

**MOLOKAI PLANNING COMMISSION
SPECIAL MEETING
NOVEMBER 7, 2007**

A. CALL TO ORDER

The special meeting of the Molokai Planning Commission (Commission) was called to order by Chairman DeGray Vanderbilt at approximately, 12:55 p.m., Wednesday, November 7, 2007, at the Mitchell Pauole Center, Kaunakakai, Molokai.

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

Mr. DeGray Vanderbilt: Okay, I'd like to get started if possible. I'd like to call the meeting of November 7, the Molokai Planning Commission to order. If there's no objection, I'd like to just take up quickly two items under the chair's report because we have to decide today if we're going to do anything.

Mr. Kip Dunbar: Are we changing the agenda?

Mr. Vanderbilt: Yeah, I was --

Mr. Dunbar: And then you take a motion to change the agenda.

Mr. Vanderbilt: Well, I was asking if there was no objection, but if you'd like, I'd be glad to--

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

Mr. Vanderbilt: Okay. Alright. I would like to entertain a motion or I would like to move Items D.1 and 2 up to the front because we have some people that were going to be coming in, coming out, I don't know when we're going to have quorum and we're not, and just talk about those briefly because, according to our attorney, especially on the Land Use hearings, we have to make a decision and vote that we're going to do something before the Land Use Commission and we need to have had the comments that the Planning Commission made, and I think they were all emailed to everybody. So is there anybody that -- I would like that to -- that motion be made if anybody can make it to --

Mr. Dunbar: So moved.

Mr. Vanderbilt: Thank you. Moved by Commissioner Dunbar. Second?

Mr. Sherman Napoleon: Second.

Mr. Vanderbilt: Second Commissioner Napoleon. Any 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 move Items D.1 and 2 up to the front.
(Assenting: K. Dunbar; S. Napoleon; S. Chaikin)
(Dissenting: B. Feeter)
(Excused: J. Kalipi; M. Pescaia; L. DeCoite; L. Kauhane)**

Mr. Vanderbilt: Okay, motion doesn't pass. Thank you. We might revisit this a little later because if we don't get this, we cannot -- we cannot appear before the Land Use Commission on the 15th so if --

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

Anyhow, okay, so moving right along. Is there anybody here in the public that would like to testify on any of the agenda items or any planning issue? No, no, no, okay, moving right along. We're way back in, let's see, we're on Item C right now, Unfinished Business, which is the review of our policy plan and today we were going to look at Housing, Diversified Transportation, Strengthen the Local Economy, and Strive for Good Governance. And so I thought we'd start out with Housing, and then go to Economy, and then Good Governance, and Transportation last, if there's no objection. Okay, Simone, Julia, it's all yours.

C. UNFINISHED BUSINESS

- 1. MR. JEFFREY S. HUNT, AICP, Planning Director, transmitting the 2030 Countywide Policy Plan (Plan) to the Molokai Planning Commission pursuant to the provisions of Chapter 2.80B of the Maui County Code. The Molokai Planning Commission may review and provide recommendations on Section IV (Goals, Objectives, & Policies) of the Plan, which was revised to reflect the recommendations of the Maui, Molokai and Lana`i General Plan Advisory Committees. Emphasis will be placed on the revised Expand Housing Opportunities for County Citizens, Diversify Transportation Options, Strengthen the Local Economy, and Strive for Good Governance. The Commission may also discuss convening a special meeting at a later date to complete any**

unfinished business under this item. (*Plan was mailed previously. Commissioners: Please bring your copy.*)

First public hearing was conducted on August 22, 2007. To view Section IV, (Goals, Objectives, & Policies) and revisions proposed by the three General Plan Advisory Committees see Maui County website at:

http://www.co.maui.hi.us/departments/Planning/pdf/Full_Directors_Report.pdf

A copy of the draft Policy Plan may also be reviewed on Molokai at the Molokai Library, and at the Department of Planning Office at the Mitchell Pauole Center (553-3221). The draft Policy Plan is divided into 11 sections: Education, Social and Health Care Services, Natural Environment, Local Culture and Traditions, Land Use and Population, Infrastructure, Housing, Parks and Public Facilities, Good Governance, and Transportation. The public is permitted to testify on any section of the draft Policy Plan at any of the Commission's meetings when the Policy Plan is reviewed.

First public hearing date was conducted on August 22, 2007.

- a. *Public Testimony***
- b. *Action***

Ms. Simone Bosco: Thank you. Thank you, Mr. Chairperson. Okay, we're going to start with Expand Housing Opportunities, and the screen is slowly projecting our worksheet.

Mr. Vanderbilt: Do you have -- do you have the large --

Ms. Bosco: Yep. Does anybody else need a worksheet or a large matrix? No? Got everything? Ready to go?

Mr. Vanderbilt: Does everybody -- if they want -- my packet didn't have the large Housing sheet in it.

Ms. Bosco: Okay.

Mr. Vanderbilt: Oh, and before we -- are we going to get an update of the matrix that shows all the changes?

Ms. Bosco: Yes, we're not -- we haven't got one right today to distribute but at the next meeting, I made a plan to distribute it.

Mr. Vanderbilt: Terrific. Thank you. Okay --

Ms. Bosco: Okay, welcome, Joe.

Mr. Vanderbilt: I wanted, for the record, note that Commissioner Kalipi has arrived.

Ms. Bosco: Okay, Commissioner Kalipi, we're going to be starting with Housing, and we'll start with the Goal statement and move into the Objective E1 and the supporting policies. And if you can follow along, the comments would be recorded on the screen.

Mr. Vanderbilt: Excuse me, Simone. On the small pages, did we get Housing?

Ms. Bosco: You should have it. If you don't, we have extras.

Mr. Vanderbilt: Yeah, I need a small one cause I just -- well, no, these are the three that -- and I just opened the packet so

Ms. Julia Staley: You know what? It got sent last time so in your last packet. But I brought extras for you, DeGray.

Mr. Vanderbilt: Okay. Thank you.

Ms. Bosco: Okay, we're going to start with the Goal statement. I'll go ahead and read it the Commission can discuss as they wish. Goal E states: Quality island appropriate housing will be available to all citizens of Maui County.

Mr. Steve Chaikin: Well, I can start right off by telling you that I have a problem with the Goal. Couple problems. One, is that it doesn't sound very good. It doesn't even sound like a proper sentence and I think one of our goals, when we do this plan, is that when the reader reads the plan, that they should get the feeling that the author had a good command of the English language, and it's kind of funky the way this thing is worded. And that's not the only problem I have with it. I think that when you read the Goal, when we're talking about having housing available to the citizens, what we're -- we're really not talking about the millionaires. We're really talking about the low-income and we're talking about the homeless cause those are the people we're really worried about. So here it says that quality island appropriate housing will be available to all citizens of Maui County, and when you look at the housing situation, one-third of the population is having a very difficult time affording housing so -- and it's not getting better; it's actually moving towards getting worse. So when you say "quality," that might not be the solution; that might be the problem because if you go way back, all the Hawaiians lived in grass shacks, okay, but now, the Planning Department comes along and says, "You can't live in a grass shack anymore. You have to live in a rectangle or a square box, and they're going to cost \$650,000, and

if you don't have the money, then you gotta sleep on a park bench." So it's really the quality, the standards that are being set are so high that the prices are so high for these houses that no one can afford them anymore. So, you know, I'm not saying that, you know, we shouldn't have quality housing but I think we should get rid of that word and use "appropriate housing" because for the homeless, just the fact that you have any roof over your head is way better than having no roof. So if we get rid of that "quality," I would, you know -- and then I don't think we need to say "island." I think, you know, I would just make it simple and say, "Appropriate housing will be available to all citizens of Maui County" period.

Ms. Bosco: Thank you.

Mr. Vanderbilt: Are there any other comments on the Goal statement? Okay.

Ms. Bosco: Okay. If none, we'll move into the Objective E1: Eliminate the affordable housing deficit for County citizens.

Mr. Chaikin: You might note that you got two periods there.

Ms. Bosco: Yes, I noticed that. How does the Commission feel about the word "citizens?"

Mr. Chaikin: I prefer the word "residents" cause residents sounds like residential, and residential sounds like housing. It seems like it applies better but they both mean the same thing.

Ms. Bosco: "Citizens" was used primarily to address those that come to the island and actually aren't legally considered residents, okay, just a little background there. It's -- the word itself is sort of not appropriate because you don't typically have a County citizen, you have a U.S. citizen, so I just thought I'd throw out the reason.

Mr. Vanderbilt: Well then you ought to say what you mean instead of -- because that's when people read these things, you say "U.S. citizens that are residents of Maui County" --

Ms. Bosco: Right.

Mr. Vanderbilt: If that's what you mean. I don't know what you meant when you used "citizens."

Ms. Bosco: Right. Right.

Mr. Vanderbilt: But that's -- that's the problem with a lot of these plans, they're drafted by people that have an idea but they don't express it straight up in the document and it's --

Ms. Bosco: Right. That's right. That's why I'm bringing this to your attention so that we can look at that word and make sure we're using the word that we mean. "Resident" is typically someone who lives in Hawaii more than six months of the year.

Mr. Vanderbilt: Well, will that be defined, "a County resident?"

Ms. Bosco: That -- we can include that as -- it should be defined, yes. Yeah.

Mr. Dunbar: Simone?

Ms. Bosco: It's defined in the Maui County Code as well.

Mr. Dunbar: I'm curious how that came to be. The director's recommendation is County citizens, yet, the draft language, the Maui GPAC, the Molokai GPAC, and the Lanai GPAC all said "Eliminate the housing deficit for residents." So I'm just curious.

Ms. Bosco: Yeah, absolutely. Well that's exactly true. The reason why it came to be is when we took a look at that word, we realized that we were excluding a significant portion of the population cause not everybody is a resident, okay, and so the director changed that word after going through six months of discussion with the GPAC's. That's the reason. It's just -- the word "citizen" is a broader term. It includes more people. Okay? But I -- you know, that's the background and if -- if you'd like to change it to "residents," what that would mean is you basically -- you're looking to eliminate affordable -- the housing problem for those that are technically here for over six months of the year, okay?

Mr. Vanderbilt: Well and the -- yeah, and Molokai put in the "affordable" because the way it was it was just eliminate the housing deficit for residents and I --

Ms. Bosco: That's right. Yeah, that's right. Okay? Any other discussion on that? If not, we'll move to E1a. E1a reads: Ensure a portion of all new single and multi-family housing is affordable for low and moderate income families and remains affordable in perpetuity. This is a really good policy. What it does is it opens the door for programs and mechanisms which, basically, will reduce a speculative market; basically, people coming in and buying housing at a low value and then turning around and flipping it, and what this policy will do is sort of open the door for a discussion of how to keep those prices at a level so that they're -- they're just not investment properties, okay? So -- yes?

Mr. Chaikin: Well I, you know, I think it's a weak statement, personally.

Ms. Bosco: Okay.

Mr. Chaikin: Cause it says "a portion," and a portion could be a little tiny bit, so we have to put another word in there to quantify that. It should be "an adequate portion."

Ms. Bosco: Okay. "Ensure an adequate portion --" alright.

Mr. Chaikin: I've also got a little problem with the perpetuity thing. I really don't have a problem with the number of units being in perpetuity but when you have a particular site or a particular house, and you're saying this is going to be, for perpetuity, affordable, it really limits the people that are living in that house. Maybe they wanna remodel it. Maybe one wanna put a second story; maybe wanna put a swimming pool out back. So I think that the number of units, it's okay that we don't, you know, lose the number of units, but that particular parcel or that particular site should have flexibility in the future and not be limited forever.

Ms. Bosco: I hear the concern. I think the intent of the statement is to open the door to create a variety of programs, okay, so it won't just be a situation where all properties will -- that are considered affordable will remain affordable in perpetuity; it could just mean that there are certain programs and certain sites where that occurs. There's always going to be market priced homes and other properties where these kind of policies won't apply, but, in this case, we're trying to promote programs where affordability is more assessable, okay. Do you understand?

Mr. Chaikin: Okay, I'll buy that.

Mr. Dunbar: I have a -- I don't know really what this statement says. I understand remains affordable in perpetuity, but if you get someone who has come in, struggled, bought the house, took good care of the property, the values in the neighborhood have gone up, you know, his next door neighbor is getting \$350,000 for his house, and he bought his house and he struggled at a 140,000 cause that was what was affordable, took care of his yard, painted and maintained his house, everything was terrific, why is -- why should he, if he wanted to sell and move on, lose \$210,000?

Ms. Bosco: Okay, let me try and --

Mr. Dunbar: If that's the going market?

Ms. Bosco: Yep, let me try and explain that. When -- when a first-time home buyer is out there looking for a house, okay, it's tough. It's real tough. So they're going to be looking at all the affordable housing programs, okay. And if they qualify, there's a number of them out -- there's a number of different strategies out there available to acquire an affordable house. It's entirely up to the buyer which program the buyer chooses. So if they choose a program which is designed to keep that house at a certain price over a very long period

of time, then they're choosing to do that. It's not necessarily that they have to; it's just that the choices are limited. And so if there's another program that's more flexible, so long as they understand the terms and the conditions of that affordable housing program, it doesn't mean that, you know, all of them will necessarily dictate that, you know, that the house will stay affordable in perpetuity. It's just -- my point is not all homes are subject to affordable housing conditions and terms. But before you even buy it, you're going to need to know what the terms are. So if you go into a program knowing you can't resell it and jack the price up, then you're buying into that program. If you want to be able to do that, you're not going to buy into that program and if you ...(inaudible)...

Mr. Dunbar: Well, yeah, but I think where you gotta go is you gotta restrict the buyer. I mean if the buyer is a adequately qualified buyer that can buy something other than affordable, he doesn't buy it. You save it for those that don't have the income to buy it.

Ms. Bosco: That's correct.

Mr. Dunbar: But you couldn't -- you can't take away fair market forces if --

Ms. Bosco: We're not.

Mr. Dunbar: I mean if you're trying to tell me that, you know, today I'm a derelict cause I can only afford a \$90,000 house but, as a matter of fact, after I fix it up for 15 years, I'll still be a derelict because I only can sell it for \$90,000. You know, I'm not --

Ms. Bosco: I'm not --

Mr. Dunbar: I don't buy that.

Mr. Vanderbilt: Simone?

Mr. Dunbar: I think there's some fair market forces that gotta take into account here.

Ms. Bosco: The intent is not to eliminate fair -- the open market housing. That's not the intent of this statement.

Mr. Dunbar: I have a couple very close friends of mine that struggled to make a mortgage payment and now they finally gained some equity in their home and why shouldn't they be entitled to that equity?

Ms. Bosco: Okay, Mr. Chairperson, staff would like to comment.

Mr. Vanderbilt: I had a comment first, please. I don't know if you wanna put it, but your friend, Kip, could not afford -- where's he going to find a \$90,000 house? All affordable housing on Maui is subsidized to the tune of two or \$300,000. So are you saying that somebody that gets that affordable house should be able to just turn around and, three or four years, and sell it at market?

Mr. Dunbar: I'm saying that if -- the qualification comes from the buyer of the house. If he's able to afford something more than the affordable, then he ought not be sold the affordable. The affordable ought to go to somebody who truly needs to afford it.

Ms. Bosco: That's -- that's exactly right and that's what these programs --

Mr. Dunbar: You know, and then if he gains equity in it, he should be able to, at some point in time, sell it and enjoy that equity.

Ms. Bosco: That -- go ahead.

Mr. Vanderbilt: Well, you know, the County went through this whole affordable housing thing and that was one of the discussions that you just brought up that the buyer should have some right and if we builds his house and he fixes it up, the way they had it worded was that he could make -- he could get back what he put in plus interest and everything else. He could gain some equity of the improvements that he made. But as far as the land and everything else, that was what was going to be -- try to be affordable so the County doesn't get into the position it did before where they put all these affordable housing on the market, people came in, they could flip 'em in three years, they did, and then we were back with no affordable housing inventory. So there was some way to try to figure out a fair way where somebody, who couldn't afford a house, could get one on some kind of subsidize basis; either the market price in a subdivision have to subsidize the affordable or whatever, but that the owner didn't penalized if he -- if he improved his property, and I think that is basically how it goes and -- and maybe it could be -- you could put "For all, ensure that all subsidized single-family and multi-family housing that's affordable remains affordable in perpetuity."

Ms. Bosco: Okay, staff?

Ms. Nancy McPherson: Hi. Nancy McPherson, Staff Planner. I just wanted to make a comment. If you go down to E1: "Promote the use of community land trust model." I went to a presentation on Maui by a gentleman from the Burlington -- I forget the name, but it's a community land trust, and what they do is they take the land itself off the market, the person's home have a certain amount of value, there is a percentage, that that a reasonable rational percentage increase that is allowed, and it's -- it takes the speculation out of the equation, and it's working really really well. So projects can be designed so that

what happens is the person can get enough equity to be able to take the next step up if they wanna sell, they can, but they don't -- they don't get to cash out and be a millionaire; yeah, that's true. So I've been exposed to this model and it sounds like it can really work. They've thought through all of the financing issues; they've thought through everything and it's being used all over the country so because this is listed as one of the implementing actions, I think that there are a lot of different kinds of things that the County's going to be proposing to use as part of their system to promote affordable housing. We have a project right here on this island that was designed to be affordable housing and is no longer affordable for the people of Molokai. I think it's Kilohana Kai. Is that -- it's in Mana'e. So, you know, that's -- that's an example of what happens when you don't have any mechanisms to keep housing affordable.

Mr. Vanderbilt: Thank you, Nancy.

Ms. Bosco: Thank you, Nancy.

Mr. Vanderbilt: Are there any other comments regarding this?

Ms. Bosco: Okay, if not, we'll move to E1b: Seek innovative ways to lower housing costs without compromising the quality of construction or island lifestyle.

Mr. Chaikin: Again, I, you know, as I said before, I think that the situation is -- I mean I don't know how many of you have gone to West Oahu and seen what's really going on there with the homeless. There are whole huge neighborhoods that go on for miles and miles and miles. The situation with housing is getting worse and worse. And as the price of gasoline and oil skyrockets, all the people that live in the cold climates have no choice but to get out of there cause they're not going to be able to afford it and they're going to end up in places like California and Florida and Hawaii, and so, you know, I think the housing thing, you know, as we move down the future, is going to be a big big issue that we're going to have to deal with. So, you know, I don't think we should be so picky in terms of trying to get affordable housing, and when you read this thing, what I would say is just: "Seek innovative ways to lower housing costs" period, without quantifying it or --

Ms. Bosco: Thank you. Okay. Suggestion is to ...(inaudible)...

Mr. Vanderbilt: So we are on -- we are on E1b, right.

Ms. Bosco: We are on E1b.

Mr. Vanderbilt: Okay. Well, the discussion, and there was discussion on Maui, there was discussion at the Molokai GPAC, that the affordable housing now, the innovative ways that are being approached to have lower housing is lower quality, standard smaller lots, smaller

rooms, smaller everything, so the definition of, you know, affordable is just to some is smaller, so that was why the lifestyle qualities were in there that you just don't pile everybody on top of each other on 4,000 square foot lots, like they're starting to do, and you end up creating a lot of social problems as well. So that was -- that was the basics of --

Ms. Bosco: Yeah, that's right, Mr. Chairperson. Thank you. And we needed -- we added that to this policy because very oftentimes the only way that developers can afford to build affordable housing is to cut back on the quality really, and so what you have is situations where, you know, low-income buyers really get the bottom of the barrel in terms of size, quality in materials, etcetera, and it just -- it's -- it's kind of ...(inaudible)...

Mr. Chaikin: But isn't it the way it's supposed to be? I mean when you pay the least, you get the least. Isn't that, you know, the way? I guess my philosophy is we have a, as I said, a third of the people in this County can't afford housing. A third of the population. That is staggering. And here we're getting picky about, you know, we're going to maintain a super high level that the house is not going to burn down; it's not going to blow down; it's not going to get flooded; it's, you know, I mean all these incredibly high standards that we put on the housing and, you know, we're not going to compromise that; we're just going to have everyone out on the streets sleeping on park benches. So I'm just saying that we gotta have some flexibility in the way we deal with housing moving forward. As far as the island lifestyle, I don't have a problem with that, I mean sticking that in there. I'm just saying that there may be ways that we can cut back on the quality of construction and make houses much cheaper and still be safe. I mean, as I said, for a thousand years, the Hawaiians lived here in grass shacks, okay, and so there's a lot of room, you know, between the grass shack and the houses that we have now to provide some, you know, better affordable housing.

Ms. Bosco: Okay.

Mr. Vanderbilt: I think that's what the thing says. It doesn't say -- it says, "Seek innovative ways --" to do this without lowering the quality because, right now, there's no other way. They just lower the quality. Make the lot smaller. Make the houses smaller. So this is saying "Seek innovative ways -- " to do that without -- cause, right now, that's the only way they go.

Mr. Chaikin: I guess what I'm saying is the quality of the houses are pretty high. You go in any brand new house and you walk in there, wow, it's a pretty nice house! The only problem is it cost \$650,000. So I'm saying, hey, there may be some room that we can actually improve on that, you know, I mean we don't need all this, you know, real kinda high-end stuff. I mean we can just have basic simpler house, I think.

Mr. Bill Feeter: Chair?

Mr. Chaikin: Yeah, Commissioner Feeter?

Mr. Feeter: I'm getting -- I'm going to give you some data. This is taken from the *Hawaii Business Today*, and this is a period from October 3 to 9 of this year, and each island is on here and here's Molokai down in the corner. There was a \$300,000 home in Ualapue. In Maunaloa, there are two homes that sold in that period of time; one was \$148,500, the other one was \$141,000, that's -- Steve mentioning \$600,000, that's quite a range of difference there, and Maunaloa is 148 and 141, so just -- there are some -- there is some data that shows that \$600,000 is -- by the same token, I'll carry it one step further and quote that all of the -- on the Big Island, the median price, however, for this year was \$386,000 and that's median. Now, that's -- you're just as close to the top as you are to the bottom there, so to speak. On the island of Kauai, by the same token, was twice -- almost twice that, \$650,000. So what this data show? It shows like the realtors say: "Location, location." And if you wanna live on Kauai, it's going to cost you more. But that's not what Steve is talking about. He's talking about Molokai. And these figures are Molokai figures. So is \$141,000 affordable?

Mr. Vanderbilt: Is that for the lot, or the house and lot?

Mr. Feeter: These are neighbor island real estate transactions. I would guess -- that's Maunaloa so --

Mr. Vanderbilt: Well, the lots up there are selling for a hundred and forty, fifty, and sixty thousand without any house on them right now so --

Mr. Feeter: You know I can't -- yeah, I'd have to look at this data to see whether it's just a lot or the homes.

Mr. Vanderbilt: Okay so, Bill, do you have a suggestion on this or --

Mr. Feeter: Well, this brings up the point of alternatives. There's Habitat for Humanity. I --

Mr. Vanderbilt: That could be an innovative way.

Mr. Feeter: As of last week, I had -- I have a phone number of an individual who has dedicated his life to providing housing and, unfortunately, at this point, I have not talked with him, I've had some interruptions, and it's very -- I'll say it seems similar to Habitat for Humanity, but it is to provide with dignity homes for families and so, until I can get that data together and talk to him, and he was on island, I missed him, but there are alternatives, that's the point. And so many of these I sense are non-governmental, non-bureaucratic, non-developer type housings and so that it was also mentioned, just a few minutes ago, that we need to look at alternatives, and I don't have the answer to that, frankly. But I think

if we think conventional, then we're looking at this median price and also the location. So that -- those are just some comments.

Mr. Vanderbilt: Thank you. Are there any other comments on --

Mr. Dunbar: Yeah, I got one.

Mr. Vanderbilt: Okay, Kip?

Mr. Dunbar: I kind of agree with Steve. You know, I think seeking innovative ways to lower housing costs is -- period. You know, if some it happens to be quality, if some it happens to be enjoying of a Federal agency to waive, you know, curbs and gutters, if it -- you know, put in different sorts of swells, I think we can look outside the box in order to get, you know, something innovative so that -- so something's affordable. You know, if you're going to go down the same pipe we've been going down for the last 20 years, nothing's going to be affordable, you know, and the price of land isn't going doing down so, you know, your big costs -- and, you know, we started looking at some construction costs and we started out at 100, then it went 125, and now it's 150, and one bid was in at 200 a square-foot. So, you know, it's not just, you know, where is the land to do it, it's, you know, you're running out of trees, you're running out materials, you gotta -- we gotta be thinking of all different sorts of innovative ways to do it, not just -- and some of it might be -- I mean maybe someone wanna live in a -- in a wooden house and they're going to have to settle for hallow tile block. You know, I don't know, but that's just -- you know to take away any -- any opportunity such as without compromising quality wood, I don't think it's correct. I think you need all the different ways you can make it work.

Mr. Vanderbilt: Okay. Commissioner Kalipi?

Mr. Joseph Kalipi: I'll agree too only because, recently, I heard about a pre-fab housing that you can pick up from Japan and some hui from the Big Island was picking up these pre-fab houses but, for our standards or certain litigated reasons, you can't pick up these pre-fab houses, and they're very, you know, fine houses that you can live in too but because you get some language in there that says "compromising the quality," that gives the certain individuals to say, "Well, that's not up to standards and thus, therefore, you can't live in it." Even though it's sufficient, it's probably a 100, if not, \$200,000 less than -- than your average certified so-called home. So, again, just to think about the different innovative ways that people are making houses today, not trying to cut the corners, but making it truly affordable for people to live in, and so I agree with Steve and Mr. Dunbar there.

Mr. Vanderbilt: Okay, then can you make that adjustment there?

Ms. Bosco: Did you wanna take out the part about island lifestyle? I heard that that was okay. I wasn't sure if that's going too.

Mr. Chaikin: I don't have any problem with "island lifestyle." That's fine.

Ms. Bosco: Okay, so if everyone can take a look at the language: "Seek innovative ways to lower housing costs without compromising the quality of our island lifestyle."

Mr. Chaikin: That's good.

Ms. Bosco: Any other comments?

Mr. Vanderbilt: Okay, are there any --

Mr. Chaikin: Before it said "quality of construction" and now we said "quality of our island lifestyle."

Ms. Bosco: Okay, if none, we'll move to E1c: Seek innovative methods to secure land for the development of low and moderate income housing. Okay? If no more comments, we'll move to the next one, E1d: Promote the homeless -- wait. Excuse me. I'm sorry -- Provide the homeless population with emergency, transitional, and permanent housing and supportive programs.

Mr. Chaikin: Yeah, I don't particular care for having permanent and homeless in the same sentence. I think that homeless should be a temporary or a transitional situation; it shouldn't ever be, you know, considered a permanent situation for somebody.

Ms. Bosco: Okay, thank you. So remove the word "permanent?" Thank you.

Mr. Dunbar: You know, this morning on the news there was Utu Langi who was talking about his affordable buses that he would pick people up in his - homeless - that would sleep in the bus and they'd drive around and then, in the morning, they get off the bus and go on their merry way, and here we are talking about emergency, transitional, and permanent housing and we're using the word "housing," which kinda connotates a house versus a bus, and I mean I think it's -- I think, yeah, I think "housing" is a little stiff and, you know, if it's transitional and you're going to have a house that sits on the rural or ag, you can't have it cause you gotta have a six-month lease so, you know, you gotta a conditional use permit, you can't get a conditional use permit, so that goes out the window. So I think we ought to -- we know what we need. We gotta -- we gotta seek innovative --

Mr. Chaikin: That's right. We gotta get into the RV/TVR business.

Ms. Bosco: Well, you know, that, I just have to say I absolutely agree with the change of the word. It's a better word. I also wanna add that the fact that so many people are living in buses and alternative types of housing that's not really a traditional house is indicative of the affordable housing crisis. I mean it's -- it's a symptom -- it's a symptom of the problem when nobody can afford, you know, a traditional home then they look to other ways. Although I'm not saying that there are other ways that are appropriate.

Mr. Vanderbilt: Are you suggesting a change?

Ms. Bosco: No. I'm just commenting that that -- I mean I've seen it on Maui, I've seen it many places throughout Hawaii where the number of people living in their cars is -- is a clear indication of how difficult it is here so --

Mr. Vanderbilt: So are you okay with that?

Ms. Bosco: Well, I'm okay with it. I just wanted to float that idea out to the Commission so --

Mr. Vanderbilt: Okay. Are there any other comments on this one? Commissioner Kalipi.

Mr. Kalipi: Just the -- should it be "shelters" with an "s" or just shelter? I'm just --

Ms. Bosco: Just "shelter."

Mr. Kalipi: Oh, okay.

Ms. Bosco: "Provide the homeless population with emergency and transitional shelter." It's used just like housing, you know, it's -- the way it's used here is correct. It's okay. Thank you.

Mr. Vanderbilt: Okay, are there any other comments on this? Okay, moving on to the next one.

Ms. Bosco: Mikiala, nothing?

Mr. Vanderbilt: Excuse me. Mikiala, you had a --

Ms. Bosco: Okay. Next one is: "Ensure that low and moderate income housing is available in all areas of the County."

Mr. Dunbar: Does that include homestead or what?

Ms. Bosco: Yep. Yes.

Mr. Dunbar: Is that in all of the available area?

Ms. Bosco: Yes. The intent of this is to not cluster low-income in one area and sort of provide for next levels of income throughout the County. Next policy --

Mr. Vanderbilt: Excuse me. Do we have anywhere in here where it says that the residents of the area where the affordable housing is going to go -- has first crack at it?

Ms. Bosco: Yes, I think there's something in here about that.

Mr. Vanderbilt: Later on?

Ms. Bosco: Yeah.

Mr. Vanderbilt: Okay, thanks.

Ms. Pescaia: So with this policy in place, would that mean all proposed developments would have to take that into consideration?

Ms. Bosco: Not necessarily. I think when we start to see a concentration of low-income in only one area then this policy would kick in. We would seek to try and, as a government agency, meet this policy somehow, but not necessarily ...(inaudible)...

Ms. Pescaia: Just because the way I read it, it says, "Ensure that low and moderate income housing is available in all areas," meaning that, in all areas, you're going to have at least one house -- I mean --

Ms. Bosco: Right.

Ms. Pescaia: Well, it's not saying that they're not be concentrated in one area, it's saying it will be available in all areas so I was just thinking, for example, on the West End, does that mean somewhere -- I mean how do you get people on the West End to somehow come up with affordable housing? I mean --

Ms. Bosco: Exactly. And that's where the very first policy would kick in, E1a, where we had a change to it here, "Ensure an adequate portion of all new housing is affordable." So if there was a proposed development, say in the West End, that first policy would require the developer to provide a certain percentage of affordable housing units.

Mr. Vanderbilt: But not in that area. The new housing standard there was heat, and that's what's happening in Maui, all the high-end developments area saying we're going to do affordable housing but one of them is putting it in the light industrial area and one of them is putting it out in the boondocks, but they don't want it in the same development as the high end people.

Mr. Kalipi: I've got kind of a local response to -- to Commissioner Pescaia. If you look at the West End, on the tax key map, Maunaloa and West End is one tax key map, and so even though you get your community of West Molokai or you get Kaluakoi residents, and then you have Maunaloa residents, they're considered, there's low-income housing in that area, and so even though the reality is that we're separated, on paper, we're one. And so even if you, you know, you have big areas, you know, one area going be the high-end and one other area might be considered as low-end but, on paper, it looks like one-end.

Mr. Chaikin: I've got another answer for Commissioner Pescaia. I think that, as a Commissioner, you can interpret that anyway you wanna interpret it.

Ms. Bosco: Okay.

Mr. Vanderbilt: And also I don't think this -- these are policy statements and what you just want to make sure of is they don't restrict you from doing what you want in the community plan where it might be more definitive.

Ms. Bosco: Thank you, Mr. Chairperson. Next statement, if there's no other comments on this one or changes, is E1f: Provide for a range of senior citizen and special needs housing choices that affordably facilitate a continuum of care and services. Okay? Next -- okay, any comments? Can you hear me? No? Okay, I'll go ahead and repeat the last one. You can hear me? Okay, can you hear me?

Mr. Vanderbilt: . . . this is a housing choices that provide continuing affordable care and services?

Ms. Bosco: No, it's saying that senior citizen and special needs housing should also offer the kind of care and services that the residents need. So the -- "a continuum of care and services" means a broad spectrum of choices as far as what kind of care they need. So if they need a --

Mr. Vanderbilt: You know, the way you explained it was very clear so why -- why do you guys come up with these -- these words? Well, I guess our -- the GPAC's came up with them too. It started off "continuum."

Ms. Bosco: Can you -- can you improve upon it?

Mr. Vanderbilt: You just did but --

Ms. Bosco: Oh. Okay.

Mr. Vanderbilt: It doesn't matter.

Ms. Bosco: Next one --

Mr. Vanderbilt: No change unless --

Ms. Bosco: E1g: Provide affordable housing for teachers, police, fire, medical professionals, and other social and essential service providers. Any comments?

Mr. Chaikin: Yeah, and I think that, you know, I mean I think we need to take it a little bit further than provide because we've already providing it in other statements that we're doing. I think we should ensure that they have affordable housing.

Ms. Bosco: Ensure? Change the word "provide" to "ensure." "Ensure that we provide," is that -- is that right? "Ensure -- "

Mr. Vanderbilt: But why just -- why just the police? Why not -- I mean we have -- you know, "Ensure affordable housing for Maui County's workforce families." I mean there's so many people that are supporting this economy --

Ms. Bosco: Okay.

Mr. Vanderbilt: Whether they be police, fire, retail clerks, County workers.

Ms. Bosco: Okay so -- "Ensure --"

Mr. Chaikin: You know, but I was just going to say I think there's a hierarchy, okay, like for instance if you're a nurse or a fireman or a police officer, that it's more important that we have affordable housing for them than somebody that's going to be doing kayak tours. So if there's only so many to go around, we need to make sure that these people come to our island and they have housing. So that's why I wanted to say "Ensure" for these people and everyone else just "provide," but I don't think it all really matters.

Mr. Vanderbilt: That's alright. That's fine. That's fine. If you like it.

Ms. Pescaia: Just quick. I was just wondering why you want the provide homeless with housing, you have E1f: Provide senior citizens with housing; E1g: Provide teachers and police with house, and then E1, what is that "L"? The season and temporary workers is an

implementing action, but they're all provide housing, provide housing, like they're the same type of statement and one is an implementation and the rest aren't? I was just wondering.

Ms. Bosco: Absolutely. No, thank you for bring that up. It's an excellent point. I think when we were looking through this, we tried -- we tried very hard to broaden the policy statements to be all inclusive of all the different categories and I mean there's an argument here that we could probably condense those four statements down into one, but I think the reason that we didn't is because those four categories that are still policies will provide the basis for programs to address those special populations. The one down below, E11, "Provide seasonal and temporary workers with affordable rental housing," and that -- that could go either way. I think, as far as the hierarchy of importance, that's a lesser important policy so it was turned into an implementing action. So does that make sense?

Ms. Pescaia: Yeah, but didn't we come across something like this, I forget what section it was in, but I think it was education or something and it came down to like the veterans and the -- and then we like started getting all these specific groups --

Ms. Bosco: Yeah. Social services. Yeah.

Ms. Pescaia: Yeah, and then it got really complicated so I was just like --

Ms. Bosco: Yes.

Ms. Pescaia: As we're coming down, now we're adding another bunch of people.

Ms. Bosco: Wait. What we can do is -- you're absolutely right. We could actually find a way to -- to condense the statement into a broad policy statement and turn all those statements into implementing actions. If that makes sense. So we would have a very broad policy statement which addresses each of those -- those populations and then those four statements wouldn't go away; they would turn into implementing actions. You follow me? We could do that.

Mr. Kalipi: Or we can follow along with the process of the inconsistency of "such as" and different thing in the implementing action and still get some language in there because throughout the verbiage, as you said, and I agree, is that there's some inconsistency and I don't think we can really go backwards to tackle the -- we actually can, but I'm just saying that if we just roll with some of the inconsistency, we'll be fine too.

Ms. Bosco: Thank you.

Mr. Feeter: Yeah, comment. I'm uncomfortable with this segmentation. We're labeling let's say professional teachers and so forth. Obviously, they're valuable people and we

need them and so forth. But it's unfair, in my opinion, to have segmentation of the population and say that certain groups have more privileges than others. That's not appropriate. It's not pono. Plus, the other comment is that, correct me if I'm wrong, but some of these professionals here get an increase in cost of living. They not only get, like members of the Planning Commission get travel, per diem, health care benefits, ad infinitum ad nauseam, and so I don't wanna see segmentation of our community.

Ms. Bosco: Okay.

Mr. Feeter: If it came to a vote, I would scratch that whole E1g.

Ms. Bosco: E1g.

Mr. Feeter: Everybody is created equal and some people are more equal than others because they work harder.

Ms. Bosco: Thank you, Commissioner Feeter. The Chairperson had some proposed language.

Mr. Vanderbilt: For what? No, but all I'm saying is that with all this segmentation and combining them, in the Objective, if it just said "Eliminate the affordable housing deficit in each island community" and how you do that would be up to the various communities. So but -- there does seem to be a lot of redundant statements in here but, at this point in the process, it just seems that if we look at these things with an eye that they don't -- they don't restrict what Molokai may want to do or you can define it the way Molokai or Maui or Lanai wants to do it, then I wouldn't have any objection with some of the language.

Ms. Bosco: Okay, thank you. I wanna float this idea out for E1g. If we had the policy changed into something like: "Ensure that affordable housing is provided for Maui County's workforce," it would take away all those individual job titles up here. So how does that sound? Is that a little better?

Mr. Dunbar: Are we talking purchasing or could you put: "Ensure affordable rental housing for teachers" because a lot of the police don't stay, they go back, and the fire guys rotate in and out and they go back to Maui; the medical guys, they can afford their own homes. So now we're down to the teachers and the teachers already have this housing over here so -- and most of it's used by the police anyway so are they talking, you know, rental housing or to buy? I mean most -- a lot of these people are transients.

Ms. Bosco: The term --

Mr. Vanderbilt: Well, I think this is a policy plan on affordable housing depending on it gives them flexibility. It may have to be rental. It may have to be -- right now, we have an affordable housing policy in Maui County that provides no standards. You can provide fee simple. You don't have to provide any housing. You can just donate money to a nonprofit so they can build shelters for the homeless. So the developer, at this point, just looks at he's got a commitment and he looks for the most inexpensive way to meet that commitment, which is fine, I mean cause that's the law is set up but, right now, there's very few standards that ensure there'll be a mix of affordable housing.

Ms. Bosco: Mr. Chairperson, may I? The term "affordable housing" includes rentals ...(inaudible)...

Mr. Vanderbilt: Will that be defined in the -- in this?

Ms. Bosco: If it's necessary, but, yes, maybe it is necessary. We --

Mr. Vanderbilt: Well, I think the more definitions you have, if somebody's reading this, I mean like Kip brought up a good point, you read it down the line, and you're thinking of doing a project, well what is affordable housing mean?

Ms. Bosco: Okay.

Mr. Kalipi: Chair, how about this suggestion? Just throwing it out. For E1g, instead of saying "Provide affordable housing for teachers" blah, blah, blah, etcetera, what about something like that says "Seek innovative ways to provide housing for teachers, police, fire, medical professional" blah, blah, blah? And the reason I say this is because working in our community, and Mr. Dunbar he can also agree with this if you would ask him, is that there's a great challenge to keep professionals, especially here on Molokai, or in the State of Hawaii period. I mean from the challenges or the shortage of professionals; doctors, teachers, and so forth, and then the challenges of how much it cost, the cost of living having them here, literally, moving to such an island as this, they're going to give up a lot of money or a lot of things that they can -- they can get elsewhere. And so I do agree with Mr. Feeter that we all are created equal and so that's why I'm inputting this statement that says something that "seek innovative ways" because I don't think we have the answer but I think we should continue to look for how we can retain some of the professionals and solicit them to stay here on our island or islands in Hawaii.

Ms. Bosco: Thank you, Commissioner Kalipi. Okay, it's up on the screen.

Mr. Chaikin: Well, I'll just make a comment about Commissioner Feeter's comments. I mean I agree with him that -- that it's not just the teachers and all those professionals, it's everybody, and -- and particularly the workforce is very important cause if we don't supply

housing for the workforce, we're in big trouble. So I would take this E1l, which is an implementing action, and broaden the scope of that and put it to mean like all of the workforce, and remove it from an implementing action and put it into a policy statement.

Ms. Bosco: Okay, so --

Mr. Chaikin: And I think that will encompass everybody or at least the workforce.

Ms. Bosco: Okay.

Mr. Vanderbilt: And I think that that's the title of the new County affordable housing plan. It's -- I believe. Isn't it, Simone? Workforce --

Ms. Bosco: So --

Mr. Vanderbilt: Housing --

Ms. Bosco: "Provide Maui County's workforce with affordable housing options." Something like that?

Mr. Chaikin: Right.

Ms. Bosco: "Provide Maui County's workforce with affordable housing options." Don't hesitate to improve upon that if you want. Okay, thank you. Any other discussion? If not, we'll move to the next implementing action statement and that is E1m: Consider alternative regulatory frameworks to facilitate the use of kuleana lands by the descendants of native Hawaiians who received those lands pursuant to the Kuleana Act of 1850. This is an implementing action.

Mr. Dunbar: Okay, wait. Before we go there, I just wanna make sure I understand. The E1g, I thought was consolidated into the E1l, and I think part of thing that was missed now was the new "Provide Maui County's workforce with affordable --" I think it should say "rental and permanent housing options" if you're going to keep it with the same E1l provision.

Ms. Bosco: Okay. Commission --

Mr. Dunbar: And then take out -- you're going to take out E1g. Is that correct?

Ms. Bosco: That's a question. Please answer that for me. It's not clear.

Mr. Kalipi: I would say that we keep E1g because then it gives some directives of the professionals and we kinda wanna make somewhat of a statement to say this is very important outside of the norms, and outside of the norms I think we are in dire need of these professionals, and so we send a message to the professionals that, you know, we're considering these things because we know how valuable you are to our community. I mean if we don't have a doctor; if we don't have these individuals here with us. This is just pointing out that fact that we recognize this and that's why you actually can put that whole statement into implementation action but I think it holds more strength if it's a policy rather than an implementation action, and then so when you get "Provide Maui County's workforce --" when you get E1I, that, to me, that's like a catchall that brings equality to everybody to saying that no, you know, they're no greater than us but there is a great need for their profession here.

Ms. Bosco: Yeah. Excellent. Thank you.

Mr. Dunbar: Okay, then what about you said something like "Seek innovative ways to provide permanent and rental housing for professional service employees in Maui County?"

Ms. Bosco: "Professional service employees for Maui County?"

Mr. Dunbar: "For professional service --" yeah, that's okay -- "employees in Maui County."

Ms. Bosco: "in Maui County."

Mr. Dunbar: So that you -- you give professional service the -- or something like that. You give professional service the -- the emphasis that you want.

Mr. Chaikin: Well, I think the emphasis should be, not so much on professional, but essential service personnel. I mean there's -- there's certain people that really are essential in the community and somehow we should get that in there.

Mr. Dunbar: That would be fine too.

Ms. Bosco: Okay, so add it or just replace it? Which one?

Mr. Kalipi: You can add it, the essential --

Ms. Bosco: Okay, professional and service -- I mean "professional and essential service employees --"

Mr. Kalipi: And then in the implementation action then you would specify the doctors and stuff like that so then it really targets the group that we're looking at. I mean when you say

“professional,” that could be lawyer, that could be other professionals and CEO’s and I think that’s not where we really want to hit the hammer on the nail so we really wanna go for the doctor and the teacher.

Ms. Bosco: Okay, and so then, just to clarify, Commissioner, under E1g, would you like an implementing action statement which calls out teachers, police, fire, medical professionals, and others? Okay, thank you. So we’ll add that as an implementing action.

Mr. Dunbar: Okay, but you left out -- you got “to provide permanent and rental housing for professional and essential service employees in Maui County.”

Ms. Bosco: Okay, so add “rental” after “permanent -- “ ”permanent and --“

Mr. Dunbar: After “permanent and rental housing for --“

Ms. Bosco: Yeah, that somehow dropped off. Thanks. Okay. Let me give Julia a chance here to put that in there. So the original statement will become --

Mr. Vanderbilt: Well, then you -- then you will need a definition for affordable housing.

Ms. Bosco: Yes.

Mr. Vanderbilt: Because somewhere it just says affordable housing; now we’re -- we’re making it a distinction between rental housing and affordable housing.

Ms. Bosco: Okay, so the original statement --

Mr. Vanderbilt: And I just wanna say that Molokai had in there and their GPAC “Provide affordable housing for teachers, police, fire, medical professionals, and other social and essential service providers.”

Ms. Bosco: Okay, can we go back E1m for discussion? It’s the one down below: “Consider alternative regulatory frameworks --“ Okay? Anything? If not, we’ll move to E1n: Work with lending institutions to redefine lending criteria to expand housing options for Maui County citizens.

Mr. Chaikin: I’m still kind of not quite settled on that “g” statement yet. I mean I’m not sure, when we talk about permanent and rental housing, I mean what is that? I mean what’s permanent housing as opposed to rental housing? Rental could be permanent I guess. I don’t know. It seems like it’s kind of a little bit awkward cause it’s hard to figure out what we’re talking about.

Ms. Bosco: I think it would be probably cleaner if we used “affordable housing” and allow us to define what that means.

Mr. Vanderbilt: Well, if you have “affordable housing” and then you have “options” on the end of it, the option could be rental or some other housing.

Mr. Dunbar: I guess if we’re clear that affordable could mean rental. I mean that may be all they’re going to do is rent. You know, I mean if we’re talking affordable as in ownership --

Mr. Vanderbilt: No, affordable does include rental as well.

Mr. Dunbar: Well, this is why I wanted -- it depends on everybody’s, you know, interpretation of it. You know, I mean what we’re talking about affordable on top, we’re talking about someone’s able to buy and then sell and perpetuity, and now we’re down to affordable and we’re talking about rentals. So I mean ...(inaudible)...

Mr. Vanderbilt: But the ordinance for Maui County did include rental in the ordinance, the affordable housing ordinance.

(Commissioner Lynn DeCoite entered the meeting at 1:55 p.m.)

Ms. Bosco: Welcome, Lynn. We haven’t taken any votes yet. We were on the -- from the first section here of the Housing section, I mean the first Objective of the Housing section, and we’re right now working on E1m.

Mr. Kalipi: Yeah, that was kind of my question too because I -- I purposely took out “affordable” there, originally, because then if you’re telling me affordable house for a regular joe versus affordable house for one doctor, then the definition of “affordable” really changes and so that’s a very good question.

Ms. Bosco: Thank you.

Mr. Vanderbilt: And based on the median income of Molokai versus Maui, there’s about a \$200,000 difference between how affordable houses are -- are priced. On Molokai, the affordable house for median income’s about 170, it’s about 300 and something on Maui.

Ms. Bosco: Okay, thank you. We have a policy a little later on to address that.

Mr. Dunbar: Well, that’ll be the next section. We’re trying to get the median income up.

Ms. Bosco: No, down you mean. Okay, so any comments on E1m? If not, we’ll go to E1n.

Mr. Chaikin: Yeah, I'd just like to maybe comment on E1n. I mean it's -- it's an implementing action and it kinda leads you to believe that that's really the solution but, in fact, that's actually been the problem, that's why a lot of people throughout the United States now are losing their homes just because of that statement right there. So I think we have to be very careful. I think that we need to somehow safeguard Maui County home buyers from predatory lending practices and I think that when you open it up to letting the lenders do all kinds of innovative things, it can kinda catch up to the public and reek havoc, which is what it's doing right now all across the Mainland. So I would suggest that we put the word "safeguard" in there somewhere maybe to --

Ms. Bosco: "To expand and --" I can't -- "to expand and safeguard housing options?"

Mr. Chaikin: Well, "to expand housing options and --"

Ms. Bosco: "Safeguard --"

Mr. Chaikin: "And safeguard Maui County citizens" or something to that effect.

Ms. Bosco: Thank you.

Mr. Vanderbilt: ...(inaudible)...

Mr. Chaikin: Yeah, basically, the lenders will -- do ...(inaudible)... losing your house.

Ms. Bosco: Okay, any other comments?

Mr. Kalipi: Question. E1m and E1n refers to mostly implementation actions. Do they fall in a certain category that it's hooked or aligned with like, for example, E1c, then I look down at E1o, E1o is suggested that it would fall under or align with E1c, so my question is: Would these -- when you say move to implementation action, would that also be connected to a certain category where you read it and then --

Ms. Bosco: Yes, absolutely. It would be under housing strategies or affordable housing strategies.

Mr. Kalipi: So not necessarily a policy but just --

Ms. Bosco: The ones that are implementing actions would drop out of the -- the section -- this section of the policy plan and moved to the implementing strategy chapter. So it would be one strategy with -- all those implementing actions would be listed under the large strategy of developing housing options for Maui County.

Mr. Kalipi: And then following that, there'll be certain implementation action that would align to certain --

Ms. Bosco: Yes. It would ...(inaudible)...

Mr. Kalipi: Policy? Thank you.

Mr. Vanderbilt: Madam Chair, I have a comment on --

Ms. Bosco: Did you just call me Madam Chair?

Mr. Vanderbilt: Well, you -- you're doing a good job. Alright, E1m. E1m. I'd like to leave that as a policy statement. E1m. I'd like to take out "consider alternative regulatory frameworks to," take that out and just put "facilitate the use."

Ms. Bosco: Thank you.

Mr. Vanderbilt: And then how you do that.

Ms. Bosco: Okay.

Mr. Dunbar: Could someone tell me what all that means?

Ms. Bosco: I'm going to need to ask the Commission because I don't -- I'm not actually very versed in that particular act.

Mr. Vanderbilt: Well, it came from the Planning Department who started -- who started it.

Ms. Bosco: Well, actually, it came from one of the GPAC's. It came from one of the GPAC's. I know there was a lengthy discussion at the Maui GPAC and they wanted to make sure that term was included because it -- it opens a lot of opportunities up for native Hawaiians, okay, the Kuleana Act of 1850.

Mr. Vanderbilt: Simone, but on this big sheet here, the first column came from where?

Ms. Bosco: Okay, hold on here. The first column is the draft, the original draft language.

Mr. Vanderbilt: Okay, so that came from the Planning Department probably.

Ms. Bosco: ...(inaudible)...

Mr. Vanderbilt: And that's -- and it says the same thing.

Ms. Bosco: You know what? This is the second round so this -- there were two rounds of comments. In the first round, when we first floated out the draft, this came up as a discussion point so we took the Maui GPAC's comments and incorporated it into the second draft and what you're seeing is actually the second go-around where the GPAC's voted on the statements. So the first go-around they didn't vote; they just discussed.

Mr. Dunbar: I'm still -- I'm still confused. I don't know what it means.

Ms. McPherson: Chair, may staff speak?

Mr. Vanderbilt: You got the mike.

Ms. McPherson: Okay. I think some of these came from our Cultural Resources Planner and I think the reason is that because kuleana land, as a lot of you know, can be landlocked, it can be misplaced, it can be -- well, they get -- they fall off the TMK maps sometimes, so they -- sometimes they can be rediscovered, they can be very overgrown, there can be a lot of different kinds of access issues, so I think that that may be what is intended with this policy that the County could help facilitate possibly access to these lands and access to infrastructure, etcetera, etcetera.

Ms. Bosco: Yeah, thank you.

Mr. Vanderbilt: Thank you.

Ms. Bosco: I think the intent, I just want to clarify, it didn't come from Cultural Resources Planner, it came from a Maui GPAC member, I distinctly remember that, and I think it was a part native Hawaiian or Hawaiian GPAC member.

Mr. Dunbar: You know, kuleana lands already have access by definition. They don't -- I mean you need provide access for kuleana lands period. It's not -- I mean we don't need E1m telling me that you gotta provide access for kuleana lands.

Mr. Vanderbilt: Well, it doesn't say that does it?

Mr. Dunbar: That's just what I'm -- a planner just said that. That's where it came from she was saying. That's why we were asking ...(inaudible)...

Mr. Vanderbilt: Access. So use is access? It should read "Facilitate the access or the use --"

Ms. Bosco: Can I -- it doesn't say that but I just -- can I -- it doesn't say give out access. Access is required. You need to have access to your land in order to build. Once you go

in for a building permit or any kind of place where you're going to live, you need -- we will not grant you a building permit without access, okay, so that's an issue right there. Can I say a little more? I just wanna make sure that the Commission understands why the first part of that sentence is there: "Consider alternative regulatory frameworks --" Okay, the reason why that was there, and this was a huge discussion by I think John Blumer-Buell, okay, he was the GPAC member that repeatedly brought this --

Mr. Vanderbilt: From Hana?

Ms. Bosco: Yes. This phrase up. Please have this term "alternative regulatory frameworks" in the policy plan because, at this point in time, there is absolutely no way anybody can build on native Hawaiian land or even land anywhere that doesn't fit within the -- the building code, so it has to fit tightly into the definition of what Public Works requires or they can't get their building permit. And with that -- with that particular language, it encourages the County to provide other options besides the traditional building code options to build different kinds of dwelling units or different kinds of villages, whatever have you, okay. So I just wanna make sure that you understood that. I would actually encourage the Commission to retain that language because of that point. I mean there's really no other option besides the indigenous -- the indigenous architecture code, the ordinance that we just have that's very unique right now.

Mr. Vanderbilt: Based on that, I would suggest that we obtain the wording but change "consider" to "provide."

Ms. Bosco: Thank you. "Provide alternative regulatory frameworks to facilitate --"

Mr. Vanderbilt: Plus "consider" could just be a passing thought.

Ms. Bosco: Thank you. Any other comments? If not, we'll move to E1k.

Mr. Dunbar: Who put in the word -- who put in the word "consider" versus "provide?" Is that from the General Plan ...(inaudible)...

Ms. Bosco: That was -- that was voted on by the GPAC's.

Mr. Dunbar: Then I'd go with that.

Mr. Kalipi: I have a -- I have just a question I guess to Commissioner Chair to all of us is: Has anybody come up with no comment?

Ms. Bosco: Yeah.

Mr. Kalipi: Did any Planning Commission come up, when they read something, did they not fully understand it and said, "no comment?"

Ms. Bosco: Yes. It happens a lot.

Mr. Kalipi: Okay. Okay, I just wanted to ask. Thank you.

Mr. Vanderbilt: Mikiala, you got anything? No?

Ms. Pescaia: No comment.

Ms. Bosco: Okay.

Mr. Vanderbilt: Well, do we want -- do we want this at all?

Mr. Chaikin: I don't have a problem with it.

Mr. Vanderbilt: Okay.

Ms. Bosco: Okay, E1k: Support the Department of Hawaiian Home Lands development of homestead lands that are designed in accordance with the Maui County General Plan. And I wanna explain the -- by adding the phrase "in accordance with the Maui County General Plan," it really ties the Department of Hawaiian Home Lands to actually local -- local regulations. Right now, they're exempted from local regulations but they choose voluntarily to follow local regulations. Just so you understand how that -- that language changes our authority.

Mr. Vanderbilt: Simone, I have a separate comment on that. I would strike out -- Molokai GPAC said "Support the Department of Hawaiian Home Lands development of homestead lands" and they struck out "that are designed in accordance with the Maui County General Plan" so I would like to see -- I'd like to support the GPAC on that.

Ms. Bosco: Thank you. Did you want the word "lands" in there or did you want it struck like the Molokai did?

Mr. Vanderbilt: Are you sure they did or --

Ms. Bosco: I'm not -- I'm not -- I have to take a look. I think it should stay.

Mr. Vanderbilt: I'd leave it in.

Ms. Bosco: Okay, thanks. Okay, any other discussion? If not, we'll move to E1o.

Mr. Dunbar: Wait a minute now. I think they gotta have some sort of plan so I mean who's plan are they under? Are they under the nobody's plan?

Ms. Bosco: Under the State so --

Mr. Dunbar: What do you think?

Ms. Lynn DeCoite: Hawaiian Home Lands.

Mr. Dunbar: Nobody's plan ...(inaudible)...

Ms. DeCoite: They have a Hawaiian Homes Islandwide Plan that was just unveiled in Kona at the planning commission --

Ms. Bosco: Right. I remember that.

Ms. DeCoite: Seriously.

Ms. Bosco: Okay.

Mr. Dunbar: Should we put that in?

Ms. DeCoite: ...(inaudible)...

Ms. Bosco: Okay, E1o, is an implementing action: Promote the use of the community land trust model and other land lease options.

Mr. Vanderbilt: So is a community land trust -- is that just something that provides land lease options?

Ms. Bosco: Well, there's probably a lot of different ways that you could set one up.

Mr. Vanderbilt: No, but it just says, "Support the use of the community land trust model and other land lease options," so that tells me that --

Ms. Bosco: Yeah.

Mr. Vanderbilt: About the use of the model which is a land lease option and other land lease options.

Ms. Bosco: It is. It's basically a land lease option.

Mr. Vanderbilt: But promote the use of it for, I guess, affordable housing, huh?

Ms. Bosco: For affordable -- yeah, this is a affordable housing tool. I would add the -- actually recommending adding "and other land lease and financial options." Add the words "and financial options" ...(inaudible)...

Ms. DeCoite: What is the community land trust model?

Ms. Bosco: Okay, hold on.

Ms. DeCoite: Is there like a enterprise community land trust model or --

Ms. Bosco: I can try and explain it, and then Nancy can help me out if ...(inaudible)... basically, it's a way of -- it's a financial mechanism. It's a mechanism whereby the land is leased and it's not included in the cost of the construction of the house, so the cost to the end user, which is the resident, is only the cost of building house. They don't own the land underneath the house. It's kind of like leasehold except that it's -- it's this area of land in the trust that's large, large enough to accommodate a community, and then the -- the cost of the house is much cheaper because of that so -- I think Julia is telling me that the land is dedicated and, generally speaking, the land is dedicated and held in perpetuity.

Mr. Dunbar: Dedicated and what?

Ms. Bosco: Dedicated to the county, for example, or to the trust?

Ms. Pescaia: To who the trust is -- who controls the trust so, in this case, community land trust, usually the beneficiaries are -- the community is actually named and there's a process for which the community can participate. For example, the Molokai Land Trust, they took "community" out and they're just the Molokai Land Trust, which then remove the community from the process. So that's the difference between community land trust and other land trust, private land trust.

Ms. Bosco: I love it when we have people on a commission who can --

Mr. Sherman Napoleon: What's the -- what's the reasoning about putting in "financing options?"

Ms. Bosco: Because it doesn't tie it necessarily to the land only. Land lease options are always tied to the leasing of the land and what we wanna do is broaden the options. There could be financing options available to people, that new first time homeowners or something like that, and so having that language in there opens the door for creative financing.

Mr. Vanderbilt: But you see, and this is the kind of statement that, when you say you're consistent with the plan, it's these such wide open statements that, you know, anything goes. I mean they're not -- you're not focused on an area. But that's just my point to you.

Ms. Bosco: Okay, any other comments? If not, we'll go to E1h: Ensure County citizens have access to affordable homeowners insurance and manageable property taxes.

Mr. Chaikin: Well, I've got a problem with the wording on this cause, you know, the County could ensure manageable property taxes but they have no jurisdiction whatsoever over the insurance companies, so they really -- it's not something they can ensure. So we could use other language that would be similar but it wouldn't -- something like "Support access to affordable homeowners insurance," or something like that.

Ms. Bosco: Thank you. "Support access to affordable homeowners insurance and --" how does that sound "and manageable property taxes?" It's not the strongest statement, I have to say. It could be something like: "Support access to affordable homeowners insurance and --"

Mr. Chaikin: Property taxes.

Ms. Bosco: "and ensure --" "ensure manageable property taxes" or something like that. Okay. Next one is --

Mr. Dunbar: Wait. I have a comment. Certainly I would love to have affordable homeowners insurance and I would love to have manageable property taxes, and the fact of the matter is there's probably three underwriters that take all of one's burden for all homeowners insurance and they're the ones that call the shots, so are we saying -- when we say "support" we're looking for the County to pay for some of our insurance? What sort of support are we looking for? Are they supposed to pay it? I mean they're not going to go to the three big underwriters and say, "Bruddah, you know for Molokai, you ought to bring down your homeowners insurance. You know, cause we're such nice guys." They're not going to do that. So what are you saying? What does support say? Are we -- I mean if we're going to request the County to pay for some of our homeowners insurance, let's just say that. That we request that the County of Maui pay down homeowners insurance so it's affordable. And then you can say we want Maui County to ensure that they will not raise our property taxes in perpetuity. All I'm saying is that "support" doesn't do anything for me, you know. There's no way you're going to -- you're going to change the major underwriters underwriting the homeowners insurance. If they got floods that they gotta pay for, they're going to pay for it here so ...(inaudible)...

Mr. Vanderbilt: But --

Mr. Dunbar: Who's going to support?

Mr. Chaikin: Well, let me give you an example. Like what was in there was "ensure" and I felt as though we can't do that. We can't ensure. But we can support. For instance, in California, what happened is the insurance companies would no longer write homeowners insurance or fire insurance in fire prone areas, so you had all these housing without access to insurance. So what they did is they started up kind of their own insurance company called "The California Fair Plan" and that was their solution to affordable insurance, which is basically what we're saying here support access to --

Mr. Dunbar: Right. Who is "they?"

Mr. Chaikin: Well, in this case --

Mr. Dunbar: State of California?

Mr. Chaikin: The State of California did it.

Mr. Dunbar: Okay, so we should put: "The State of Hawaii ought to support access to affordable homeowners insurance and ensure that manageable property taxes or property taxes won't be raised in perpetuity."

Ms. Bosco: The State -- okay --

Mr. Dunbar: You know what I'm saying? I mean who is going to --

Ms. DeCoite: Why don't we just put "provide?"

Ms. Bosco: "Provide affordable homeowners insurance?"

Mr. Chaikin: You know, I think that it's important that we do say something cause as soon as this State gets hit by a big hurricane and the whole thing gets wiped out, nobody's going to want to write insurance.

Ms. Bosco: Yeah. That's right.

Mr. Chaikin: So it's important that we have something in the plan.

Ms. Bosco: That's right. Also, this statement addresses flood insurance too so, you know, even if it's --

Ms. DeCoite: Well, you know, on the flip-flop side of that is was when had Hurricane Iniki. Hurricane came, went, and then the person that was buying the new house got stuck with paying the Hurricane Iniki Fund, and then when the thing was getting ready to be dissolved, they didn't get their money back. They decided to throw it into another fund. So I would like to see the State of Hawaii provide access to affordable homeowners insurance. And that would be a more fair statement --

Mr. Dunbar: And the County of Maui.

Ms. DeCoite: Yeah, and the County of Maui.

Ms. Bosco: Actually, we -- I would suggest keeping the statement "the County of Maui should provide access" because we don't have -- we don't have regulatory authority to tell the State what ...(inaudible)...

Mr. Vanderbilt: Wait a minute though. We made a lot of statements about the State in the education statement and --

Ms. Bosco: Yeah, I was just going to say but it was the term that we used was facilitate or we did use the term -- we used -- the term was -- we didn't say: "The State shall do this." We said -- you can help me out here -- we said "encourage the State or --"

Mr. Chaikin: Why don't we just keep it broad and call it "the government."

Ms. Bosco: Can. Can. The government. "The government shall provide --"

Mr. Vanderbilt: So will it be have government provide?

Ms. Bosco: "The government shall" -- "will" -- or "shall provide."

Mr. Vanderbilt: No, just say, "Have government --" just say, "Have government provide." And then take out "ensure" and just "manageable property --"

Ms. Bosco: I think there's a --

Mr. Vanderbilt: Cause this is all -- this is, again, under the affordable housing section.

Ms. Bosco: There's a word missing here. It should say, "will provide" or "shall provide."

Mr. Vanderbilt: "Have government provide."

Ms. Bosco: Okay, we'll -- we'll take a look at that and see if -- make sure it's grammatically correct later. I think -- I don't think it is.

Mr. Vanderbilt: Don't go there with the grammatically correct.

Ms. Bosco: E1i: Redevelop commercial areas with a mixture of affordable residential and business uses. Okay, this is supporting the mixed use concepts. Allowing people to have businesses and residences in the same area or even the same structure. So you might have a business on the bottom floor and a -- a apartment on the upper floor or something like that. That was actually the way Hawaii used to be.

Ms. DeCoite: That one is kinda tough because if you look at doing that, you also look at then you get noise pollution, you can -- you might have, which is what ...(inaudible)... before animals in a residential area so I don't know what wording I would use on that but --

Ms. Bosco: What we typically do with this kind of a policy is when you're looking at establishing mixed use zoning districts, you only cluster compatible uses, so you would never put say a heavy industrial use next to a residential area. That just would never pass. You might do a business, a small business country town district with residential uses or something in a less -- just less intense -- it'd be compatible uses in a cluster.

Mr. Vanderbilt: Then I would put -- I'd put two things here. Either start it off with "Consider the redevelopment," which leaves it up to each community plan area. Or if you didn't wanna do that, put "Redevelop commercial areas" blah, blah, blah, "uses as appropriate to each community planning area."

Ms. Bosco: Okay.

Mr. Vanderbilt: Either one so --

Ms. Bosco: "Consider the redevelopment of commercial areas --"

Mr. Vanderbilt: Cause it may work in some places; it may not work in others.

Ms. Bosco: Okay. Is that okay? Take a look at that and let us know. Next statement is E1p, it's an implementing action statement: Support the opportunity to age in place by encouraging assessable residential design.

Mr. Vanderbilt: Okay.

Ms. Bosco: Okay? No? Okay, if not, E1j: Ensure residents be given priority to obtain affordable housing units developed in their community.

Mr. Chaikin: Could you once again give us your definition of “resident?”

Ms. Bosco: Anybody who lives here over six months a year.

Mr. Chaikin: Because that’s not very descriptive. I mean I think that what we wanna guard against is people in California hearing about some affordable project over and hop off the plane, after their first step, they say they’re a resident and go sign up for the affordable housing. So somehow we need to qualify this a little bit better.

Ms. Bosco: This is qualified in the affordable housing bills and the workforce housing bills and all the other ordinances that will address affordable housing issues. That’s the kind of thing that we would look at and further define in the tools.

Mr. Vanderbilt: In the community plan?

Ms. Bosco: In the community and also with the ordinances.

Mr. Vanderbilt: Could we -- could we ensure full-time residents?

Ms. Bosco: No, you cannot. It’s not -- ensure full-time residents for what?

Mr. Vanderbilt: Ensure full-time residents be given priority.

Ms. Bosco: That gets into constitutional rights and I -- I don’t think you can do that actually. It’s not constitutional to require that only full-time residents be given priority. But you can ensure that residents be give priority.

Mr. Vanderbilt: But that doesn’t track -- then you say you could further define it in the community plan but then you’re saying if you further restrict it, it’s unconstitutional.

Ms. Bosco: There’s issues around this statement. All I’m going to say is I passed it be the director as is and he supported it, and so I -- all I can say is we are doing the best to --

Mr. Vanderbilt: Well, I would -- I would support rather than jeopardize it but that was one of the things that came up. Hana, Lanai, and Molokai, when they did the affordable housing bill, wanted to require that any affordable housing units built in their communities would -- people that have lived there would get first crack at it and that didn’t make it into the bill. But all three, the Lanai Planning Commission, the Molokai Planning Commission, and the Hana Advisory Council all wanted that so --

Ms. Bosco: Yeah. I think everything is --

Mr. Vanderbilt: So I would leave that in. We'll do the fight another day.

Ms. Bosco: Okay, thank you. Next statement is an implementing action statement, E1q: Seek a means to establish pricing for affordable housing which is more reflective of Maui County's workforce rather than the Federal HUD median income estimates for Maui County. This statement is seeking to establish local standards for pricing.

Mr. Chaikin: I would make that sentence a little less wordy.

Ms. Bosco: Okay.

Mr. Chaikin: Get rid of the very beginning of it where it says, "Seek a means to" and just start with "Establish."

Ms. Bosco: Okay. Start with "Establish."

Mr. Vanderbilt: And I'd leave it as a policy statement.

Ms. Bosco: Okay. Any other comments? If not, we'll move to the next section.

Mr. Dunbar: Could I ask one question on that? Is the requirement for being able to obtain affordable housing, this under E1q, they have it more reflective of Maui's workforce rather than the HUD median income estimates, is it because financing is tied to the HUD median income estimates --

Ms. Bosco: Yep, that's one --

Mr. Dunbar: As to what they put into 'em?

Ms. Bosco: That's one reason, yeah.

Mr. Dunbar: So did we just talk ourselves out of --

Ms. Bosco: And also, the other problem is developers tie an affordable housing unit to national standards instead of local standards, which is another problem because our local median income is lower than the national, I think it's lower anyway, so --

Mr. Dunbar: I understand that but I'm saying by adopting what we chose to adopt here are we undercutting the ability to provide affordable housing?

Ms. Bosco: By adopting the way this reads here?

Mr. Dunbar: Yeah.

Mr. Vanderbilt: No. No way. How would you be?

Ms. Bosco: The only way --

Mr. Vanderbilt: You're seeking ways to do it.

Mr. Dunbar: Wait. I'm talking to Simone.

Mr. Vanderbilt: Well she --

Mr. Dunbar: I'll give you a chance later.

Ms. Bosco: The only way it would be is if the national standards actually dropped below local standards, okay, that's where it might happen. If the national standards dropped.

Mr. Dunbar: Okay. So right now it does not impede it?

Ms. Bosco: It does not now, but then this is a 25-year plan so -- if you dropped the sentence, if you dropped the tie to HUD and you dropped it after "workforce," if you just put a period there, then you would be eliminating that -- that issue, you know, you would be eliminating the comparison between the national standards and the local standards. You'd just be saying establish local standards.

Mr. Dunbar: I guess my only other question: If you went to go finance affordable housing, would the lenders be inclined to take the Federal HUD median income estimates or wanna use Maui County workforce? You see, if you're not going to get a lender to lend money because he doesn't use Maui County workforce, you might as well throw affordable housing out because that statement is meaningless. If the lenders are going to use the HUD criterion, then you have to have the HUD values in there or you might as well just erase that whole thing there and not even have a E1q.

Ms. Bosco: I see your point. Absolutely. We don't have any control over the standards that the lenders use unless we develop agreements with the lender itself. So, for example, with the rural housing service, the -- what's it called? They have those affordable housing program with the -- it's escaping me -- the agricultural -- the, yeah, USDA.

Ms. Pescaia: USDA Rural Development.

Ms. Bosco: Yes, thank you. Thank you. So we -- the County works with that lending institution, that's a government -- those are government loans so we do have an affordable

housing program that works closely, and we also have a grant program, the County has a grant program so, in that case, this policy would work. But outside of a government setting, it's -- it doesn't work as well. The lending institution actually has to develop a partnership with the County to support this policy. Do you understand?

Mr. Vanderbilt: And I think where it really gets into a problem here, especially on Molokai, if you brought in -- we have only 23 to 2500 households and if you bring in 250 millionaires and put that average median income on top, you watch it'll increase our median income by over 50 percent and what that does, it raises the median income so then a developer comes in and his sales price that he can charge for the affordable housing is based on the median income. That's how the new County workforce housing project is. So they're these inflated prices that have no relation to what the workforce can -- and that was the reason to try to find some other means to make a more representative calculation of the sales price that's in line with what people can afford.

Ms. Bosco: Okay, are we okay with dropping the reference to the HUD standards?

Mr. Vanderbilt: That was -- that was the whole problem. There was discussion after discussion on this.

Ms. Bosco: So you're not?

Mr. Vanderbilt: No. I mean --

Ms. Bosco: Okay.

Mr. Vanderbilt: And that's why I wanted everybody to have the minutes, and I keep asking for that, so we can go back and reference.

Ms. Bosco: I keep asking too. So I've looked into it again for you, DeGray. Okay, so maybe we should keep that in there, Julia. Thanks. Okay, next one is Objective E2, oh, okay, can we take a pause for five minutes?

Mr. Vanderbilt: Okay, we'll take a ten-minute recess.

Ms. Bosco: Thanks.

(A recess was called at 2:34 p.m., and the meeting was reconvened at 2:43 p.m.)

Mr. Vanderbilt: Let's get back on the record.

Ms. Bosco: Okay, we're ready to go. We're going to start with --

Mr. Vanderbilt: Alright --

Ms. Bosco: Objective E2, and I'm gonna stop reading the statements, you guys can discuss each one that concerns you as you wish, so Julia's projecting everything, it's coming up slowly.

Mr. Vanderbilt: And that's sort of the format that we used the last time.

Ms. Bosco: Okay, so Objective E2 is where we are.

Mr. Vanderbilt: So we'll -- you can read the Objective.

Ms. Bosco: Okay, I'll read the Objective.

Mr. Vanderbilt: The Goals and the Objectives that's what you'll read.

Ms. Bosco: Okay. "Increase the mix of housing types in Maui County's towns and neighborhoods to promote sustainable land use planning, expand consumer choice, and protect the County's rural and small town character." Okay, I'm not going to read anything though. You guys can take a look at the seven policy statements.

Mr. Vanderbilt: That would be E2f through the bottom of the page?

Ms. Bosco: E2f all the way to E2e.

Mr. Vanderbilt: Okay.

Mr. Chaikin: I don't have any problem with any of the E2's.

Ms. Bosco: Okay.

Mr. Feeter: Are they synonymous, ohana and accessory?

Ms. Bosco: Not necessarily. No. No. Accessory -- okay, let me think about it.

Mr. Feeter: Well then isn't that gonna refer back to the type of zoning?

Ms. Bosco: Yes, it is.

Mr. Feeter: Okay, then shouldn't that be a qualifier?

Ms. Bosco: Well, it's implied in the statement. There's -- the zoning will regulate whether you're allowed an ohana or an accessory dwelling unit.

Mr. Vanderbilt: Is this --

Ms. Bosco: Go ahead.

Mr. Vanderbilt: Is this under affordable housing?

Ms. Bosco: Well, yes. Well, it's -- the intent behind ohanas and accessory dwelling units is to provide affordable housing.

Mr. Feeter: Isn't there a better word than "increase the mix of housing types?" That should call for some professional definition cause I don't know what mix means, in a sense I do, but I think it's gotta be black and white. It's gotta be specific.

Ms. Bosco: Okay.

Mr. Vanderbilt: Bill, I think that, again, this is a policy statement that each community, whether it be Hana, Lanai, Kahului or Molokai, we take this statement and we determine, in our community, what that mix will be, and it may not be the same as anywhere else or it may be the same, I don't know, but it's up to our community and then we bring in the professionals and we say what we want. But all this does is say "increase the mix" and it's up to each planning district to decide what that means.

Mr. Feeter: That's extremely broad again and I don't know how you could make a determination until that's defined.

Ms. Bosco: Are you asking about the word "mix?"

Mr. Feeter: Give me an example perhaps.

Ms. Bosco: Okay, I'll give you an example. Within a small town, you could have multi-family units, you could have single-family units, you could have town homes, and all of those types of housing units compromise a mix of housing types. So if you only had a subdivision of single-family homes and nothing else, no other type, that wouldn't be a mix. So we're trying to encourage different housing options, different housing types, within areas so that all income -- all income levels could afford to live in an area so you wouldn't be priced out of an area just because there's only one type of home.

Ms. DeCoite: How about if we -- if we just look at the, you know, on the -- I'm sorry, we're on the other line, yeah, we're on increase the mix. Sorry.

Ms. Bosco: The E2b is similarly worded except it addresses demographics.

Mr. Feeter: Another comment. On that last sentence, the E2, "Protect the County," that seems like that says "the County," that should say "Molokai." We're all in small town character.

Ms. Bosco: We are at a Countywide level right now so we're not trying to -- we're not at the community plan level in this document. We need to make sure it addresses all islands. That's the reason for the word "County."

Mr. Dunbar: E2f, moving -- you moved this to implementing action and why?

Ms. Bosco: Why? Because it's an implementing tool really. Ohana cottages and accessory dwelling units is one way to achieve a mix of housing types. It's a "how-to" statement. If you'd like to make it into a policy, we can. It could serve as a policy easily.

Mr. Dunbar: "Expand opportunities for development of ohana cottages." Aren't there laws on the books now that say that you can have one and then you can have another one on that same lot if it's less than a thousand?

Ms. Bosco: There are but the General Plan --

Mr. Dunbar: So how are you going to expand that?

Ms. Bosco: Well, the purpose of putting this statement is to make sure it continues to happen. This is the -- the overriding document for everything else. All the --

Mr. Dunbar: It's already there. It's an ordinance so I don't need to tell me it's there again.

Ms. Bosco: Actually, the ordinances are tailored to be consistent with the General Plan so if we have this language in the General Plan, then it supports the ordinance. The ordinance is already passed, that's true, but because it's here, it strengthens any other future ...(inaudible)...

Mr. Dunbar: So the General Plan does not have in E2f on the main draft language which says "Expand opportunities for development of ohana cottages and accessory dwelling units." What I'm saying is that you already have the ability to build an ohana cottage on your lot provided it is less than a thousand square feet so --

Ms. Bosco: You do.

Mr. Dunbar: What are you expanding on?

Ms. Bosco: You do. But you know what? In ten years, if somebody decides to change that ordinance, that could come out of the ordinance.

Mr. Dunbar: So, well, then we fight then. I mean what do we need it for now?

Ms. Bosco: Well, it's going to be harder to fight a 25-year plan. It's going to be harder to fight this General Plan so --

Mr. Dunbar: You know we've had some laws on the books for the last 50 years that they just wanna change now and I can go through 19.38 right here for you in about 30 seconds if you wanna know that. My question is, I don't know who wants to expand what for why and why they wanna move it to an implementing action. I got problems with it. It's already on the books. It's an ordinance.

Ms. Bosco: Are you suggesting we remove this statement?

Mr. Dunbar: Yeah, I am. I think it's redundant. You know, all I'm -- I mean you guys tell me expand, promote, ensure . . . all of this is wonderful words but, you know, who's showing the money? You know, where's it all going to come from? So I'm trying to figure out what we are going to expand. And, while we're on that, we can go right down to E2g and it talks about revising County laws to support neighborhood designs which incorporate a mix of housing types that are appropriate for island living. Appropriate for island living. What is that?

Mr. Vanderbilt: Have you moved off of --

Mr. Dunbar: I know. Well cause I had --

Mr. Vanderbilt: E2f?

Mr. Dunbar: I haven't gotten a satisfactory answer for E2f.

Ms. Bosco: Okay, I'm going to answer --

Mr. Vanderbilt: Well, then can somebody -- I'd like to respond on E2f. I agree with you. We do have laws on the books. But in order to have an opportunity for an ohana house, you have to have a large lot. It can't be 4,000. It can't be 5,000. It can't be 6,000. It has to be 7,500. And you know the cost when you start getting the larger lots. Molokai put in "Require all affordable single-family lots to be large enough to allow for the development of ohana cottages to accommodate the future affordability needs of expanding families," so -- which was the original intent of -- of ohana units. And it also expands the housing -- affordable housing needs. If somebody gets older, they move into the ohana unit and the

kids move into the house. So that -- this is in the affordable housing section and, right now, you can't find any 7500, 8500, 10,000 square-foot lots that are priced reasonably even without the house on them so this was -- at least Molokai put it in that -- and maybe instead of "require," it's "Encourage all affordable single-family lots to be large enough to allow for development of ohana cottages to accommodate the future affordability needs of expanding families." And that's -- because right now, they have no chance under the existing law.

Mr. Dunbar: Well, you having said that, you then go right back to your explanation of island living where, you know, you had to have a big enough space so that you weren't right on top of one another and, you know, I mean where are we? Are we going to be building, you know, thousand square-foot -- second thousand square-foot homes on 4,000 lots so 3,000 square feet is covered on a 4,000 lot? You know, I mean you couldn't have them -- you certainly couldn't put them in Kilohana Kai. You'll be on top of someone --

Mr. Vanderbilt: Kip, if you look at the wording, at least on Molokai, make the single-family -- affordable single-family lots large enough. So -- so the working people --

Mr. Dunbar: The bigger you make the lot, the more expensive the lot.

Mr. Vanderbilt: Just like the rich people can have the same opportunity to have an ohana unit.

Mr. Dunbar: So, you know, we're going in two different directions. The larger the lot, the more expensive the lot period, unless I missed something in economics.

Mr. Vanderbilt: Well, wonder if the land's donated. Alright, for instance, Molokai Ranch wants to donate a thousand acres. Now somebody can come in and they can say, "Well we can get twice as many houses if we make the lot 4,000 instead of 8,000 - 8,000 would allow an ohana unit." The lands free.

Mr. Feeter: Not really.

Mr. Dunbar: Nothing's free.

Ms. Bosco: Can I just add --

Mr. Vanderbilt: Well, Bill, all this is for affordable housing for the working people so they have the same advantage to the people that got the money and if -- that's the reason for this. That's why I support it. I don't know why you wouldn't support it.

Ms. Bosco: Expanding opportunities means we're going to expand -- okay, hang on now. Okay, the County is trying to find any way possible to open up opportunities for affordability;

that could include creating completely new zoning districts that don't exist right now. Okay, this policy: "Expand opportunities" means however you want it to mean but the County will be seeking ways to provide for accessory dwelling units, ohana cottages, and you could even add "affordable units" to that statement but that's what the intent is, okay? It's not to just be happy now with what we have because maybe it's not enough. Maybe we need new laws in the books. Okay?

Mr. Vanderbilt: And I apologize but I just think that the original idea of ohana housing was to expand affordability options by creating a situation where your family had an affordable opportunity, whether it was the parents moving in or somebody else in the family that needed something, and I don't know why we can't get back to something like that. If it's not doable, it's not doable, but at least we can try and have a policy in there that says we wanna try to give working families the same benefit of the newcomers coming into an island.

Ms. Bosco: Okay.

Mr. Kalipi: Well, input. If that language, which I weren't really paying that much attention to, sorry, is very important, what about "seeking innovative ways?" Taking languages from prior positioning. Saying, "Seeking innovative ways" blah, blah, blah, and throw that in there and you then you cover both ends so --

Ms. Bosco: Okay, "Seek innovative ways to develop ohana cottages and accessory dwelling units," Commissioner Kalipi? Is that right? Okay. To --

Mr. Kalipi: I mean that, you know, again that kinda catches both ends. I don't know. I'm just --

Mr. Vanderbilt: Bill, did you -- did you see the Molokai wording?

Mr. Kalipi: Yeah, yeah, I did before.

Mr. Vanderbilt: Well, could you put "Seek innovative ways" on that? "Seek innovative ways to allow --" "Seek innovative ways to make affordable single-family lots large enough to allow for the development of ohana cottages --" Maybe there are no innovative ways, but maybe there are. But I think the thing is out there that the ohana unit is not just for people that can afford a 7500 square-foot lot or larger market priced home.

Ms. Bosco: Okay, is there -- is there more to add to this? Is it -- did you wanna add the word "to expand on" or did you want to take a look at the language?

Mr. Vanderbilt: Well, I --

Mr. Kalipi: I'll start with the "Seek innovative ways" and you can throw in whatever you guys wanna throw it in.

Ms. Bosco: "Seek innovative --"

Mr. Vanderbilt: Just one thing. You don't have to seek any innovative ways for market priced housing. I mean you're allowed -- you can buy a market priced lot, and if it's 7500 or greater, you can put an ohana unit on it. The law allows that. But most affordable families are having trouble so how can we seek an innovative way to allow --

Mr. Napoleon: Maybe we just come up with a smaller square footage?

Mr. Kalipi: Or even --

Mr. Napoleon: I mean if we can put it on a 5,000 square-foot, you know, instead of having, you know, setbacks or whatever.

Mr. Kalipi: And so you go back to Simone's comment would be maybe we need to seek different laws or there's different things that would allow that so -- and that's why instead of, you know --

Mr. Napoleon: I mean that will be like little smaller --

Mr. Kalipi: Right, and so that's why I say innovative ways.

Mr. Napoleon: So you'd be able to -- and then you're not going to incur anymore expenses but there's some houses up there they're really tight, like take the Hawaiian Homes lot over there in Lahaina, those guys are sleeping on each other over there almost. I mean like --

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

Mr. Napoleon: They are doing that already. No more room for put the second house in. The dog house is in the back.

Mr. Vanderbilt: Well, and I think that's why if it's "Seek innovative ways," every -- I mean you can't compare Molokai to Lahaina, or Lahaina can't compare itself to Hana. There's going to be options open to certain areas that aren't optioned -- maybe not open to a dense area like Lahaina. And this is not -- this is a policy plan that applies to all the County.

Ms. Bosco: Okay, can we live with the original statement or did you wanna change it to the new statement? Up to you guys.

Mr. Vanderbilt: Well, I would say, "for the County's workforce families."

Ms. Bosco: "For the County's workforce families" at the end of the statement?

Mr. Vanderbilt: Yeah. Cause we're in -- or something to bring it back to the affordable, you know --

Ms. DeCoite: What about "community workforce families?" County sound like I gotta get one County job, now I get the County benefits ...(inaudible)... sorry. I like see "community" in there.

Ms. Bosco: I think my concern with adding "workforce" is what about the people not working? What about the elderly? The poor? Children?

Mr. Vanderbilt: Well, they're not going to qualify. They're not going to qualify for the house in the first place.

Ms. Bosco: Well, that's what this is -- this isn't -- this isn't about qualification.

Mr. Dunbar: That's what they're going to do. They're going to make a vacation rental out of their ohana unit so they can finally afford to live.

Ms. Bosco: This is about --

Mr. Vanderbilt: That might be one of the innovative ways.

Mr. Dunbar: That's why we got a -- that's why we got the problem in the first place.

Ms. Bosco: This is about providing more opportunities for ohanas, okay, that's all this statement says.

Mr. Dunbar: What does it say again?

Ms. Bosco: It doesn't say you're going to finance the ohana. It doesn't say you're going to cram them on a small lot. It's just looking at how can we allow ohanas more - in more locations, in more ways. That's what that statement says. Okay?

Mr. Chaikin: I will concur that the workforce is kind of limiting cause the ohana is really when you have an extended family, an elderly mother or something and you stick her in that and that, you know, doesn't account for that, so it's limiting, so I would take off the "workforce" but I understand what you're trying to say. You're trying to say let's not do that

for speculators, let's do it for people at the affordable category so I don't know if we can up with a word to make that happen.

Mr. Vanderbilt: Alright, after "dwelling units," for -- "for affordable housing units." Just take off -- yeah.

Mr. Dunbar: Why don't you put something like: "Expand and develop ohana cottages and accessory dwellings on 5,000 square feet of land?"

Ms. Bosco: You don't want to tie it to a standard at this level. You want to leave the standards at the ordinance level. I would stop it short of the 5,000 square-foot language.

Mr. Dunbar: Well, I mean the whole argument for doing this is that nobody can afford anything over 4,000, 5,000 square feet so --

Ms. Bosco: Well that --

Mr. Vanderbilt: Well, they can't.

Mr. Dunbar: If you have an affordable housing unit that is earmarked for a specific size, then use the size.

Ms. Bosco: The standards will be further defined down the line, Commissioner Dunbar. The first part of your sentence was: "Expand and develop --" can you repeat that? "Expand and develop ohana cottages and accessory dwelling units." Is that what you said?

Mr. Dunbar: "On 5,000 square feet of land."

Ms. Bosco: Yeah, I wouldn't recommend putting a standard at the Countywide level. That would -- that would really narrow your opportunities. Would you like to --

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

Mr. Vanderbilt: Associated -- "dwelling units associated --" yeah.

Ms. DeCoite: How about if you just leave the whole thing on the top and where it says, "units for affordable housing units," and then take out "the," and put -- I mean put "in the community?" "for affordable housing --"

Ms. Bosco: How about "in each community?"

Ms. DeCoite: Yeah.

Ms. Bosco: Okay.

Mr. Kalipi: Here's an input. Can we move that to -- say we move that to, instead of implementation action, we move that to be a policy? And then for implementation action, we can put maybe "Such as requiring all affordable single-family lots to be large enough to allow for the development of ohana cottages to accommodate the future affordability needs of expanding families." So we still get the original GPAC language in there.

Ms. Bosco: Can do if you'd like.

Mr. Kalipi: So it becomes policy but then we don't lose the intent of the direction or the heart of the policy, what the objective is, and I think that --

Ms. Bosco: Okay, can do.

Mr. Kalipi: That I believe is the heart of the GPAC and I don't wanna lose that also.

Ms. Bosco: Okay, so what we're going to do is go to the Molokai GPAC language on this policy and make it a -- an implementing action and we're going to retain the top statement as a policy: "Seek innovative ways to develop ohana cottages and accessory dwelling units -- " it should be: "for affordable housing in each community." I think "for" should be "as" actually. But, anyway, okay?

Mr. Chaikin: Can we just have a period after "affordable housing" or does it -- or what do you think?

Ms. Bosco: We could. I mean each community plan will take a look at this and further define what that means for them, yeah.

Mr. Chaikin: I would say simplify it and get rid of some of the words, like "in each community."

Ms. Bosco: Okay, are we ready to move on, guys? If you'd like, we can -- we can come back to this one later.

Ms. DeCoite: That looks good.

Ms. Bosco: Thanks. E2a --

Mr. Chaikin: Okay, I'm going to move on to E3 and when you look at the Objective, I just don't like the wording. It says, "Strengthen County planning dedicated to building up." I

don't know, "building up" is kind of a funky way to put it. So I would say maybe "increasing."

Mr. Vanderbilt: Wait. Are we finished with E2?

Mr. Chaikin: I was.

Mr. Vanderbilt: Well, let's get finished with E2 and make sure we don't have anymore comments and we can roll into E3. Are there any other comments regarding E2f through E2e?

Ms. Bosco: Okay, any other --

Mr. Chaikin: Hearing none --

Mr. Vanderbilt: Okay.

Mr. Chaikin: Let's move on to E3. I just -- I just wanna change "building up" to "increasing."

Ms. Bosco: Okay, "increasing."

Mr. Vanderbilt: Alright, now we're dealing with the Objective so --

Ms. Bosco: I would recommend dropping -- dropping the first part of the statement. I find the first part of this policy -- say the word for me. Superfluous. Thanks. Just start it with "Increase and maintain the affordable housing stock throughout Maui County." I don't know. You guys tell me if that's better or not.

Mr. Vanderbilt: That's fine.

Ms. Bosco: Okay.

Mr. Dunbar: This statement tells me that the County is going to be donating land to do this. Is that's what's going to happen?

Ms. Bosco: Are we on E3?

Mr. Dunbar: Yeah, we're on three -- E3.

Ms. Bosco: E3? Well, we could improve the statement by saying --

Mr. Dunbar: I'm just curious.

Ms. Bosco: No --

Mr. Dunbar: I mean everybody thinks that people are going to come out of the woodwork to say, oh here, take my land so that you can put affordable housing on it.

Ms. Bosco: The County is not going to --

Mr. Dunbar: You know, I'm saying does the County have any dedicated land to do this?

Ms. Bosco: Very little. I think -- I think, actually, isn't it true that -- what's his name? The developer? Just dedicated a bunch of land to the County here on Molokai. What's his name? Everett Dowling. Yeah, the County does own land for -- for housing but very little. Very, very little.

Mr. Vanderbilt: We have a hundred acres right at the head of the Kaluakoi Resort.

Ms. Bosco: Yeah.

Mr. Vanderbilt: The County does.

Ms. Bosco: But it's very little land.

Mr. Dunbar: And who did you say just donated?

Ms. Bosco: Everett Dowling I thought did. I thought I read something in the paper about that.

Mr. Vanderbilt: On Molokai?

Ms. Bosco: Yeah, on Molokai. Don't quote me but I thought that's what I read. Okay, no the County isn't the one that's going to be doing this only. This is going to be, you know, asking the community to pull their resources to achieve this Objective, okay.

Mr. Vanderbilt: These policy statements are -- they're not really -- they're just to give direction for the various community plan districts to focus in on, right?

Ms. Bosco: That's right. Any other comments?

Mr. Vanderbilt: Yeah, I have, E3i, develop what type of policies? I mean --

Mr. Dunbar: Well, they wanna put affordable housing on all of Maui's peaks and valleys.

Mr. Vanderbilt: Well, right now, there is no affordable housing because there's so much demand in the construction industry for high-end housing that you can't build an affordable house.

Mr. Dunbar: That's right. It's called a Keynesian Theory of Supply and Demand.

Mr. Vanderbilt: Which has got to change maybe a little bit to get a little balance. So we're just saying move it implementing action and whatever policies come out --

Ms. Bosco: Yeah, this -- I would actually recommend this turn into a policy statement. It's strong enough to stand on its own.

Mr. Vanderbilt: Well, I noticed that Molokai and Lanai didn't even comment on it. Where -- where did it -- oh, it came from Maui?

Ms. Bosco: It came -- let me take a look at where it is. I think this -- hold on here. E3i.

Mr. Vanderbilt: Okay, are there any -- are there any comments on the policies E3a through E3g?

Mr. Dunbar: Yeah, E3a, "Recognize housing as a basic human need." I'm not so sure it's a basic human right. The right comes from something that's inherent that I would think it's a need.

Ms. Bosco: Yeah, Lanai said exactly the same thing. They turned the word "right" into "need."

Mr. Dunbar: "Along with the obligation to protect the needy."

Ms. Bosco: "The needy" -- "to protect the needy."

Mr. Dunbar: What you think? Am I separating the community again or what? You can put "those in need of affordable housing."

Mr. Vanderbilt: I wouldn't agree with that.

Ms. Bosco: Okay.

Mr. Vanderbilt: Is your flight 5:45?

Ms. Bosco: Yes. We didn't have any chance to get into the -- onto the later flight. There were no seats.

Mr. Vanderbilt: Okay.

Ms. Bosco: Okay, any -- anything else on this section?

Mr. Chaikin: Yeah, I'll go with E3e. I'd just like to improve "coordination." I'll go with "communication and collaboration" instead of "coordination."

Ms. Bosco: "Communication and -- "

Mr. Chaikin: E3c.

Ms. Bosco: Thanks. E3c. "Improve communication and collaboration among housing providers?" Hold on.

Mr. Chaikin: Okay.

Mr. Vanderbilt: Well, when do you need to stop to get to the plane?

Ms. Bosco: 4:00 - 4:15 - to breakdown? Yeah, Suzie, are you on the flight with us at 5? Oh no? Okay. 4:30.

Mr. Vanderbilt: Well, is this the last page on Housing?

Ms. Bosco: 4:30.

Mr. Vanderbilt: Cause this is the only section we're going to do because we're going to get into the --

Ms. Bosco: We'll breakdown. Yeah. We have --

Mr. Vanderbilt: We -- but we have to get into the other matters on our agenda.

Ms. Bosco: Yeah, that's right, you do so 4:30 is when we need to stop and --

Mr. Vanderbilt: Okay, let's get cranking then.

Ms. Bosco: Okay, so we're going to change the word "coordination" in E3c to "communication and collaboration." Thank you. Anything else?

Mr. Chaikin: Yeah, E3f. Let's get rid of "high quality."

Ms. Bosco: Okay. Thank you.

Mr. Kalipi: I wanna go back to E3a.

Ms. Bosco: Okay.

Mr. Kalipi: "Recognize housing as basic human needs along with the obligation to protect the needy." Can we entertain "along with the obligation to protect that need?"

Ms. Bosco: "That need?" Thank you. That's better. Okay, anything else?

Mr. Chaikin: Okay, E3g. It's talking about "Minimizing the intrusion of housing on prime and regionally valuable agricultural lands." I don't think we should minimize the intrusion. If it's really prime and regionally valuable agricultural lands, we should eliminate the intrusion, not minimize it.

Ms. Bosco: Okay. E4 has three policies and what we'll do is finish that one off and then vote on the entire section at once.

Mr. Vanderbilt: Could you run that by me again?

Ms. Bosco: Oh, E4 only has three policies, that's real small, and after we finish that, then we can a vote on the entire Housing section.

Mr. Vanderbilt: Okay, can you --

Mr. Chaikin: Can we go back to -- sorry.

Mr. Vanderbilt: Go ahead, Commissioner Chaikin.

Mr. Chaikin: Can we go back to E3a? Yeah, I don't have a problem with what it says; I just have a problem with how it says it. I just don't like to have a sentence with the same word twice, like "need" twice. Maybe we could have the first need and call that -- say "Recognize housing as a basic human necessity," and then leave the rest the same so they don't repeat the same word twice.

Ms. Bosco: Okay. How about if we just said "Recognize and --"

Mr. Vanderbilt: That's good --

Ms. Bosco: Never mind. I'm going to leave it alone.

Mr. Vanderbilt: You guys gotta leave what time?

Mr. Chaikin: Any ...(inaudible)... with E3 before we move on to E4? Okay, E4.

Ms. Bosco: E4.

Mr. Chaikin: Anybody? I don't have anything on E4.

Mr. Dunbar: I would add "financing."

Ms. Bosco: Where?

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

Ms. Bosco: Thank you. Add "financing" after "home ownership."

Mr. Vanderbilt: Okay, anymore comments on that? Okay, let's move on into Objective E4. Could you read that?

Ms. Bosco: Sure. "Expand access to education about housing options, home ownership, financing, and residential construction."

Mr. Vanderbilt: Okay. Are there any comments from the Commission on E4a through E4c? No comments? Okay.

Ms. Bosco: Okay, anything you wanna revisit, now's your chance, then we'll take a vote. If you'd like, we can just kinda slowly scroll through the amendments under each Objective and let us know if you wanna stop on one.

Mr. Chaikin: Anybody else have anything else? Any last minute editions? Say it now or forever hold your piece.

Mr. Dunbar: Well, I'm, personally, hung up still with E1m.

Ms. Bosco: Okay, E1m.

Mr. Dunbar: So -- but, I mean, you don't need me. You guys got enough votes.

Ms. Bosco: E1m, that kuleana lands policy?

Mr. Dunbar: Yeah.

Ms. Bosco: Or it's actually an implementing action. What is your concern, Commissioner Dunbar?

Mr. Dunbar: Well, as I explained before, my concern was is that kuleana lands have access and I don't know, to me, this is redundant.

Ms. Bosco: Okay, I'm not sure this refers to access rights. I think it refers to providing an alternative regulatory framework, for example, an alternative building code, an alternative zoning code, so it would actually provide different options for native Hawaiians to do what they want with their land.

Mr. Dunbar: But, you know, you say native Hawaiians, it could be -- it could be anybody can own a kuleana.

Ms. Bosco: Well, it specifically --

Mr. Vanderbilt: But this is limited to native Hawaiians.

Ms. Bosco: Yeah, it specifically says native Hawaiians.

Mr. Dunbar: So if this is a family member's ability ...(inaudible)... in 1850 through generational --

Ms. Bosco: It's defined in the Kuleana Act of 1850 who has rights to kuleana lands, I assume. You wanna take action on everything but this policy statement that way --

Mr. Chaikin: Well, you know, I think that, you know, I'd give the host culture the vote here and just leave it in. That would be my thing. I mean it is the host culture so give them the benefit of the doubt leaving it in.

Mr. Vanderbilt: And it looks like there was no suggested changes from any of three GPAC's.

Ms. Bosco: It was really strongly supported.

Mr. Feeter: Comment.

Mr. Vanderbilt: Commissioner Feeter.

Mr. Feeter: Excuse me? Okay. On E, are we passed that?

Ms. Bosco: No.

Mr. Feeter: Okay, where it says "it will be available to all citizens," I would like to see that be "residents" --

Ms. Bosco: Okay.

Mr. Feeter: Rather than "citizens."

Ms. Bosco: Thank you. Change "citizens" to "residents."

Mr. Vanderbilt: Which one is that, Bill?

Mr. Feeter: The E --

Ms. Bosco: The Goal.

Mr. Feeter: Under Goal.

Ms. Bosco: Thank you.

Mr. Feeter: You wanna know why?

Ms. Bosco: Yes.

Mr. Feeter: You really wanna know why?

Ms. Bosco: Yeah.

Mr. Vanderbilt: Yeah, go ahead, Bill.

Mr. Feeter: Okay, I've -- in my short tenure on earth, I've seen areas of this globe inundated by citizens, not residents, and residents were in jeopardy, economic housing, etcetera. A resident should be defined as what is a Hawaii resident. Can anybody tell me that?

Ms. Bosco: It's established by the State that basically it's determined by your length of stay in the State, in Hawaii, it's over six months. There's other criteria used, for example, they use voting registration, if you're paying, you know, permanent domestic bill here, but primarily there's a set of criteria that they use and one of the most important ones is how long do you -- what's the length of domicile in a State.

Mr. Vanderbilt: If you're paying taxes too.

Ms. Bosco: Taxes is another one.

Mr. Vanderbilt: If you're paying taxes in the state.

Ms. Bosco: Yeah.

Mr. Feeter: That's interest cause I called up the voting office on Maui and asked them -- I picked up an absentee ballot, just for the heck of it, at the post office and asked them what constitutes a resident, and the first person I got to, the first clerk said, "I don't know. I'll have to send you to my supervisor," and there was ham-and-hawing and it finally boiled down to where you vote and where you pay taxes. It does not depend on your driver's license or how long you've lived here.

Ms. Bosco: Okay.

Mr. Feeter: You've got to have residency based on voting, and she further qualified it that if you attempt to have more than one residence, one, the country of one resident will eventually find out that you're a resident of another and that's a felony.

Ms. Bosco: That's true and that's used for the purposes of voting in Maui County. When we're talking about housing and we're talking about zoning and land use, we use a local definition. There's many, there's different definitions of resident. The State has their own definition. The County has their own. And in every case, there's a set of criteria that's used. At the voting level, it could just be property taxes and where you vote. But at the County level, when we're looking at how to qualify somebody for housing, we use a local definition and the primary criteria --

Mr. Feeter: Okay, let's boil it down to residents instead of citizens.

Ms. Bosco: Thanks.

Mr. Vanderbilt: And, Bill, it's great that you -- and this is good stuff to have on the record so when they get down -- I know the Council's going to have a ton of questions and just having that kind of statement on the record helps clarify things.

Ms. Bosco: Okay, can we take a vote on this section? Are we ready for that?

Mr. Dunbar: Let's go back up to E1 - whatever it is - m?

Ms. Bosco: E1m? Okay.

Ms. DeCoite: N or M?

Ms. Bosco: M.

Ms. DeCoite: M. Mary.

Mr. Vanderbilt: So, are we on what? E1m.

Ms. Bosco: Okay, we're on E1m. There's some concern from Commissioner Dunbar about the intent of the policy. I'd suggest we take a vote on everything but this statement so we can focus in on it.

Mr. Vanderbilt: Why don't we take a vote on the statement?

Ms. Bosco: We can do that too.

Mr. Vanderbilt: I mean just take a vote. If this Commission agrees that they don't want it, then they don't want it. My vote? I don't vote unless I have to.

Mr. Feeter: ...(inaudible)...

Mr. Vanderbilt: I can't vote, Bill, unless there's a need for a vote to move something on.

Ms. Bosco: We would need a motion.

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

Ms. DeCoite: What was that?

Ms. Bosco: You might wanna use the mike, Kip.

Mr. Dunbar: Well, to go back to this "Expand opportunities to seek innovative ways to develop ohana cottages and accessory dwelling units as affordable housing." So is the ohana and the accessory dwelling units are affordable housing? Or are we trying to develop ohana cottages and accessory dwellings on affordable housing lots?

Ms. Bosco: No, as affordable housing, not on affordable housing lots. Big difference. It could be an affordable --

Mr. Dunbar: Okay, then I'll vote for it the way it is, thanks.

Ms. Bosco: Okay.

Mr. Dunbar: I thought Maui County was absolutely total booming with construction. Are they actually having peaks and valleys?

Ms. Bosco: Yeah, they actually are.

Mr. Dunbar: And so this is a nice -- these are very nice words and what policies have they discussed to even this out?

Mr. Vanderbilt: That's what the purpose of this plan is to get people to look into it.

Ms. Bosco: Yeah, and --

Mr. Vanderbilt: If there's no need for --

Mr. Dunbar: They haven't looked into this already?

Ms. Bosco: They have. You know, I'd have to actually -- this language somebody else drafted it. I'd have a difficult time explaining this one, to be honest with you. It's a very good policy. It's intended to reduce a speculative market and, you know, kinda even out the -- the volatility of the market. I'd ...(inaudible)...

Mr. Vanderbilt: Well, the peaks and valleys come when you just -- it's like the stock market or anything, you just keep expanding, expanding, expanding when the things are good and then there's a little drop and then that creates the peaks and the valleys. But if you start out with planned growth and orderly growth, then it doesn't happen. But, right now, everything that comes before the Maui Planning Commission and nearly everything before the Council gets approved so -- and if I'm a business guy, I would go for it because -- and so it's just sort of this uncontrolled sprawl going out there and then when there's a little dip somewhere, it has a domino effect.

Ms. Bosco: Thanks. Is there any support for turning this into a policy at all or do you wanna retain it as an implementing action?

Mr. Vanderbilt: It's up there as something now so unless somebody wants to change it right now, just leave it there. We're looking at things that people may want to change.

Mr. Chaikin: E3g. I changed the word "minimize" to "eliminate" and now that I reread it, it doesn't make any sense when you put the work "eliminate" in there.

Ms. Bosco: You want it to go back?

Mr. Chaikin: Well, I'm just looking at it. But the way it reads right now, you can't have a balance when you're going to eliminate so it might have to go back - either that or eliminate the whole thing. I mean I don't know unless we --

Ms. Bosco: Well, let me explain what the intent of this was real fast. It was originally just the first sentence: "Minimize the intrusion of housing on prime and regionally valuable

agricultural lands.” And then we later came back and realized that 201G projects are very often on ag lands and that would preclude the opportunity for affordable housing so we tacked on the very last part of it to say, okay, with the exception of affordable housing.

Mr. Vanderbilt: Well, then you should have put that in because that’s what’s being taken advantage of on Maui. These 201G projects are nothing more than market priced housing projects, as you saw in that -- those various developments where they come in and they have to have 50 percent affordable but they’re getting the ag land very cheaply so they can -- they can do. You break even on the affordable or lose, then you get 50 percent of the housing can be market priced. So it’s been a sweet deal over in Maui. So those kind of things shouldn’t be on prime ag land.

Ms. Bosco: Okay, so we could take off the end part of the statement or you can change it some way.

Mr. Vanderbilt: I’d take off the back end of the statement.

Ms. Bosco: Okay, and how about the word “eliminate?”

Mr. Dunbar: I mean my question is we’re talking about affordable housing so should we put “Eliminate the intrusion of affordable housing on prime and regionally valuable agricultural lands?”

Ms. Bosco: Yeah.

Mr. Vanderbilt: So does that open the door for housing that’s not affordable like what’s happening in Maui?

Mr. Dunbar: I know. That’s where you read this and you’re supposed to make up your own mind.

Mr. Vanderbilt: That’s why housing is not supposition, Bill. Housing is just housing. It’s affordable or it’s market priced housing. There’s no supposition in there.

Mr. Dunbar: Well, then put “affordable housing or market priced housing.”

Mr. Chaikin: I think it’s okay the way it is.

Ms. Bosco: Okay with the word “eliminate?”

Mr. Chaikin: Yeah, cause we are talking about -- really, you know, it's still subject to interpretation cause we're talking about prime and regionally valuable and I don't know if those are defined or, I don't know, there's still wiggle room in that.

Ms. Bosco: Or how about "Seek to eliminate?" No?

Mr. Vanderbilt: "Eliminate" is fine.

Ms. Bosco: Okay. Okay. We can keep it. I'm just sort of thinking of Lanai right now. How much land is there that's not in ag that could be put into housing.

Mr. Chaikin: But it might not be prime ag.

Ms. Bosco: And that's what I'm thinking. Yeah. Okay, well, we can keep it this way and vote on it as it is.

Mr. Chaikin: Anybody else? Kip, Sherman, Bill? Nobody? Okay, I'd like to make a motion pertaining to the "Expanding of housing opportunities for County citizens," and we have Goal E, I'd like to make note that we did change that Goal, and then Objective E1 we also changed; Policy E1a we changed; E1b; E1d; E1g we changed the policy statement and added an implementing action; E1l, we added a policy statement; E1m, I think we kept that the same -- oh, we did change, yeah, E1m is changed; E1n is changed; E1h -- or is that a "k"?

Ms. Bosco: It's a "k."

Mr. Chaikin: And E1 --

Ms. Bosco: "o"

Mr. Chaikin: "o" -- wait a minute. E1o, we didn't do anything to. Or did we? I can't see that.

Ms. Bosco: Yeah, you added to "n" financing.

Mr. Chaikin: Can you scoot that over a little bit? Oh -- the other way.

Ms. Bosco: The other way. Yeah.

Mr. Chaikin: There we go. Okay, E1o, we changed; E1h; E1i; E1q, we changed; and under Objective E2, we kept that the same but changed Policies E2f and added a implementing action; and we changed Objective E3; E3a and E3c, and E3e and E3g.

Ms. Bosco: E3e? No, it's "f."

Mr. Chaikin: Oh, excuse me, E3f and E3g, and noting that we changed Objective E4.

Ms. Bosco: Okay, and then just move up, hold on. E1l, Julie, make a note that we removed the implementing action.

Mr. Chaikin: E1l, we removed the implementing action. And that's the end of my motion.

Mr. Vanderbilt: Motion by Commissioner Chaikin, second by Commissioner Dunbar. Is there any discussion? Commissioner Feeter second. Wait a minute. Are you finished? You got it all there? Okay. Is there any discussion? Hearing none, all those in favor -- discussion. Commissioner Feeter?

Mr. Feeter: On E3f, where it says "process for high quality," can we eliminate "high?" What about just "quality."

Ms. Bosco: We eliminated "high quality."

Mr. Feeter: Oh, e kala mai.

Mr. Vanderbilt: Okay, any further discussion?

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

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

VOTED: **pertaining to the "Expanding of housing opportunities for County citizens," and we have Goal E, I'd like to make note that we did change that Goal, and then Objective E1, we also changed; Policy E1a, we changed; E1b; E1d; E1g, we changed the policy statement and added an implementing action; E1l, we added a policy statement; E1m, is changed; E1k; E1o, we changed; E1h; E1i; E1q, we changed; and under Objective E2, we kept that the same but changed Policies E2f and added a implementing action; and we changed Objective E3; E3a and E3c, and E3f and E3g. And noting that we changed Objective E4. E1l, we removed the implementing action.**
(Assenting: S. Napoleon; B. Feeter; J. Kalipi; S. Chaikin; L. DeCoite)
(Dissenting: K. Dunbar)
(Excused: L. Kauhane; M. Pescaia)

Mr. Vanderbilt: Okay, the vote is five to one.

Ms. Bosco: Passed?

Mr. Vanderbilt: Passed. Okay, moving along.

Ms. Bosco: Thank you. Okay, I just have question for the Commission, it may need a vote, I'm not sure. No, it doesn't need a vote. It's just a question. The title of this section, move up to the title, Julia, when you get a chance, it's -- it includes the word "citizen." Did you guys have any feelings about that word changing? Residents?

Mr. Vanderbilt: I think we all were going for residents.

Ms. Bosco: Okay, thank you, Commissioner Kalipi. Okay -- okay, moving to the next section. Is that what we were going to do now? Or did you need a little break?

(Commissioner Kalipi was excused from the meeting at 3:30 p.m.)

Mr. Vanderbilt: No.

Ms. Bosco: Or no? No?

Mr. Vanderbilt: No, cause we have to get --

Ms. Bosco: Okay, which section do you wanna tackle?

Mr. Vanderbilt: We're not gonna -- no, did we get the whole thing?

Ms. DeCoite: Yeah.

Mr. Vanderbilt: Okay, well, then we're going to move -- cause Suzie has to leave and we're required by our lawyer to act on these other things.

Ms. Bosco: Okay, great. So we're done with the policy plan?

Mr. Vanderbilt: Done with the policy plan.

Ms. Bosco: Thank you. Yay, thank you. Housing's important. Thank you guys.

D. CHAIRPERSON'S REPORT

- 2. State Land Use Commission Meetings on Molokai November 15 and 16 - Information regarding upcoming meeting. Commission will determine**

if it will provide testimony at the meeting regarding the acceptability of Molokai Properties Limited's Final Environmental Impact Statement for its La`au Point development.

Mr. Vanderbilt: Okay, I'd like to move on to -- I'd like to move on to, just real quickly and it shouldn't take too long, is -- who has an agenda? Item D, Chair's report. Molokai Ranch filed its 3,000 page document and the -- on November 2 with the Land Use Commission, they have 30 days to make the decision on the acceptability of the document, and mainly they're going to be looking at the acceptability of comments received from government agencies and people, and that meeting is on November 15. So the Planning Department is going to provide comments regarding the acceptability of the responses to their comments, and if our Commission is going to participate in the process, then we've gotta vote to say that we'll provide some public testimony regarding the acceptability via comments and just on our stuff, not on the rest of the document, but just on the questions that we asked. And I think, Nancy, you emailed it out to everybody as soon as you got it? Nancy? Was that on Friday? You don't have to say anything. But you emailed it out Friday, right? And you got it Friday, November 2, that was the official file date? So we need to come up with some kind of testimony at the 15th meeting just to review, and I don't know if anybody has had a chance to review, I haven't, has anybody had a chance to review the comments that were --

Mr. Chaikin: Yeah, I reviewed them.

Mr. Vanderbilt: Yeah? So, Nancy -- Nancy and -- Nancy has given out a hard copy of this also. And on the LUC web is the whole plan, the whole 3,000 page plan but -- so what's the Commission's pleasure here? Do we wanna make a statement as to the acceptability of our comments and remain in part of the process? Yeah, Commissioner Feeter?

Mr. Feeter: Well, are we asked to by the Land Use Commission of ...(inaudible)...

Mr. Vanderbilt: They're making their decision on the acceptability and they wanna hear from people, that's why they're coming here, to see if the Final EIS is acceptable. And, basically, in the law it talks about how comments ought to be responded to. And I -- I tried to understand the process so I wrote the Land Use Commission a letter and Anthony Ching, the Executive Officer, was really nice to get it back real quickly, and then I added the sections of the law that he referred to, and it's -- it gives you an idea of how you should look at the responses in order to determine if they're acceptable to you, and that's what the commission wants to hear cause they gotta make a decision and they don't know.

Mr. Feeter: What does Jeffrey Hunt --

Mr. Vanderbilt: Jeffrey Hunt will not be speaking for the Commission. He'll be speaking -- the Planning Department put their own comments in. We put our own comments in. The

County will be represented -- they're going to be representing Jeffrey Hunt of the Planning Department. Nobody's there to represent us. We're just like the people on Molokai. We put in comments and we have to respond or just give testimony whether we think that the responses are acceptable. And if they aren't acceptable based on the criteria, we need to say why. Now --

Mr. Feeter: Well, I anticipate this room will be full then, if it's going to be held here and I assume it will.

Mr. Vanderbilt: Oh, no, it's not going to be held here.

Mr. Feeter: It's not? Oh.

Mr. Vanderbilt: But --

Mr. Feeter: Oh, yeah, excuse me, Lanikeha.

Mr. Vanderbilt: Yeah.

Mr. Feeter: Well, it's still going to be full, I would guess.

Mr. Vanderbilt: Right.

Mr. Feeter: And so it's going to have public testimony again. Is that ...(inaudible)...

Mr. Vanderbilt: Well, we're just part of the public. We're part of the process.

Mr. Feeter: Yeah, so it'll -- but what I'm getting at is, from a legal standpoint and there's no attorney here so -- what is -- I'm mystified at the legality of this Commission testifying on some -- in other words, the Land Use Commission seems like would be a higher order that takes precedence --

Mr. Vanderbilt: The Land Use Commission is coming to us and asking if the comments made by government agencies, so other government agencies, and they'll be commenting as what they think their response is. Now, we can just say we don't wanna be part of the process or we can -- we can be part of the process and say these comments are acceptable, or these aren't and the reason we say these aren't is because they didn't address this, this, and this.

Mr. Feeter: You wanna make a motion?

Mr. Vanderbilt: Yeah.

Mr. Chaikin: I'd like to make a comment. Well, first of all, I can say that I'm appalled that our -- that we have something of this magnitude of importance and we're not represented by Corp. Counsel here today because we're at risk, as a Commission, going up doing something that we don't have information about in terms of what we legally should or should not be doing and -- and so, you know, it's very disturbing that there's no Corp. Counsel here today, and maybe you have information on that, Nancy.

Ms. McPherson: We've been in communication also with the Chair and Corp. Counsel has responded. The Commission can choose to provide testimony at this hearing in reference to the adequacy of the responses to their comments that were submitted to the Land Use Commission. So you were given several documents. The thickest one is the Commission's comments. There's also one in there that's the Planning Department's comments. And I or someone else from the department will be answering questions from Jane Lovell, our Corporation Counsel, on the witness stand. You, as a body, can designate someone to do that on your behalf to discuss the response -- the point is this does not -- this is not on the merits of the applications themselves that have come to the County or to the Land Use Commission. Now, home rule is a really important concept here because as far as Maui County goes, the Planning Department is acting on behalf of Maui County. The only body that's going to be acting on behalf of Molokai is the Molokai Planning Commission. So I would advise you to, you know, I think it would be a good idea to have someone there to talk about whether or not you feel that your comments were responded to adequately by the petitioner. And the Land Use Commission is the accepting agency for the Final EIS. They make that determination on whether or not it's acceptable. Then they will have a year after that, if they do accept it, to make a determination on the district boundary amendment petition. So you are totally legally allowed to do that but you need to make a motion and vote that that is what you wanna do and then decide who that person will be.

Mr. Chaikin: Well, I mean we've been cautioned in the past about showing up. Basically, I've heard Corp. Counsel say before that if more than two people, if three people show up in one place, that's considered a meeting. So, you know, I just wanted -- it sure would be nice if something this important, I don't know, was there a scheduling conflict that he couldn't make it or what happened?

Ms. McPherson: Yeah, he's on Lanai --

Mr. Chaikin: Okay.

Ms. McPherson: And Giroux is on vacation.

Mr. Vanderbilt: Let me try to sum this up so we can -- we have a meeting on November 14 so if we could vote that, with the approval of Corp. Counsel, we would like to submit testimony on the acceptability of the responses to our comments only, only the Planning

Department, and then whoever wants to look at the documents and write up some kind of report, we can review that at the next meeting and vote on -- on whether we want to give that testimony but it would seem, after we took the lead in trying to educate the community on the process, that we wouldn't be part of the process. That just is -- cause the Land Use Commission, as I said, they've gotten our comments, they've seen the responses from the Ranch, the only unknown thing now is do we, who made the comments, think that the responses are adequate, and I don't know if anybody's reviewed this, but there's -- there was thousands of pages of comments from everybody in the community, various people, and various agencies, so there'll be other government agencies making comment.

Mr. Chaikin: I have a question for Nancy. Originally, when we made all of our comments and the Commission voted to take these comments and pass them on to MPL and the Land Use Commission, do we have a copy of that correspondence that went out with a copy of all those questions?

Ms. McPherson: Yeah, I think I submitted that to you today actually.

Mr. Chaikin: Okay, good.

Ms. McPherson: Yeah so --

Mr. Chaikin: Alright, so --

Ms. McPherson: If you read through what you got in your packets and then read through what you were emailed, and then I think Suzie handed out some more hard copy of the responses, and then today I gave you all of the original comments that were submitted after they were summarized, kind of condensed, you know, because there was a lot of repetition. This also includes public testimony that was given at your Commission meetings. So that was included in the -- what was submitted to the Land Use Commission.

Mr. Feeter: Well, one comment. This is MPL's response. It's on their letterhead.

Mr. Vanderbilt: Correct.

Mr. Feeter: And so this is, just I'm just asking, this is their response to the EIS. Is that correct?

Ms. McPherson: Well, their consultant, PBR, is doing the work, basically --

Mr. Vanderbilt: You're right. You're right.

Ms. McPherson: Because they're the client, they -- it's on their letterhead that because they're the applicant, they're the petitioner.

Mr. Vanderbilt: It's the Ranch's responses. It's the Ranch's responses. It's not the consultant's responses. It's the Ranch's responses.

Mr. Feeter: In other words, this is not LUS -- or, excuse me, LUC, Land Use Commission, it's ...(inaudible)...

Ms. McPherson: No, but there is one letter in -- that was submitted to you today that, hopefully, you'll review before the next meeting that is in response to Chair Vanderbilt's letter to Tony Ching and he has responded to those questions that were posed. That's separate.

Mr. Vanderbilt: And those questions were just posed because -- and you read the environmental laws, it's very complex, and so I just wrote some questions for him and he was really nice to jump on it and get back to us so we could present them at this meeting to help us understand the process.

Ms. McPherson: Well, and what was also submitted was something from the Chair summarizing the different citations of law that apply in this case.

Mr. Vanderbilt: No, they were not a summary of law that applied. They were just a list of the sections of the law that he referenced in his.

Ms. McPherson: Okay.

Mr. Vanderbilt: So if you read his letter and the sections of law, you wouldn't have to go find where those laws were so --

Ms. McPherson: Look somewhere else. Okay. Thank you.

Mr. Vanderbilt: So, anyway --

Mr. Feeter: Yeah, well just one quick comment. If you're asking for input, I kinda like to go back to what Steve's comment from the fear of the terrible sunshine god and, secondly, I think we've already had our input on this and if we come collectively or have a spokesperson from this Commission summarize our thoughts, I'm kinda concerned about is that true representation and, by the same token, is the community, thirdly, going to sit back and take what we say as yes or no to the Land Use Commission; yes for La`au, or no for La`au.

Mr. Vanderbilt: We are not -- it has nothing to do with that, Bill. It has everything to do with just like everybody in the community, we're just dealing what we made comments on. It's no violation of the Sunshine Law. I'll guarantee you that the Corp. Counsel, next meeting, will say that. There's nothing wrong with us responding to comments and it's our

responsibility. The Land Use Commission is coming over to listen to us just on what we presented. We're not going to say whether we're -- and we gotta make sure we don't say we're for or against anything. We just say, "We made a comment, you responded, and we think that comment is okay or it can be supplemented, it's not okay." That's all it is. And we're -- we're put in that position --

Mr. Feeter: Yeah, okay, well then we're acting as individual citizens, concerned citizens of the community rather than the Molokai Planning Commission ...(inaudible)...

Mr. Vanderbilt: No, we aren't. No, we are allowed, under the law, to make comments on this, just like the State Land Use Commission, who is going to make the decision, they made comments and they will comment on their own comments, the staff to the LUC whether they think the Ranch answered them right or wrong.

Ms. Bosco: Staff has a comment. I just wanna add that, you know, on Maui it's a lot easier because the commission is there and everything's there and oftentimes the Maui Planning Commission will do the same thing. They'll provide testimony or comments on an EIS. In this case, you've got a logistical problem cause you're over here. So that's probably the reason why you're even exploring, you know, having somebody represent the Molokai Planning Commission.

Mr. Vanderbilt: No, no, no. No, no. You're way off base. We have nobody representing us. We -- the County is representing the Planning Department. The Planning Department made its comments. They -- and then they told us if we wanna make comments, we should make comments. We made comments so --

Ms. Bosco: Yeah, I -- I understand that.

Mr. Vanderbilt: So it's up to us to decide where we're going to respond and there is nothing wrong -- Corp. Counsel has said there's nothing wrong with us responding. Commissioner Feeter is right. You cannot say you're against a project or for a project. That's not even the point of the hearing. It's just to determine whether the Final EIS is acceptable. And the only input we'll give is on the comments that we made. We're not going to get into the comments that anybody else made cause that's not our purview.

Mr. Feeter: Okay, hopefully, one last thing. At the top of every single page, I see "Mr. Jeffrey Hunt, Director, Subject: Laau Point," and so forth, you can all see that, dated November the 1st. It sounds like Mr. Hunt is answering for us to the LUC.

Mr. Vanderbilt: No, and he made that very clear and so did Jane Lovell, Corporation Counsel, they will be only dealing with the acceptability of the Planning Department's comments, not ours.

Mr. Dunbar: Nancy, on this document that we just received today, just because it would have blown up everybody's computer that tried to get 161 pages out, which comments on -- are these all our own comments or is this the whole thing? Which comments in here are specifically ours? Does it say?

Ms. McPherson: Well, that -- that hasn't been set out. No.

Mr. Vanderbilt: Wait a minute. There is one docket that they answer the Planning Commission's only. There's two letters in there from the Molokai Ranch: one to the Planning Commission and one to the Planning Department, right?

Ms. McPherson: But I think the point Kip is making is that the Commissioners submitted their comments, there was also public testimony, and then that was all summarized and submitted to the Land Use Commission. So --

Mr. Vanderbilt: And we voted to do that as a Commission.

Ms. McPherson: And you voted to adopt -- adopt them all. Yes.

Mr. Vanderbilt: So, now, we made comments, the Land Use Commission -- the Ranch responded to those comments, and now all we're going to do is say did the Ranch respond to specific comments right or didn't they, and then it's up -- and everybody's going to be testifying to the same thing on their responses, other government agencies, members of the community. And for us to not accept our responsibility to follow through with the process, I think would be --

Ms. McPherson: Now, I still have copies of the original comments that Commissioners submitted individually, those that did, and I can provide those back to you if you need them.

Mr. Vanderbilt: Nancy, the Ranch, thanks to Mr. Hunt, the Ranch changed its format so every comment that was made by the Planning Commission, that was submitted by the Planning Commission, right under that response or comment is a response. Before, they segregated the two and it was very difficult to follow but the Ranch was gracious enough to follow what Mr. Hunt suggested and it's a lot easier reading right now.

Ms. DeCoite: Yeah, but not according to this one. This is the comments that we submitted right here so --

Mr. Vanderbilt: No, but that -- the comments we submitted are in the Ranch's letter. The Ranch sent this letter and it -- they retyped our comments.

Ms. DeCoite: I like the answers. Well, so what, now we gotta dissect the answer out of this stuff?

Mr. Vanderbilt: No, the Ranch -- the Ranch took our comments, they went right down the list, and they said comment one and they wrote -- they wrote the comment down -- no, that's -- that's not. This is the one right here. They wrote down the comment, see Comment 1, and then they put their response, Comment 2, so all we have to do is look at this and we take this comment and was that response -- okay. So they did a very good job of making it easy for us. Now, we can all look at this; we can get together; we can try to draft up something for the Commission to look at the next time. We're put in this bind cause it's unfortunate we have such a short time frame but everybody in the community has a short time because it's -- they're coming over in less than two weeks. And the Land Use Commission's in a little bit of a bind now so --

Mr. Chaikin: Mr. Chair, you know, I got this stuff via email, I printed it out, and I read it. Basically, what it is is it's broken down into our comments, and then answers, and then those answers also refer back to specific sections of the EIS that were changed. So a big part of the -- of that whole thing is this is parts of the EIS that were actually changed, and they're underlined. So you can read the comment, you can read the reaction, and then you can go and read in the plan where they changed it, but they actually answered it. So, you know, I haven't read all the changes in the thing but they explain in the answer, you know, that they're -- what they're doing and so on and so forth. And I can tell you I did -- I went through the whole thing and I, you know, I do have some concerns. We are in the fact finding stage right now. We're trying to get all the information we can and the document that's going to be used for all the decision makers is really this EIS. So it's really incumbent upon us, it's our responsibility to make sure that everything that we have concerns about are, you know, are in that EIS and they have addressed those concerns and, you know, I know I've had concerns in here that I don't feel like were adequately addressed. I'm not talking about nit-picking small little manini things. I mean you can do that all day long. I'm talking about major impacts down the road that were not sufficiently addressed, and I think those are the kinds of things that, you know, we need to go to that hearing and say, hey, you know, I think they need to go back and they need to include this information so that the decision makers down the road have a accurate document to utilize and it leads credibility to the whole process, because if you have a document that's really insufficient, it really makes the whole process -- it legitimizes the whole thing.

Mr. Dunbar: I agree. So my question again is: For this paperwork that I just picked up today, are these our questions that are being responded to?

Mr. Vanderbilt: Yes.

Mr. Dunbar: Are these all -- so this whole thing is the everything we asked? It doesn't include anybody else's questions or responses to them?

Ms. McPherson: It includes public testimony that occurred at the meeting.

Mr. Dunbar: Well, that's alright. I mean the public testimony was taken from our meeting here?

Ms. McPherson: Yes. Yes.

Mr. Dunbar: Okay, so this is -- these are the --

Ms. McPherson: And you adopted all of those questions in there.

Mr. Dunbar: Correct. But I mean this is not questions that are coming from the Planning Department or --

Ms. McPherson: No.

Mr. Dunbar: Anybody else?

Ms. McPherson: No. We had separate -- we did it separately.

Mr. Dunbar: Okay.

Mr. Vanderbilt: Okay, so --

Mr. Chaikin: Just to clarify. That's in there too. The comments from the Planning Department had been responded to are in -- also in there too but in a different -- different packet in here.

Mr. Dunbar: You mean it's different from all that we got or it's in here?

Mr. Chaikin: It's a different letter. I'm not sure. I mean you just --

Ms. McPherson: Yeah, there's a different document, and you should have received that, and if you haven't, I'll get it for you. I emailed it to you before already, yeah.

Mr. Vanderbilt: So, can we move that we want to make testimony regarding the acceptability of the Ranch's comments, responses to our Planning Commission comments, at this stage, and then we'll leave it on the agenda for the 14th and all of us can look at those, and put in their comments, and we can present that because I haven't -- I haven't read it. I can't believe, Steve, you did it in this -- the only --

Ms. McPherson: The actual --

Mr. Vanderbilt: Yes, excuse me, Commissioner Feeter?

Mr. Feeter: Just a little theory. You know, this is -- we've all been asked to have vision and some leadership and inspiration because this is an extremely bold venture, and we're asked to do something that is not going to be popular, and are we -- are we ready to accept that as a Commission or individually or collectively?

Mr. Vanderbilt: Are you saying answering the comments is the --

Mr. Feeter: No, I just put that out as a philosophical thought to think about.

Mr. Vanderbilt: You mean are we, as a Commission, willing to enter into the process to decide whether to approve or not approve?

Mr. Feeter: In other words, are we dedicated to the people of this island or are we dedicated to a concept?

Mr. Vanderbilt: We're not dedicated to anything and we better not be. Corp. Counsel has made that very clear. We've got a list -- we gotta follow through the process and then we gotta make a determination, and that's not going to be for some time probably, but I think the thing is, Bill, that what Steve brought up, we're going to have to start the community plan amendment and the change in zoning before the Land Use Commission even gets started with their hearing so say they accept this and they -- the EIS and it's deficient in some areas and those deficiencies aren't cleared up, we gotta live with that when we go through the change in zoning and the community plan review, which is coming before our Commission. We got -- we're going to be involved in meetings up the ying-yang on this thing and it's --

Mr. Feeter: Yeah, well that's what I meant by are we willing to take that bold step even though it may prove to be very unpopular.

Mr. Vanderbilt: We have to. I mean the process requires us to have public hearings and then make recommendations to the Council on the change in zoning and the community plan amendment. Then when all that's done and the State makes their decision, then they come back for an SMA permit. And then after that, they gotta go get a water permit. I mean they say they're going to have their entitlements by the middle of 2008, it's going to be very difficult with all the stuff, I mean there's just a ton of stuff, but we have to do it. We got no choice. This is a gigantic undertaking, like you referred to.

Ms. McPherson: Chair, my understanding is that if it becomes clear to the Land Use Commission that there are deficiencies in the document, the informational document, that they can ask the petitioner to go back and do some more research and get some more information. They cannot, basically, to my knowledge, say, "Oh, that's it. Pau. Forget about it." You know, they have to give them another chance to bring back more information. So, really, if there's a critical piece of information that you feel you would need

in order to process and review these applications, then you need to make sure that it's in there because, otherwise, you're going to be basing your analysis and decision on deficient information.

Mr. Vanderbilt: And I think -- and that's why -- and we gotta look and we can't be bringing in new things before the Land Use Commission. We just gotta concentrate on what comments we made and their response to that so --

Mr. Feeter: Comment.

Mr. Vanderbilt: Yeah, Bill?

Mr. Feeter: It sounds like you would -- you would like to have us make a statement at this convention or meeting.

Mr. Vanderbilt: The Land Use Commission, I think, would like to hear from us.

Mr. Feeter: Yeah. Okay, then who's going to do -- who's going to make that presentation?

Mr. Vanderbilt: I don't know. We have to decide on that.

Mr. Feeter: I'm not a public speaker. I'll tell you I'd be scared to death even though I was well prepared.

Mr. Vanderbilt: Well --

Mr. Feeter: And so, therefore, if we are going to go back to what I said before, if we're going to make a statement, it's got to be set in cement, and it's gotta be factual, it's gotta be unbiased, it's gotta be on focus, and it's gotta serve this community. And so those, I think, are criteria to look at by whoever makes the presentation and so I would make the motion right now that we do be represented and then we'll discuss who's going to be the speaker.

Mr. Vanderbilt: Okay. So can -- can we entertain a motion that we'll -- we'll all look at this, I'd be willing to look at it, Steve, you've looked at it and got some comments, maybe we can come up with a rough draft of some things that -- and we can go over it at the next meeting and see if that makes sense, and then we can decide who would make that presentation. But we're -- we're not going to get into the merits of the project, Laau Point or anything else, we -- we're total neutral on that. We just gotta look at the informational -- making the informational document the best that we have so we can make an informed decision.

Mr. Feeter: Yeah, well, for 24 or 36 months now we've been bombarded with graffiti. I've even got a "Stop Laau" on my bumper sticker, even though its half fallen off now, and so --

Mr. Vanderbilt: You're recused.

Mr. Feeter: But -- and so it's gotta be unbiased. I can't overemphasize that. And --

Mr. Vanderbilt: And Corp. Counsel agrees with you.

Mr. Feeter: So, yeah, and Steve had a little anxiety syndrom there going on about that Sunshine syndrom, I like that word, and I think that's to be taken into consideration. But, anyway, I did make a motion.

Mr. Vanderbilt: Okay.

Ms. DeCoite: Okay, wait. I get one. I get one fast comment. I know what you said, Bill, that, you know, about being bold and whatnot, but, you know, we not here for pick sides and stuff, we're just here to just, you know, do what we're supposed to and take a look at the comments made so, I mean, I willing to look at the comments and see if they did address the comments and those that was adopted. So --

Mr. Vanderbilt: And -- go ahead.

Ms. DeCoite: I like make one motion --

Mr. Vanderbilt: Okay.

Ms. DeCoite: That, you know, we entertain to testify, based on the comments that we give and bring to our next meeting on November 14 and we have someone, I don't know if we going vote on it here between the Commissioners of who will represent and make the testimony, but I would like to make that motion now.

Mr. Vanderbilt: Okay.

Mr. Napoleon: I want to hear what Nancy has to say.

Mr. Vanderbilt: Well, then second the -- if we get a second on the motion, we can discuss and --

Mr. Dunbar: Either that or we don't second the motion, it dies ...(inaudible)...

Mr. Vanderbilt: Okay, what do you want to hear from Nancy?

Mr. Napoleon: No, she wanted to say something ...(inaudible)...

Mr. Vanderbilt: So your comments don't have anything to do with the motion?

Ms. McPherson: If I can make the comment that what we did before seemed to work very well, comments were emailed to me, I put them -- compiled them together, there was one or two that were submitted hard copy, which is harder because I can't cut, copy, and paste, but, you know, and we put them all together and then you voted on that, and that seemed to work pretty well with the original comments.

Mr. Vanderbilt: And I think that, yeah, and when you send the comments, you need to say why they're not acceptable. I mean there's a lot of things, one of the main things is the financing. They -- is one of the criteria and, you know, the ability to finance. They have a lot of comments in there but most of them happen to be confidential information but -- so, anyway --

Mr. Chaikin: Well, I think that's a good approach. You know, I think that, you know, everybody should look and see what particular concerns they had or comments they had and which ones they don't feel are adequately addressed, and then email those to Nancy and she can compile them and bring them to our next meeting and we can review those and see which ones that we can all support.

Mr. Vanderbilt: Sounds good. And, at that time, we will decide who -- we'll just vote on who the Commission wants to present the thing.

Mr. Feeter: Yeah, I realize there's a motion on the floor but from what Steve said --

Mr. Dunbar: I think there was no second so the motion dies.

Mr. Vanderbilt: We gotta do a new motion.

Mr. Feeter: Okay, so we -- you're saying either we act collectively or individually to comments?

Mr. Chaikin: Well, first, we have to act individually to get our own concerns that we have about the -- what's lacking in the EIS and get our own individual concerns over to Nancy, and then she's going to compile them, and then she's going to pass that out to all of us, and then we're going to act collectively.

Ms. DeCoite: So what? Would that make our whole agenda be dedicated to this next week?

Mr. Vanderbilt: No, we have this policy plan review. We have TVR. I think we're just going to have to defer the TVR, at this point. We have time to make the decision on that. Now the Ranch does have the ability, under the law as mentioned in Mr. Ching's article or comments, responses, to extend the Land Use Commission's acceptability period, so I don't know if that's in the works or not, but, at this point, they're going to come over and

MPL has mentioned in the paper that they're hopeful that the Land Use Commission will make a decision while they're on Molokai next week.

Mr. Feeter: It looks like they're going to be here two, 15th and 16th.

Mr. Vanderbilt: Yeah. Correct. They're going to take public testimony all the first day, from eight in the morning till eight at night, then they're going to -- if they have some leftovers, they're going to take it the next morning, then they're going to have MPL do a presentation, and then they're going to question MPL, and then they're either going to make a decision or say we need more time and go back and make the decision on Oahu.

Mr. Feeter: Okay. One last comment, hopefully. Whether we agree here to have a spokesperson from our midst and answer questions or whether we do it individually that evening or day, we could do both.

Mr. Vanderbilt: I think that's something we gotta touch base with our attorney. I think it would be best if we did it as a Commission. He said that -- cause that was his suggestion that we need to get this information, that's why Nancy tried to email it out, I mean it just came in on Friday, she just got it Friday, so he suggested that we meet, we decide whether we're going to have comments, and then we make those comments and collectively through a spokesperson. That was his advice. But he'll be here next meeting to clarify that and I think that's a good point, Bill. But, anyway, so can we have another motion?

Ms. DeCoite: I'd like to make a motion that we, at our next meeting, we -- well, before the next meeting, we review the comments that were made, find out if they're adequate enough, have it sent to Nancy, where Nancy will compile and have it ready for us the November 14 meeting and, at that time, elect a spokesperson to do testimony for us at the Land Use Commission either dated on November 14 -- I mean November 15 or the 16th when the Land Use Commission is in.

Mr. Vanderbilt: Is there a second?

Mr. Feeter: Yes, second.

Mr. Vanderbilt: Second Commissioner Feeter. Any more discussion?

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

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

VOTED: that before the next meeting, the Commissioners review the comments that were made, find out if they're adequate enough, have it sent to Nancy, where Nancy will compile and have it ready

for the Commission at the November 14 meeting and, at that time, elect a spokesperson to do testimony for the Commission at the Land Use Commission either dated on November 15 or the 16th when the Land Use Commission is in.

Mr. Vanderbilt: Okay, five to nothing, it passes.

Mr. Feeter: But we still gotta answer the question that we have a spokesperson then -- and then it is appropriate that -- oh, okay. I missed the point.

Mr. Vanderbilt: Yeah --

Mr. Feeter: It must be --

Mr. Vanderbilt: No, Corp. Counsel will be here next meeting and that's a good question to ask him.

Ms. McPherson: I just wanted to mention that Jeff Hunt will be here on the 16th. He won't be here on the 15th for the first day, but he will -- of the Land Use Commission meeting, but he will be here on the 16th. Jeff Hunt, the Planning Director.

Mr. Dunbar: Then he's going to miss all the ...(inaudible)...

Mr. Vanderbilt: Bill, and I asked -- I asked the Planning Department to try to coordinate with Nancy or somebody so that we seem on the same page so we don't go looking uncoordinated in front of the Land Use Commission so -- yeah. No, no, no. Okay, is there any other comments?

Mr. Chaikin: Yeah, I just wanted to clarify what the Planning Department is going to be -- are they going to be speaking about any concerns they may have with the EIS?

Ms. McPherson: The way we handle it is that I will be conferring with Jane Lovell, our litigation counsel who handles these hearings, and I will be getting together with her tomorrow actually, we are going to go through the entire document, we're going to go through all the documentation, but we're going to look at specifically the comments that have been made so far by the Planning Department and whether or not those were responded to adequately, and then we're going to put together a brief or a advisory, you know, position, and then that's going to be submitted to the Land Use Commission and Jane's going to choose who to put on the witness stand to testify in front of the Land Use Commission for the department.

Mr. Chaikin: Did I hear you say that you were going to check all of the comments and the responses, or just the ones from the Planning Department?

Ms. McPherson: Well, the one from the department, yeah, but --

Mr. Chaikin: Cause there were minimal comments.

Ms. McPherson: I'm going through the -- these also as well, you know, I mean --

Mr. Chaikin: Cause that would be good to broaden your scope. I mean I looked through theirs in like just couple minutes. I mean the County really didn't do much when it came to commenting on this EIS.

Ms. McPherson: Right.

Mr. Vanderbilt: And at the first meeting before the Land Use Committee, the County didn't even show up. They were the only party that didn't show up at the hearing so the --

Ms. McPherson: Yeah, frankly, I didn't even know about that hearing.

Mr. Vanderbilt: No, you weren't there at this time but it was kind of embarrassing.

Ms. DeCoite: You know, Nancy, I would really like to request Jeff to be here on that Wednesday meeting so that our comments that we address to you, instead of he coming in on Friday and giving a testimony, we gotta do some kind of collective collaborating here and not look like an ass when we go there and he's asking something and, you know, I mean --

Mr. Vanderbilt: He's not going to be able to ask anything. He is just --

Ms. DeCoite: Well, maybe comment on 'em but I mean at least we're on the same page here.

Mr. Vanderbilt: The thing I'm concerned with is having an enthusiastic representative from the Planning Department. From what I heard, Clayton is going to be the witness and I don't know why Jeff Hunt can't get up there on something this important and be the Planning Department witness. He's a great speaker. And I would -- I would run that by Jane Lovell to see if that could happen.

Ms. McPherson: Well, if you'd like to --

Mr. Vanderbilt: Or you.

Ms. McPherson: Make a motion -- or to request that the department do that before you leave today, that might be good.

Mr. Vanderbilt: The witness for the Planning Department.

Mr. Chaikin: Yeah, I concur that, you know, it really should be, you know, the director that gets up there rather than some subordinate, you know, down -- I mean I think it just has a more of an impact. Okay, I'd like to make a motion that we request Jeff Hunt, the Director of the Maui County Planning Department, to be the County's witness and testify on behalf of the Planning Department at the LUC hearing.

Mr. Vanderbilt: Is there a second.

Mr. Feeter: Second.

Mr. Vanderbilt: Any discussion?

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

It has been moved by Mr. Chaikin, seconded by Mr. Feeter, then unanimously

VOTED: that the Commission request Jeff Hunt, the Director of the Maui County Planning Department, to be the County's witness and testify on behalf of the Planning Department at the LUC hearing.

Mr. Vanderbilt: Passes. Yeah, and I don't know what the flexibility is when -- I don't know when the LUC is going to call the State cause the State will be a witness. They'll -- the State Planning Department, which represents the Governor, will be there and then the County. So I don't know when those are whether they're on the 15th or 16th.

Ms. McPherson: Well, I did send you an email about the order that it usually goes in, according to Jane, and I can send that out to all the Commissioners.

Mr. Vanderbilt: Okay. Well, and then maybe Jane could get -- if Jeff Hunt has a scheduling program problem on the 15th or 16th, maybe they can have the latitude, the Land Use Commission, to hear him cause it doesn't matter whether he testified on the 15th or the 16th.

Ms. McPherson: Well, your other option is myself so --

Mr. Vanderbilt: No, and that would be a good second choice.

Mr. Dunbar: You know, I think it's paramount that we all read and digest the comments. You have to take the look that these guys aren't here on Molokai and they don't live with it day in-day out like we're going to have to live with it, you know, should something happen. And I'm not saying it's bad; I'm not saying it's good. I'm just saying we're going to have to live with it. So I read through some of these responses and, you know, it just

says, "Well, we've already answered that in Section 32 of Title 4 and go back to Page 982 and find it." So I think it incumbent, as much of a pain in the butt as that is, is that we do that to make sure that someone's not just throwing more fluff our way, like I read in the first one, and I know that we all have individual, you know, not biases, but we have individual feelings about where this and what's important and what isn't important, you know, and so we hope that we would, individually, address those areas and maybe come out with some -- some highlights so that all 400 of our comments aren't necessarily answered but the top 30 that says where are we, they are answered and answered explicitly.

Mr. Vanderbilt: Yeah, and that's a good point, Commissioner Dunbar, and one of the things that is the law, and I don't know if it was one of the summary ones that Mr. Ching referred to, but if you look at that Office of Quality Control guidebook, in one of the laws in there, it says that a document needs to be made easy for the decision makers to read where they don't have to do a lot of flip-flopping back and forth - it's right there. So that -- that's one of the concerns on acceptability.

Mr. Dunbar: You know, I understand that but that's just, you know, that's development ploy so you just live with it and you find the ones in there that are totally concerning where we gotta be as members here for the long term in this community, you know, and I'm not -- again, I'm going to say again, it's not saying it's not here; it's not saying it is here. I'm just saying whatever comments are going to be relative to the long term impacts to this community. That's what we comment on. I wouldn't get into the nit-picking of, "Hey, this isn't a readable document. I gotta go to five other things." Cause the guy sitting at the desk who gotta make the decisions says, "so." That's not where you go with this. You go with this by saying, "You say you have whatever" blah, blah, blah, "and I've gone back and looked at this, but it doesn't say that all. So what information are you getting that I don't know that makes you be able to say this comment?" I mean that's how explicit you gotta be and that's going to get the attention of the LUC guys. Without it, then we're just nit-picking, "Oh, you know, there should have been a capital M for Monk Seal."

Mr. Vanderbilt: No, and -- and the Land Use Committee -- the Land Use staff said that. He said, "We realize there's going to be certain amount of pomp and circumstances and everything else but the commissioners are going to be looking for specifics where --"

Mr. Dunbar: Not for ...(inaudible)...

Mr. Vanderbilt: But they are looking for specifics from us on where the comments either are adequate or not adequate and why, so we gotta be specific like you said.

Mr. Dunbar: And I would hold it to some sort of a number because I mean you're not going to be able to go through the whole document and, you know, I mean think about it yourself when you're sitting here and you're listening to comments that's over and over and over. I mean, you know, you get it -- you get it right the first two times. You don't need 400

people that tell you the same thing again, then it becomes boring, and you turn yourself off and your brain goes off, and you've already made up your mind.

Mr. Vanderbilt: You're gonna just review our Planning Commission comments, not everybody else's comments, aren't you?

Mr. Dunbar: I'm saying just concentrate on ours.

Ms. DeCoite: Yeah.

Mr. Vanderbilt: Good.

Mr. Chaikin: Right, and I agree. You know, I -- that's what I said in very beginning. We can't be, you know, nit-picking every little thing. I mean sometimes less is more; just make some, you know, bring up some very important points and don't try to drown them out with so much stuff they forget about the important things. But I think one thing that we need to keep in mind is that there's a big public out there, but not all the public submitted and got responses to comments, okay, and the public doesn't necessarily have access to the Final EIS, so they may not be able to make real good constructive comments for the LUC guys to take a look at. So it's really incumbent upon us because we got a big long list of concerns and comments that we can draw from, whereas, you know, I'm concerned that the rest of the public might not have, you know, near the information that we have so we have to make sure we go up there and do a good job.

Mr. Dunbar: Yeah, and it could be, you know, you could look at a comment that's -- that is -- that someone has asked to have commented on and the response is really sort of, you know, wishy-washy and doesn't really answer the -- when I looked at this it was long term problems or a long term success. You know, I mean if MPL is successful here in the community, what is the meaning of it for the community, and is this is the only way of being successful? You know, if they aren't here, what are the shortfalls of that? Or what's loss? So, again, I -- make it short and sweet and someone listens. Make it drawn out and I'm not so sure that the message gets across.

Mr. Vanderbilt: Well, unfortunately, we're under a short time frame and the Ranch is only required to give hard copies, this, they gave one to the Planning Department and they gave to each of the Land Use Commissioners, but they're not required to give us a copy or anybody else so -- I think Jeff Hunt requested that the Planning Commissioners get a copy but I don't know if he's heard anything.

Ms. McPherson: I can provide it on CD. The hard copies are really expensive to print so they're not just cranking those out.

Mr. Vanderbilt: No, don't -- don't --

Ms. McPherson: But I can give -- I can give you the document electronically. It's also on the website so you can download it and I -- I think I sent out that web link. One thing I would advise for this kind of review is to look at significant impacts, look at cumulative impacts, look if there's enough information to be able to determine the significant or cumulative impacts of resources use, let's say, etcetera, etcetera. Those are the kinds of things that are supposed to be in this document. They're also supposed to be thoroughly looking at all the different alternatives and so to kind of look have they analyzed the alternatives, have they missed something.

Mr. Chaikin: And I just make a note that we do have the Draft EIS and we do have all of the changes right here so everyone should already have what is the equivalent of the Final EIS.

Mr. Vanderbilt: Yeah, they did -- they did make some major changes on the water plan and a few others. But for everybody's information, it's on the Land Use Commission. You just go to their website and you can get it there but it's really tough to read. It's each page is too small pages and you can't rotate them and then when you --

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

Mr. Vanderbilt: Pretty tough. Pretty tough. But anyway, okay, is there -- we didn't take a vote did we on the -- yeah, we did take a vote on Jeff Hunt? Okay. Alright. So if there's no more comments, then this meeting is adjourned.

F. ADJOURNMENT

There being no further business brought before the Commission, the meeting was adjourned at 4:37 p.m.

Submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards and Commissions

RECORD OF ATTENDANCE

Present

DeGray Vanderbilt, Chairperson
Steve Chaikin, Vice-Chairperson
Lynn DeCoite (Arrived at 1:55 p.m.)
Kip Dunbar

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Bill Feeter
Joseph Kalipi
Sherman Napoleon, Jr.
Mikiala Pescaia (Arrived at 1:13 p.m.)

Excused

Linda Kauhane

Others

Simone Bosco, Staff Planner
Julia Staley, Staff Planner
Nancy McPherson, Staff Planner, Molokai