

(APPROVED: 09/12/07)

**MOLOKAI PLANNING COMMISSION
REGULAR MEETING
JULY 25, 2007**

A. CALL TO ORDER

The regular meeting of the Molokai Planning Commission (Commission) was called to order by Chairperson, DeGray Vanderbilt, at 12:43 p.m., Wednesday, June 27, 2007, Mitchell Pauole Center, Kaunakakai, Molokai, Hawaii.

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

Mr. DeGray Vanderbilt: I'd like to call the official meeting of the July 25, 2007 meeting of the Molokai Planning Commission meeting to order. And, today, we have with us, on the Commission, we have Commissioner Kip Dunbar at the far end, and next to him, Commissioner Bill Feeter; next to Bill is Commissioner Sherman Napoleon; next to him is Vice-Chair Steve Chaikin, and next to Steve is Commissioner Mikiala Pescaia, and my name is DeGray Vanderbilt. And we have here, from the County, we have Clayton Yoshida and Suzie Esmeralda, who's taking care of recording the whole meeting, and Simone Bosco from long-term planning. Is that fellow behind you from -- oh, he's a mysterious guest here. And then here's our legal counsel, Michael Hopper.

Mr. Michael Hopper: Yeah, that's Brant. He's our summer intern with Corporation Counsel.

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

Mr. Vanderbilt: Okay. Good. Okay, so let's get started here with -- if there's anybody out here that wants to give some public testimony, and if you have to get back to work - that's why we have this special time - you can get up and talk about any issue that's regarding a planning issue on Molokai or an agenda item, and then we'll move on. Is there anybody here that would like to give early testimony because they have to leave? Okay, seeing nobody, we'll move on to the approval of the minutes of the May 23, 2007 Commission meeting. Do I hear a -- has everybody had a chance to look them over?

C. APPROVAL OF THE MINUTES OF THE MAY 23, 2007 MEETING

Mr. Kip Dunbar: So moved.

Mr. Vanderbilt: Okay, we have a motion to accept by Commissioner Dunbar. Is there a second? Second by Commissioner Napoleon. Discussion? I have some discussion; only that I just passed out something that I had sent, and maybe

Clayton could confirm this, but, you know, we had hoped to have in our files, at least, one copy of the official minutes that somebody, a year from now, if we get a new planner, or if we get new commissioners and you wanna find out what happened in the past on a similar subject, there will be one document that'll sort of have everything in it, and we go to such an extensive amount of time to prepare verbatim minutes, which are very good, and all I was trying to do was to see if we could have a master set of minutes that had everything attached because we get things in the mail, we get things handed in here, you look at some of the files in the past and they're scattered all over the place, so I was hoping we could do that for this meeting, but it didn't happen, and, Clayton, could you -- could you let us know, you said you'd take it under advisement last time, did you guys make a decision that you're just not going to do it or what?

Mr. Clayton Yoshida: Good afternoon, Mr. Chair and members of the Commission. With respect to the minutes, I believe that it does take us some time to transcribe the minutes. If the Commission wanted it in a different format, you know, perhaps we could go to action minutes, which would be a summary of what was said; it wouldn't be -- as oppose to verbatim minutes because there's a time trade-off.

Mr. Vanderbilt: No, Clayton -- Clayton, all we were saying is that you go through the effort to do the verbatim minutes and we get documents ahead of the meeting, which the public usually doesn't see, we get things handed out at the meeting, and so all it was is just combining all that came in and attaching them to the final minutes that go into the file so there's a master minute file that has everything in there so if somebody looks at that, there's a complete record, which I think would be helpful to the whole administration for staffs going forward and commissioners coming in. Is there any reason why we can't do something like that and --

Mr. Yoshida: You know, as we had stated earlier, copies of all of the testimony that is distributed at the meeting is circulated to the Molokai staff so it is available here on the island. If it's just a matter of packaging it, once the minutes are approved, that this is the approved minutes with all of the --

Mr. Vanderbilt: Okay, so you're saying if something like that should be done, it needs to be done by our Molokai staff?

Mr. Yoshida: Yeah, something like that could be done by the Molokai staff.

Mr. Vanderbilt: Okay. Commissioner Chaikin.

Mr. Steve Chaikin: Yeah, I guess one of my concerns is that, you know, I think when we receive testimony that all testimony should be given equal weight, but that's not the case. Right now, the way it works is if you come up and you stand at the podium and you make oral testimony, that gets written and it's part of the minutes. Now all the rest of people that hand in testimony should be equally as important but, up to date, it hasn't been equally important because you can't even find it in the file or it's not part of the minutes or, you know, it's kind of been lost. So that would be my concern is that we could have, in our file, you know some kind of a, you know, comprehensive, you know, accumulation of all the stuff that happened in the meeting so everything gets equal weight -- the guys that, you know, put in written testimony don't get kind of left off at the wayside.

Mr. Yoshida: Yes, I believe that all of the materials that are sent out with the packet as well as all of the materials that are circulated at the meeting or received maybe a few days before the meeting that didn't make the mailout are circulated to the Commission and to the staff here on Molokai and are part of the public record, which the Commission basis its decision on. Some of it, you know, the Commission may give more weight to some -- something that they've had a chance -- more of a chance to review than something that is maybe given to them at the meeting.

Mr. Vanderbilt: Clayton, would you be willing to work with the Chair to try to come up with some format either done here so we can have just a complete record in one place so if the public -- so it's more public user-friendly or more future planning commission friendly? Would you be willing to work with me on that?

Mr. Yoshida: Well, we could work with the Chair and the staff --

Mr. Vanderbilt: Okay, thank you. Thank you very much.

Mr. Yoshida: And try to come up with something that is --

Mr. Vanderbilt: Okay, is there any further discussion? Commissioner Chaikin.

Mr. Chaikin: Sorry, just one more point. Yeah, I guess when I said they weren't given equal weight what I was trying to get at is that if you come up here and you give oral testimony, that testimony can be found by anyone anywhere in the world by just going online and checking. Now, if you hand in written testimony, sometimes you can't even find that anywhere including in the file, so that's why I was getting at that we should at least try to get it in the file, for one, and then, hopefully, two, is if we could, you know, have everything, you know, that was all the testimony, not only the ones that provided oral testimony, but also the written

testimony if that could be online too then it would, you know, give parity or equality to, you know, all the testimony and not give preference to the people that stood up here and testified in person.

Mr. Yoshida: Yeah, I believe that the minutes are transmitted to the Council, it's everything, and it's the minutes and any written testimony that was submitted. All of that goes to the Council; say in the case of the Kaunakakai Fire Station or the Feeter conditional permit application.

Mr. Dunbar: Mr. Chairman, I have a question. Is this -- have we jumped the agenda here? Is this G.3. that we're talking about?

Mr. Vanderbilt: No, we're talking --

Mr. Dunbar: Where is this on our agenda?

Mr. Vanderbilt: Well, this is just the acceptance of the minutes and there was some discussion on the minutes. Sorry, Commissioner Dunbar. My apologies. If there's no -- is there any further discussion?

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

It has been moved by Mr. Dunbar, seconded by Mr. Napoleon, then unanimously

VOTED: to approve the May 23, 2007 minutes.

Mr. Vanderbilt: Carried. Okay, the next item we have is a public hearing item.

Chairperson Vanderbilt read Item D.1. into the record.

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

- 1. VERIZON WIRELESS requesting a State Land Use Commission Special Use Permit for the Verizon Wireless Maunaloa project in order to replace an existing 50ft. light pole with a new 50 ft. steel pole with equipment shelter nearby on 1,650 sf of land in the State Agricultural District at TMK: 5-1-002:023 (portion), Maunaloa, Island of Molokai. (SUP2 2006/009) (N. McPherson)**
 - a. Public Hearing**
 - b. Action**

Mr. Vanderbilt: Just to let everybody know, the Planning Department Staff has said they have to leave by 3:00 and so, therefore, we've got a lot to cover here. So, Nancy, are you going to make a brief presentation?

Ms. Nancy McPherson: Yes. Thank you, Chair Vanderbilt. Nancy McPherson, Staff Planner, Molokai. Good afternoon, Commissioners. This is actually a second application for a permit for antennas on a 50-foot light pole for Verizon Wireless, at Maunaloa, in the middle of a pasture on the rodeo grounds of Molokai Ranch. And this original permit was granted in 2003, SUP2 2002/0003. It was originally granted for nine antennas on a 50-foot pole. I have provided -- just provided to you the minutes for the meeting where the permit was granted for your reference. There was discussion of several issues at that time regarding the first proposal including co-location, shearwater light attraction, the number of antennas, and fire protection requirements.

This project differs from the project that the permit was originally granted for in that it is for 12 antennas maximum, and the site area and equipment shelter are slightly smaller. The original site area was 1,750 square feet, and the proposed site area submitted today is 1,650 square feet. The area of the equipment shelter originally proposed was 432 square feet, dimensions of 12 by 36 by 11 feet, and the current proposal is for 312 square feet, dimensions of 12 by 26 by 11 feet. The height of the shelter is unchanged. A fence also will be installed around the equipment shelter.

Relevant comments on the current application included a request from the State Land Use Commission for a facility removal plan in case the site is discontinued for use. A County Department of Water Supply confirmation on the use of a stand-alone fire suppression system, and a request for use of BMP's to protect the Kaluakoi aquifer. In my staff report, I provided a table that kind of gave a side-by-side comparison of the different agencies and for the original permit as well as for what -- what was submitted this time around. Unfortunately, their plans changed and the original permit lapsed, it expired, so that's why they've reapplied for this one. Okay, water supply. Department of Public Works and Environmental Management request to consider reuse or recycling of the existing light pole. Department of Police request for frequency coordination. And Department of Fire and Public Safety affirmation of fire suppression and adequate access for emergency vehicles.

The applicant has represented to the Planning Department that all best management practices shall be utilized, per Verizon corporate policy, to comply with all pertinent regulations, codes, and requirements. And, to me, then exceed these requirements I might add.

The application was duly noticed to neighboring properties on June 23, 2007, and notice of the public hearing was published in the *Maui News* on June 21, 2007, and *The Molokai Dispatch* the week of June 27, 2007.

So, at this time, I would like to, if you don't have any questions for staff, I would like to let the applicant go ahead and make a short presentation.

Mr. Vanderbilt: Certainly. Sir, could you come up and identify yourself? Thank you, Nancy.

Mr. Eric Kaneshiro: Hi. My name is Eric Kaneshiro. I represent Verizon Wireless. I'd like to thank the Commission for allowing Verizon to make this presentation today.

Verizon proposes to place a new telecommunications facility, as Nancy noted, at Molokai Ranch's horse stables in Maunaloa. It'll include the replacement of an existing 50-foot light pole with a new upgraded light pole of similar height.

As Nancy stated, back in 2002 and into 2003, Verizon received Maui Planning -- or, I should say, Molokai Planning Commission approval for a special use permit. However, due to some shifting priorities and statewide coverage issues, we did not act in time and the permit lapsed. Verizon is thus requesting approval of a new special use permit for the same project and location.

Our reason for requesting is pretty simple. Coverage in Maunaloa and all of West Molokai, right now, wireless coverage is very weak, and, in many areas, nonexistent. This facility will help us in improving coverage into the town itself and also into further west into the areas below Maunaloa. Both, we feel, both local residents and also the general public will benefit. The proposed project will include the 50-foot swap of a current light pole at the pasture with a new 50-foot steel pole. We'll also be building a new equipment shelter and also placing an emergency generator. Verizon will place 12 antennas at a height not to exceed 50 feet. The antennas will be stacked six on top, six below. The current light at the stable will be relocated from the 50-foot level down to about the 30-31 foot level. The area, as Nancy indicated, the shelter itself will be 12 by 26 feet with an 8-foot high fence. It is in the middle of a pasture so -- and we do see cattle grazing from now and then so we do have to keep the cattle away from the shelter.

Once operational, the facility will be visited by Verizon maintenance personnel approximately once monthly for about an hour or so just for general maintenance. The only exception if there is emergency repairs or maintenance required. In addition, the emergency back-up generator runs each week for

about 30 minutes to ensure proper operation. Vehicle traffic, once the site is built, will be minimal as the site is unmanned.

You know, the island of Molokai has a very distinctive Hawaiian rural lifestyle, you know, with a deep, I guess, rooted emphasis on both respecting and preserving the land, and Verizon respects the uniqueness of Molokai, and this site was specifically chosen as it met the coverage requirements of improving service to the community while still allowing Verizon to blend in the site with the surrounding area, and that was very important. There was another area closer into the Maunaloa Town itself but we chose this stable site because we felt the pine trees in the area would better -- be a better blend in with the location. If you go back maybe a few pages of our write up, you will see the first picture about three pages back, there's a color photo. This first one here is the light pole to be changed there. That's what we're changing out. Currently, there's one light on a pole, a 50-foot pole, in the pasture. We also took various views from outside in the community. The first one was from The Lodge in Maunaloa. We took it from the lanai area. The top is what the pole looks like currently, what the pole is there, you see it's set front and center, and below is when we superimpose what our antennas will look like. You all's at the picture page? It's in the write-up.

The second picture or photo was from -- a view from Mokia and Oha, this is probably the closest private area or roadside area, and you can see the picture of the current pole and what it looks like. It's that skinny little thing in the middle. Again, we're set back from the closest residence almost a quarter mile, so it is pretty difficult to see from this location.

The next view is from Wahinani and, again, it's slightly further back, but this is where the first residence are and, again, it's very difficult to see the current pole. Our pole will be of similar size and -- but will have antennas.

And the final view is from Unahi Street, that's one above the other street, and, as you can see, it barely visible, the current pole.

So, again, this site was chosen specifically because it was out of the way, we could blend it in, and we still could provide the coverage that was needed because even when I go there, it sometimes gets frustrating because I would say, Maunaloa Town, we have service ten percent of the time, if that, and the rest of West Molokai below that probably has very little coverage, if at all.

We did have some agency comments. I've sent letters out. I received no comments back. The first agency comment that I have listed is the Department of Public Works. They had wanted us to submit a plan for reuse, recycling, dispose of replacement pole of the old pole. I noted to them that the pole itself is very old and is not structurally sound to reuse. So the pole will be disposed of by the Verizon construction crew. I've been in conversations with Mr. Michael

Miyamoto of Public Works. He didn't have a problem with this. I guess his major concern was we just left it on the side in the pasture and I said, "No, that's not the case."

The second was with Maui Police. They had noted in their letter that they work well with Verizon. They don't foresee any problem but they want us to do voluntary testing. I contacted Officer Pacheco, the Police Department's Liaison, and as I explained to him, Verizon is on a -- we are regulated by the FCC and we are required to operate in a certain spectrum. We cannot operate outside of this spectrum. So what I volunteered to do was, it doesn't -- if there is any kind of testing required as in the past, if they wanted to do testing, we can do it now because every other site, whether it be in Maui or Molokai or wherever, is on the same spectrum because we have to operate by FCC mandate. So I said, whenever they -- we've always in the past, whenever the Police Department needed to do some testing, we kinda work it out with them. So that's not a problem with that.

The State Department of Health recommended that we review the Department of Health Standards. We do that on a regular basis. And we do have a generator at this site. Noise should not be an issue because we're about a quarter-mile away from the nearest residence and our generators come with mufflers and cowling so it's -- it's relatively very quiet for a generator. Also, the generator itself is very important especially in a area like Maunaloa where it may be somewhat set away from other areas and we find that oftentimes electrical power in those areas go out more often than maybe in metropolis Honolulu or some of those other areas, and this backup generator allows us to work even if power goes down. So we find that that's very important, especially, I think, it came into light on the Big Island this past year when -- or I guess early -- late last year when they had that hurricane or the earthquake, power was out, and the sites that didn't have backup generators caused problems, yeah.

The State Land Use Commission requested a facility removal plan in the event the facility is removed in the future. I responded to the director. As we are replacing a light pole, the pole itself remain for landowner use because the light will still be there, so we will have to leave the light itself and the light pole, but everything else we will take away at Verizon expense.

Department of Water noted that Verizon will have minimal effect, if any, on Department of Water. They recommended or strongly recommended we follow Water Department guidelines, which we do. Our construction, as I noted back to them, is relatively minor; consisting of a concrete pad for equipment, pole foundation, and trenching for utilities. Further erosion should not be a problem. There was also a concern voiced on whether the light illuminated from the light

pole would be a problem, and this light pole and really the surrounding light poles only illuminate during special events held at night at the stables, so it's on maybe a few times a year and that's it. So the lights are not on all the time. Also, because the light itself is being moved from the 50-foot level down to the 31-foot level, there'll be less of an illumination than there is currently.

I guess, finally, as stated previously, this is an application for resubmittal for a special use permit that was previously approved. Verizon's goal is to provide optimum service to its customers while working to maintain the ambiance of the community. We believe that this facility will blend in well with the surroundings and still provide improved coverage without changing the character of the community. We, thus, request Planning Commission approval.

Mr. Vanderbilt: Okay, thanks very much. Are there any questions for Mr. Kaneshiro? Yeah, Commissioner -- okay, is there anybody who would like to provide public testimony on this item? I was going to ask some questions so maybe the public, who hasn't had the benefit of all the information we had, might get -- might stimulate some questions but -- but, anyway, there's nobody? Okay. Commissioner Chaikin?

Mr. Chaikin: Thank you for your presentation and I'd like to thank Verizon for coming to Molokai and, you know, going through this process, because I know Maunaloa and West Molokai can't be real high on your priority list, so I appreciate the fact that you're moving forward to try to get better service to our communities.

I don't have any problem with this application but I do have some questions and some potential concerns. First of all, what is it that you're installing up there? Is that analog or digital, broadband, or V-Cast?

Mr. Kaneshiro: It's digital service.

Mr. Chaikin: Digital. Is that going to include broadband service?

Mr. Kaneshiro: No, it will not include broadband. It's just strictly -- it's predominantly voice but now with, I guess, new age technology, we're also able to transmit data over digital service, but it's not your true "broadband" like the Roadrunners or DSL or anything like that.

Mr. Chaikin: Those antennas that you do put up are broadband, like the ones you have in Honolulu, are they different sizes than the ones that you would have on that pole?

Mr. Kaneshiro: No, again, even in Honolulu, we don't -- Verizon Wireless is not a "broadband" company. It's strictly a wireless company. And it's a similar installation what we have in Honolulu. Again, that's why we transmit over the same frequencies throughout the island whether it's here, Oahu, or Kauai, it's the same.

Mr. Chaikin: Thank you. I've got another question. I guess you submitted this application about ten months ago and you've gone through the whole process of going through the approval process. What has been your experience? Have you -- during this process, you think it was reasonable or were there things that were asked of you that you thought were unreasonable? Or how would you rate the overall experience that you've had?

Mr. Kaneshiro: You know, we do many of these and that's a good question. I think sometimes it's onerous but, in the same way, we do wanna -- I mean I'm from here all my -- not Molokai, but from the islands, and I do wanna protect the islands also, so while our system is much more difficult than the Mainland, I think there is the need for some public testimony. I think it is a good thing to come to the boards. Where I do think we need to see if we can streamline is maybe getting, I guess, the response within the County back and forth a little quicker, but I think that's more of an internal thing. I think the process itself is very good because, again, there are times, like this one here, I mean no one will see us; other times, you know, when you're closer to a community, I think it's important that we go to the community. You know, so I think there are pluses and -- so, I guess in a nutshell, I think the process is fine. I do think we can streamline some things that, you know, Clayton and I have talked about previously.

Mr. Chaikin: Thank you. What we get is we get like a packet of information that has all your stuff in it and included in that packet is a list of recommendations by the Planning Department that comes to us for us to take a look at and decide whether or not we want to adopt those conditions as part of the permit. Have you had an opportunity to look at those conditions?

Mr. Kaneshiro: I have not seen them. I've kind of briefly went over with Nancy verbally and you know --

Mr. Chaikin: Okay. Cause that was one of the things that I was interested in is what is your response to the conditions. Do you think they're appropriate conditions or is there things that, you know, you would object to and why? You know --

Mr. Vanderbilt: Excuse me, Steve. We could probably get into that discussion after the public testimony when we take up the recommendations.

Mr. Chaikin: Okay, thank you. That's all, Mr. Chair.

Mr. Vanderbilt: Are there any other questions? Commissioner Feeter.

Mr. Bill Feeter: Yeah, thank you very much. Two questions. I'm looking at, from the environmental standpoint, you mentioned the apparent baffling of the lights so it won't involve the shearwaters, the birds nesting down on the north shore, momomi, specifically. They don't nest anywhere else because there's no lights down there and that's actually where they do nest, I should say, and so could you kind of go into a little bit how you're going to shield these lights? Or, is it lights or light?

Mr. Kaneshiro: Well, the lights itself aren't on at night except for a few times a year. This is next to the horse stables and they only leave the lights on when they have an event. So even during event time, it's shut down, I don't know, maybe by 10:30 or so. So it's only on, let's say, several times a year so the lights itself should not have any effect on nesting. I mean it's on for such a short period over several days that it, you know --

Mr. Feeter: We'll wait and see on that. The other question is a community related question. Does Verizon have any sort of educational stipend or scholarships in the communities that they serve?

Mr. Kaneshiro: Well, we do serve island-wide. I know Verizon does do a lot of community service type work. Whether they have scholarship stipends, I am not certain, but they -- they do a lot of community service work, again, island-wide.

Mr. Feeter: Would you entertain that?

Mr. Kaneshiro: I can go back and ask. You know, it's not under my authority to say yes or no. I will raise the question.

Mr. Feeter: Yeah, if this Commission agrees on that plan, we'd like -- I, personally, would like to see that put into your application --

Mr. Kaneshiro: You know --

Mr. Feeter: Specifically, give a dollar amount for the high school, Maunaloa Intermediate or Elementary School - give back to the community.

Mr. Kaneshiro: You know, I think on this here too though, the concern with that is if we had to do this for every single school, because we have numerous sites throughout the islands. We've not normally done that to a specific school; it's

normally to a cause or something like that only because it gets so inundating and it, literally, would be not economical for us to do.

Mr. Feeter: Well, this may be off the subject, but this community is, as you said prior, rather unique. Our students are unique to this community. And I think it only fitting that a corporation, such as Verizon, should participate in the educational scheme of our island, and I'd like to see that put into effect, if this Commission so deem that.

Mr. Vanderbilt: Thank you, Commissioner Feeter. Are there any other questions? Commission Dunbar.

Mr. Dunbar: Three things. Your first application applied for 9 antennas and this application is applying for 12 antennas. Is it because you expect to provide greater coverage with it or --

Mr. Kaneshiro: No, not coverage as much as services. I guess, back in 2002, wireless was strictly a telephony function; now, we can also transmit data, although not as fast as broadband, but you can have mobile data. You need the additional antennas for data. Also, the way it was structured originally was more of a larger nest. What we've done for aesthetic purposes is somewhat streamlined it and we put it one on top the other, so that's why it's six and six instead of a whole big nine so that we do -- we don't have as much separation as we normally would. But, predominantly, it's for advance services that were not offered in 2002-2003.

Mr. Dunbar: Okay, and by this new antenna, I mean what's the coverage that you're -- I'm perplexed by the coverage. I think any coverage on Molokai is good because we have little of it, but I'm perplexed as to why you're going that way versus going this way.

Mr. Kaneshiro: Well, trust me, that is a very, very, I guess, pertinent question. We are trying to also go this way. Verizon is also looking to place a site in Kaunakakai. We're looking to go and work with the University of Hawaii to go on their pole at the Molokai Educational Center. Some of the problems we're running into is that I can understand the University's stance in that they only want a one-year contract, and we're putting in a lot of money, and I guess because we're dealing with the Manoa Campus, we don't mind going a year in Manoa because they're a -- it's a huge population base, it's next to the University, etcetera, etcetera, but in a island like Molokai with 7500 population base, it's very hard to justify a one-year lease, and we've just been going back and forth, back and forth with the University: Is there anyway that you can extend it and -- again, the local Molokai people and the Maui people understand it, but we're having

problems at the Manoa Campus because they're saying, "Well, if we do it there, what is to say that we haven't started the precedence that we have to do it on Oahu?" And, again, it's a totally different apples and oranges, but, again, when you're dealing with that bureaucracy, sometimes it's difficult. But that's why we definitely want to go this way because, honestly, our coverage in Molokai is not good period. I mean if you look at all the wireless carriers, they pretty much cover Molokai with one site at Pu`u Nana and I'm saying one site will not cover this island. It will not come close.

Mr. Dunbar: Well, and it doesn't -- it really doesn't provide any, you know, emergency coverage.

Mr. Kaneshiro: Exactly. Exactly.

Mr. Dunbar: So --

Mr. Kaneshiro: But we hope to have this site and if we can go to Kaunakakai, in that site, we'll have pretty much the bulk of the population covered, and all our sites now we also request the backup emergency generator because of emergency and, you know, power outages, etcetera.

Mr. Dunbar: So if you put a site in Kaunakakai, how far east would it get? A mile or two?

Mr. Kaneshiro: Maybe. It's hard to say because we still have the mountain site that somewhat shoots over, but how far that site goes, I cannot tell you exactly what it would go at this point.

Mr. Dunbar: Okay, and I didn't note in your 2002 presentation, how large -- how large a space were you looking for? Was it also 1,650 square feet?

Mr. Kaneshiro: Yeah, I think it was a little large. It was like about seventeen something so we -- we shrunk it down a little.

Mr. Dunbar: Okay, with regards to Mr. Feeter's scholarship program, maybe you don't have to pay money, maybe you can just give 'em some free services.

Mr. Kaneshiro: Again, it's something that it's somewhat difficult. There are so many schools wherever we serve, it goes from elementary on up. It, literally, would mean I don't know -- just immensely. That's why we've not -- we've not done it to date. I'll just be honest. We have not done it to date because of that.

Mr. Dunbar: We love being the first.

Mr. Vanderbilt: Are there any other questions? Commissioner Feeter.

Mr. Feeter: Yeah, thank you again. Your company is paying who for the lease?

Mr. Kaneshiro: We're paying, I guess, Molokai Properties, Molokai Ranch.

Mr. Feeter: Can you disclose that?

Mr. Kaneshiro: The what?

Mr. Feeter: The fee.

Mr. Kaneshiro. Oh, the fee. That is confidential. That's, basically, Molokai Properties would have to disclose that. You know, it's not for us to disclose. You know, it's a lease so there's some confidentiality involved. It's something that Molokai Ranch would have to do.

Mr. Feeter: When you did your marketing survey, how many people were involved, not the marketers, but the people we would serve? What's your estimated numbers of households?

Mr. Kaneshiro: You know it's actually not that much. The bulk of the population resides in Kaunakakai, but we would estimate that we would only have several hundred users at best in Maunaloa. We don't expect that much -- well, I mean that would be even if we, I guess, encompassed half of the population of Maunaloa, which is unreasonable to expect, it would still only be several hundred people. I think, right now, 65 percent of people in Hawaii, in general, own wireless phones, so you take that and you multiply it down, as I said, it's only several hundred people. You know, to go back to this site here is, and I'm not trying to downgrade it or whatever, but, realistically, it's not a true money maker for Verizon. This is truly more of a public service thing cause when you look at it, everybody services Molokai with one site. Verizon is trying three and it's, basically, you know that ad you see on T.V. where you've got all this network behind you, Verizon feels that it's number one and it wants to maintain number one. That's why it's doing it. But, as far as a true profit center, this site will never be a high profit center. It just will never be. But we go in understanding that.

Mr. Vanderbilt: Thank you, Eric. Is there any other questions? Commissioner Chaikin.

Mr. Chaikin: Sorry, I'll make it brief. You know, we've had several of these people coming in for, you know, the same kind of thing here in Kaunakakai, putting up cellular antennas, and we probably gave those people more grief than

they deserved, when they came to us, and I think a lot of that came from the fact that there wasn't really a willingness for them to work together to try to, you know, co-locate some of these antennas so we didn't have antenna farms springing up in each of our communities. And, when I look back, I see in your paperwork that, way back in 2002, it was something that you guys were willing to do back then, allow another company to go onto your pole, and I guess I ask you now: One, is it actually feasible? Is there enough room that somebody could actually go on that same pole? And, two, would you be willing to do it?

Mr. Kaneshiro: I'll answer two first. Definitely, we'll be willing to do it. There are various ways we could do it. I guess because of the light being where it is, it takes away a slot, you know that single light, and I don't know if Molokai -- I don't know if anybody would really want to go at the 25-foot level. It may be a little too low. What some have done in the past and what Verizon has done in the past is sometimes we've even extended the pole, so that's an option. But there are -- but, bottom line is, we do support co-location and, really, when a new company does come in or additional company does come in, we work with them and we just see because we go on their pole; they go on ours.

Mr. Chaikin: Thank you.

Mr. Vanderbilt: Commissioner Pescaia?

Ms. Mikiala Pescaia: Hi. Just a -- can you paint a picture for me, please? The existing antenna, about how -- how much power it emits and how wide the coverage is and how much improvement the new pole will provide to Maunaloa?

Mr. Kaneshiro: Okay, well, right now, I mean realistically, Maunaloa we consider it to have zero service. It's so poor that if you stand in a certain area, you could get coverage but it could also get cutoff if you move one shoulder length. So we consider that to have no coverage. So, definitely, Maunaloa will be improved. What we're trying to do is link up the road back to Maunaloa, the main highway, because we have our site at Pu`u Nana, we wanna link up that road; also get as much as we can down to West Molokai. A lot of those area we've been told fishermen go to and it may not be highly populated but, again, looking for emergency type situations, sometimes the wireless phone, in fact, I know a wireless phone is probably the only thing there for many, so that's why we're trying to get the bulk of that Westside down, down to the ocean.

Ms. Pescaia: So the 12 antennas you're proposing to install would provide enough power that you could get service almost anywhere in Maunaloa Town --

Mr. Kaneshiro: Yeah.

Ms. Pescaia: And --

Mr. Kaneshiro: We're hoping, definitely in Maunaloa Town. Definitely in Maunaloa Town. It's difficult going further west because it's kind of hilly so there could be gulches --

Ms. Pescaia: There could be blind spots.

Mr. Kaneshiro: And plunges and there's nothing we can do there but at least someone can go a hundred yards or whatever and get coverage or something like that, yeah.

Ms. Pescaia: Could it reach the shore?

Mr. Kaneshiro: We're hoping to. We're hoping to. We're not certain, but we're hoping to. Right now, that's why we chose that area too. We wanted actually in Maunaloa Town itself because it was situated slightly higher, but we chose this site again for aesthetic reasons but we still think we can get pretty far down; it's not guaranteed, but we can get pretty far down.

Mr. Vanderbilt: Any other questions? Yeah, Commissioner Dunbar.

Mr. Dunbar: Well, you just mentioned two things. You mentioned emergency for fishermen and now you mention pretty far down. Is pretty far down getting to those fishermen? Or pretty far down is halfway down the hill and you don't know if you still get the fishermen?

Mr. Kaneshiro: Well, it's hard to say, again, because I cannot tell you. It will hit the beaches in certain areas; it won't in others because of the terrain. I mean that's why we cannot say for certain it'll hit the whole beach area. It will be --

Mr. Dunbar: But it's line of sight?

Mr. Kaneshiro: Yeah, because there is no line of sight totally because of the different terrain issues and that's why we can say that it'll improve it in that area, we should hit the beach in other areas, but there is no guarantee that we will hit a hundred percent.

Mr. Vanderbilt: Okay, any other questions at this time? I'd just like to ask, along that line, you know there's a lot of development planned north of the Kaluakoi Resort, there's four or five hotel sites, condominium sites, and room for four or 500 hundred homes that are in our community plan. Does this tower reach those areas?

Mr. Kaneshiro: It probably would not. There's that ridge that separates --

Mr. Vanderbilt: Well, why -- why --

Mr. Kaneshiro: Basically, Pu`u Nana serves that area.

Mr. Vanderbilt: Okay.

Mr. Kaneshiro: Kaluakoi doesn't have bad coverage, it's not the greatest, but it has some coverage, but right past there, there's that ridge that our site here cannot cover here, that's why Maunaloa is so weak, so that's why we have to cover here and this way.

Mr. Vanderbilt: Well, while you're doing this, why wouldn't you -- was there any way to locate this so you could improve that cause that's where we're looking for some future --

Mr. Kaneshiro: You know, I think we need to see where it is exactly. I know there is development there but, again, we have to be somewhat careful of aesthetics. I mean sure we cover it if we put a 150-foot pole, but we don't wanna do that, you know, so we have to kind of balance it out. There may be a need if --

Mr. Vanderbilt: So you're saying you could -- you could get the coverage probably there if just went higher with the same pole?

Mr. Kaneshiro: Went higher. In fact, we could do it if at Pu`u Nana now if we just put a 150-foot pole there, you can see everything, but that's not -- that's not what you wanna do in Molokai, yeah. I mean that's just not what you want.

Mr. Vanderbilt: Yeah, and I just had another question. I -- you say that -- I can't understand why you wouldn't have applied for an extension unless it was just an oversight.

Mr. Kaneshiro: You know, honestly, I don't know what exactly happened.

Mr. Vanderbilt: Well, and the only reason that I bring this up is I know you guys are bottom line orientated, you've mentioned that, in evaluating sites. We're not a profit making corporation, our staff isn't, but this, to come back here, just takes a lot of extra time of everybody and our staff, which is pretty well overworked, so that was the only concern I had. And I was just wondering what -- why didn't you go forward with that? You said you didn't go forward due to a shift in your statewide coverage objectives. Could you explain that a little bit more?

Mr. Kaneshiro: Well, again, it's this site does not -- will not earn that much. I mean, I guess as I say, there were other areas that required service more. I mean, again, in a populated area, what happens is, as growth comes into an area, your cell site coverage naturally shrinks, okay. So if you go into a place like Ewa, for example, five years ago or, in fact, ten years ago, we thought one site would cover all of Ewa, but with the substantial growth over the last ten years, we probably, and most wireless companies, probably have four sites in Ewa because the cell site coverage shrinks, and that's what happened. I think, when we look at this coverage and all that, what happens is sometimes other areas have greater population growth and stuff like that and we only have x-amount in budget so some of the budget had to be moved to other areas.

Mr. Vanderbilt: Because, basically, you don't have -- there wasn't anything -- new information that made you come back and say we gotta have this Maunaloa site. It's still a pretty low priority as far as the profit line goes.

Mr. Kaneshiro: Well, yeah. From a profit line, definitely.

Mr. Vanderbilt: Okay. And the other thing I had to ask was regarding -- you said you're a -- you support co-location and you've co-located on poles with other wireless companies. Have you talked to any of the companies that have locations now in Kaunakakai, your competitors, about co-locating your eventual site in Kaunakakai on their pole?

Mr. Kaneshiro: Well, actually, the one that we -- that's why were looking at the university, but I didn't see too many poles here in general, but that -- the university pole was probably the most prevalent and that's why we decided to approach the university. I saw some others on like say a rooftop but, you know, that's not really a co-location, yeah.

Mr. Vanderbilt: Okay, so who are -- who are the wireless competitors that provide the same wireless services that you do here on Molokai?

Mr. Kaneshiro: Basically, right now, there's Sprint, Nextel, AT&T. I don't know if Mobi is here yet, but there's a company called Mobi, and T-Mobile.

Mr. Vanderbilt: Alright.

Mr. Kaneshiro: I know Mobi has moved in other islands. I don't know if they've moved to Molokai yet.

Ms. Nancy: Chair? Chair Vanderbilt?

Mr. Vanderbilt: Yes, Nancy?

Ms. McPherson: Nancy McPherson, Staff Planner, Molokai. One of the ups and downs we had was that there's been several consultants that have worked on this application. The previous one, Les Young, that I started out working with, we had a little talk at one point as this kind of was being handed over to Eric, and this was after the big Maui earthquake -- Big Island, yeah, but it affected Maui quite a bit too, and what he said was that, and I talked to some other service providers as well, that after that earthquake, there was a lot of discussion with the wireless providers and that there was an emphasis, and I don't know if this was the counties or the State or the FCC or who, but that the provider should really step up to the plate and provide additional coverage for rural areas as a public service and as emergency response to improve emergency response. So he said he thought that's why they had chosen to move forward with this application.

Mr. Vanderbilt: Thank you, Nancy. Yeah, Eric, on other thing. You said you couldn't divulge the lease payment that you're paying Molokai Ranch because of confidentiality agreement. What is the cost -- what does this cost you to put that -- the equipment up there in Maunaloa versus what it'll cost you, say, in Kaunakakai?

Mr. Kaneshiro: Kaunakakai would probably definitely be cheaper because we're co-locating, number one. Power, electric -- and electric are already there. With Maunaloa, we actually have to, even if it's close next to the site, we actually have to bring in power and so it'll probably -- I would estimate it to be probably double of what it would cost in Kaunakakai.

Mr. Vanderbilt: And how much is that?

Mr. Kaneshiro: We have not bid it so I cannot say for sure.

Mr. Vanderbilt: What do you have it budgeted for?

Mr. Kaneshiro: But I'll just say rough estimate I would say our construction cost would be about a hundred thousand.

Mr. Vanderbilt: In Maunaloa?

Mr. Kaneshiro: In Maunaloa.

Mr. Vanderbilt: And probably a little --

Mr. Kaneshiro: Probably 60,000. Again, don't hold me to that figure on the construction ...(inaudible)...

Mr. Vanderbilt: No, no, I was just trying to -- no, because you're bringing up number of customers and return on investment, dealing with the college and --

Mr. Kaneshiro: Yeah.

Mr. Vanderbilt: So it helps us to get a little perspective of what all that means in dollars and cents, so thank you very much for your input. Does anybody else have any questions at this time? We can come back to Eric.

- a. Public Hearing**
- b. Action**

But now I'd like to have public testimony if there's anybody here that would like to give some public testimony on this? Seeing none, we'll close the public testimony on this. And I'll Nancy, if she could at this time, to provide us with the staff recommendation.

Ms. McPherson: Thank you, Chair. Nancy McPherson, Staff Planner. I just wanted to check with Corp. Counsel: Are we supposed to open up a public hearing officially or -- this is supposed to be a public hearing so I wasn't sure if we need to do that?

Mr. Vanderbilt: Well, I thought I just -- I just opened it for public hearing.

Ms. McPherson: Okay. And closed it for public hearing?

Mr. Vanderbilt: And closed it cause there was nobody here to give public --

Ms. McPherson: Okay, I just wanted to check on the terminology; that we use the correct terminology. Okay, and I apologize to the applicant for not giving him a copy of his -- our recommended conditions we have. There were nine standard conditions and three project specific conditions that were attached to the original permit.

Condition 11 required the applicant to work with the Department of Water Supply and the Fire Department regarding fire suppression measures. This new application resolves that issue with the proposed installation of an automated fire suppression system inside the equipment shelter. And I also wanted to clarify with the applicant that the generator is also installed inside the equipment shelter, is that correct? Yes. So that's going to prevent noise or minimize noise.

The second condition require the applicant to work with the Police Department to coordinate the use of frequencies and other signal-related issues. The applicant has resolved this issue via communication with the Police Department regarding frequency use and other telecommunications issues.

The third condition require the applicant to implement mitigation measures regarding Newell's Shearwater Light Attraction as lights will be installed on the pole. My understanding is the lights are shielded downward and are only used once or twice a year to illuminate the rodeo grounds during events. So my understanding is that the company, Verizon, does do -- shield -- uses shielded lighting as a best management practice and, also, that the ranch prefers to have these lights downward shielded as well.

Okay, so our standard conditions. Based it's analysis, the Maui Planning Department finds -- Maui County Planning Department finds that the proposed action meets the criteria for unusual and reasonable use in the State Agricultural District. The Maui County Planning Department recommends approval of the State Land Use Commission Special Use Permit subject to the following conditions, and we have several standard conditions here:

Standard Condition 1: That the Land Use Commission Special Use Permit shall be valid until July 31, 2008 subject to extension by the Molokai Planning Commission upon a timely request for extension filed at least 90 days prior to its expiration. The Commission may require a public hearing on the time extension.

Two: That the conditions of the State Special Use Permit shall be enforced pursuant to Sections 205-12 and 205-13, Hawaii Revised Statutes. Failure to comply with one or more of the conditions herein shall result in a notice of violation issued by the appropriate enforcement agency. Does the Commission wish me to read this condition in its entirety? It's pretty long. Okay.

Three: That the subject Land Use Commission Special Use Permit shall not be transferred without the prior written approval of the Molokai Planning Commission. However, in the event that a contested case hearing preceded issuance of said Land Use Commission Special Use Permit, a public hearing shall be held upon due published notice, including actual written notice on the last known addresses of parties to said contested case and their counsel.

Condition 4 is a reasonable due care to third parties and insurance policy in the minimum amount of one million and no dollars. Hopefully, Verizon can afford such as a -- an insurance policy.

Condition 5 is that full compliance with all applicable government requirements shall be rendered.

Six: That the applicant shall submit to the Planning Department five copies of a detailed report addressing its compliance with the conditions established with the subject special use permit in the case of requiring a time extension.

Seven: That the applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the special use permit. Failure to so develop the property may result in revocation of the permit.

Eight: The uses or structures allowable by this special use permit shall not be expanded or increased in size or area or changed to another special unless authorized in the permit.

Nine: The special use will be subject to periodic inspections by the Planning Department or other Federal, State, or County agencies for compliance with the terms and conditions of the special use permit.

Project Specific Conditions. Ten: That the applicant shall work with the Department of Fire and Public Safety to insure appropriate fire suppression measures. Any and all improvements recommended by the Department of Fire and Public Safety shall be installed at the expense of the applicant. And I think this comes in the building permit process.

Eleven: That the operation of the wireless communication facility shall be conducted in such manner as to not interfere with or degrade the County's 800-MHZ public safety communication. If frequency changes are contemplated, then the applicant shall first consult with the Maui County Police Department. Again, I think this -- this condition has been well addressed and the -- the applicant's definitely cooperative.

Twelve: That the project shall incorporate mitigation measures as described in *The Newell's Shearwater Light Attraction Problem* brochure provided to the applicant - actually, I think at this time, that has not been provided to the applicant. It was provided for the previous permit that was approved so I'll make sure that -- that the applicant gets that - to minimize the potential for collisions by seabirds with the proposed monopole.

Thirteen: That the applicant shall facilitate the recycling/reuse disposal of the replaced light pole with Molokai Ranch. I would ask the Commission to delete this based on the discussion earlier; the applicant representing that that pole will

be removed from the site and that it's really not a candidate for recycling or reuse because of its condition.

In consideration of the foregoing, the Planning Department recommends that the Molokai Planning Commission adopt the Planning Department's report and recommendation prepared for the July 25, 2007 meeting as its findings of fact, conclusion of law, and decision and order for the State Land Use Commission Special Use Permit. Signed, approved, Jeffrey S. Hunt, AICP, Planning Director.

Mr. Vanderbilt: Thank you, Nancy. Are there any questions of Nancy regarding her recommendation? Commissioner Dunbar.

Mr. Dunbar: Yeah, Nancy, I don't know if this would be to you or to Eric. I'm curious as to this pole rating for windage and the antennas that are attached to it. Do you have any idea what -- I mean is it 75, 100?

Mr. Kaneshiro: In regard to that, the State standard is a 100 mile an hour of wind gust. Verizon, as its own practice, goes to 125; the whole facility.

Mr. Dunbar: Okay, and you mentioned, I wasn't quite sure of the schematic, the schematic you mentioned is you're going to have this proposed site, Pu'u Nana, you're looking to do something with the U.H.

Mr. Kaneshiro: Yes.

Mr. Dunbar: Or, actually, it's the Maui Community College.

Mr. Kaneshiro: The Molokai Education Center.

Mr. Dunbar: And can't you get back to Lanai, over to Lahaina, back to the west end of Molokai to do --

Mr. Kaneshiro: You know, actually the signal does not go that far. It's in any sort of kind of wireless; that's why you have numerous sites is that depending on the frequency, the signal is only designed at a very maximum to go maybe 12-16 miles, not very much more than that.

Mr. Dunbar: Well, it's nine miles from the closest point on Maui to the closest point on Molokai.

Mr. Kaneshiro: Yeah. Trust me though, there's a lot, you know as I say, when people use it, it shrinks, and there's coverage issues, there's design issues. If

you take away from someplace else, you get problems here, and it's better in a wireless industry to have your sites within as much as you can if you can.

Mr. Dunbar: Well, I think that the West End is terrific. I live on the East End.

Mr. Kaneshiro: Oh boy, goodness. We're working on that. We're working on that.

Mr. Dunbar: So how many people we got on the board today? Okay, Eric, thank you.

Mr. Kaneshiro: Okay.

Mr. Vanderbilt: Excuse me, Eric. You mentioned earlier that you had reviewed these conditions?

Mr. Kaneshiro: I have not. This is the first I've heard about it.

Mr. Vanderbilt: Alright --

Mr. Kaneshiro: I don't --

Mr. Vanderbilt: Now you heard them --

Mr. Kaneshiro: Yeah, it's not --

Mr. Vanderbilt: Are they -- do they -- is there any there that's not acceptable to you or you have concerns with?

Mr. Kaneshiro: No, we can abide by all.

Mr. Vanderbilt: Okay. And let me ask you one other thing. Earlier you said you were a supporter of co-location where it was feasible and you've done some of it. Would you be objectionable to a -- a condition that would say that the applicant will cooperate with other wireless service purveyors in co-locating on that pole?

Mr. Kaneshiro: Not at all.

Mr. Vanderbilt: Thank you. Thank you very much. Any other questions?

Mr. Dunbar: I get one last question.

Mr. Vanderbilt: Yeah, Commissioner Dunbar?

Mr. Dunbar: I remember there's a -- there's an antenna out at my place and one of the things that came up was that this County's 800 megahertz, it was a police requirement that they be able to shut that off immediately if it began interfering with their -- basically, their 911.

Mr. Kaneshiro: Was that a Nextel by chance?

Mr. Dunbar: No.

Mr. Kaneshiro: Cause I know Nextel was the only company that had their frequency pretty close to the Police Department but I believe they've since moved their -- to another frequency. Again, we're regulated by the FCC so we can only operate in a certain frequency, which should not interfere with public safety. I know in the Nextel case, this was a few years ago and it continued for a while, was that they used that walkie-talkie, which was somewhat out of spectrum, so what the FCC did was they offered Nextel a very good deal to purchase licenses in another frequency. And I don't know if Nextel has moved at this point, but I know at one point there was that problem.

Mr. Dunbar: Okay, thank you.

Mr. Vanderbilt: Commissioner Chaikin.

Mr. Chaikin: Thank you. Yeah, we have before us 13 different recommendations and one I think Nancy had said that maybe we should drop that recommendation that was for disposing of the -- or reusing the pole or something like that. And let me just, you know, you basically said that you're willing to abide by all of these recommendations. Let me just argue, for a minute, on your behalf. The first condition is that you need to apply for a renewal and your permit is only good for until July 31 of 2008. Three months prior to that, you're going to have to come back to this Commission. I mean you'll be lucky if you get the thing up and running, and you're going to already have to come back to us for an extension. I'm just putting that out that it might be a little bit over-burdensome to have to come back in nine months to this Commission again for an extension.

There's another one in here. The other one that seemed a little over-burdensome was that you can't alter or change the size of those antennas that you mount up there, which is normally fine and dandy but if, for instance, the technology changes in the next five years and they find out that an antenna one foot bigger, you know, would give you tremendous more range or something, you're going to have to go through this whole rigmarole all over again, and I'm just thinking that, you know, you might want to suggest that this Commission --

you could just come for approval to this Commission without having to go through the whole special use permit process all over again.

Mr. Kaneshiro: Well, I think -- or it's something where, yeah, or we go through the county. Oftentimes, some commissions have, I guess, held that the county, from here, can make those decisions and that is -- I know Oahu has done that in numerous cases where they're saying if you meet the certain criteria, then, county, you make that decision, and because it does -- well, and I think the Chairman made a point too is the staff is overburdened. If you have to do these for every little change, it can get burdensome. The reason why -- I know Verizon is willing on this one, in this particular one, is we need to build it, so I really don't foresee a need for an extension, at this point. We, hopefully, once we get building permit, we hope to build, so -- but, in another instance, it could be burdensome, yes.

Mr. Chaikin: Well, I guess, yeah, maybe I don't understand the special use permit. Is this special use permit -- are they getting a special use permit to get a building permit, or is the special use permit to actually utilize that site for the antenna? I mean I guess what I'm getting at is that do they have to come back regardless to get an extension, whatever this date is, July 31, 2008, or only if it's not completed, the construction?

Mr. Kaneshiro: Actually, it's two separate processes. We get the special use permit first, which allows us to build or allows us to operate, I should say, and then we go and file for a building permit, which allows to build. So it is somewhat separated out and that's why if we obtain approval today, the next step is for us to file a building permit, but it's a totally separate -- we would not have to, let's say, come back to the Commission for the building permit.

Mr. Chaikin: Yeah, well, I guess my point was that, you know, in nine months, you gotta come back to this Commission for an approval to extend the special use permit. That's the way I'm seeing it and I think that might over-burdensome.

Mr. Kaneshiro: No, I don't believe -- I think it's to build. I think once we're up and running, we don't have to come back. If, for example, we needed to extend out.

Mr. Chaikin: Okay, yeah, could you just clarify that for me? Thank you, Nancy.

Ms. McPherson: Actually, I think my understanding, maybe Clayton can correct me if I'm wrong, but that, yes, they would have to come back in order to continue the special use. They would have to come back for a time extension. The Commission could will to give them a longer time period, if they so choose. These conditions are actually from your own rules so that's why they're there and

that's why they're written that way, but you can -- I believe you can allow them more time. Also, the other thing is our department is looking at streamlining and we are looking at possibly changing our procedures to allow for administrative approval time extensions but we haven't actually accomplished that yet.

Mr. Yoshida: That's correct. What they're applying for is a special use permit because the use is not outright permitted in the State Agricultural District so they will have to come in for extensions to the permit to continue to operate the antenna subject to the conditions.

Mr. Vanderbilt: Excuse me. Hold on there, Clayton.

Mr. Hopper: Clayton, you're getting that from our special use permit rules, right? Clayton and Nancy, that's where the time extension provisions you're getting from where you gotta -- it has to be at least 45 days prior, you have it at 90. It does say in the rules that all special permits in the State Agricultural and Rural Districts shall be subject to the following performance guidelines unless otherwise modified or deleted for good cause by the authority, and then that condition is: A time limit shall be placed on special permits for a limited term. The applicant shall be responsible to apply for any time extensions at least 45 days prior to the expiration date of the special use permit. I think, technically, it would be possible if, for good cause, if the Commission found a reason that, for instance, the Planning Department would be able to administratively approve a time extension. Or if it wanted to modify those conditions, the rules would allow that discretion; it would have to find good cause, some reason for it. And I think I know the Planning Department, in the past, has always advised for conditional and special use permits to put some kind of a time limit on those permits.

Mr. Vanderbilt: Thank you, Michael.

Mr. Kaneshiro: Okay, I misunderstood. I guess it's maybe somewhat different from other special use permits that we've attained in other jurisdictions, but that would be a major roadblock for Verizon because you're spending a lot of money in an area that will probably not be profitable and for us to have to come back in every nine months, and it's not even nine months because, when you look at it, the process took ten months, we literally would have to start applying two months from now or three months from now and go -- that would not be workable. I know all other jurisdictions allow us to operate pretty much once we get the permit it's there to operate, yeah, and I guess we need clarification.

Mr. Hopper: No, I was just saying that, for good cause, the -- the condition just says a time limit shall be placed and that a -- there's a 45-day period prior to the expiration of the time limit for reapplying for the permit. It doesn't say in the rules what a time -- what the time limit is. That's the discretion of the Commission.

You could, you know, a five-year, ten-year time limit if you believe that's appropriate. That's in your discretion.

Mr. Vanderbilt: Thank you, Mike. Eric, let me ask you one question. You said you'd be okay with co-location but you talked about some light that Molokai Ranch had that was taking up a band or it was doing something that cut in on the flexibility a little bit on --

Mr. Kaneshiro: It's at the 30-foot level so --

Mr. Vanderbilt: And what does this light do?

Mr. Kaneshiro: Well, it's, right now, it's only a single light and I don't --

Mr. Vanderbilt: But what's it do?

Mr. Kaneshiro: It just lights up the stable when they have events.

Mr. Vanderbilt: So --

Mr. Kaneshiro: Actually, it lights up the pasture. We're in a pasture.

Mr. Vanderbilt: But if it was next to your pole, would it cause the same technical problems?

Mr. Kaneshiro: Not really. I mean if Molokai Ranch is willing to go lower, that's fine too. But I just don't foresee a carrier wanting to go at, you know, like say 25 feet.

Mr. Vanderbilt: Even if the light wasn't there?

Mr. Kaneshiro: Well, if the light wasn't there, they can move up, but you see the light is there so it takes a portion of where they can go.

Mr. Vanderbilt: Is there anybody from the ranch here? Can you -- you can't answer that? Okay. Could you answer -- could you answer about the lease payment? No? Okay, thank you. Thank you. No, that's okay. No, no, that's okay. No, no. Thank you. Okay, I don't have anymore questions except that I would like to add that Condition 14 about the applicant will cooperate with other wireless service purveyors for co-locating their antenna on the Verizon pole at Maunaloa.

Mr. Kaneshiro: Okay, that's fine. I do think though I would request that the Commission review the time frame because, as I say, I understood to be somewhat different. A one-year will just not work. It's just like why we're having problems at Kaunakakai and the Molokai Education Center. That site we started over a year ago and we're still not close because of it, because it's just not workable.

Mr. Vanderbilt: Well, what would be a workable time frame for you that --

Mr. Kaneshiro: I think I've seen others in Maui, I think -- in fact, this pole here is I think is a ten-year term. I think that's something that's workable.

Mr. Vanderbilt: Which pole? The community college?

Mr. Kaneshiro: The Molokai Educational Center I think comes in for ten-year renewals.

Mr. Vanderbilt: Thank you. Okay, Commissioners, is there anymore questions regarding the recommendations from Staff Planner McPherson? If not, do we -- is there a motion from anybody on the Commission at this time? Yeah, Commissioner Chaikin?

Mr. Chaikin: Yeah, I'll go ahead and make a motion that we accept the recommendations as put forth by the Maui Planning Department with the exception of Item No. 1, and on Condition No. 1 we change the date that the permit will be valid until from July 31, 2008 and insert a new date, which would be July 31, 2012. And then No. 11, which relates to the Maui County Police Department, I would recommend that we take that verbiage out and use the five recommendations that were put forth directly by the Police Department in place of and call that No. 11. And I recommend that Item No. 13 be deleted, which is the recycling of the post or the pole. And we add an item number -- a new Item No. 13, which would be that Verizon Wireless will at least consider other co-locating companies to locate on their pole if there's some other companies wishing to do that. And that's it.

Mr. Vanderbilt: Do I hear a second?

Mr. Dunbar: I'll second it but I probably going to add an amendment to it.

Mr. Vanderbilt: Seconded by Commissioner Dunbar. Discussion? Commissioner Chaikin? Commissioner Dunbar?

Mr. Dunbar: Well, the amendment that I'd like to add is that, you know, in trying to attract emergency services to the island, and while this gentleman was very kind in saying that it wasn't too onerous, I'd like to differ, but that's okay. I'd like to move that date from 2012 to like 2018 and give them the 10 years because, cause I know the process and reapplication for it, it gives us the opportunity to look back at it in ten years to find out if it's absolutely correct. Five years I think is a little short when anytime you're doing any type of, you know, lease arrangement. They're probably doing a 20 and 20. And I think it is for the betterment of the community and that's the reason for asking for a longer period of time.

Mr. Vanderbilt: Do we have a second to the motion to amend? Seconded by Commissioner Napoleon. Is there any discussion? Okay, is there any discussion on the -- Commissioner Dunbar's amendment? Yeah, I have a little discussion on it, only from the standpoint of ten years is a long time. There's a lot of other wireless companies that are coming in here and are going to need to go up to Maunaloa too. And although I hear that Verizon is willing to co-locate, nevertheless, these guys are competitors with the others, and we've heard from the other phone companies that sometimes it's not as easy as just letting some guy on your pole. So I wouldn't be supporting the amendment only because I think four years gives them sufficient time and then if they come back in four years, we could consider a longer extension. That's just my mana`o. Is there any other discussion?

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

It has been moved by Mr. Dunbar, seconded by Mr. Napoleon, then

VOTED: to extend the Condition No. 1 permit date from July 31, 2008 to July 31, 2018.

(Assenting: K. Dunbar; S. Napoleon; S. Chaikin)

(Dissenting: B. Feeter; M. Pescaia)

(Excused: L. DeCoite; J. Kalipi; L. Kauhane)

Motion failed.

Mr. Vanderbilt: Okay, motion doesn't carry. Excuse me, I thought the amendment was for 2018, was that correct? Yeah. Alright, well, we didn't have enough votes anyway. There were only three votes. So, anyway, getting back to the main motion, it's still open for discussion before we take action on that. Is there anymore discussion? No, hearing no discussion -- excuse me, Commissioner Chaikin?

Mr. Chaikin: Yeah, basically, I think it's a pretty straightforward process. I think in five years you would just have to come to one of these meetings and say can we extend the thing and we say yes. It's not a big rigmarole that they have to go through, right, so it's pretty straightforward and it gives us an opportunity in five years. If there's any concerns or something, we can air them at that time.

Mr. Kaneshiro: I guess the question I have is would we not have to follow the exact same process that we would be following now? Because, again, it took ten months. We still don't have building permit so we're lucky to build prior to next year. We probably won't be operational till sometime next year. So, already, we're -- that time clock is clicking as sort of much from today. But, as I say, we cannot, even if we wanted to, we couldn't move forward today. So I think some of those things we're kind of worrisome in that if we do have to follow the same process, it takes about ten months, we -- we will not start till probably sometime next year, actual operation, so we literally will only have maybe ...(inaudible)...

Mr. Vanderbilt: Excuse me, Eric. If you wouldn't mind, I don't think it would take as long as you think it would and I'd like maybe our Staff Planner, Nancy McPherson, to explain to our Commission what it might take.

Mr. Hopper: Just to clarify, this extension is for a five-year permit so you wouldn't have to apply until 45 days prior to the deadline in 2012.

Ms. McPherson: Correct.

Mr. Hopper: it wouldn't be 2008.

Ms. McPherson: Well --

Mr. Hopper: The way that the motion's been modified.

Ms. McPherson: Well, yes. The idea is that they will be given five year. Forty-five days before the expiration of that permit, they would need to submit a final compliance report, accounting for how they've complied with all of the conditions that were put on the original permit. It would take me less than a month to process that. I would try to be doing that as quickly as possible. If the rule still haven't been changed to allow that to be an administrative approval, which my guess is quite possibly by that time it would be, although I can't guarantee that, you know, it would still have to come to the Commission. The Commission can request that it come back to them no matter what. But it would take much less time to do. Pretty perfunctory actually.

Mr. Vanderbilt: Thank you. Thank you. Thank you, Eric. Are there anymore discussion on the --

Mr. Dunbar: Yeah, I have a discussion for Eric.

Mr. Vanderbilt: Excuse me.

Mr. Dunbar: Eric --

Mr. Vanderbilt: Commissioner Dunbar.

Mr. Dunbar: Yeah, you understand what is happening, it's a maybe and a if possible and could be and we don't know and --

Mr. Kaneshiro: Yeah, and, again, that is the concern. I have to take it back to Verizon. Again, I misunderstood what initially was stated. Most other counties, once you get the special use permit, you have the ability to operate. This here, with the time limit, it becomes more of a business decision of what Verizon will do. Again, especially in light of we will not be in operation until 2008 and we are already cutting back quite substantially on time. With the money involved, it becomes a business decision, and that's something that I have to take back.

Mr. Vanderbilt: And this business decision is based on your hundred thousand dollar investment?

Mr. Kaneshiro: Well, not only that but it's also capital being taken from other areas. You know, it's just a giant, like in any other business, it 's a business decision based on a lot of different things, yeah. Normally, we don't operate on, except in very I guess specific circumstances like the Pali Tunnel or the tunnel projects, on short-term leases. All our leases are in the 15 to 25-year term because we're looking at it from a long-term perspective. This here we run into the danger of stopping four-and-a-half years from now, or four-and-a-half years into operation, and that's where it is something that takes a risk, yeah.

Mr. Vanderbilt: How long is your lease with Molokai Ranch?

Mr. Kaneshiro: Again, there's some confidentiality there, but I will tell you the standard lease is in the 20 to 25-year term.

Mr. Vanderbilt: Okay, thank you. Okay, is there anymore discussion? Commissioner Chaikin.

Mr. Chaikin: Yeah, I don't really have a problem with a ten-year thing, but let me just you, you know, as far as our Commission's concern, what we run into sometimes is we allow permits to move forward and then, over the course of time, they do things that are not in compliance, you know, and then we get in the

situation where, you know, it starts getting -- there's some things that are widespread non-compliance. So, you know, I would maybe entertain making an amendment that we could make the, after the five-year, all you would have to do is submit your compliance report to make sure we're in compliance and then you get an automatic extra five years to make it a ten-year thing, and you would be in compliance after five years and then continue.

Mr. Kaneshiro: That would be workable, you know, where we do it through some -- it's somewhat of an administrative where we actually submit, okay, these were the conditions, we've met these conditions; fine, you can operate for another five years cause, obviously, if we're not in compliance, then, you know, we should be punished, right? But if we're in compliance, I think we should be able to operate.

Mr. Vanderbilt: Commissioner Chaikin. Yeah, and actually our -- you have to have some faith in our Commission that we're going to look at it the same way. If you're in compliance, there's no logical reason for us to deny it, and your people on Honolulu I think would -- should be able to respect the integrity of the Commission.

Mr. Kaneshiro: You know, and it does. I don't think that's a question. I guess I may be gone, you may be gone, Nancy may be gone, Clayton may be gone, and we don't know what rules are applied so that's why, like in any other decision, you try and get as much concrete up front so you know what you're getting into before you spend your money, and that's what I think we're coming from is we're not against compliance, we think we should be in compliance, we should be held to the standard of compliance, but to have to continually resubmit, it's ...(inaudible)...

Mr. Vanderbilt: Well then maybe we just go for a one-year permit, you'll know right away whether you're in compliance, and then we can extend you for ten years. That's another alternative. Alright, anymore discussion? Alright, no more discussion, so all those in favor of the motion which would be to amend Condition 1 to July 31, 2012. The next would be on to delete Condition 11 and replace that with a new Condition 11 that would be based on the five conditions that were proposed by the Police Department in their letter of January 19, 2007. The next condition would be deleting Item 13 completely, and including a new 13 that said that the applicant will cooperate with other wireless service purveyors in attempting to co-locate on their Maunaloa pole. Since there's no more discussion, we'll take a vote.

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

It has been moved by Mr. Chaikin, seconded by Mr. Dunbar, then

VOTED: to amend Condition 1 to July 31, 2012. The next would be to delete Condition 11 and replace that with a new Condition 11 that would be based on the five conditions that were proposed by the Police Department in their letter of January 19, 2007. The next condition would be deleting Item 13 completely, and including a new 13 that said that the applicant will cooperate with other wireless service purveyors in attempting to co-locate on their Maunaloa pole.

**(Dissenting: K. Dunbar; S. Napoleon; S. Chaikin;
B. Feeter; M. Pescaia)**

(Excused: L. DeCoite; J. Kalipi; L. Kauhane)

Motion failed.

Mr. Vanderbilt: Motion fails. Do I hear a new motion?

Mr. Chaikin: Well, can I just make an amendment to the last motion? Or do I have to state ...(inaudible)...

Mr. Vanderbilt: No, no, we voted that down. We'll have to make a new motion.

Mr. Chaikin: I recommend that -- well, let me just say, in light of the fact that Verizon is coming to this community to provide a service to this community, the community desperately needs, and they're saying that, you know, if it's not good enough for them, they'll just pass. You know, so I think it's incumbent upon us to cooperate with Verizon cause we really want them to be in this community, we want them to provide service, so let me just see if we can accommodate them so they can go back and, you know, just move forward as fast as they can. But we have, what is it? the 13 recommendations from the Maui County Planning Department, if I can find them. What did I do with them? Okay, I'll make a motion that we accept the 14 recommendations with the following changes, and I'm sorry, I can't find this thing here: That we change Item No. 1 to say that this special use permit --

Mr. Vanderbilt: Excuse me, Commission Chaikin?

Mr. Chaikin: Yeah?

Mr. Vanderbilt: Corporation Counsel said that you could refer to the same as the previous with -- except for some changes you may wanna make to the previous.

Mr. Chaikin: Perfect. Okay, the only change that I would make to the previous motion is that we allow the special use permit to be valid until July 31, 2012. And 45 days prior to that, if they submit a compliance report that is accepted by the Maui County Planning Department, they will get a automatic new 5-year extension, so they would have to come back for another extension to this Planning Commission for 10 years.

Mr. Vanderbilt: Just for discussion, is there a second?

Ms. Pescaia: I'll second the motion.

Mr. Vanderbilt: Okay, moved by Commissioner Chaikin, seconded by Commissioner Pescaia. It's open for discussion. Commissioner Chaikin? Anybody else? I just had one thing. The -- is that compliance report accepted by this Commission or is it accepted by the Planning Department?

Mr. Chaikin: I would recommend that that was something that would be internally done with the Planning Department. If they feel that they're in compliance, then they get automatic extension.

Mr. Vanderbilt: Thank you. And just one question for Eric. Your lease with Molokai Ranch, is it contingent on you getting -- okay, thank you. Thank you. Okay, if there's no more discussion --

Mr. Dunbar: Yeah, one other point.

Mr. Vanderbilt: Commissioner Dunbar.

Mr. Dunbar: The -- I'm not so sure and I wanna make sure that you know this, Eric. These five suggestions by the Chief of Police, you've read these and --

Mr. Kaneshiro: I've already been in contact with -- I've already been in contact with Officer Pacheco, we've discussed this several times, and, as I said, I offered to do testing now if he wanted to. We don't have to wait. And so, yeah, I don't see any problem. I guess, though, the only comment I would have with the suggestion is it's -- I'll send formal writing to the Police Department and they can respond but it's really up to the police, I think, to decide how they wanna do this.

Mr. Dunbar: Okay, thank you. And, Nancy, one last one. This is a special use request. Does it have to have a recommendation for conditional at all? Or it's just going right through?

Mr. Hopper: Are you asking whether or not it has be approved by Council or something?

Mr. Dunbar: Yeah.

Mr. Hopper: No, it's --

Mr. Dunbar: No, this is just straight -- straightforward.

Mr. Hopper: It's just this Commission. Yes.

Mr. Vanderbilt: Okay.

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

It has been moved by Mr. Chaikin, seconded by Ms. Pescaia, then

VOTED: to amend Condition 1 to July 31, 2012. And 45 days prior to that, if they submit a compliance report that is accepted by the Maui County Planning Department, they will get a automatic new 5-year extension. The next would be to delete Condition 11 and replace that with a new Condition 11 that would be based on the five conditions that were proposed by the Police Department in their letter of January 19, 2007. The next condition would be deleting Item 13 completely, and including a new 13 that said that the applicant will cooperate with other wireless service purveyors in attempting to co-locate on their Maunaloa pole.

**(Assenting: K. Dunbar; S. Napoleon; S. Chaikin;
M. Pescaia; D. Vanderbilt)**

(Dissenting: B. Feeter)

(Excused: L. DeCoite; J. Kalipi; L. Kauhane)

Mr. Vanderbilt: We've got four votes and the Chair will vote yes. So we have five votes and the motion passes. Congratulations.

Okay, we'll take a five-minute break just while she sets up for the presentation.

(A recess was called at 2:20 p.m., and the meeting was reconvened at 2:27 p.m.)

Mr. Vanderbilt: I'd like to call the meeting back to order and we're on Item E of the agency, which is Workshop on the Countywide Policy Plan conducted by the

Long Range Planning Division. And, of course, this has to do with the update of the Maui County General Plan and the Molokai Community Plan, and this is one of the first steps. This year they're going to have, in this go-around, they're going to have a Countywide Policy Plan, then they're going to have an Islandwide Plan, which will be our community plan. So this is the -- this is the initial start and -- and I think they just want to give us a little heads up because we're going to have a public hearing on this sometime in August, I believe, thank you. Simone?

E. Workshop on the Countywide Policy Plan conducted by the Long Range Planning Division

Ms. Simone Bosco: Thank you. Thank you, Mr. Chairperson. Hello, members of the public and Commission members. My name is Simone Bosco, and I'm with the Long Range Division, and I'm here to talk briefly about the Countywide Policy Plan, which we will be bringing to the Molokai Planning Commission for review starting August 22. The first public hearing will be held on August 22. And I'm just here to try and help introduce the plan to the Commission and the public, and to help them understand what their role will be in reviewing the plan.

I'm going to talk a little bit about the plan structure. And for those of you who don't know, the other planning documents in the entire General Plan come later, after the Countywide Policy Plan. The Countywide Policy Plan is the first in a series of documents which comprise the entire General Plan, and it represents the umbrella document for the entire County and sets broad policy direction for the entire County and provides a structure and a foundation for the formulation of, not only the Molokai Community Plan, but the Maui Island Plan, which is a new edition, the Lanai Community Plan, and then following that, all the community plans on Maui Island.

In 2004, Bill 84 was adopted, which restructured the General Plan to be what you see here on the screen, and now we have finally prepared the first document, which is the Countywide Policy Plan, and we're ready for the Maui Planning Commission to review -- to review and offer recommendations on it.

So a little bit about the role of the Countywide Policy Plan. It was established through the 2.80B of the Maui County. The process was established for its review. It's intended to be an overarching policy plan for all the islands. It provides a broad vision and a direction for the pattern of growth for all of the islands. It sets forth core principles or themes. It provides a broad set of goals, objectives, and policies for all of the islands. And it also creates a structure to develop the other documents, which will come later, which I just showed you previously, the island plans and the community plans.

We believe that the Countywide Policy Plan will be successful in that it reflects the needs and desires of the citizens of the entire County. It also integrates and reflects the current conditions and trends, including economic conditions, social conditions, land use conditions, etcetera, that are brought about by the changes that have been occurring over time. We also believe it will inspire consensus and cooperation from groups outside of government to collaborate into work towards achieving community goals.

The plan itself is divided into four sections. We'll be starting with an introduction, which just provides you with a background of what we went through to get to this point. Section 2 is a brief overview of the conditions, and the trends, and the state of the County, and it offers statistics and data and trend information which provides kind of an opportunity to look at the challenges and opportunities lying ahead. Section 3 is really the section which we are asking the planning commissions to focus on. So what we'll be doing is looking at the broad goals and objectives and policies that have been worked up till this point and asking the commissions to take a look at those statements and comment and review and make recommendations on them. Section 4 is an implementation section and it establishes the mechanisms and the tools that the County will be able to use to implement the plan's goals, objectives, and policies.

Okay, and I just wanted to give a brief overview of the difference between planning or planning documents and these -- in particular, these documents you'll be focusing on and zoning. It's important to understand the difference because, when you're going forward, you don't want to get mixed up between what's a zoning policy, what's a zoning statement, zoning regulation, and what's -- what you're going to be working on.

A plan is more specific to a larger area. It sets forth a layout. It's used as more of a guide and it provides a direction for growth, a pattern of growth. It's more like a very broad layout -- layout concept. It does not prescribe anything. It's, again, it's used as a guide. Whereas zoning is more used to implement the plan. It's a key difference. It regulates dimensions and design. And, as an example, a goal statement that's used in a plan document might read, "*Maui County's native ecology and distinctive open spaces will be preserved and cared for in perpetuity.*" So that would be a goal statement. Underneath that you might have an objective statement, which is more measurable, that way you can tell over time if you've reached a goal, and that objective might read, "*Improve the quality of the environmentally sensitive locally valued natural resources and indigenous Maui nui ecology.*"

A policy actually sets the direction on how you're going to implement the objective; how you're going to actually get to your goal. So, in this case, the

policy might read, *"Improve the connection between urban environments and the natural landscape by enhancing urban forest and incorporate natural features of the land into urban design."* So you can see, as you go along, these statements become more narrow in their focus - until you get to zoning. Zoning is the implementation tool and that might read something like, *"Require landscape planting plans that reflect the native flora of the community."* So it's really very specific and usually standards come along with zoning -- zoning regulations that really require people to do certain things.

Okay, I'm going to talk a little bit about the role of the planning commission in their review of the Countywide Policy Plan, their time frame and the process we're going to be using.

In front of you, you see that we've gone through three tiers of the planning process up to date. If you look to the very far left, that started -- that started the process. That was the point at which the Planning Department actually drafted the policy plan, the Countywide Policy Plan, and we presented that draft early this year in February to the Molokai, Lanai, and Maui GPAC's. They worked very hard on reviewing the draft plan for 120 days and after they had completed their review, they brought forward a number of recommendations and comments. And we took those comments back, and you'll see in the second tier, we had 30 days to compile those comments, redraft the statements, and then bring them back to the Maui Planning Commission. This is the stage we're at right now. We're ready to release the draft document, which has been reviewed by the General Plan Advisory Committees, and bring them to the planning commissions for review.

After the planning commissions review the draft document, we'll be doing the same thing, and they have four months within which to complete their review. After they've completed their review, we'll go back and we'll compile their comments and their suggestions and recommendations, and bring them to the County Council.

The planning commission's role, as it's set forth in Bill 84 in Maui County Code 2.80B, is to comment, advise, and provide recommendations to the Planning Director regarding the proposed revisions prepared and recommended by the Planning Director. It also sets forth the -- the planning commissions have only 120 days to complete their review, so that's four months. You'll see on the bottom of the screen a timeline. That timeline is actually for the Maui Planning Commission. Your time -- your time starts August 22, so if you back that up by six days, your time clock will begin on August 22 when we have your first public hearing on the document, and you'll have four months to review the plan at each of the planning commission meeting and, at which time, we hope that we can

complete it in timely manner. So, again, the beginning dates are late August - August 22, and December is the final deadline.

So we've set forth a schedule for your review. We're at the background presentation on the plan right now, today. In August, we have one meeting and it will cover two policy topics: natural environment, and culture and traditions. In September we have two meetings and we're intending to cover two policy topics: education, social and health care services. And the second meeting in September we'll cover housing and economy. In October we have two meetings. The first meeting covers parks and public facilities. The second meeting covers transportation. The -- I'm sorry. The first meeting we'll cover those two topics: transportation, and parks and public facilities. And then the second meeting we'll cover three topics: physical infrastructure, land use population management, and then good governance. November and December is reserved for voting on all of the recommendations that the Commission will have.

So, ideally, we wanna try and work very, very efficiently and even get ahead of these -- these -- the schedule if we can so we have more time later to discuss any changes.

We're going to be recording all of the recommendations of the planning commission through the use of a table. We'll be giving you a binder that includes all of the work that has been done up till now and that will include all of the comments of all of the General Plan Advisory Committees up to date, and we're also going to be charting the comments from the planning commission, like I said, in a three island matrix format, so each island will have a -- their own section on a table where their comments will be recorded. And you can see here on the screen it'll be laid out similar to this where the comments on each policy from each planning commission will be recorded under their respective island. That way all the islands can see each other's comments, each other's suggestions, etcetera, and it kind of really helps when you're going through the document to see what the other islands are thinking or if they agree; if there's consensus.

No changes will be made to the document until all comments from all planning commissions have been received. And then we'll go back and we'll compile them and try and -- try and see where there's consensus and where we can work to -- where there's difference, where's consensus, and then we'll bring that back to you for final voting.

So during the focus -- during the review, we wanna just emphasize that -- well, first of all, let me backup here. The GPAC's did do a very thorough job so most of the work has been done. The hard work. The work and the trenches has

already really been done and we're hoping that you'll agree that the document that we bring to you is in a state that's near completion and we really want you to focus on these following questions: Is the statement warranted? Are there any major omissions? Redundancies? Inconsistencies? Anything that needs to be added because it's a glaring omission, etcetera. So those are kind of your questions as you go through the review. It's a tool for you to use to see if the statement fits, if it reflects the values of the community, etcetera. So we would like to, hopefully, keep you focused and work efficiently so that, during the meetings, we can get through the sections that are set forth in the schedule and to aim for consensus. And that concludes my presentation. Are there any questions? Does anybody have any questions?

Mr. Vanderbilt: Commissioner Feeter, do you have a question?

Mr. Feeter: Yeah, Simone, that was beyond a doubt the best presentation in three years I've encountered in this magnificent group, and it's very legible and you presented it topnotch, and you should be commended on that and given an appropriate monetary raise. The question I have is on implementation, on Page 2. You wanna maybe expound on that just a wee bit?

Ms. Bosco: Absolutely. What we're finding is that the plan will be used less unless we actually implement the policies. Okay, what we've found is that the implementation section of this plan is really where the rubber meets the road. That's where we really must -- we must create a mechanism or tools to implement the policies in the plan. So the implementation section is being -- it's actually still under drafting right now, and what we're doing is we're trying to create mechanisms whereby a policy can actually be implemented through a program or through -- through a certain -- like a -- well, like through funding, and so the implementation plan is still being worked but it will essentially, down the line, be implemented by the various agencies or respective authorities, okay. I don't know if that explains it but what was your specific question?

Mr. Vanderbilt: Excuse me. Did she answer your question on that?

Mr. Feeter: No.

Ms. Bosco: Okay.

Mr. Feeter: Implementation. Give me a synonym; maybe that'll help.

Ms. Bosco: Synonym? Okay. How do I ...(inaudible)...

Mr. Feeter: Would -- are you speaking enforcement?

Ms. Bosco: It's partially enforcement. It's a set of tools that planners use to make things happen, okay. Zoning is one example of an implementation tool, okay. Say a transportation plan in a transportation department is an implementation tool. A conservation plan in its respective agency is an implementation tool. So we'll be looking at what are the various tools that this County needs in order to achieve their goals. So, let's say, if it's a water use and development plan. That plan needs to be completed for Molokai. We're going to prioritize it in the implementation section of the Countywide Policy Plan.

Mr. Vanderbilt: Thank you, Simone.

Mr. Feeter: Thank you very much. Obviously, it will expand as we go forward so I'll have a better understanding. Thank you.

Mr. Vanderbilt: Simone, I just had a question. In the 1990 General Plan, it was published, the plan was published in the full context for our community in the papers, it was also done on Maui. In this whole process it talks about educating the public and the public participation. What are the plans to get this stuff out to the public through the media prior to these public hearings?

Ms. Bosco: Thank you for asking that question. Right now, at this point in time, we have the draft plan up on the web. It's currently available to the public on the website. We also have public input forms, which I've given to Nancy and we can also send to anybody who might need them, and that public input form provides a link to the most recent version of the plan. Very shortly, we're going to be actually downloading the most recent draft on the website too, and then I also wanna say that the public is always welcome to attend these meetings and contact us either here when we're here or through the phone or through the email.

Mr. Vanderbilt: As a follow-up on that. When are you going to have -- we looked at all these policy sections, when is that document going to be completed as a whole?

Ms. Bosco: Okay, that document will be sent to you in advance of the August 22 public hearing, so I would venture to say somewhere around eight days before August 22 it will be ready for public distribution.

Mr. Vanderbilt: So it'd be kind of hard for our local papers to get it in since they're weekly papers?

Ms. Bosco: We would -- we would prefer at least to wait till August 22 before we release the draft plan to the public but we can explore --

Mr. Vanderbilt: Why is that?

Ms. Bosco: Well, because that's the public hearing date. In all fairness to everyone, that would be the public hearing date.

Mr. Vanderbilt: Well, the fair -- you have -- you advertise the public hearing 30 days in advance, right?

Ms. Bosco: That's right.

Mr. Vanderbilt: And then if I'm in the public and I say I wanna get prepared for that, and you're not going to give me the information until right before the meeting, that -- that's a waste of everybody's time so --

Ms. Bosco: It will be ready shortly before the meeting and what I would suggest is for any interested individuals to contact the Planning Department and we can provide what we can to them.

Mr. Vanderbilt: Why don't you move these public hearings back and get the thing out so we can have -- cause, otherwise, people are going to come in here and they're going to be -- they're going to lost and we're going to -- and you mention that you have these things segmented but I wonder if somebody -- I mean we get meeting to death on this island, so I wonder if somebody -- you have two things on the agenda but they wanna talk about a third one because they wanna give some input. Can they do that? Have you thought through all of that or is that something left up to the planning commissions?

Ms. Bosco: The public can always testify on whatever concerns they have, but the requirements of the law state that we need to have a public hearing the date that we release the plan. So we're really following the requirements of the law here so we can't push the public hearing date any further back.

Mr. Vanderbilt: Thank you. Are there any other questions? Yes, Steve?

Mr. Chaikin: Yeah, I just wanted a little clarification. I understand that the GPAC meets and they get all of their recommendations, and then there's some kind of a draft prepared, and then it goes to the planning commissions and then they make all the recommendations; then it goes back to the Planning Department. How does the draft get changed at that point and who makes the decisions of, you know, what happens to that draft?

Ms. Bosco: What we try and do is incorporate all of the comments from the planning commissions and build consensus between the planning commissions. Where there is differences, we will need to report those differences so that the

process in an entirely transparent process, and the product reflects the differences between the islands and also where the consensus lies. So everything will be very clear. What the commissions have recommended will be very clearly laid out, however, any amendments or suggestions that the Planning Director has will be laid out in a final report to the County Council. So the process is intended to be as transparent as possible.

Mr. Chaikin: So let's say it's, you know, you have an issue and it's not black or white but it's gray. Who makes the decision whether you go with the black side or you go the white side?

Ms. Bosco: That decision is ultimately made by the Planning Director because it's the Planning Director that has to forward the final recommendations of all the bodies actually, including the Planning Department, to the County Council.

Mr. Chaikin: Thank you.

Mr. Vanderbilt: Simone, the -- on the one slide, focus on the review efforts, it says when we review it, we've got to look at to understand whether they're warranted, whether there's major omissions, or whether there's anything else. We're not the experts; you guys are the experts on -- on that. I mean we might think something. Are you going to provide the commissions with any staff reports saying we agree with most of this but there's some of these things that we don't think are either warranted or major omissions or anything like that?

Ms. Bosco: Absolutely. Absolutely.

Mr. Vanderbilt: So there'll be a staff report accompanying the plan that comes to --

Ms. Bosco: There will be.

Mr. Vanderbilt: Terrific.

Ms. Bosco: Yes, there will be.

Mr. Vanderbilt: That's great. The other thing is did the GPAC's ever meet together? The various GPAC's. Did they meet as a group?

Ms. Bosco: They did not meet altogether as a group.

Mr. Vanderbilt: Okay.

Ms. Bosco: The efficiency of the process would have been possibly --

Mr. Vanderbilt: Well, did they all see each other's -- when they were making final decisions --

Ms. Bosco: Yes.

Mr. Vanderbilt: Did they all have each other's comments?

Ms. Bosco: Yes, they did. Absolutely. The matrix provided all of the recorded comments of all of the respective General Plan Advisory Committees to each of the other General Plan Advisory Committees so that everyone saw what everyone was actually recommending.

Mr. Vanderbilt: Before they made their final decision?

Ms. Bosco: Before they made their final vote, actually.

Mr. Vanderbilt: What happened to the -- Molokai was the last one to meet and we -- so they didn't have the advantage of seeing what we did in our last meeting. Did they?

Ms. Bosco: You know I'd have to check into exactly how that happened.

Mr. Vanderbilt: Oh, okay. Okay.

Ms. Bosco: But I believe -- I believe that they -- the process respected everyone -- each General Plan Advisory Committee's recommendations so the final --

Mr. Vanderbilt: Well maybe -- maybe in the matrix you could put if -- if one of the commissions made some recommendations that was not reviewed by the other commissions, you could just note that for -- so that the public and the commission would be more aware.

Ms. Bosco: Yes, and absolutely. The GPAC's are actually still there so we can report back to them too.

Mr. Vanderbilt: Thank you, Simone. Are there any other comments?

Ms. Bosco: I think we're --

Mr. Vanderbilt: Excuse me, we got -- we have Corp. Counsel here who would like to say something.

Ms. Bosco: Okay.

Mr. Hopper: I just wanted to say, for those of you who haven't gone through this before, how it works is that, originally, you have what the Planning Department has set out is that you're going to have a time period, as they said, for sort of general commenting or go over the plan, each of you will be able to say I'd like to include this as a comment, they will take note of it, and they will try to make that comment and build a consensus through the -- the, I believe, the three planning commissions if it's the same thing that was done with the three GPAC's, and get back to you incorporating the suggestions that everybody or that each individual commissioner had suggested. However, because you are a planning commission, you don't make comments or proposed revisions until you actually take a vote in order to do that. So you need a vote of a majority of your members, which is five, in order to either make a comment or to propose a -- a recommended change to the document. And that's what the Planning Department goes through. They compile the comments of everybody at the beginning, but you all have to vote that, yes, I'm okay with this comment, or I'm not, you know, if you're not okay, then it won't get enough votes to be incorporated into your comments in the final plan. And the process can get a bit confusing as it goes along and, you know, we'll help you as much as we can, but it ended up running relatively smoothly with the GPAC's and I believe the Planning Department's going to go through the same process. But just so you know at the outset, you actually haven't made a comment that's going to be transmitted or that has to be transmitted to the Council until you vote on wording, or a comment, or a change at some point.

Ms. Bosco: Yes, that's absolutely correct. We'll be going through a very similar process as we did with the GPAC's with a more accelerated timeframe because we only have four months to do everything. So, in the interest of time, if anyone has any other questions that they wanna direct to us, you can contact us. We're here -- okay. That's it.

Mr. Vanderbilt: Excuse me, I didn't mean to -- well we still got five minutes, we're at 3:00, but -- you mention this is a -- we have a policy plan here and then that's going to evolve into an island plan, a more defined island plan --

Ms. Bosco: That's correct.

Mr. Vanderbilt: For Maui and then they'll have their community plans on that chart. Our island plan will be our community plan.

Ms. Bosco: That is -- that is the basis on which we'll be working.

Mr. Vanderbilt: Okay.

Ms. Bosco: We will be starting with your existing community plan and working from that to create an island plan for Molokai later on. That's not the subject that you'll be looking at starting in August. That comes much later next year so --

Mr. Vanderbilt: Right, well, my question had to do with what Commissioner Feeter was talking about, implementation. The policy plan is a broader document, visionary. Does it actually have many implementing actions in there? And if it does, and there's a conflict between the implementing action in the broader policy plan versus an implementing action in the later more detailed community plan, which prevails?

Ms. Bosco: We -- we are seeking to make the implementation tools broad enough so that there's no inconsistency between the community plans and the Countywide Policy Plan.

Mr. Vanderbilt: So the policy plan will have broader implementation --

Ms. Bosco: Yes, much broader.

Mr. Vanderbilt: Than -- okay, thank you.

Ms. Bosco: Yes.

Mr. Vanderbilt: Commissioner Feeter?

Mr. Feeter: You mentioned a website.

Ms. Bosco: Yes.

Mr. Feeter: Can you give us that?

Ms. Bosco: Absolutely. I can -- I've given Nancy the website and I can give it to you too after the meeting. Absolutely. Oh, well, it's www.co.maui.hi.us and then you'll want to go to the Planning Department link, you wanna find the Planning Department in that website, and under the Planning Department, on the left side, you'll find General Plan 2030, and that's where all of this information is, under General Plan 2030. Yeah.

Mr. Vanderbilt: And one last thing. On the -- on that -- you said we'd be concentrating, there was one slide that said there was four --

Ms. Bosco: Sections.

Mr. Vanderbilt: Four sections?

Ms. Bosco: It will be concentrating on Section 3.

Mr. Vanderbilt: Where -- where was that? Do you remember? Oh, here, the four sections. Which sections did the GPAC's --

Ms. Bosco: They focused primarily on Section 3, which is the objectives, policies, and goals statements.

Mr. Vanderbilt: So, basically, the other three were drafted by who?

Ms. Bosco: We took a lot of comments and input on the other sections, but we had to go back and revise those to -- to adjust to the suggestions that we had gotten from the GPAC's on -- on the other sections actually.

Mr. Vanderbilt: And the other sections, your final draft of the sections, it did not go back to the GPAC's?

Ms. Bosco: It did not go back to the GPAC's but it will be coming forward to you, so you will be seeing that final draft.

Mr. Vanderbilt: Thank you.

Ms. Bosco: Yes, anything else?

Mr. Vanderbilt: Anything else? Well thank you very much.

Mr. Feeter: Yeah, just comment.

Mr. Vanderbilt: Commissioner Feeter.

Mr. Feeter: The -- if you were grading A, B, C, or D, where would you put Molokai General Plan Advisory Committee?

Ms. Bosco: Can you ask that again? I didn't hear the first part of it. Can you ask the question again? I didn't hear --

Mr. Feeter: Yeah, how complete or how -- how -- what degree of excellent was the Molokai General Plan Committee Report?

Ms. Bosco: How long was it? Is that what you said?

Mr. Feeter: No, if you were just arbitrarily given a grade, A, B, C.

Ms. Bosco: Oh, my goodness. I think I'd have to say every GPAC worked extremely hard on this process and the plan, and I'd have to say, if I were to be honest, Molokai offered a wealth of comments. They were extremely helpful to the process. And we really appreciated the Molokai GPAC, actually.

Mr. Feeter: Well we got good folks so I -- I'll agree with you.

Ms. Bosco: Thank you.

Mr. Vanderbilt: Any other comments for Simone. Hearing none, thanks very much, Simone.

Ms. Bosco: Thank you. Thanks for your time. Again, call us if you have any questions.

Mr. Vanderbilt: It was a very nice concise presentation. Aloha. Alright, we're nearing the 3:00 mark. Nancy?

Ms. McPherson: Chair DeGray --

Mr. Vanderbilt: Yes.

F. UNFINISHED BUSINESS

- 1. Discussion on how the process can be streamline the Special Management Area Assessment process for the interior remodeling of single-family and multi-family units. (N. McPherson)**

The Commission may act to authorize a change in the processing of these types of applications for interior remodels. (Deferred from the June 27 and July 11 meetings.)

- 2. Discussion on the Papohaku Dunes Cultural and Natural Resource Preservation Plan implementation. The Plan was presented at a previous meeting by the Office of Hawaiian Affairs and the Department of Land and Natural Resources. (N. McPherson)**

The Commission may discuss and made recommendations on the implementation of the Plan. (deferred from the June 27, 2007 meeting)

Ms. McPherson: Commissioners, Nancy McPherson, Staff Planner. I would be willing to suggest to the Commission that we defer both the items of Unfinished Business. I know that you brought your Papohaku Preservation Plans with you, leave them in your car, and we will have -- have at this at the next meeting. Actually, Item 1, I did wanna provide you with some additional documentation on current policy of the Planning Department regarding special management area exemptions, how Maui is doing it, basically, per the Maui rules, and that might be more helpful to you, so I'll make sure that gets into your packets for the next meeting. That might -- in addition, I hope to write a memo to go along with that really outlining, specifically, what we'd like you to do. So I'm hoping that'll clarify things for that item. And then the Papohaku Plan, well, we can continue that one too.

G. CHAIRPERSON'S REPORT

2. Scheduling of Site Visit to Laau Point - *The Commission may decide on the scheduling of a site visit to Laau Point.*

Mr. Vanderbilt: Okay, thank you, Nancy. I would just like to make a brief comment on the Chair's Report, on Item No. 2, Scheduling a Site Visit to Laau Point, and just to get an indication from the Commissioners, we can either walk or we can ask somebody to give us a ride part way; from Kaupoa Camp it's about a 90-minute walk into Laau Point along the coast. It's a fairly -- fairly easy walk. I took it with my grandkids, and I'm not in the best of shape, but you might be considering that. And then maybe at the next meeting, we could look cause we need to get out there sometime before, you know, the final EIS comes out, so this Commission at least have a feel for it so --

Ms. McPherson: Chair Vanderbilt?

Mr. Vanderbilt: Yes?

Ms. McPherson: I would also like to remind the Commission, our previous -- as previously discussed, we will need to get, if you choose to do a limited meeting, we will need to get approval by the Attorney General of the State of Hawaii and I will, definitely, draft a letter for you in a timely fashion once you've set the dates that you would like to try for.

Mr. Vanderbilt: And I think it'd have to be a separate date from our regular meeting.

Ms. McPherson: Yeah, I agree.

Mr. Vanderbilt: It's an all-day thing. So anybody -- we'll look at the calendar at our next meeting but everybody can sort of being looking forward into what date would be acceptable. Okay, are there any announcements from anybody on the Commission? Anybody in the public? Okay, is there any other -- oh, excuse me. Clayton?

6. Registration for the 2007 Hawaii Congress of Planning Officials (HCPO Conference) - September 26-28, 2007 on the Big Island.

Mr. Yoshida: Very quickly, Mr. Chair, I'd like to address Item H.6. under the Director's Report. Yeah, we have the Hawaii Congress of Planning Officials Conference coming up next month, I mean in September, late September, on the Big Island, and early registration deadline is like August 15 so if those of you who are planning to attend, if you haven't done so already, please fill out a travel form and a registration form so that we can pay your registration and make your airline and car reservations. We need to that, I think, by the end of the month in order to have turnaround from Finance on the registration fee payment.

I. ANNOUNCEMENTS

J. OTHER BUSINESS

K. NEXT REGULAR MEETING DATE: August 8, 2007

Mr. Vanderbilt: Thanks very much, Clayton. Is there any other business anybody has? Okay, our next regular scheduled meeting is August 8, and if there's no other business to attend, this meeting's adjourned.

L. ADJOURNMENT

There being no further business brought before the Commission, the meeting was adjourned at 3:04 p.m.

Respectfully submitted by

SUZETTE L. ESMERALDA
Secretary to Boards and Commissions

RECORD OF ATTENDANCE

Present

DeGray Vanderbilt, Chairperson
Steve Chaikin, Vice-Chairperson
Sherman Napoleon, Jr.
Kip Dunbar
Bill Feeter
Mikiala Pescaia

Excused

Lynn DeCoite
Joseph Kalipi
Linda Kauhane

Others

Clayton Yoshida, Planning Program Administrator
Nancy McPherson, Staff Planner, Molokai
Simone Bosco, Staff Planner
Michael Hopper, Deputy Corporation Counsel
Ralph Nagamine, Administrator, Development Services Administration, DPW