Vanderbilt: No but I mean if it's a policy it says required, and they gotta go and require. Right now there is legislation moving through the council called the water availability bill and it does exactly that. But, I'm still not comfortable with this whole implementing section of the policy plan because it really wasn't, I don't believe unless I missed something, understood by the GPAC's that they had the liberty to come up with a policy plan and strengthen that policy plan by also suggesting an implementing action for that policy plan. So the only thing that's going to the implementing section now is the ones the Director feels should go there.

Ms. Bosco: So this one will remain and the other one is...

Mr. Vanderbilt: Kip brought up a good point. This whole implementing thing, does it have more strength then the implementing section or the policy section?

Ms. Bosco: I would say a policy if it's written well has more strength.

Ms. Wade: I hope this can clear up things for everybody. Essentially your policies tell you what to do and your implementation tells you how. So the policy statements are much more as a directive. They establish what needs to be done. The implementing actions will define in what ways will accomplish getting those things done. So they don't really have a whole lot of regulatory, they have the regulatory power, they don't have the guiding power that the policy statements do.

Mr. Vanderbilt: O.K. so this would really be a policy statement. It says require, it doesn't tell you how to require but it says require than you gotta go figure out what laws you gotta change to do.

Ms. Wade: I could accept that. Yes.

Ms. Bosco: Thank you Erin.

Mr. Vanderbilt: Based on that statement I would leave it as a policy statement. The idea would be in the island plan or community plan that the communities set forth some implementing strategies.

Ms. Wade: For those that aren't county wide, yes. The reason that some of these got pulled out as implementing actions, some of the things that said inventory agricultural land, those should be done at the county wide scale. But the things that are more specific to the community level, those should be taken up in the community plans.

Ms. Bosco: Anything else on J4?

Mr. Feeter: It says county land use planning, that starts from the Planning Director right on to you people and that in my opinion according to the Zuker report you got a long ways to go in improvement. So that efficiency is a better word than strengthen.

Mr. Chaikin: I kind of agree, strengthen really doesn't say a lot, maybe improve. I think efficiency is very important. We're very efficient, inefficient, you can see that today. We're extremely inefficient, we spend hours and hours and do very little. What were the other things that you said, improve.

Ms. Bosco: I said improve and increase efficiency.

Mr. Chaikin: I think that would be better right there than strengthen, at least it says that you're going to do something specific.

Ms. Bosco: Good point, thank you.

Mr. Feeter: Not to be picky but some things come to mind when I see bureaucrats, that statement even if it's a short one is very powerful. There's many ways that the planning department can be more efficient, more responsible, more reliable and for example, it should be self sustaining, financially and I never heard any budget figures. That's off the subject a little bit but that's for instance. The fee's taken in should run that department, should be financially responsible.

Ms. Wade: I just wanted to point out about the section about how to run the county government is in the government section. The piece about land use planning and land use management which is what this is focused on, doesn't necessarily speak to the good governance issues of good budget, efficient staff, well trained, it doesn't refer to any of that. This is just talking about things that even the planning commission level you deal with, creating laws that do a good job with managing the population growth and managing development. Which is really everybody in this room is

responsible for that. But we do talk about what you're referring to Commissioner Feeter. Primarily in the very last section.

Ms. Bosco: Thanks Erin.

Mr. Chaikin: That's a good point.

Mr. Vanderbilt: O.K. I have a comment on 9040, to leave the Molokai, strengthen the enforcement of County land use laws, just leave that as a policy statement because if you strengthen the enforcement of the county land use laws your obviously going to look at the more aggressive penalties of non compliance. I would just leave that as a policy statement and take out what the Director had. The other one would be 9038, would be just require public review of all new major subdivisions. Because right now this says require review that allows greater public consultation, there's non right now. This is in our old community plan and general plan. Just say require public review of all new major subdivisions.

Ms. Bosco: Thank you.

Mr. Dunbar: That would leave out major and minor?

Ms. Bosco: Well minor....

Mr. Dunbar: Doesn't come under review?

Mr. Chaikin: J4A, talks about the general plan in there. Shouldn't it also be consistent with the general and community plan?

Ms. Bosco: The general plan includes the community plan.

Mr. Chaikin: J4B, speaks to planning for the growth of citizen and visitor population to provide for social, economic, cultural and environmental sustain ability. What you're talking about sustain ability and in that same sentence you're planning for growth while you're trying to, they're kind of diametrically opposed. It seems like what we should do is limiting the growth of citizen and visitor population, limiting the growth rather than planning for the growth.

Ms. Bosco: How do you limit growth in population?

Mr. Chaikin: Well there's a lot of different ways.

Ms. Bosco: I'm thinking out loud here.

Mr. Dunbar: Well they do it in China.

Ms. Bosco: I know we can limit population growth in a lot of different ways outside of social engineering practices.

Mr. Chaikin: Well basically by building permits you can only have so many houses, you can have so many people, it has to be sustainable at some point. You can't have the thing open ended.

Mr. Dunbar: But it is open ended because we have the Department of Hawaiian Home lands that don't come under, you can get as many as you get.

Mr. Chaikin: But there's not too many 50 percent Hawaiians.

Mr. Dunbar: O.k. we need the vote because I have to go. We gotta do something.

Ms. Bosco: How about this, limit the growth of citizen and visitor population to provide for social, economic, cultural and environmentally sustainable land use practices.

Mr. Vanderbilt: I think that statement is consistent with something like that with the 2050 plan. They're talking about sustain ability, you just can't keep.

Mr. Chaikin: I think it's o.k. the way it's written on the screen.

Mr. Vanderbilt: Let's take a recess....

Ms. Bosco: Kip can you come back for the vote?

Mr. Vanderbilt: I wanted to put in those last two statements.

Ms. Bosco: Why don't we take a vote on everything now and than Degray we'll get you.... O.k.

Mr. Vanderbilt: We'll recess for five minutes.

After a short recess the meeting was reconvened at 3:46pm

Mr. Dunbar: Just so you know I have to leave in seven minutes.

Mr. Vanderbilt: If you go down to J4J, what happened to the, there was a statement about the islands of Maui County or living organisms, is that still up there?

Ms. Bosco: I think it didn't pass through the GPAC's.

Mr. Vanderbilt: The one when you click on the 2030 plan it's in there, it says planning Director omitted it because it was redundant with the revision.

Ms. Bosco: Right, I remember that now.

Mr. Vanderbilt: I was going to make it not redundant.

Ms. Bosco: Let's put it down.

Mr. Vanderbilt: This was one that was brought up on Molokai. I'm trying to think, Jessica Apiki, well anyway, it would be care for the island of Maui County, which are living organisms in a manner that promotes the vibrant health of these island organisms along with all their unique Hawaiian qualities. That was in, when you go to the computer to look up the current status, it's on the computer print out. That's just to consider as a new policy statement. The other one that was moved to an implementing action, it doesn't seem it needs to be would be the next one.

Ms. Bosco: Is it up here already?

Mr. Vanderbilt: J4K.

Ms. Bosco: You want that as a policy?

Mr. Vanderbilt: Yes but this was put on by Molokai but you didn't have the wording that was approved by Molokai correct.

Ms. Bosco: O.K. let's do that.

Mr. Vanderbilt: It should be after visions, consistent with the visions, local populations have for their communities. That was the exact wording that was voted on by Molokai.

Ms. Bosco: O.K.

Mr. Vanderbilt: That was on page 119 of the June 14 minutes.

Ms. Bosco: O.K. I'll read that. That one reads hold federal, state and county officials accountable to make land use decisions that are consistent with the visions set forth in the county plans.

Mr. Vanderbilt: With the visions local populations have for their communities.

Ms. Bosco: You want it as a policy Degray, right?

Mr. Vanderbilt: Because I don't see why it has to be moved to an implementing action because we're not telling them how to do that, we're just saying do it. Right now that's what's happening, nobody is paying any attention to what the local communities are planning.

Mr. Chaikin: Moving along I got another comment on J4E, it talks about the permitting process and it talks about providing certainty and transparency in the development process. I have a problem with the word certainty. There's never going to be any certainty in the development process. So I think we need to change that. I would say something like improve the permitting process to provide clarity and transparency in the development process. Does that make sense?

Ms. Bosco: yes. Thank you.

Mr. Vanderbilt: Can I get an explanation, what is on the website for the public to look? It seems to be different from what we have. That statement is not even on.

Ms. Bosco: I'm not sure, I have to get back to you on that. Thank you. I think we had a request to have it changed, that's why I don't know.

Mr. Chaikin: We're running short on time because we're going to lose quorum, does anybody else have anything that they wanted to add on this before we make a motion?

Mr. Feeter: That living organism statement some how it's almost a theological statement rather than a planning statement and I'd like to see that deleted.

Ms. Bosco: Which part of it, the living organism part? Are you requesting deleting, which are living organisms?

Mr. Feeter: Yeah the whole thing.

Ms. Bosco: The whole thing.

Mr. Feeter: Over here it says redundant with vision. That whole thing is not a planning terminology, it doesn't help anybody do better planning or efficient planning.

Ms. Bosco: Can we agree on that or should we vote on everything but that statement? Remove and vote if there's no objections.

Mr. Vanderbilt: Did it say the islands not the people?

Ms. Bosco: Yes.

Mr. Vanderbilt: At one time we say we like what the GPAC did and this wasn't mine but...

Ms. Bosco: We do have language in the vision that asks us to care for the islands. We're going to lost quorum so...

MOTION: I MOVE THAT WE ACCEPT THE OBJECTIVE J4 AS AMENDED AND ALL THE REST OF THE POLICY STATEMENTS SET FORTH BY THE PLANNING DEPARTMENT NOTING THAT WE DID CHANGE J4L, J4B, J4E, J4I AND CHANGED IT A POLICY STATEMENT AND WE CHANGED J4J TO A POLICY STATEMENT AS WELL AND WE CHANGED J4K TO A POLICY STATEMENT TOO.

MOVED: COMMISSIONER STEVE CHAIKIN

SECOND: COMMISSIONER KIP DUNBAR

MOTION UNANIMOUSLY APPROVED.

Mr. Vanderbilt: We thought everybody but one person was coming.

D. NEXT MEETING DATE: October 24, 2007

E. ADJOURNMENT

Seeing we have no quorum we are adjourned.

The meeting was adjourned at 3:56 p.m.

Submitted by,

Nina-Lehua Kawano

RECORD OF ATTENDANCE

Degray Vanderbilt, Chair
Steve Chaikin, Vice-Chair
Bill Feeter
Mikiala Pescaia
Sherman Napoleon
Kip Dunbar

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EXCUSED

Lynn DeCoite
Linda Kauhane
Joseph Kalipi

STAFF

Simone Bosco, Planner
Julia Staley, Planner
Erin Wade, Planner
Nancy McPherson, Planner