

(APPROVED: 12/12/07)

**MOLOKAI PLANNING COMMISSION
REGULAR MEETING
OCTOBER 24, 2007**

A. CALL TO ORDER

The regular meeting of the Molokai Planning Commission (Commission) was called to order by Chairman DeGray Vanderbilt at approximately, 12:55 p.m., Wednesday, October 24, 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 call the October 24th meeting of the Molokai Planning Commission to order. And today on the Commission we have Commissioner Kip Dunbar down at the far right. Next to him is Commissioner Bill Feeter, and Commissioner Joe Kalipi, and Vice-Chair Steve Chaikin. My name is DeGray Vanderbilt. And to my left is Michael Hopper, the Deputy Corp. Counsel that advises the Commission; Suzie Esmeralda who is Planning Staff that's taking the minutes; and next to her is Ralph Nagamine from Land Use and Codes. And we have two ladies from Long Range Planning: Simone Bosco and Julia Staley over there that'll be reviewing the policy plan later. And up at the podium we have Joe Alueta who is the Administrative Planning Officer over on Maui.

So basically on today's agenda we have the approval of the minutes. Then we're gonna get into continued public hearing, and looking into these TVR and B&B ordinances. Joe has brought some maps of the Kaluakoi Resort, and he's gonna be explaining the reference to the Kaluakoi Resort in the ordinances. I'm not gonna spend a lot of time on the TVR's today because we really need to catch up on the policy plan. And we have three sections on that: transportation, strengthening the local economy, and striving for good government sections to go over. And hopefully, we can all hang in here till 6:30 with a break in-between.

So with that, I'd like to -- did everybody have a chance to look at the minutes? I'd like to go to Item C, approval of the minutes from the September 12th meeting. Was everybody at that September 12th meeting? Let's see. Yeah. So we have all of us there, so all five of us were there, so we can approve the minutes. Do I hear a --

C. APPROVAL OF MINUTES OF THE SEPTEMBER 12, 2007 MEETING

Mr. Kip Dunbar: Motion to approve.

Mr. Vanderbilt: Motion to approve by Commissioner Dunbar. Is there a second?

Mr. Steve Chaikin: Second.

Mr. Vanderbilt: Second by Vice-Chair Chaikin. Is there any discussion or changes anybody may want to make?

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

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

VOTED: To approve the minutes of September 12, 2007.

Mr. Vanderbilt: Unanimous. Minutes accepted. Now I'd like to move onto -- well, I'd like to go up to Item B. If there's anybody here that would like to just provide some testimony because you may have to go to work before we get to the item. We're gonna go to Item B first, the TVR's, and then hit the policy plan afterwards.

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

Ms. Cheryl Corbiell: ...(inaudible)...

Mr. Vanderbilt: Okay, well, then go ahead, Cheryl. Go ahead and provide your testimony. I think you provided us with some testimony. Okay. Can you identify yourself please, Cheryl?

Ms. Corbiell: Cheryl Corbiell. I've given each of you a handout, but just to reinforce the two really important things is that I would really hope that you as a Planning Commission would focus on the community plan versus the TVR ordinances because there's many things in the TVR ordinance that would affect Molokai in a major way.

One of the things, for example, is a 22-room inn, which on Maui is not a big structure, but on this island, it is a huge structure cause as we know, the Molokai Ranch Lodge is 22 rooms. Hotel Molokai is 44. That's our big hotel. So I think there's bigger questions in terms of what you -- what businesses you want where on the island, appropriate zoning of Kaunakakai as a commercial center, and so on and so forth, which need to be dealt with in the community plan. And to me, there's many issues in the TVR's ordinances that need to be dealt with first, in the community plan, and then I think would help drive the ordinances.

So I, as an individual, feel like Maui is trying to rush this process through ahead of the community planning process. And I'm not quite sure why that's the case. So I would

encourage you to not be pushed into doing poor planning. And in fact, look at our longer range planning, and where the island should go, what's appropriate zoning, and everything else.

Speaking of zoning, I would remind you that residential and rural, except for Maunaloa, on this island is interim. So it's imperative that interim be put into the ordinance, but also that interim property be dealt with as an issue on this island.

Mr. Vanderbilt: Thank you, Cheryl. Are there any comments for Cheryl? Cheryl, if you've got a minute, let me just ask you something here. I think it was explained at the last meeting, the Planning Department is acting at this point because they were sort of directed by the Council to get on the ball and start enforcing things even though the Council did not really -- they filed the B&B and TVR ordinance and then they told the Planning Department to go out and enforce, and also come up with a new ordinance. So -- but I hear you loud and clear, and there's been some other comments like that.

But now, there's been comments about possibly allowing some deferment of the issue on the condition that people register and show that they've been paying TAT taxes. Do you have any problem with something like that?

Ms. Corbiell: Not at all. Not at all. And I think that -- I'm not against regulation. I want regulations, but I want regulations that'll apply to this island. That's the big issue for me is, for me personally, the B&B ordinances that were written the first time applied to no one on Molokai. And so if -- as an interim measure, people have to show their taxes, that, to me is fair. That's completely fair cause you're supposed to be doing that. And that's part of why I think regulations are important. It would bring a fairness to it all.

Mr. Vanderbilt: Thank you. Are there -- Commissioner Dunbar?

Mr. Dunbar: Yeah, Cheryl, the question I have: you made mention that it was the Maui County Council that's pushing these ordinances and not the Planning Department? Or is it coming from a person in the Council that you know of? Or is it coming from the Mayor? Where's this -- you know, where is it coming from?

Ms. Corbiell: How would I know? All I know is that there seems to be a big rush to get these ordinances through, met, dealt with, and there's huge issues in the ordinance. And as an individual, you can only come and speak for three minutes at these meetings, you can write letters, but there's many things that are in that ordinance that would have a huge impact on Molokai. So it tells me that those ordinances are really directed for the Island of Maui. I mean, Lanai and Molokai have much different -- a 22-room structure is a big deal on these islands, not on Maui, but here. So somehow these are being pushed quickly through the process when I'm looking at it as a citizen saying, well, I thought you guys were

going through the community planning process? And so -- and how did these ordinances get superceded over top of the community planning process cause in that process, you get dialogue, and you get long range planning for the whole island versus just looking at one particular issue? So I don't know who's pushing it. I just know that there seems to be this big rush.

Mr. Dunbar: Oh, okay. I must have misunderstood you. I thought that you knew where this excitement was coming from.

Ms. Corbiell: No, because I can't figure out why -- I mean, I understand some of the politics involved, but that these ordinances were being asked for -- I mean, I've been asking for a revision in the B&B every single year. To make it apply to Molokai, there needs to be revisions. And it just fell on deaf ears. And then all of a sudden, ordinances appear. And everybody's being accused, and finger-pointing, and yelling and screaming. And I look at it and say, I'm sorry, but I thought we were doing a community plan. And out of that community plan would become, you know, guidelines as to where the community sees their island going, and yet the focus seems to be on these ordinances. And so I don't think these ordinances, quite frankly, as individuals that, you know, you pick certain pieces that you want to pick on, but that there's some broad, broad affects on this island if those ordinances go through.

Mr. Vanderbilt: Thank you, Cheryl. Are there any other comments? Hearing none. Is there anybody else would like to testify that have to get back to work? If not, I would like to move on into the ordinances because last time, we basically just took public testimony.

**D. CONTINUED PUBLIC HEARING (Action to be taken after public hearing.)
(Initial public hearing conducted on October 10, 2007.)**

- 1. MR. JEFFREY S. HUNT, AICP, Planning Director transmitting the following bills for ordinances addressing the issues of bed and breakfast (B&B) operations and transient vacation rentals (TVRs) operations, including the expansion of B&B operations into the rural and agricultural zoned lands and the expansion of TVRs into business district zoned areas such as Kaunakakai.**

Mr. Vanderbilt: And one of the things that in one of these ordinances here, I believe it's -- there's one regarding the transient vacation rentals in resort areas, three resort areas on Maui, and also the Kaluakoi Resort. And there was some interest in what the Kaluakoi Resort meant, and Joe was gonna go back and get some zoning maps of the Kaluakoi Resort, and come back here and talk to us about that issue of what would comprise the Kaluakoi Resort. And, Joe, what ordinance was that -- that was in?

Mr. Joseph Alueta: 19.38.

Mr. Vanderbilt: 19.38. Okay.

Mr. Alueta: If I may, Mr. Chair? I'd like to -- I just want to address the last testifier's assertions. They're completely false as far as why there's a big push. This has been going on for a long time. It started out since '97. We've been doing a lot of ordinance-writing with the B&B. The last big push was the Bob Carroll bill to get something done with addressing the transient vacation rentals. This is just, basically, the second phase because that bill did not pass. The Council did request that Planning take a look at it, take a stab at it because we did find some significant flaws with that last bill with regards to both the General Plan and community plans, State law and County -- existing County ordinances.

We are aware of some of the changes and the concerns over the existing B&B ordinance. We hope to rectify it with this proposal. We had made recommendations that those changes be done during the Bob Carroll bill, but the Council decided it was cleaner to just deny the whole package rather than make piecemeal amendments to that.

I've never met that lady until the last meeting. She's never asked -- I've never seen a letter from her asking for changes so I can't really address that issue as far as -- as I told her at the last meeting, I would make amendments to the interim district. That has been an issue. I have drafted amendments to the interim district, not only to include bed and breakfasts as a use that can be regulated through 19.64, as well as some other outstanding issues or amendments to the interim district. As I explained when I went over the rural bill quite some time ago, originally it was a packaged bill with the interim and the rural district, but because of the urgency to get County rural enacted, the bill, the administration saw fit to cut out the interim changes. So you will see an interim bill amendments that will -- as I promised you last time as well as -- and that will include changes that will have the B&B ordinance so that people like her who do have -- who are on the interim zone could potentially apply for a bed and breakfast permit.

Again, as I've always stated, a B&B operation, as well as transient vacation rental operation is not a right in any district outside of the hotel and business districts. It's a nonconforming use. To legally operate one, you need to get additional land use entitlements. Those land use entitlements are either granted by this Commission, or they're granted by the County Council, or both.

If we can, I would prefer to go down the ordinance as -- ordinances as you have them agended on your October 24th agenda unless you prefer to take them out. I just don't want to get too confused in the ordinance cause the first one is A, which is the bed and breakfast ordinance.

Mr. Vanderbilt: Okay, go ahead, Joe.

- a. **A Bill for an Ordinance to Amend the Bed and Breakfast Ordinance, Chapter 19.64 of the Maui County Code regarding Bed and Breakfast Homes.**

The proposed amendments add that breakfast shall be made available to onsite guests and that bed and breakfast operations within the residential and rural zoning districts (currently B&Bs are permitted by B&B permit only in residential zoned districts) shall be limited to existing single-family structures; a 16 sq. ft. project notice sign shall be posted at the front of the property along the main access road; the application shall be subject to 19.510.20, the planning director shall approve or deny the bed and breakfast permit application; conditions under which the appropriate planning commission would approve or deny the permit; and provisions for renewal of bed and breakfast permits.

Mr. Vanderbilt: That's 19.64?

Mr. Alueta: That is correct. As indicated previously, we're trying to streamline the permit process, bring it down to more as administrative in scope rather than at a Commission level. The three issues that will come up -- three times that it would come up to Commission level or a public hearing would be if you have 40 percent of the homeowners within the area, a 500-foot radius, state objections or concerns over the project; you have another B&B operation within 500 feet of the property; or the applicant appeals the decision of the director because again, it is a discretionary permit. You can apply for up to six rooms. It does not mean that you will be granted for six rooms. So those are the three times that it will get to the Commission level.

I think we went over -- I think I went over the bills twice at the last meeting, in the morning and in the afternoon, so I'm -- I'm just here to take your comments and to explain anything that you need some clarity on.

Mr. Vanderbilt: Does anybody have any questions on the 19.64 bill? Yeah, Commissioner Feeter?

Mr. Feeter: Yeah, thank you. Are we going to vote on this today or are we still discussing?

Mr. Vanderbilt: No. No, we're not gonna vote on it today.

Mr. Feeter: Is it appropriate to -- when you say "comments," can we go -- I have several, yes.

Mr. Vanderbilt: Go ahead.

Mr. Feeter: Can I? Okay. First of all, on Page 2, at the top of the page, I would like to delete C. I'd like to see that deleted: "The owner-proprietor or lessee-proprietor shall be a resident of the county and shall reside on a full-time basis within the single-family dwelling unit being used as a bed and breakfast home." Shall I keep going? Do you want to comment on that? Okay.

I don't feel that that has really pertinence and -- to -- I agree that the owner or proprietor should be a resident of the County, but not necessarily be a full-time basis living on that premise. Secondly --

Mr. Vanderbilt: We're talking on this one on the bed and breakfast versus the -- maybe a separate housing unit that's used as a transient vacation rental. I think this 19.64 is -- so you would still want to eliminate the person living --

Mr. Feeter: Yeah, the -- actually the whole C paragraph.

Mr. Vanderbilt: Okay.

Mr. Feeter: Moving on down to F: "The number of bedrooms used for short term rental in the bed and breakfast home shall be no greater than six." I'd like to change that "six" to "three." I think six is too much of an impact on our community.

Moving on down, I -- on K it says, "Single station smoke detectors shall be provided in all guest bedrooms." I'd like to add that, "That each bedroom have an outside access door." You need any clarification on that? In other words, each bedroom within -- limit it to three bedrooms, and each bedroom have an outside access in addition to the smoke detectors.

Okay. Moving on down to Paragraph 19-64-040, Procedures for application and public notice, the first sentence says, "The name, the address, and the phone number of the applicant, and verification that the applicant is either the owner or lessee of the lot." Besides the phone number, I'd like to add "email."

Mr. Vanderbilt: Where was that, Bill?

Mr. Feeter: At the bottom of Page 2, Sentence No. 1, starting "The name, the address, and phone number."

Mr. Alueta: Commissioner Feeter, there's lines on the sides. If you move your thumb --

Mr. Feeter: Okay, Line 42. Thank you, Joe. And add "email" to that means of communication.

Moving on, on Page 3, okay, Line 30 -- excuse me, Line 25, that whole paragraph is redundant. I'd like to see that whole paragraph underlined be deleted. Moving on to Line 35, which starts out with "forty-five days," I'd like to change that to "thirty days," and make it "thirty working days," not just "thirty days," "thirty working days," because the mail is involved, and there might -- there's a difference in the time span on that.

Mr. Vanderbilt: Where are you, Bill?

Mr. Feeter: Line 35. Page 3, Line 35. Excuse me. Change "forty-five" to "thirty working days."

Page 4, Line 5, "short term rental of one to two" and "six" is underlined. I'd like to scratch "six" and limit it to three bedrooms instead of six. It refers back previously to another comment earlier in this draft.

Moving on, still on Page 4, Line 32, it says "The commission shall review and either approve or deny the application pursuant to the requirements of this chapter," and so forth. Prior, in the language earlier in this draft it said "director." So I find a discrepancy there or a variance, anyway. And --

Mr. Alueta: Can you repeat the line again?

Mr. Feeter: The Line 32 on Page 4. "The Commission" is underlined and earlier in this, and I can't find it right now, but it mentioned that the director shall review and either approve or deny. And this says "The Commission shall review," so I'd like to see some clarity. Is it the Commission or is it the director? The director, I assume, means Mr. Hunt.

Mr. Vanderbilt: Joe, could you explain that to Bill?

Mr. Alueta: Did you want me to hit all of the points that he's made?

Mr. Vanderbilt: No, no, just that one.

Mr. Alueta: Just that one? Well, as I indicated earlier, the permit is first administratively approved. If there's a -- it's taken that it will be done administratively. If three things happen -- one of three things happen, then it would go to the Commission for approval, and that's where that references. That Commission is after it's been determined that, one, you

have 40% of the landowners objecting; two, you have another one within 500 feet, or, three, the applicant objects to the findings of the Director.

Mr. Feeter: Well, let's stick to the question. Is it --

Mr. Dunbar: Page 4, Line 10.

Mr. Feeter: Oh, thank you. Yeah, thank you, Kip. Yeah, Page 4, Line 10 says, "The planning director shall approve or deny the application." And then my comment here on Line 32 says "The commission shall review and either approve or deny," so --

Mr. Alueta: That is correct, but if you look at Line 22, it says "B&B permits that require a public hearing shall be reviewed by the appropriate planning commission. The commission shall review -- " So what that underlined commission means that, as I indicated earlier, everything is done administratively. There's three things that come about. Section B, right, indicates, which is Line 22, Page 4, indicate how a permit will be processed if one of those three criterias come in, which a public hearing is required. So until -- everything is administrative, no public hearing. If one of three things happen that is outlined as to require a public hearing, then this is how the permit is processed. It's very similar to what happens if you go from a Type 1 Permit to a Type 2 Permit. A Type 1 Permit is done by -- administratively. A Type 2 Permit is basically, what I've outlined there.

Mr. Feeter: Mr. Chair, still not clear. It says specifically, "B&B permits that require a public hearing shall," and then it ends. It's scratched out. It's deleted. So that -- is not -- is that not the --

Mr. Vanderbilt: No, I think, Bill, what he's saying is that actually this 19.64.050 is in two sections, really. It's Section A. Is that where -- yeah. Section A which is -- starts on line four or five, and then it goes down to Section B that starts on 22, and there's different parameters. Under Section A, the director is being asked to approve these or deny them. And then on a larger project, as stated in B, that requires a public hearing, and it requires our approval. So the director under this bill is looking at the smaller B&B operations that are applying, and we're looking at the larger ones.

Mr. Feeter: Okay. I have some more comments, if I may?

Mr. Vanderbilt: Yeah.

Mr. Feeter: On Page 5, Line 21, "Initial --" It goes like this: "A. Initial permit shall be valid for a period of one year." I don't feel one year is adequate. I'd like to say "two years" on that.

And then going down to Line 28, it reads partially, it says "Shall be renewed in the event that any evidence." Now, any evidence is not the same as 40 percent. Any evidence can be zero percent. I'd like to see "any evidence" omitted, or certainly clarified to make that fair and equitable.

Mr. Alueta: I'm not sure where the 40 percent is coming from, Mr. Chair. The 40 percent is if -- that's their initial application. If you get 40 -- of the landowners who object, that's when it goes to a public hearing. It has nothing to do with the evidentiary proceeding if we find that there could be a potential violation to the terms and conditions of the permit. Evidence -- there is no percentage of evidence. You just need to find some type of evidence that the applicant has violated the terms, or is no longer compliant with the conditions in which he was granted his permit.

Mr. Feeter: I'd still like to see "any evidence" deleted. That's too much vagary in there.

Mr. Alueta: What would be the -- so then, if a person violates it, we wouldn't be able to -- if a person violates the conditions of the terms of the permit, we wouldn't be able to do anything?

Mr. Feeter: There are other contingencies for dealing with violations.

Mr. Vanderbilt: I think this is if he comes in for a renewal. It's not so much a violation during the term. If he comes in for a renewal, and he's been found to have done something that's created an adverse effect in the neighborhood, or otherwise caused the loss of the character of the residential neighborhood, then the permit probably wouldn't be renewed.

Mr. Feeter: Well, if I may, Mr. Chair?

Mr. Vanderbilt: Okay, go ahead.

Mr. Feeter: Any evidence implies to me that we're being -- a person, or a lessee, or lessor is being pre-judged. And I still again would like to see "any evidence" deleted.

Mr. Vanderbilt: Okay. We'll take that under consideration. So you want to strike "any evidence." How about just the word "any?"

Mr. Feeter: Well, it's dealt with in other areas here.

Mr. Vanderbilt: Okay. Well, so -- alright.

Mr. Feeter: There's enough penalties as it right now so let's not add any more.

Mr. Vanderbilt: Okay, we'll put that down: strike "any evidence."

Mr. Feeter: Line 32, "For permits renewed for longer than 2 years, an annual compliance report shall be required." Well, I have no fault with that. I'll move on here.

Mr. Vanderbilt: So, Commissioner Dunbar, did you have a question on the compliance report?

Mr. Dunbar: Yeah, I got a couple of things. I don't have any problem with evidence, myself, but Line 30, "Adverse impacts on the residential neighborhood," you know, no one is -- what adverse impacts are we talking about, number one? Are we talking about a parking problem? Or if you have -- renting six rooms to a house, and it's full, you happen to have six cars sitting out on the street, I mean, is that what we're talking as adverse? Okay. So that would definitely be a problem.

Mr. Alueta: That would be during the initial review as well as I guess for a renewal. So if you're -- if the person's got -- the only way he could meet his parking requirement is to pave his front lawn because he doesn't have enough space on this property, like I say, the director may say, "No, you can't get six rooms. You can do two because you can accommodate all of your parking onsite without changing the residential character of the neighborhood." So you could put them in the back somewhere.

Mr. Dunbar: Yeah, so you'd have to have -- you'd have to have a building, if I get this correct, you have to have a building that's able to house a family, that's able to house up to six other people in six bedrooms, and have a parking lot greater than --

Mr. Alueta: Eight.

Mr. Dunbar: Greater than eight, single or a double car occupancy. So you can have up to six cars in the place. And that's kinda a big house. That's kind of a big lot.

Mr. Alueta: That's why it's maxed.

Mr. Dunbar: The kind that's not even on Molokai. So, it's kinda -- what are we talking about?

And then we gotta come into an annual compliance. What is this compliance report supposed to look like? I mean, have you guys developed that yet or -- and what is entailed on a compliance report? What are you complying with?

Mr. Alueta: You've done it for your permits.

Mr. Dunbar: Well, I mean, are we complying with --

Mr. Alueta: You send a letter in. You go down and you address the conditions that you have for a permit. And you say, "Yeah, I have complied with it," or "here's my tax paper showing that I paid my TAT."

Mr. Dunbar: That's the million-dollar insurance policy too?

Mr. Alueta: Yes, whatever is part of your conditions of approval.

Mr. Dunbar: And I don't see the million-dollar insurance policy in this. So is that there, too, or --

Mr. Alueta: It all depends on what the Commission imposes or we feel necessary to meet the requirements.

Mr. Dunbar: I mean, if you have that many people in a building, and you don't even have fire protection for the building, I mean that just seems like an awful lot of people in one place.

Mr. Alueta: As indicated by Commissioner Feeter, he wanted to reduce it to three. If this Commission feels that to protect the liability of the County that a million-dollar policy indemnifying the County should also be there, you can put that in as part of the requirements that you feel are necessary.

Again, the director would review this, see what the -- the scope of operation, and determine whether or not to send it out for agency comments, if needed. Some agencies may require that the million-dollar policy be there. Some agency may require water system improvements. It all depends on what the scope of the project is.

Previously, and one of the key issues that the reason you have that section is that in the previous -- in the existing bill, right, you have three types of permits. And those permits are also limited by lot size. So as indicated by the head of the B&B Association, some lots on Molokai and some lots on Lanai, in particular, were impacted because none of them could qualify for even a one-bedroom B&B because they failed to meet the minimum lot size. Therefore, this bill eliminates that lot size requirement. It eliminates the type of permits. And it becomes more what exactly are you doing? Send the permit in. Show me your plans. Does it meet the character of the neighborhood? The director will then determine -- So a person may come in for one or two bedrooms. No big deal. Even though you got a 4,000 square foot lot, you still have room. Again, you got a 4,000 square foot lot, and you're trying to get six rooms on it, plus you can't fit eight parking stalls, the director's

gonna say no way. So that's part of that whole -- I mean, adverse impact to the surrounding properties, character of the neighborhood.

Mr. Vanderbilt: Let's keep moving along here since we got a lot of work to do here. Bill, did you have --

Mr. Feeter: If I may proceed? Thank you.

Mr. Vanderbilt: Yeah, go ahead.

Mr. Feeter: Okay, on line -- starting with 34, Line 34, Page 5, C paragraph, which is Line 36, "Any permit for a bed and breakfast home shall be revoked at any time by the planning director." Now that again refers back to this nebulous on the previous page that is it the Commission or is it the director? And this says specifically "director." I think that definitely needs clarification and how they're gonna do that. And I'm very uncomfortable: "Shall be revoked at any time." That sounds like an execution. So I'd like to see some better wording on that particular one.

One last comment.

Mr. Vanderbilt: Okay.

Mr. Feeter: On Page 6, if I may?

Mr. Vanderbilt: Alright.

Mr. Feeter: On line 7, "There has been a violation of" -- well, obviously there was a question posed prior to this, but this particular sentence says, "There has been a violation of any of the terms, conditions and restrictions on the use of the dwelling unit for a bed and breakfast home." That needs clarification. Does it refer to something that went on ahead or -- this is almost anticipating. Again, that language is not clear. And I'd like to see that reworked. And those are my comments. Thank you.

Mr. Vanderbilt: That was No. 5 on Line 7, Bill?

Mr. Feeter: Line 7, yeah, Sentence 5.

Mr. Vanderbilt: Okay. And what I'd like the Commission -- at some point, I'd really like if we go through the bills, if you have a question on just what something means or why it was put in there. And I appreciate your comments, Bill, and Joe's responses. So on this 19.64, is there anybody else that has any comments on that? Commissioner Chaikin?

Mr. Chaikin: Thank you. I'd like to just back up a little bit to the testimony that we received earlier. Received testimony that the community plan process is coming up. And right now we're working on the General Plan, which is kind of our vision for the future, and then we're gonna work on that community plan and that kind of is a little bit more specific. It's basically our island's vision for the future, but how far does that vision go? Or how far can you take that before the vision turns into a mandate where it says you absolutely can or cannot do something in a community plan? And if it does say that in the community plan, which takes precedent: the community plan or is it the ordinance? Like the ordinance says you can do something. The community plan says you can't do that. Does the community plan take precedent, or can you explain that a little bit?

Mr. Alueta: The community plans are 25-year documents. The community plan represents the wishes and the vision for the -- your island community, in the case of Molokai. From that, that's where the catalyst comes about for ordinance changes such as the one I'm proposing, as the one that the department has before you. If you go through my staff report, I point out where it is consistent with your community plan. I also point out where it can be considered inconsistent with your community plan. Okay? Molokai has a -- like Paia, Haiku, like Hana, Molokai has very specific language with regards to the growth of the tourism industry, and with regards to B&B's and TVR's. Okay? So it is -- it's, you know, difficult, I guess you could say. You're treading a fine line. But -- I mean, you pretty much have said, "We don't want tourists anywhere except for Kaluakoi." That's, you know, to summarize in very general terms. And so I would look carefully at your community plan. And that's -- and look at -- I mean, I highlight where I find that it's inconsistent and consistent.

Now, bed and breakfasts are kind of like -- are viewed in -- as being subordinate to single-family residential uses, right? And the reason that it is -- B&B's are defined as being owner or lessee occupied structures in which they rent out rooms on a short term basis to tourists. The reason that that is there is that it allows, one, you do not lose a single-family structure to the tourism industry. The principle use is still a single-family structure. Okay? And I think that's -- and you allow local residents to have a direct access to the economic benefits of tourism without the tourism industry overpowering the residential area. And I think that's the reason for the restrictions. By having -- by removing a lessee operator or local operator from that structure, it's not a B&B, not by definition. Okay? It's a transient vacation rental. So --

Mr. Chaikin: Thank you, Joe. Corp. Counsel, let me ask you this question: the community plan process is coming up, when that process comes up, how far can we take the community plan? Like if there is an ordinance that says, yes, you can have bed and breakfasts, can we come along with a community plan and say, no, you cannot? I mean, how far can we take that community plan?

Mr. Michael Hopper: I'd be very careful with doing something like that that wouldn't be in a form of basically an implementing action to say to change the law prospectively. Because if you do it immediately and say this is prohibited right now, you could potentially get into a situation where if someone has to comply with both the community plan and the Maui County Code at the same time, it would be impossible to do. So what typically is done in community plans is you can have that mandate to change the law to do something, but it's incumbent upon the various departments and eventually, the County Council who, you know, adopts the community plan. So they should clearly be amenable to doing what the community plan says since they adopt it. It's incumbent upon them to actually go ahead and change the law to state with the specificity necessary in order to implement that action. So community plans do have the force and effect of law. They're typically reviewed not in every single stage, not, for example, building permits and things like that, but for things like conditional use permit applications, which you would need for a TVR, things like SMA permits, which you need from this Commission, and that's where you look into more of the intent and policy statements. However, I would recommend being, you know -- and I'd look at it as a case-by-case basis and the specific language you use in your community plans. But the appropriate thing to do in a community plan is to put a mandate out and their implementing actions and it actually will say, in the implementing action, who is responsible for doing that, which department, Planning, Public Works, whoever, tells them to, -- tells them to, you know, begin to look at -- I don't know if it's a subdivision review from the Planning Commissions and things like that, and could direct them to draft the appropriate ordinances to change that law. So I'd recommend being, you know, very careful in the community plan. Have a clear statement of what you want. But in order to attempt to sort of adopt an ordinance through your community plan, you can run into problems doing that, and I wouldn't recommend that.

Mr. Chaikin: So let me just throw out a hypothetical. Let's just say this ordinance passes. There's no limit on it. Theoretically, every house on the island could turn into a bed and breakfast, I mean, theoretically, if it was passed. Would it -- within the community plan process, could you actually limit the amount per a specific number of bed and breakfasts that you can have without somehow being in some conflicting situation with the current -- with this proposed ordinance?

Mr. Alueta: Mr. Chair, yes, you can. And that's what you guys had recommended that you guys deal with, specifically, transient vacation rentals during your community plan process. And that is what we had been advocating for is that during your community plan process, you need to make a decision as to -- with regards to transient vacation rentals: if you want them, under what conditions you want them, and if you want to establish that type of limit. Your community plans right now limit where you want them by saying "to the West End." Okay?

Mr. Vanderbilt: Yeah, but, Joe, so along with what Steve's saying, yet you want to pass the law that expands the areas where B&B -- just say these ordinances went through, or the Council passed them, we might recommend against them, but the Council passes them. You're passing a law that's inconsistent with the General Plan and our community plans. How can you -- and just to give you an example, in the implementing section of the current General Plan it says, "All county laws shall be consistent with the intent of the General Plan." It says that, that's the last statement in the General Plan. It's real clear. So now you're contemplating passing a law that's inconsistent with the General Plan and our -- which includes our community plan, because right here it says, "Control the development of visitor facilities so that it does not infringe upon the traditional, social, economic, and environmental values of our community. Restrict transient rental use of single-family housing in residential zones," and then you got all those statements in our community plan; you got the East End statement.

Mr. Alueta: Correct.

Mr. Vanderbilt: So how can you pass the law that's inconsistent?

Mr. Alueta: I haven't passed any law.

Mr. Vanderbilt: No, no, but how --

Mr. Alueta: I haven't passed any law.

Mr. Vanderbilt: No, I'm trying to see -- no, because there's this situation where we are going through our community plan, and it's gonna be tough enough without passing things ahead of time where we gotta worry now, have we locked ourselves in, or made a longer process because they passed a law before we really got into seeing what we wanted to do with the vacation rentals?

Mr. Alueta: Again, you're -- the department views transient vacation rentals and bed and breakfasts, because of the limitation of B&B's of having it being within a single-family structure, occupied by a resident or a family, right, we consider that B&B sort of subordinate to the single-family use of the structure. Now remember, every community plan may have their different interpretation of the scope of that B&B permit. Okay?

Now, I'm looking at your community plan. And to me, a B&B could be: "Economic activity objectives for Molokai: Ensure that visitor facilities are in harmony with the landscape or surrounding character and consistent with the available infrastructure and resources." Somebody within your house, as long as somebody's living there. "Reduce unnecessary expense and time of land use permit process." That's part of our thing. Now, if you find

that there are language that supercedes what we view, I mean, as far as for how we view B&B's, that's fine.

On Paia-Haiku, right, their community plans, they treat B&B's as transient vacation accommodations and they specifically limit any type of transient vacation opportunity within the Paia-Haiku, right, within the single-family structure. Limit it to only owner-occupied B&B's. So --

Mr. Vanderbilt: Okay. Let me ask you another, Joe, cause, you know, you can interpret it, and we can interpret it, and everybody seems to be able to interpret these General Plans however they want to, but if this -- if there were no changes to these ordinances as drafted, would they be consistent with the General Plan and all the community plans? Could the Council pass them? Maybe I should ask legal counsel. Could they pass them if they were inconsistent with some of the General Plan policies or the community plan policies? I'm assuming there's no changes. They just go through as is, but there's inconsistencies with the General Plan and community plan. What would Corp. Counsel recommend to the Council?

Mr. Hopper: First of all, we haven't reviewed and approved these ordinances yet as to form and legality. We wait till it gets through the Planning Commission to see what changes you make.

As I understand it, they are going to be cutting off a conditional use permit for TVR's. You can't get a conditional use permit for a TVR any more, which is clearly a very, you know, a blanket restriction on visitor accommodations. And obviously, when it gets up to Council, you're not just looking at the Molokai Community Plan, you're looking at everybody's community plan.

The intent and purpose of the General Plans, well, we would have to read through the intent and purpose of the General Plans and see if it's possible to be consistent with every single law. Honestly, typically, we don't do that for every single ordinance that comes through our office. That's not always done. It's generally, you know, the County Council and the Planning Commissions, when you're reviewing laws, and in the staff report that Joe's given you, he's outlined where he thinks it's consistent or inconsistent, and, you know, it's giving you what the Planning Department thinks is his interpretation. You guys can go ahead and read the community plan for yourselves. You're in a better position than myself and the Planning Department to interpret the community plan. And if you believe the ordinances are inconsistent, or consistent, or whatever, make appropriate recommendations. And if you believe it's inconsistent in certain areas, you can go ahead and change them to make them consistent in your viewpoint.

Typically, we do not get too involved in interpreting the community plans. If we've got a -- if Council is gonna pass an ordinance, because we look at that as more along the lines of a legislative act, so, I mean, we typically don't get involved all that much in saying -- we would typically would not tell Council you can't do this because in our opinion as your legal counsel, it's inconsistent with the community plan. I'm not sure if we've ever done that before, I can look into that, but I do not think we do that type of review. We rely on the Planning Commissions, and Council, and the departments to take a look at the community plans. And if they're being ignored, yes, that's a problem. They should be consistent, but we're not -- we don't typically tell them you can't take that action.

Mr. Joseph Kalipi: I've got a comment.

Mr. Vanderbilt: Thank you. Commissioner Kalipi?

Mr. Kalipi: I'm gonna address this to Joe. I'm trying to summarize this in my mind, and I'm gonna talk in -- not in detail, but it's somewhere along the line that Chair DeGray said. If -- the current proposals before us, if we accept this proposal, or we say that we agree with the proposal, and it goes back to Council saying that we agree and we don't change it, and if say the proposals -- the applicable -- or it's pushed through, is it fair to say that in some sense, it's gonna eliminate TVR's or bed and breakfasts completely on Molokai? Because hearing the testimony, if that is true, if most of the lands are interim, it's not gonna apply unless you put that language in there for B&B. And if only Kaluakoi Resort is able to have TVR's or B&B's, the surrounding areas at Kaluakoi is all agriculture. And so getting rid of the special use conditional permit is gonna not allow them to get TVR's or bed and breakfasts there because it's agriculture, unless we get some kind of language in there. So my point would be if we receive it as is, that means we're agreeing that there are gonna be no TVR's or bed and breakfasts because of zoning and because of the current language that is being put before us.

Mr. Alueta: Simply, yes.

Mr. Kalipi: Okay.

Mr. Alueta: Bbut I'm gonna preface -- try to explain. Remember, there is an existing bed and breakfast ordinance. It exists today. Our goal for the existing B&B ordinance was to streamline it. Okay? You are correct that there are a lot of lands in Molokai that are interim; therefore, they don't qualify for -- to obtain a B&B permit. So they have to go through a little more arduous process to obtain them. But there are lands within Molokai that are -- have single-family zoning, as well as business zoning that could do a B&B. But again, we're -- I mean -- and as far as, you know, the conditional permit and the TVR's, TVR's are not allowed unless you obtain a conditional permit and/or a State special use

permit, if needed. Okay? We are attempting to say you can't do TVR's outside of the areas that we've already defined, that we're trying to define by geographic regions.

Mr. Kalipi: So it probably -- you know, just speaking out, it'd probably be best for us to look at what is applicable to Molokai whether it's TVR's, whether it's vacation rentals, whether it's limiting the scope of -- whether it's limiting TVR's, whether it's limiting bed and breakfasts or whatever. I'm just commenting that it would be applicable if it's --okay -- Molokai -- Molokai-directed. Thank you.

Mr. Alueta: And you should look at it as Molokai directed cause that's what we're seeking comments for. And you may want to say that, you know, you have an existing B&B ordinance. We don't even want the existing B&B ordinance to apply to Molokai. And you may -- I mean so it's up to you what you want to say, if you interpret your General Plan in a certain manner.

Mr. Vanderbilt: Alright. Commissioner Feeter?

Mr. Feeter: Thanks. Just to back up just a little bit to what Commissioner Chaikin said, there's a memorandum from Jeff Hunt that was addressed to Maui County Planning Commissions, period. "The purpose" -- "The purpose of the countywide policy," and he gives a number, "MCC 2-80B," "is to provide broad policies and objectives." Now, how clearer can you get than that?

Mr. Vanderbilt: Okay. Alright. If there's no more questions on this one, maybe we can move, Joe, to that -- Yeah?

Mr. Chaikin: Just a quick question. We talked about the six-bedroom thing and basically what it says is, "The number of the bedrooms used for a short term rental in the bed and breakfast home shall be no greater than six." What's the interpretation of that? Does that mean you cannot rent out more than six? Like if you got an eight-bedroom house, that's okay? But you can only rent out six of the eight? Is that what they're saying there?

Mr. Alueta: Yes. I mean, you have to live within the house. So you're using two rooms within your eight-bedroom house for yourself and your family, and you're renting six out. Or you're using eight --

Mr. Chaikin: Okay. Thank you.

Mr. Vanderbilt: ...(inaudible).. okay, Joe, if you got the 500 -- if you get 40 percent of the people within 500 feet, and you're dealing with five-acre ag lots, say, you may not have very many people within 500 feet, right?

Mr. Alueta: My understanding and the way the Commissions have indicated where they want that 500 feet to be taking place is from the boundary property lines.

Mr. Vanderbilt: Okay.

Mr. Alueta: But if you're all five-acre lots, yes, you are correct: there's not gonna be as many people within that area being affected or being noticed.

Mr. Feeter: Chair?

Mr. Vanderbilt: Yeah?

Mr. Feeter: On that same paragraph, line -- Page 4, sentence number -- excuse me, No. 12, I believe that's what you're referring to in the 40 percent? I believe we talked about that earlier. I made the suggestion that we lower it to 25 percent. And then also that that needs to be really documented impartially and unbiased.

Mr. Vanderbilt: Well, it is because it's mailed out certified receipt, and it comes back with whatever the person feels about the application. Thank you, Commissioner Feeter.

Mr. Dunbar: Mr. Chair, I think it should be 90 percent.

Mr. Vanderbilt: Well, it should be a significant percent. And some people have even said if your next door neighbor isn't convinced, it shouldn't fly, but anyhow -- okay, so maybe we could move over to the transient vacation because you brought some maps. Which one has the reference to the resort use? Was that the TVR?

Mr. Alueta: Both. You wanted it to -- because information on, one, map of Kaluakoi Resort, the zoning map for Kaluakoi Resort, as well as some type of zoning map for the entire Molokai to understand where these County or rural lands would be because one of our proposals is to expand the B&B to the rural and agricultural districts. I can get into that now, if you want.

I just want to be clear that -- so you're not -- you're just putting out stuff for future discussion and we're not gonna amend or make any comments specifically, or take any motions today on any of the ordinances?

Mr. Vanderbilt: No, we're not. But I just wanted to find out, did you guys have a zoning map of for the Island of Molokai or there isn't one?

Mr. Alueta: As I talked to you previously, Chair, there is no zoning map from Molokai. It's all been done by individual parcels have been zoned. So there wasn't like some big map that somebody came up and was adopted by Council.

Mr. Vanderbilt: Is there a zoning map for Maui?

Mr. Alueta: There are sections of Maui that have zoning maps cause that's how Maui came about.

Mr. Vanderbilt: How long would it take or is anybody working on getting a zoning map for Molokai? We have the State zoning map for Molokai. We have the community plan map for Molokai. The only thing missing is the County zoning, which is gonna be important to have all three maps as we move into the community plan.

Mr. Alueta: Again, you do have zoning. You just don't have it all in one place on a map. Individual parcels have come in. We are working on what we call the Dead Sea Scroll Replacement Project which is to replace our existing paper maps to a digital format. And we are working toward confirming what every one -- each parcel's zoning is, and establishing -- and we will create digital as well as a paper map for Council to adopt and that's being done by community plan region. We hope to get the first phase sometime next year.

Mr. Vanderbilt: So where's Molokai in that priority list?

Mr. Alueta: It's not on the radar at this point. We're just trying to get through Maui.

Mr. Vanderbilt: Well, our community plan is the first one that's gonna be reviewed. And we're not gonna have -- so if we're not on the radar, why aren't we on the radar?

Mr. Alueta: It's an extremely large project and the resources that have been allocated toward that project is not of this great significance. Therefore, we're just eking away at the lowest hanging fruit in trying to deal with the information that we have available at this time.

Mr. Vanderbilt: Who do we contact to see if this is gonna be done before, say, April when we're scheduled to start our community planning?

Mr. Alueta: It will definitely not be done before April. I'm not even sure I'll get -- if we'll get any of the zoning maps, maybe Hana and maybe Paia-Haiku might be done and ready to go to Council, but, no, Molokai will not be done for that. It is not pertinent to your community plan discussions, per se, because you're dealing with a community plan land use designation. And I think they will provide you with some form of -- maybe not confirmed but zoning maps.

Mr. Vanderbilt: Alright. Does the Council have -- does the County Planning Department have a system that has -- you can put in a TMK for any lot on Molokai and it comes up with what the zoning is or most?

Mr. Alueta: Yes.

Mr. Vanderbilt: Okay.

Mr. Alueta: As well as you can examine the Molokai zoning parcel maps.

Mr. Vanderbilt: Okay. Alright. Just so we know the information's out there. But now, Joe, you mentioned in the staff report that you're talking about including vacation rentals in the resort areas, is that correct, of Wailea and a couple more? And then you mentioned on Molokai, the Kaluakoi Resort.

Mr. Alueta: That is correct.

Mr. Vanderbilt: Okay. So now, do you have a map of the Kaluakoi Resort? Anybody have any tape? Where's Nancy? We need some tape. Call a two-minute recess here while we --

(A recess was called at 2:00 p.m., and the meeting was reconvened at 2:04 p.m.)

Mr. Vanderbilt: Alright. I'm calling the meeting back to order now. So, Joe, can you take -- just briefly explain the two maps on the right?

Mr. Alueta: We have -- this map that we have is a compilation of the Kaluakoi area. One is your parcel data. This is a blackbird imagery, a photo, with the parcel data, parcel layer overlaid. The middle map is what we believe to be the zoning at this time. And it's taken from -- I have the original zoning maps that were taken. Remember, whenever you transcribe something over from a Dead Sea Scroll-type paper to a digital version, surveying has -- technology has changed since 1971. So we've done the best we can as far as going over this using a GSI product. And then the other one is your community plan. And this is just the Kaluakoi area. So I'm not as familiar with Molokai or Kaluakoi region, per se. I can only go off what was originally zoned as being part of Kaluakoi. So obviously, all of this, and I'm not sure whether the ag lots were ever included.

Mr. Kalipi: Joe, maybe you can tell us what would be applicable to the current proposed language that is -- that would relate to TVR's and B&B's? For example, where would it be applicable in the sense of where it be -- maybe possible that B&B's might be or TVR's, if any, at all?

Mr. Alueta: Based on the information I would use is most likely I would just use the zoning maps. So from the original zoning map on this thing, so we're talking all of this area, and then these areas here.

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

Mr. Alueta: No transient vacation rental. Can you hold that up? As well as --

Mr. Feeter: Are there any vacation rentals in this that are licensed out there right now?

Mr. Alueta: Bill, can you grab the other mike? Can someone --

Mr. Feeter: Yeah, the question is, in the West End, Kaluakoi District, are there any licensed TVR's right now? And if so, couldn't you go back from there and show us where they are?

Mr. Alueta: As far as I know, there's no legal TVR's in the Kaluakoi area. I mean, all of the hotel is technically transient vacation rental, hotel zoned, so those are all legal as far as having those land use entitlements. As far as the people who came and testified who are operating within the agricultural districts up at Papohaku Sand Dunes and some of the ag lots, the large lots, that's all -- I'm not sure if that was ever part of the original resort. So that's something that you need to determine where do you want to draw the boundaries. That's part of our -- why we're here and bringing you a map. We think that Molokai should be included in some fashion. We know that Kaluakoi was a destination resort. We have been using a strict interpretation on Maui with regards to the four that we have because they were -- pretty much had some form of map. They all came at once. If I use that strict interpretation for the Kaluakoi Resort, I would use their zoning map, which would exclude -- so I would exclude the ag lots but unless you know something that I don't know, or, you know -- like I say, I was -- the history of Kaluakoi, I've tried to obtain. We're still trying to decipher it. But we'll take -- we're here to get your input.

Mr. Chaikin: So, Joe, are any single family lots within what you would consider the Kaluakoi Resort area?

Mr. Alueta: If I remember, they did their zoning back in like '71, you know, in their master plan for Kaluakoi. They got all their zoning. Subsequent to that, you know, you look at your community plan designation. They got the zoning, but you sort of -- I don't want to say down-zoned, but you gave -- you said you didn't want what was zoned out there. And you kind of restricted any potential development by having these inconsistencies with these community plans.

Mr. Feeter: ...(inaudible)... is only as good as our knowledge. We're not getting any knowledge ...(inaudible)...

Mr. Vanderbilt: No, Bill, right now this is approved in our community plan. Bill, right here. All this rural, this isn't zoned rural, but it's designated rural. These hotels are all zoned and ready to go.

Mr. Dunbar: What is the rural designation ...(inaudible)...

Mr. Vanderbilt: No, it would be whatever this is. But then we decided to make it rural at some point. Somebody did. And so -- but that was never -- they never took it to the next step to get it zoned rural, County zoning. The community plan said they wanted it rural and then nobody -- the owner didn't proceed with making it rural. But all these are zoned and ready to go - multi-family condos. And I think the commercial is zoned also.

Mr. Alueta: So as I indicated, we're using the same conservative method that we used on Maui. We would take only what was zoned as part of the original Kalukoi Resort. So we'd draw a red line around these parcels. And again, you know, that's our -- we're only suggesting it to try to ease where we think TVR's should be because, at the same time, we're attempting to close the door on the conditional permit process to say you can't go through a conditional permit process outside of these areas. We're gonna prohibit them.

Mr. Vanderbilt: So, Joe, the -- we've had testimony in the past in Kawela and Papohaku. There's vacation rentals in Kawela and there's vacation rentals here. And they're both prohibited in the CC&Rs. So --

Mr. Alueta: ...(inaudible)...

Mr. Vanderbilt: No, no, but -- so you guys don't get involved at all with the CC&Rs, right?

Mr. Alueta: Not at all. We are enforcing the State and County laws not as effectively as some people like, but that's --

Mr. Kalipi: If the other Commissioners don't know, this is like Kawakui, yeah? It's on the opposite side of the hotel. And there's that one road that goes into Kawakui that you need a four-wheel drive, but there's no really infrastructure here, you know. So it's kind of -- yeah, quite a few, good for deer hunt and stuff like that. Just to get an idea what kind of property we looking at.

Mr. Alueta: And remember, we're drawing a line for what we think it would be in -- where it could be done without having to obtain any other permits from the County. It doesn't mean that if there's an underlining State requirement, they would have to obtain it. If

there's an underlining infrastructure issues that prohibit it or it makes it prohibitive, then that's fine. But all we're saying is in the future growth or where we want to say we want TVR's here, we don't want them here, that's the goal. That's sort of what we're trying to say with the package of ordinances. We're trying to say no TVR's outside of the resort areas. Yes, to where it is in the resort areas. If you want to build one and do one, you can do it in that one area. If you want to do some type of visitor accommodation, the B&B, owner/occupied B&B, is the only methodology in which you can do so, because we feel it has the least impact and is -- one, on housing, but at the same time has the -- is the most consistent with the majority of the community plans.

Mr. Vanderbilt: Okay, Joe. Okay, let's get back on this cause I'm gonna close this up in about 15 minutes, and we can -- but I was just wondering, Joe, maybe you can explain in the minutes that we approved today, we were talking about the rural lots, and maybe Ralph can chime in on this, but for instance, I think in a proposed subdivision on the West End, they're gonna say no vacation rentals, but if you have two-acre rural lots with R-1 zoning, how many houses could you get on one of those lots? I think if it was subdivided, didn't you say five, Ralph?

Mr. Ralph Nagamine: Without subdivision?

Mr. Vanderbilt: With subdivision. If you had a two-acre rural, R-1 zoned lot, and it was two acres, you could subdivide it once?

Mr. Nagamine: You'd get two lots.

Mr. Vanderbilt: And how many houses on each lot?

Mr. Nagamine: ...(inaudible)...

Mr. Vanderbilt: Can you --

Mr. Nagamine: If you have a two-acre parcel of land and it's zoned R-1 --

Mr. Vanderbilt: One. And you don't subdivide.

Mr. Nagamine: Potentially you could get two lots off of that depending on whether or not you meet the shape requirements for the R-1 standards. And each lot would be entitled to have one single-family dwelling plus an ohana. So potentially, you could get four dwellings out of that two-acre parcel.

Mr. Vanderbilt: Now, if you didn't subdivide the two-acre rural lot, how many houses could you put on there?

Mr. Nagamine: If I do my math correctly, I think you would get three dwellings: two single-families and one accessory, one ohana.

Mr. Vanderbilt: Accessory.

Mr. Nagamine: Yeah. So through subdivision, you might gain one accessory dwelling.

Mr. Vanderbilt: Okay.

Mr. Chaikin: Yeah, I got a question for Corp. Counsel. At the last meeting, you were addressing some of the permitted uses for the different zoning areas. And you were talking about some uses being permitted, some uses being not mentioned, and some uses being specifically prohibited, or specifically not allowed. Can you kind of go over that once more?

Mr. Hopper: Sure, and you know what? Let me cite you a provision of the code that makes it a little bit more clear. In Chapter 19.04, which is called "General Provisions and Definitions," there's a section of that, Subsection 020, which is called Compliance, and Section B of that says, "Prohibited Uses. There shall be permitted in the districts three categories of uses established by this section: principle, accessory, and special. Any use which is not expressly permitted as a principle, accessory or special use shall be prohibited." It means that if it's not listed as one of those uses: principle, accessory, or special, or cannot -- or it's not an accessory or special use, and for special uses, you need a special use permit, then it's prohibited.

And then in the case of a TVR, I was noting that in the timeshare section it says that, "Except as provided in this section, timeshares," something else, "and transient vacation rentals shall be prohibited. So that was sort of a -- that would still be in the category that it's not permitted. You know, if it's not listed as any of those uses, it's considered prohibited. So technically, those are in the same boat. But in the case of TVR's, I was pointing out that it was one of the rare cases where the Council in adopting a law actually specifically stated, by the way this is a use that you can't do. Mostly, that's regulated by just not mentioning that use. In the specific zoning district, they actually decided that they wanted to specify that along with timeshares, TVR's are prohibited except in the areas that's specified in the timeshare section of the code.

Mr. Chaikin: So is that for all of the zoning districts except for where it's specifically permitted like for a hotel district or something? Or what is that referring to?

Mr. Hopper: For TVR's specifically? Yeah.

Mr. Chaikin: Yeah, what zoning districts are they referring to when they say that it's prohibited?

Mr. Dunbar: You know, Steve, that's his proposed ordinance. That's not in the ordinance.

Mr. Chaikin: No, he's reading from the ordinance.

Mr. Hopper: Yeah, 19.37 is where you have it. "Timesharing Plans," it's titled. It says "Except as provided in this section, timeshare units, timeshare plans, and transient vacation rentals are prohibited." And it talks about existing uses permitted under the law as of the effective date of the ordinance in that section which is like 1989. And this also deals with timeshares heavily as well. It's not just the TVR bill. It says -- and then it says, "Timeshare units, timeshare plans, and transient vacation rentals are allowed in the hotel district provided such use is explicitly and prominently authorized by the project instrument." In the sentence "project instrument" means, "One or more documents including any amendments to the documents by whatever name denominated containing a restriction or covenants regulating the use or occupancy of a project" like CC&Rs. So basically, the current law is consistent with what is being proposed up here that you have to be in a hotel district in order to operate those uses outright. Everywhere else, like if you look at residential, for example, it'll come up with a -- if you look on the residential district under the code, it would come up with a long list. It would say, permitted uses, and then have accessory uses, and then have special uses that you need a special use permit for. And then everything else, because of that earlier section I read, is prohibited.

Mr. Chaikin: Okay, so I'm just trying to get this concept clear. We've got a situation where TVR's are expressly prohibited, but the County somehow has taken the position that if the Planning Commission and the County Council say it's okay, it's okay to do that even though it's expressly prohibited. Is that something that's normal and ordinary that they would change ordinances just by saying it's okay rather than changing the ordinance? Or how does that work?

Mr. Hopper: Well, you know, that's why you have such an arduous process because it is expressly prohibited. But through the conditional use permit process, the Council and the Planning Commissions have interpreted that to allow transient vacation rentals even though the law says they're not allowed if certain things are proven. And that's one of the reasons I think why the Planning Department is looking at amending it to make that, you know, not able to do. There have been Council members that commented on that that's a bit strange for a conditional use permit process to allow someone to basically operate a use that is expressly prohibited in that zoning district. But the department has generally left that up to the Planning Commissions and the County Council to determine if that use is appropriate in that given situation under those facts based on the standards outlined in the conditional use permit law.

Mr. Chaikin: So when they originally set forth the current TVR ordinance that allows for it via a conditional permit, what was -- I mean, I don't understand why they didn't change the

ordinance so there wasn't a big conflict in the thing. Do you have any background on why they left it specifically prohibited? They could've changed the other one, right, so it wouldn't specifically prohibit it? It seems to be an inconsistency in the ordinances.

Mr. Hopper: Well, I mean, all I can say is one way to make it consistent is to do what the department's proposing now and say that you can't get a conditional use permit for a transient vacation rental because it's a use that's expressly prohibited. Technically though, any use that's not specified in the zoning district as a special use or anything is a prohibited use. And the conditional use permit law itself has been interpreted to allow essentially, any use anywhere, so, you know, based on the discretion of the Commission and Council. But that's the way it's been interpreted. It states that it's "To provide the opportunity to consider establishing uses not specifically permitted within a given use zone where the proposed use is similar, related, or compatible to those permitted uses, and which has some special impact or uniqueness such that its advance of the use being proposed for a particular location such that its effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location." So, you know, whether that's the appropriate way to go or a change in zoning, which is a more permanent process, you know, it's up for the applicant to choose that. But that's where we are right now.

Mr. Chaikin: Thank you, Mike.

Mr. Vanderbilt: Alright. I want to do three things: I want to find out from Joe what the timetable is with the department on these ordinances to get them to the Council; what Molokai's current enforcement proceedings are with the Planning Department.; and then I want to allow anybody from the public who wants to just share some comments on the TVR, if that's alright. Joe, what is the timetable that the Planning Department is looking at getting this ordinance to the Council?

Mr. Alueta: I believe the Commission has 120 days -- was it 120 days, Mike, from the date that you held your first public hearing.

Mr. Vanderbilt: Well, from the close. We haven't closed our public hearing yet.

Mr. Hopper: It's from the final public hearing, from the close of the final public hearing.

Mr. Vanderbilt: We kept it open.

Mr. Alueta: So this meeting was recessed?

Mr. Hopper: The public hearing was never closed. I mean, in the Charter, it says 120 days from the date of the final public hearing. That's what it says.

Mr. Alueta: Ideally, we want to get it up there before the end of the year. We are pretty much almost done with Lanai and we're almost done with Maui. We actually got through quite a bit yesterday at Maui. And on Lanai on the first go-around, we actually did pretty well. So we actually got stuff out and they made decisions on it. So this is the only Commission that hasn't taken any decision on any of the bills or any sections of the bills.

Mr. Vanderbilt: And have they been pretty consistent on Maui and Lanai?

Mr. Alueta: On Lanai, they had no objections to 19.29. On Lanai, in 19 -- on the ag district, they felt it should be \$35,000 or 51 percent of the household income on the property. On 19.64, they voted to do the same as Maui with regards to grass, lawn and grass, grasscrete, and grassed parking, tandem parking, children, minor children 12 and under to be allowed in the room up to two. That's on the B&B. On the B&B they also wanted to amend 19.64.060, paragraph C to include "intentionally provided" as far as notice of violations, as well as on Section 63, paragraph 3, "knowingly violated" as opposed to just "violated." They want -- that was the Commission. And those were the only ones that we got through on Lanai.

On Maui, again, they had -- interestingly enough, they might be having second thoughts on this, but they, like I said changed it from no lessee, and they felt owner/occupied for B&B's. It has to be an owner/operator not a lessee/operator for B&B's. They wanted to change the appeal objection from 40 percent to 33 percent. Again, they wanted to allow for grasscrete for required parking, which would require an amendment to 19.36. Allow tandem parking. They allowed for minor children, 12 and under, max of two. They wanted added a one-by-one identification sign to attach to the existing structure such as a mailbox or fence. And they wanted to set up an appeal process to the Commission. Specify the appeal of the director's decision goes to the Planning Commission. They voted to keep 19.40, the conditional permit process. They voted not to eliminate that.

For 19.39, which is dealing with the TVR's restricted to the destination resort areas, they voted to approve that with no amendments. With regards -- 19.39. They haven't got to the rural and ag yet. With regards to the business -- 19.39, they said okay. They didn't make any changes to it.

Mr. Dunbar: Joe, you had 19.64 ... (inaudible)...

Mr. Alueta: I'm sorry. Whatever the TVR one, which is 19.38. Is that correct? 19.38, you are correct. I'm sorry. I put down --

Mr. Dunbar: Now I gotta start all over again.

Mr. Alueta: Sorry, sorry, sorry, sorry. So 19.38, they agreed to it.

With regards to the amendments to the business district, 19.16, they changed -- they wanted it to be "room" rather than "unit." So they agreed to the further 20 rooms or "as further limited by the applicable community plans;" 19.18, same thing, subject -- "applicable community plans," and 19.20, "subject to the applicable --" 20 rooms that can further be limited by this "applicable community plans." They also wanted those to be reviewed by Urban Design as far as design of the projects. So essentially, what they said was, yeah, you could do it in the business district from these business districts; however, if a community plan limits it from 20 to less than that, that's fine. Each community district can do that as well as they want UDRB to review.

With regards to the B-R districts, same thing except they know that in the B-R districts, all of the B-R business resort districts are within the SMA, so those are gonna have to come to the SMA and through the Planning Commission, so they didn't have too much review. With regards to the B-CT district, 19.15, 20 rooms; however, we have B-CT design guidelines as well as applicable community plans would apply. That's what they got through.

Mr. Vanderbilt: Thanks, Joe. Now, what about the enforcement on Molokai right now? What is the procedure that's being followed?

Mr. Alueta: My understanding from -- with all enforcement and all transient vacation rentals or bed and breakfasts that are not located in the permitted zones, they are being sent letters, and notifying them that they have "X" amount -- either they shut down now, or they have "X" amount of time to shut down. It all depends on whether they had filed for an application or not. My understanding is there's about 70 TVR's that have applied for permits. Those have been given, I believe, to the end of the year to shut down. Those who have -- did not apply are being told you must shut down. And the last letter I heard was you had four weeks, and this was your first notice.

Mr. Vanderbilt: And what's the penalty if you continue?

Mr. Alueta: I do not know. I don't have the penalty section in front of me.

Mr. Vanderbilt: Well, could -- by our next meeting -- wait a minute.

Mr. Alueta: Mike Hopper might.

Mr. Vanderbilt: Corp. Counsel?

Mr. Hopper: I believe it would be considered a use violation. It'll be a thousand dollars initial fine and a thousand dollars per day the use continues.

Mr. Vanderbilt: Okay. With that, does anybody want to share any comments? Linda? Linda, if you don't mind, I'm gonna have Mike just mention the lawsuits that's been filed and whether or not it impacts our Commission.

Mr. Hopper: It doesn't impact your Commission, but I would just want to note that regarding enforcement, Maui County has been the subject of a Federal lawsuit seeking to enjoin enforcement against transient vacation rentals meaning the department has given warnings, told people they had to shut down by the end of the year, and have proceeded with enforcement against those that have never applied with permits, and has actually been sued by a specific group seeking an injunction preventing the Planning Department from enforcing the law as it's written. So that lawsuit's ongoing. I believe we filed a response to it yesterday, and there'll be hearings ongoing.

Mr. Vanderbilt: What is the consequences if those suing win? Can they continue operating?

Mr. Hopper: Well, that's the relief that they're seeking. It's sort of unclear, frankly, in the complaint, what they're asking for, but they've asked for an injunction, basically, as I understand it, trying to make it so they're allowed to legally operate, basically.

Mr. Vanderbilt: For an unlimited amount of time or until something --

Mr. Hopper: Again, this is pretty unclear to me. It's vaguely pleaded, is what I could say, but we'll let you know as far as any ongoing orders.

Mr. Vanderbilt: Linda, okay.

Ms. Linda Place: Aloha, everybody, and thank you. These are my thoughts and feelings regarding bed and breakfasts, and vacation rentals homes. Maui County regulations clearly state that these types of businesses are not permitted outside of an urban, hotel, and business zoned areas. These regulations should not be changed or altered in any way, shape, or form. In an online survey discovered by Google's Tropical Island Properties and Swenson's Real Estate, the local Realtors suggest that these regulations are outdated and burdensome. Outdated, I say not at all. Burdensome, not for the homeowner whose responsibilities include be aware of current laws and regulations prior to purchasing, building, and operating these types of businesses with those intents in special zoned areas. In this survey, they also request that you adopt these reasonable regulations and give people a chance to comply with them so that local families are not put out of business.

No chances should be given at all. These people especially the Realtors and homeowners have known what they have been doing throughout the past years. They have been

operating illegal businesses and should be recommended accordingly for doing so. Rules and regulations are meant to be followed by all persons who choose to buy, live here on island. They should not be ignored or misconstrued. As Mr. DeGray Vanderbilt suggested a vacation rental owner do so at a previous meeting as stated in the *Molokai Times*, "The Crooked Sale of Mangoes."

Putting local families out of business is a poor excuse. The majority of vacation rentals found on Molokai are not locally-owned. These people have built vacation rental homes for themselves and come for only specified periods of time throughout an entire year, thus allowing an opportunity for them to make a quick buck and profit from our beautiful landscape here on Molokai. Property maintenance will still be needed throughout the year as homeowners and their friends and family visit.

The local people island-wide are being affected because of the lack of affordable long term housing and an increase in land taxes because of property value increases. More local people are being affected and suffering having to pay higher taxes due to their neighbor's property value assessment. Vacation rentals should be built and allowed only in an appropriately zoned area. Persons who have the desire to run these types of business should do so accordingly to current laws and regulations. No special treatment should be given. Why should we, the locals, have to give up our island way of life to make room for the almighty dollar?

And I wanted to bring one thing -- another thing up was that I went -- I talked story with some people and there is 26 vacation rentals on the East End within a nine-mile radius. Okay that's from -- we didn't count those in Wavecrest which Wavecrest has 60 units up for like TVR's, but we counted from that mile marker 13 all the way up to Honouli Wai.

And I wanted to comment, even though Joe already commented on it because I was sitting there and I was listening, when I first got involved with this vacation rental thing, it was because of that -- Bob Carroll put out a six-paper of trying to legalize vacation rentals. And I think this was sometime last year and this is how this all came about. It wasn't pushed by the people of the community. It came down from Maui from the real estate. Okay?

Mr. Vanderbilt: Yeah, thank you, Linda. Can you finish up?

Ms. Place: Yeah, I'm done, I think.

Mr. Vanderbilt: Okay. Any questions for Linda? Commissioner Mr. Kalipi?

Mr. Kalipi: The 26 vacation rentals, you know their names?

Ms. Place: Yes, I have it right here.

Mr. Kalipi: Can you submit to us and then we can make a copy of that? Thanks.

Ms. Place: Sure. Anybody else?

Mr. Vanderbilt: No. Thank you, Linda.

Ms. Place: Okay. Thank you.

Mr. Vanderbilt: Judy?

Ms. Judy Caparida: Aloha. The last meeting we had was so boring, very boring. It wasn't only boring, it was mostly because of some people wanting to have it for their own gain. They wanna make this rules to match up so they can use it later on. All of this came about 30 years ago, 30, 35, even 40 years ago. It was people on the Commission Board sitting here was the one they started all these illegal stuff. That's how long I've been in the meetings. And it ain't getting better. It's getting slyer. Everybody's getting more sneakier because they getting to know more people. They rubbing shoulders with each other trying to make good for each other. They not really concerned about the community. They concerned about themselves. I say this because I know. I go to almost every meeting. I go because I'm concerned about what's going on in our community. Every place else is different from Molokai. The rules you making up you turning them all around making them look like Maui again. We already went to the meetings. We said what we want. We come back again—changes. You know, I may look stupid. I no more education, but coming to meetings, they really educate you because you can see all the crookedness. You can see all the things that they sneaking to make it look good. You know we got a Board here. We got a Board here. And I want to see our Board be pono. I'm not going to every meeting and then see changes that I know darn right don't match up to my lifestyle.

All of us on Molokai, we love what we have. It is beautiful what we have because you know why? That's what we can afford. That's what we can afford. So what's so hard to understand? Everybody out there is not happy because why? They going overboard on what they can afford. So for me, it's like you know what? Why live miserable when you can live happy being simple? And that's with my heart. With my 25 grandchildren, hey, I'm happy, happy what we have. And what is it? Because you know why? This is not Fantasy Island. This is not Disneyland. You wanna go out there and enjoy life, go catch the airplane. Go. Bye-bye. Come back next week. So what's so hard about that? Bringing in all these big stores they wanna bring in here. Do you think it's gonna be cheaper? No way. On Molokai, you cannot make millions. You cannot because the lifestyle cannot be put up there. If you can pay all of them all the money that they can live that way, fine, but you bringing people in here that can afford it pushing us out. Pushing us out because it's costing us a lot of money for live in their lifestyle.

So what's hard to understand it? I just sit down and I think to myself, I gotta laugh. I gotta laugh because the monies we make is like we are monkeys. They feed us peanuts. Hello. We not a zoo. We are here to live our lives that is up to par to our lifestyle. I cannot see they making all this stuff, if we know that we not gonna be happy in it. I can go to legislature and tell them. I can go anywhere and tell them because they suffering. All over the world is suffering, but they love to stay there. So bye-bye. Stay there, but don't need to bring here.

I really in my heart it really aches me because you know why? cause it's so hard nowadays. The water is high. The electric is high. Everything on Molokai is high. Why? Only from here to Honolulu is more closer, it still cost us so much money to bring in the food. To bring in everything cost us a lot of bucks. So you know what? You catch the ferry. When we get our money to go out there and get a little bit extra, then come home. So that's why you folks gotta realize you guys not playing around with robots. We are human beings, and we expect to be treated like one. Live the life that we wanna live while you here. If you not happy, go back home. Catch the airplane. Bye.

So I'm here to tell you that. I'm here at meetings. I seen this changeover every time, and I don't feel good about it. If our Board gonna make something, be pono. Be what we are. Be what we can afford. I don't wanna live somebody else's life because it's miserable. Thank you.

Mr. Vanderbilt: Thank you, Judy. Anybody have any -- Judy?

Mr. Feeter: Yeah, Judy, I have a question. What do you propose to correct this?

Ms. Caparida: You put a designated area for everything that belongs there. Everything that belongs there, put it there. It's not sneaking things underneath. This has been for years. They been making a lot of money. You know if one kid get caught outside with pakalolo, them policemen come over here and pick them up. This is the illegal way of doing business and they do nothing about that. What you think about that, Feeter? Is that an answer? That's what I'm trying to say. Illegally, they doing money business. Money, money, money. But they don't go to jail. But put one of our kids out there with pakalolo, they get caught, and go to jail, or go someplace where they have to have treatment. This kind of stuff, they no can have treatment. They so used to, they don't know how to come out of it.

Mr. Vanderbilt: Thank you, Judy. Would you like to testify? Yeah.

Ms. Sally Harrold-Schachter: My name is Sally Harrold-Schachter. I live on the East End. That's a hard act to follow, a real hard act to follow. I have some comments and some questions of this Commission.

I have in my hand some petitions that were on the Internet that are being sent to the Mayor, Maui County Councilmembers, and Planning officers. My question is, have you received any of these petitions and is any credence been given to these petitions, any petition?

Mr. Vanderbilt: Sally, I don't believe we've received those petitions.

Ms. Harrold-Schachter: Okay. At the bottom of one, it says "Please fax this form to Tropical Island Properties at 808-553-3783 for delivery to County officials." And I would like to say that this kind of thing on the Internet should be given no attention at all because anybody can sign it. They don't have to be a Molokai resident. They don't have to be anything. And certainly, only Molokai residents should have a say-so in these issues.

The second thing I'd like to say is that I definitely think that B&B's and the vacation rentals should be separate issues. And it looks as though they are. I've been listening and listening. And maybe I'm not understanding, but I think there's been a lot of confusion in all the wording. I see the County bills as County bills affecting the whole County. I see the community plans as affecting each community. To me, if there's a County bill and the law is passed, then it affects the whole County. If the community wants to further restrict their own community, then they may do so, but I don't think they can go against the County law. And correct me if I'm wrong.

And then I have one more probably real unpopular statement, and I don't want to offend these guys, I know one of them, I don't know the other, but there are two vacation rental owners on your Commission. Should they be allowed to vote about vacation rentals because of a conflict of interest? Those are my questions.

Mr. Vanderbilt: Thank you. Are there any questions, comments, for Sally? Sally, do you have a copy of that petition that you could leave with Suzie?

Ms. Harrold-Schachter: Sure.

Mr. Vanderbilt: Okay. As far as the two members of our Commission, they've been members of our Commission for a while. They're resource people. We've not come down to the point of whether they need to recuse themselves or whether they would recuse themselves, but right now, they're providing some input here also. And we're all trying to work through this together and see if we can come out with a solution that will try to smooth out some of this chaos and not really impact our community planning process. And so that's gonna be the challenge that we have going forward. And I, personally, I agree with your assessment that it's gonna be a little awkward if a law is passed Countywide and then we come up with our community plan. And then if our community plan is different from that law, then we gotta go back and re-change the law, and that can be a very long process.

So those are all good points that you brought up, and we're wrestling it, but all of us are working together as a Commission here.

Ms. Harrold-Schachter: Well, I carefully worded my comment. I said should they be allowed to vote. I think as a resource, they're very valuable resources because they know from personal experience, but that's why I worded it that way.

I did -- I do remember one other comment that I have to Mr. Feeter about the outside entrance to each room in a B&B. And I've never been in a B&B that has an outside entrance to each room ever, and I've stayed in a lot of B&B's, and that sort of reminds me more of a motel.

Mr. Vanderbilt: Yeah, and I do wanna make a point that Commissioner Dunbar, he went through the process. He's got a legal operation out there. And Bill and Frances went through the process, and we've made a decision and sent it up to the Council. And hopefully, nothing will happen on that because they've made an effort until we get through the community planning process. What happens to everybody else, I don't know, but --

Ms. Harrold-Schachter: I'm aware of that and never did I infer that it was illegal.

Mr. Vanderbilt: Good. Well, I appreciate your comments. They were very helpful. Thank you, Sally.

Mr. Dunbar: You know, Sally, I should also point out that Bill did recuse himself from voting when his vacation rental application came up.

Ms. Harrold-Schachter: Okay. Thank you. I wasn't aware of that. Thank you.

Mr. Vanderbilt: Are there any more comments for Sally? If not, I'd like -- if there's not any objections, I'd like to move on to the next item. But before I do, I would like to ask Joe, when is this interim ordinance gonna -- when you do anticipate this interim zoning ordinance coming out? Or the interim whatever it was: interim amendment or interim --

Mr. Alueta: Amendments to the interim district. I can probably get it to you as soon as I can find time to have a scheduled public hearing to meet the public notice requirements. I did finish it up yesterday. I did the amended changes, the changes that were talked about as far as adding B&B's to the interim district.

Just -- if I may, Mr. Chair? I just wanted to comment on a couple of things is that I'm bound the rules of Title 19 to come before every Commission. Okay? So I don't know if it was Auntie Judy. Like, you know, she comes and testifies. The board makes comments, and conditions, and stuff like that and maybe it doesn't match up with the directions you gave

us at the last time with the Bob Carroll, but I have to make -- as we make changes to implement certain things, we have to come before each Commission. And so if you don't feel that you want it to apply to you, you can make those comments that it doesn't apply to you. With regards to County laws and the various community plans, I don't see it as being a conflict. And the way to create that better connectivity between your laws and your community plans within the B&B ordinance --

Mr. Vanderbilt: Excuse me, Joe. We gotta stop the meeting. We lost quorum.

Mr. Alueta: Oh, who left?

Mr. Vanderbilt: Yeah, we'll take a five-minute recess.

(A recess was called at 2:54 p.m. and the meeting was reconvened at 3:05 p.m.)

Mr. Vanderbilt: Could somebody from Planning staff take down -- I would like to get a list of who the enforcement letters were sent to, and also an explanation -- a written explanation who's ever in charge of enforcement of what the enforcement process includes. And then I would like to determine if the zoning for Wavecrest Molokai Shores and Hotel Molokai allow transient vacation rentals.

Mr. Alueta: I take it you called the meeting to order, Mr. Chair?

Mr. Vanderbilt: Yeah, I did.

Mr. Alueta: Okay. Before you move on to your GPAC, can I make one statement?

Mr. Vanderbilt: Did you catch what I said about --

Mr. Alueta: Yes, I did. Suzie's gonna write it down, and we're gonna inform the appropriate authorities because I don't deal with enforcement. As far as Wavecrest, if they're zoned hotel, yes. TVR, a hotel is a TVR.

Mr. Vanderbilt: I don't know what they're zoned, but it came up. Somebody mentioned about Wavecrest has 60 units for rent there. I don't know if --

Mr. Chaikin: Yeah, we don't have zoning maps. We haven't been provided --

Mr. Alueta: Okay. We'll follow through as to whether Wavecrest was granted --

Mr. Vanderbilt: Okay. And you had something to say, Joe?

Mr. Alueta: I just wanted to make clear that you can further restrict, you know, the bed and breakfast ordinance with regards to the applicable community plans and create that tie-in by saying, you know, by saying that as one of the criteria for submittals and approval of a bed and breakfast permit, it has to be compatible or compliant with the community plan for a specific language. So like I say, right now, there is a B&B ordinance. Okay? You currently restrict it because anything greater than two rooms comes to this Commission. We're proposing to streamline the process to make it more administrative. Hana has recommended that anything greater than three rooms go to the Commission. Molokai can make the same, or you can say you can do up to six rooms unless further restricted by the community plan. So during your next community plan update, you say on Molokai, no bed and breakfast shall -- no bed and breakfast greater than three rooms shall be allowed. You can do that and that would be incorporated in any review process further down and so -- and we would encourage like, you know, that tie between giving the community plan and the ordinances some linkage. And that's all I have to say on that.

Mr. Vanderbilt: Thank you. Thank you, Joe. Thanks for your presentation. And thanks for the maps too.

Mr. Alueta: Did you want me to leave these maps here?

Mr. Vanderbilt: I'd appreciate it, if you could.

Mr. Alueta: Okay. I will leave them with Nanci. I'm just gonna make it clear, there's big, red letters on it. I'm not sure if -- I'm assuming everyone can read. But for the general public, it says "draft" and that's what it means. So don't -- if you look at something and you wanna know specifically --

Mr. Vanderbilt: Draft sounds pretty good about this time of day. A draft beer.

Mr. Alueta: I understand. I'm gonna get my ice cream now. Alright. Thank you.

Mr. Vanderbilt: Alright. Okay, so we're gonna go to physical infrastructure. Oh, yes, and just to let you know, we've left -- we're moving on, and deferring this item to the next meeting, or to the meeting after that. And we didn't --

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

Mr. Vanderbilt: Well, just defer this item to a future meeting. We still got some other stuff to discuss. Do we need to vote on that? Alright. We're gonna defer. If the Chair's out of order, I'll go to jail. And hopefully, we'll get all this followup information, and we can make some decisions down the road as to whether we're gonna pass any of these bills, or take

some other fact, because we can make any recommendation we want. And as far as the public hearing, that's still open.

E. 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 Diversify Transportation Options, Strengthen the Local Economy, and Strive for Good Governance Sections.

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 was conducted on August 22, 2007.

Mr. Vanderbilt: Okay, Suzie or -- I mean, Julia or Simone, you want to start with improve physical infrastructure?

Ms. Simone Bosco: Yes, thank you, Mr. Chairperson. At the last meeting, we finished the land use section, and we were scheduled to continue on with housing, physical infrastructure, and parks and public facilities. So the agenda item today, we were supposed to be covering transportation and economy, but the agenda language reads in such a way that we can actually cover anything in Section IV. So we're gonna start off with physical infrastructure today. And we'll be attempting to catch up on the other sections at the next meeting. If the Commission would like to schedule a special meeting, that would be advisable. Or you can -- maybe you can work with the Chair on that at another time. We have only 30 minutes before we lose quorum, though.

So physical infrastructure, I'll start with the goal. Can everyone read the screen? Okay. "Maui County's infrastructure will be maintained in optimum condition and will provide for and effectively serve the needs of the County through clean and sustainable technologies." And then we'll move to the first objective: improve water systems within the County so that Maui County's population has sustainable access to clean, reliable, and affordable sources

of water. And then the supporting policies, if you don't mind, I won't read all the policies, and we'll just take comments as you like. Any discussion?

Mr. Chaikin: Yeah, I'd like to call your attention to -- what is that? I, or an L, or what are on? I - G -- is that what that is?

Ms. Bosco: Ig?

Mr. Chaikin: Oh, I1g. Got it. Okay. I1g says, "Retain and expand public control of water resources within the County." There's a couple different things I'd like to kinda clarify here. One is that when we're talking about water, there's basically the water itself, and then there is the delivery systems that deliver that water. We have a specific situation here on Molokai where we actually have private infrastructure that's -- I don't know. I don't exactly know how that works, but basically, Molokai Ranch is owned and operated by a foreign entity and they control the water infrastructure. So I think that it would be good if we actually bring that and make sure that that's something that stays within the local public here. So I would like to change that to say something like "Retain and expand public control and ownership of water resources and delivery systems within the County."

Ms. Bosco: Thank you. I think Julia's taking that language: "Retain and expand public control and ownership of water resources and delivery systems within the County."

Mr. Kalipi: Commissioner Chaikin, did you see the one that Molokai Planning Commission -- Molokai GPAC put in?

Mr. Chaikin: No, let's go over that.

Mr. Kalipi: No, I'm just saying because that might kind of address what you just said. It says this, I'm gonna read it, it says, "Retain and expand public control and ownership of water resources within the County recognizing and protecting the prior rights of DHHL beneficiaries." Actually, they kind of put that too.

Mr. Vanderbilt: So you just add the last part.

Ms. Bosco: Add the last part which is?

Mr. Chaikin: The DHHL beneficiary part?

Mr. Vanderbilt: "Recognizing and protecting the prior rights of DHHL beneficiaries." Is that right, Joe?

Mr. Kalipi: Well, that's what it says.

Mr. Chaikin: Thank you, Commissioner Kalipi, I think that's a good addition to that. Thank you.

Mr. Dunbar: Yeah, I got a comment. I certainly don't mind if that takes in the Hoolehua beneficiaries, but there's a lot of other DHHL beneficiaries that don't share that same one-third, two-thirds pipe, you know, volume out of those wells. So you got the Kawela well systems, and you got the Ualapue well systems that don't have that same whatever it is - the same rights to that water. I mean, it was developed with those rights in mind. The rest of the water system were not. And there's, unfortunately, four of them on the island.

Mr. Vanderbilt: No, and I think what -- as I recall, they were talking about the -- there are certain rights, aren't there, Michael, under State law? DHHL or --

Mr. Hopper: I don't know the State rights offhand, to tell you the truth. I could look into that. I believe there are rights, but I can't outline them all for you right now. But if that's gonna be the language then, yeah, you can vote on that language, yeah.

Mr. Vanderbilt: Okay.

Ms. Bosco: We added the word "while" -- "while recognizing." Just so you know. Commissioner Feeter?

Mr. Feeter: Could we back up to that water bracket for just a second? On our page here, it's 11g. Irregardless, as Joe pointed out, it's "Retain and expand public control," and so forth, that's out of our hands. We got the Department of Agriculture is, of the State, is dealing with the MIS water, for example. And the community has no input on that other than you go to the MIS meetings and it's -- so I think we're exceeding our -- I won't say authority. It's good that the community have input on that, for sure. So I'm not quite sure what you want out of this. I think there needs to be more knowledge, in other words.

Mr. Vanderbilt: Bill, if you don't mind, I don't think it was like take over other systems or whatever. It was just don't lose what you have. And if there's efficiencies for being able to expand it via County control, that's fine, but it's not just for the County to go out and try to take over the DHHL system, or the MIS, or there's another one Kip mentioned. I think it's just --

Mr. Feeter: Yeah, well, we have three water entities on this island, the Ranch's, and they have three water companies. They have the surface water rights to Kamakoo. And the County, of course, has their wells. And then the other one is the Department of Hawaiian Homelands and they have their well. So they're certainly not -- if you've gone to any of those meetings, which I think, DeGray, you have, boy, they're not gonna budge. So the

point is, you can -- it's fine to leave it in there, but I don't think we're gonna have much influence.

Mr. Chaikin: I think my point was that, hey, let's not -- a lot of these private water systems and stuff can be sold to the highest bidder, and they can really be sold to anyone anywhere else in the world, and we get some overseas people controlling our water resources and our delivery systems, and I think that's not good. So that was my intention of just kind of expanding that and putting it in there.

Ms. Bosco: Okay. Any other discussion on any other policies? How about the Goal? We're going to lose quorum so --

Mr. Dunbar: I always feel so sorry for you.

Ms. Bosco: It'd be great if we can get some --

Mr. Vanderbilt: I would like -- I would like to include in the Objective L1, Molokai's recommendation.

Ms. Bosco: I1 you mean, the Objective 1?

Mr. Vanderbilt: Yeah, 10,001, the objective.

Ms. Bosco: So are you referring to "Improve water systems within the County?"

Mr. Vanderbilt: "Improve water systems within the County so that current populations --"

Ms. Bosco: "Have access to clean, reliable, and affordable water without compromising --"

Mr. Vanderbilt: "Compromising the availability of water resources needed for future agricultural production."

Ms. Bosco: Okay.

Mr. Vanderbilt: And I think there was a lot of discussion about ag lands that were gonna be preserved, and it's okay to preserve ag lands, but if you don't preserve some water resources, there's no point in preserving the ag lands.

Ms. Bosco: Okay.

Mr. Dunbar: Well, I guess my only problem with that, DeGray, is I don't know -- you know, it's kind of like a -- just a total open-ended statement. And I know why it's in there, and I -- to vote on it, I'd have to have something that would, you know, more aptly clarify it.

Mr. Vanderbilt: Well, all through there's "protect your prime ag lands." Right now, whether it's -- right now, we don't have enough water resources.

Mr. Dunbar: Yeah, but now it's saying "prime." We're saying "future ag lands" and there's a lot of scrub ag lands.

Mr. Vanderbilt: "Future agricultural production." I don't think it was ag lands.

Mr. Dunbar: Well, then maybe it should be because there's some ag lands we got you're not gonna produce anything. So, you know, I mean, if we want to save water for prime ag lands or -- you know, and that's a function of all sorts of things, not just lepo, like we talked about the last time. So it's -- I understand where you wanna go, which really doesn't have too much to do with ag, but that's okay. I mean, I -- if you want to restrict it against subdivisions, that's fine, but let's call a spade, a spade, and say what we wanna do.

Ms. Bosco: I think you could probably --

Mr. Vanderbilt: Wait, wait, wait, wait. I don't understand that comment.

Mr. Dunbar: Well, the comment is, is that obviously if there's more development that came to the island, and it used up the water, then there'd be no water for future agricultural production.

Mr. Vanderbilt: Right. Right.

Mr. Dunbar: So I know where you wanna go with it. I know what was said and whatever the GPAC came up with in the minutes but, you know, "future agricultural production" really doesn't tell me much. You know, if we want to prioritize it for agriculture needs, you know, I mean, let's go somewhere with it as opposed to saying that we're gonna have all this big agricultural production because I've been back home now 25 years, we don't have any yet. We've lost, as a matter of fact, except for now what Mansato's doing. So, I just think we gotta put in some meat. If we're gonna put in meat, put in meat, and put it in for the right spot.

Mr. Vanderbilt: Alright, let's move on. I'll get some language ...(inaudible)... look at the minutes from that meeting.

Ms. Bosco: Okay. Just staff would like to make a note, Mr. Chairperson, is that fine? Okay. As the statement reads, it's clearly prioritizing or at least putting down as a priority that we will preserve water resources for ag production. So if the Commission wanted to broaden that statement, you could draw there reference to agricultural production and say something along the lines of "without compromising the availability of water resources needed for future generations," something more broad. I mean, that's a pivotal switch in the direction of this statement, so just be aware. I mean, what happens if there are shortages and residential uses don't have water? This statement basically is saying we're gonna prioritize agricultural production, right? That's -- it's indicating that you don't wanna compromise water resources needed for ag production. Well, how about the people? How about the people that need to live--residential? So just a thought.

Mr. Vanderbilt: Those are some hard choices you gotta make as you go down the community planning path, I think.

Ms. Bosco: Okay. Any more discussion?

Mr. Vanderbilt: I mean, there's other places where -- well, go ahead. I don't have my notes cause I was prepared to do what was on our agenda tonight. So the notes that I have on all this that I went through the minutes, I don't have with me, so that's alright. Okay, where are we now? Anybody else?

Ms. Bosco: Alright. Any other comments on any policies or the goal statement?

Mr. Chaikin: Last call. Anybody else got anything else on the second?

Ms. Bosco: I think if not, we'll take a motion.

Mr. Chaikin: Okay, I'll go ahead and make a motion that we accept I guess this is I, that we accept the Goal, and note that we did change the Objective, and that we also changed Objective I1g, and all of the rest of the policy statements or as presented by the Planning Department.

Ms. Bosco: We need a second.

Mr. Kalipi: I'll second.

Mr. Vanderbilt: Discussion? So where are we on the objective here? Was that "Improve water systems within the County --"

Ms. Bosco: It currently reads, "Improve water systems within the County so that current populations have access to clean, reliable, and affordable water without compromising the availability of water resources needed for future agricultural production."

Mr. Vanderbilt: Okay, if we don't go there, maybe we can do something in 10,003, "Ensure that adequate --" well, don't type anything yet, "Ensure that adequate sustainable supplies of water available for --"

Ms. Bosco: "Prior?"

Mr. Vanderbilt: "For current --" Something in there about population as well as future food production or something. I mean, see --

Mr. Dunbar: "For sustained agricultural use --"

Ms. Bosco: Okay.

Mr. Dunbar: "Prior to --"

Mr. Vanderbilt: Yeah, "For sustained agricultural use." And that's general enough where if you want to get more specific, that's a good point.

Mr. Dunbar: "Prior to entitling land for development." I don't have a problem with that, but I still have a problem with I1 because now we got "Without compromising availability." So if we're gonna go back to I1 that says, "Improve water systems within the County so that Maui County's population has sustainable access to clean, reliable, and affordable sources of water," and I don't know. The rest of that ...(inaudible)... in I1b. And then if we get to I1g, again, I don't really have a problem with any of that if it says "in Hoolehua," because that's where the prior rights were. So, "while recognizing and protecting the prior rights of DHHL Hoolehua beneficiaries."

Ms. Bosco: Can you say that word again? "DHHL and --"

Mr. Dunbar: "Hoolehua."

Ms. Bosco: "Hoolehua."

Mr. Dunbar: H-o-o-l-e-h-u-a.

Ms. Bosco: He wants it after "DHHL." "DHHL and --"

Mr. Vanderbilt: Just like Kip didn't want to go, I'm not going with that because I have no idea of how Hoolehua should benefit over other Hawaiian beneficiaries. That's not -- unless Kip can explain that to me.

Mr. Dunbar: That's where the priority came in is, right, Joe, it's the one-third, two-third pipe rule. When they built the system over the Hawaiian Homelands in Hoolehua, they gave those Hoolehua beneficiaries, you know, the one-third, two-third flow of the water, which is where the big fight is today with Laau. So that's not anything new that I know of.

Mr. Vanderbilt: "Protecting prior rights of DHHL and Hoolehua benefits," is that what you wanted to say?

Mr. Dunbar: No, I wanted to say, "Prior rights of DHHL," no "and," "Hoolehua beneficiaries."

Ms. Bosco: Kip, can you speak into the mike, please?

Mr. Dunbar: There.

Ms. Bosco: Is it there correctly? Oh, it's correct, okay, the way it is? "Of DHHL Hoolehua beneficiaries?" Is that right?

Mr. Dunbar: Yeah.

Ms. Bosco: Okay. Can I clarify what the Commission wants for I1? Did they want to drop part of the sentence and move it to I1b? Is that correct? Or how -- can you please go over that?

Mr. Dunbar: Well, it seems that the discussion was that the I1b would basically take the place of what was being said under the objective of "Compromising the availability of water resources needed for future agricultural production."

Ms. Bosco: Okay. Stop there and let Julia finish that.

Mr. Dunbar: So if that was taken out, I1b says, "Ensure that adequate sustainable supplies of water are available prior to entitling lands for --" or "are available for sustained agricultural use prior to entitling lands for development."

Ms. Bosco: Okay, so "Ensure that adequate sustainable supplies of water are available for sustained agricultural use prior to entitling lands for development."

Mr. Dunbar: Or probably "sustainable" would be a better --

Ms. Bosco: Okay, "sustainable agricultural use." So that's the new I1b. And then for I1, are you proposing to drop the part of the sentence after "without" or after --

Mr. Dunbar: Yes.

Ms. Bosco: Okay. So, okay. Thank you. And if that's how the Commission would like it, you can vote on that then. This is an amendment then, or a change from the original motion, I should say, so --

Mr. Vanderbilt: And on that I -- what is it? I1b, "Sustained agricultural food production."

Ms. Bosco: How about "Use and food production," because agricultural uses aren't always related to food production. Any objection to that?

Mr. Vanderbilt: I wanna put "food production" in.

Ms. Bosco: Okay.

Mr. Chaikin: Okay, I've got a little problem with I1g. And, basically, it's because that what we're trying to do here is we're trying to get the Planning Director and the County Council to use our version as the Countywide policy. And when I look at this and it refers to Hoolehua, that's gonna get immediately just bumped right out. And it has basically no chance of making it. And so, you know, why would we put up a policy that has no chance of making it through to the final version?

Ms. Bosco: That's very true, and you could also put an implementing action here for Molokai, if you'd like, to take that part of the policy out and carry it down to a proposed implementation action for Molokai only. So that's a thought. And we could make a note that it should carry through in the community plan process for Molokai. That's a good point. Thank you.

Mr. Chaikin: So, Kip, is there any way we could break that statement up, because with the Hoolehua in there, it's not gonna make it as the Countywide policy plan but we could actually put it in there as an implementing action or something?

Mr. Dunbar: Yeah, I'm certainly willing to work with it. I just know that those rights that are prior rights, if what we're talking about is Department of Hawaiian Homelands in Hoolehua, they do have prior rights to that one-third, two-third pipe water because it went over their land and that's what they did when they broke it up. Whether or not there are any prior rights to any other water on the island or not, I don't know that.

Mr. Chaikin: Can't we just put "Recognizing prior rights," and stop it right there?

Mr. Dunbar: Prior rights of what?

Mr. Chaikin: Prior water rights, whatever they happen to be.

Mr. Dunbar: To whom?

Mr. Chaikin: Well, whoever has water rights that are existing.

Mr. Dunbar: So all you're gonna be saying is just "Recognize and protect prior water rights," period?

Mr. Chaikin: I don't know. That's what I was proposing as a compromise.

Ms. Bosco: How about as it's written? Is there any objections to -- oh, they have it. Okay. Never mind.

Mr. Vanderbilt: Before we move on, maybe Corp. Counsel can ask -- if we have to come back to any of these after we've voted, for some reason we find out that DHHL has some prior rights Countywide or whatever, we can come back and revisit, Corp. Counsel?

Mr. Hopper: You mean based on your rules?

Mr. Vanderbilt: Yes.

Mr. Hopper: Yeah, based on your rules, you could come back. You could either just do it to add an additional policy; you wouldn't need to do anything special there. If you wanted to amend a policy that you previously enacted, there actually is a motion in *Robert Rule's of Order* for amending something previously adopted.

Mr. Vanderbilt: Okay. Not that we're gonna do it now, but I think it'd help us move on if there is something that we don't quite know where the GPAC was coming from or understand all the --

Mr. Dunbar: I am not against water rights for Hoolehua, Department of Hawaiian Homelands. They have those rights. I'm not disputing that. I'm disputing it as an islandwide statement. That's what I'm disputing. I don't have a problem with the --

Mr. Vanderbilt: Well, I don't know if it was an islandwide statement. That's what I was trying to find whether it was for the Countywide. I was trying to look for in the minutes to see what the discussion was around that point cause that change was made on Molokai, I believe.

Mr. Chaikin: So, Kip, they wrote that, what is that, I1g down there. Is that -- is there a problem with the way that's presented there? Or would we need to change that somehow?

Mr. Dunbar: That's fine with me.

Mr. Chaikin: Fine with that? So anybody else have any objections with any stuff up there?

Mr. Kalipi: How about a motion?

Ms. Bosco: We have a motion on the floor that we need to dismiss first, I believe. You had discussed and made some changes, so I don't know what the --

Mr. Vanderbilt: Okay. Can we have -- withdraw the motion and the second? You made the motion. Who seconded?

Mr. Chaikin: Yeah, I'd go ahead and withdraw the motion that I made.

Mr. Vanderbilt: Alright. And, Joe, you remove the second?

Mr. Kalipi: Yes.

Mr. Vanderbilt: And so do we have a new motion then?

Mr. Chaikin: Yeah. You're satisfied? Okay. Yeah, I'll go ahead and make a motion that we accept Goal I, and note that we made an amendment to the Objective I1, and that we made amendments to Policy Statement I1b and I1g. And the rest of the policy statements remain the same as presented by the Planning Department.

Mr. Kalipi: I second.

Mr. Vanderbilt: Second by Joe. Any discussion?

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

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

VOTED: To accept Goal I, and note the amendment made to Objective I1, and that amendments were made to Policy Statements I1b and I1g. And the rest of the policy statements remain the same as presented by the Planning Department.

Mr. Vanderbilt: Five-zip.

Ms. Bosco: Thank you. Yay. Okay. How long do we have right now? I just kinda wanna know. How much more time do we have? Do we have more time? Kip, are you scheduled to leave soon?

Mr. Chaikin: He's on a roll. Let's go.

Ms. Bosco: Okay. Next objective --

Mr. Dunbar: I was getting DeGray excited to move this along a little bit.

Ms. Bosco: I2, "Support efficient, safe and environmentally sound systems for the disposal and reuse of liquid and solid waste." So this entire section relates to solid waste, and recycling, and all those kinds of things. I'll let you discuss. Thanks.

Mr. Vanderbilt: I would like to, on 12a, take out "implement." Use the Molokai statement, and take out "implement," and put "provide."

Ms. Bosco: Okay. So strike -- hold on here.

Mr. Vanderbilt: Plus, the director doesn't -- he used "provide" so it's not an implementing word.

Ms. Bosco: So for I2a, what was that again? Can you repeat it? I'm sorry. You got it?

Mr. Vanderbilt: "Provide for recycling and trash separation programs to reduce the flow of waste into landfills."

Ms. Bosco: So did you want the word "provide" or "implement?"

Mr. Vanderbilt: "Provide," only because the director used "provide" so he must not consider that an implementing action.

Ms. Bosco: Okay. Chairperson, the word "provide" is already there. Which one are you on?

Mr. Vanderbilt: Okay. I was just reading off -- I was reading off the --

Mr. Kalipi: He's on 12a, but he wants to change --

Mr. Vanderbilt: "Provide for recycling --" Do you have that? "Provide and recycling and trash separation programs?"

Ms. Bosco: Yes, that's how it reads now, but the Molokai GPAC recommendation used the word "implement."

Mr. Vanderbilt: I know, but every time the word is used, "implement," the director sends it to the implementing section, but he doesn't send the word "provide" to the implementing section.

Ms. Bosco: Right. Okay.

Mr. Vanderbilt: I figured that one out, but --

Ms. Bosco: Okay. Okay, so you want to leave it as it is, then? Is that right?

Mr. Vanderbilt: Yeah.

Ms. Bosco: Okay. Thanks.

Mr. Kalipi: No, no. He wants to use the Molokai language.

Mr. Vanderbilt: Do you have the Molokai language?

Mr. Kalipi: But take out "implement" and put "provide" instead. And then the rest of it, use that language.

Ms. Bosco: Oh, I see. Thank you. Thank you.

Mr. Vanderbilt: Thank you, Joe.

Ms. Bosco: Okay. Oh, my goodness. Okay. Sorry. Alright. So currently what it says, "Provide for recycling and trash separation programs to reduce the flow of waste into landfills?" Okay. Thanks.

Mr. Chaikin: If you go to 12c or 1 -- 12c, we've got "Encourage automobile, appliance, and white good --" I mean, I think they actually should recycle. We shouldn't encourage them to recycle. They should be required to recycle. So I'd like to change that word "encourage" to "require."

Ms. Bosco: Okay. Thank you.

Mr. Dunbar: DeGray, do you have something on that "Encourage automobile, appliance--" other than what was "Develop programs which require automobile, appliance and white good vendors?" Who's the vendor? Is that the dump? Is that me? Is that the guy I sell the junk car to? Who's the -- I'm just trying to figure out -- we want to say "require" but are we requiring a dump site to take care of all this trash or ...(inaudible)...

Mr. Chaikin: People that sell stuff like guys that are selling cars, or scrap metal cars, or new or used appliances. When they take in appliances, what are they gonna do with the old ones that are no good? I think the vendors is somebody that's selling something.

Mr. Dunbar: Yeah, that's what I got, but I couldn't figure out who we wanna attach the onus to.

Mr. Chaikin: To the vendors.

Ms. Bosco: To those that sell the product.

Mr. Dunbar: So if --

Mr. Chaikin: You take in a junk car for trade --

Mr. Dunbar: Maui Ford wants to sell a Ford, they gotta be responsible for all the junk cars?

Mr. Chaikin: Well, stuff that they collect like, you know, a new car dealer wouldn't do that, but maybe a used car dealer would have some junk cars on the lot. And what are they gonna do with it? Well, they should appropriately recycle those. Or whether it be a client's dealer takes in used ones on trade and they don't work, what is he gonna do with them? Well, he should properly recycle them, wherever that is.

Ms. Bosco: For example with oil, some vendors that sell oil actually take back oil. That's an example. So somebody could return the oil there, the used oil.

Mr. Feeter: Question. That presumes the junk car has got to get to the landfill and out of somebody's driveway, does it not? In which case the County has a Solid Waste Division that administers that.

Mr. Chaikin: This is just for the vendors, people who are in the business, like somebody that has a salvage yard that takes old cars and stuff. Well, eventually, they gotta -- they can't just take all that stuff and do whatever they want with it. They gotta properly recycle all the stuff they're trying to get rid of.

Mr. Vanderbilt: And it's basically just requiring them to participate with the County or with whoever else.

Ms. Bosco: It was just brought to my attention that -- do you guys lack a salvage yard on this island? Okay, so --

Mr. Kalipi: Yeah, we don't really have a car place for dump, you know.

Mr. Dunbar: The salvage yard is all our yards. That's our salvage yards.

Mr. Chaikin: Basically the dump is --

Mr. Dunbar: And we got lots of them.

Mr. Chaikin: Yeah, the dump is our K-Mart.

Ms. Bosco: Okay, so this is when --

Mr. Vanderbilt: You know, and that may have come up on Lanai because they say "And that programs be available in all areas of the County," so they probably don't have one over there either so --

Ms. Bosco: So this would be a good opportunity to make a policy statement about identifying appropriate locations for waste facilities, things like that?

Mr. Kalipi: I think maybe that's why they put the word "develop" because I don't think it's in existence even now that we speak of. So if you wanted to really dump a car to recycle, you really couldn't on Molokai. You can dump a car, but you can't dump a car to recycle. It's not gonna -- it's gonna just be categorized into trash. I don't know. I'm just saying that you can't even dump a car.

Ms. Kate Gardner: It's against the rules for the landfill to take any cars, or junk appliances, or anything like that which is why we're getting our landfill cleared out. The Department of Health had to define -- Oh, I have to identify myself. I'm Kate Gardner, *Molokai Times*. Thank you.

Mr. Kalipi: Thank you.

Mr. Dunbar: I mean, I perfectly understand the need to get rid of all the junk cars, all the junk tires, all the junk washers, and dryers, and refrigerators, and green waste, and oil, but I'm still not sure. I would rather say that we demand the County to put in something so that we can, you know, I mean, we just -- I don't know how much is this cost, but Kalilikane just

spent six months up there going through bonds in order to get rid of all the stuff. And they just hauled out three huge barge loads of cut up -- well, two so far. They're going to have one more. One more.

Mr. Chaikin: Well, we do have that in there. This is saying that -- to develop them.

Mr. Dunbar: Oh. Okay. All I'm saying is that we need a place to do it or they're gonna end up on our beaches, and down the gullies, and on the side of the roads, and -- so I'm just trying to think how we incorporate this for Molokai so it works. You know, they don't all end up in Hoolehua, DHHL.

Ms. Bosco: Well, just on this point alone, I think it's worthy to take a look at I2a, possibly add the word "facilities" after "programs." "Provide full recycling and trash separation programs and facilities," okay, if that's -- or "sites," whichever the Commission would prefer.

And then back on to the Objective I2, you might want to consider including some language about "Support the development and maintenance of these systems." So it's something to think about. The objective could be strengthened if you wanted to include the development of these facilities somehow.

Mr. Dunbar: You know, if you go back to what the Molokai group said in No. 12, they say "provide."

Ms. Bosco: They did say "provide."

Mr. Dunbar: So it's --

Ms. Bosco: Molokai's recommendation was "Provide efficient, safe and environmentally sound systems for the disposal and reuse of liquid and solid waste."

Mr. Dunbar: Correct. "Provide efficient, safe and environmentally sound systems for the disposal and reuse of liquid and solid waste," which I guess they send all the trash we produce a day.

Mr. Kalipi: Yeah, I like that language.

Ms. Bosco: You like that language?

Mr. Kalipi: That's in 12, Objective 12, yeah.

Ms. Bosco: It's actually I2, but yeah.

Mr. Kalipi: I2.

Ms. Bosco: Okay.

Mr. Vanderbilt: Yeah, and I think the reasons I recall for the word "provide" it makes you do something. If you say "support," you're waiting for somebody else to do something. So when you get to your community plan, the first question: okay, who's gonna provide it? Then you get to the realities of the dollars.

Mr. Dunbar: We could say "Have the County provide efficient, safe --" Then there'd be no --

Ms. Bosco: I think that's a very good point. That's why the -- that is the reason we changed -- the staff changed the language is because other types of groups, and organizations, and private -- the private community actually provide these systems too. So the way it's written now, I mean, it implies that the County has to provide it, but it doesn't necessarily speak to who's providing it. So I'm just saying that as an added consideration. I mean, this language is okay. It does start to go into an implementing program, but I just wanted to kinda clarify that.

Mr. Kalipi: Yeah, that's good because I think even in the Meadow in Maui, it's not the County. It's a private contractor guy, yeah, that does the scrap metals.

Ms. Bosco: Okay. Did you have any other discussion on this? Did you wanna change anything? Do you want to change the objective anymore or --

Mr. Chaikin: I think it's okay. I have a comment on something else which is 12, or I2e. It says, "Encourage and promote public awareness to reduce, reuse, recycle and compost waste materials." That's good, but I don't think that's good enough because, basically, the public is already aware of this. You know, we need to take it a step further and develop strategies to encourage them to participate in these things. So not only do we need to promote public awareness, but we need to develop strategies to encourage residences or residents to reduce, reuse, recycle and compost waste. Like if you do it, you get a star for your forehead or some kind of a incentive for people to participate in the program.

Mr. Feeter: Comment. If you put the term "financial" in there, I think that would be a darn good incentive because we already have the nickel a can and nickel a plastic bottle. And on the scrap metal, I understand that that right now a lot of this is going to Sweden and they pay the freight. And so you have a financial incentive to get this on the barge, otherwise, it's gonna sit here.

Ms. Bosco: Can you please make sure that I2e is stated correctly?

Mr. Chaikin: No, I actually wanted to leave the beginning of that as it was: "Encourage and promote public awareness." That's okay in the very beginning of that sentence. Put it in the very beginning same as the original, "Encourage and promote public awareness and develop strategies to encourage --" Let's see, "Encourage --" Let's see, "Encourage and promote public awareness --"

Mr. Vanderbilt: Or just starting it with "Develop strategies to encourage and promote public awareness."

Mr. Chaikin: Well, how about "Promote public awareness and encourage residents to --" get rid of the beginning part of that: "Encourage and" and I think we got it.

Ms. Bosco: What about "And developing strategies?" How about "Develop strategies to promote public awareness and encourage residents to reduce --"

Mr. Chaikin: Good.

Ms. Bosco: Okay. Thank you. Alright. Thank you. Anything else?

Mr. Chaikin: Anybody else got any comments on this section?

Mr. Vanderbilt: Okay, if we got no comments, we got a motion?

Mr. Chaikin: How about the public? I mean, we should offer an opportunity if anybody wants to chime in that they can.

Ms. Bosco: We scared a lot of other people off.

Mr. Chaikin: So boring. Okay, I'd like to go ahead then and make a motion on Objective I2 noting that we did change that objective, and we changed I2a, and we changed I2c, and we changed I2e, and the rest of the policy statements remain the same as presented to us.

Mr. Dunbar: Second.

Mr. Vanderbilt: Moved by Commissioner Chaikin, seconded by Commissioner Dunbar, any discussion? Further discussion?

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

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

VOTED: to accept Objective I2 noting the change to that objective, and changes to Policy Statements I2a, I2c, and I2e, and the rest of the Policy Statements remain the same as presented to us.

Mr. Vanderbilt: Five. Okay.

Ms. Bosco: Next one: I3, "Utilize renewable and green technologies to make Maui County energy efficient and energy self-sufficiency." I think it should be "self-sufficient." I don't know how that happened, but I think that should be "self-sufficient." And I won't read the policy statements.

Mr. Chaikin: I have a problem with that statement. I mean, it's almost like, you know, what are the chances of us becoming energy self-sufficient during the times of this plan? I mean, it's just never gonna happen. And why are we stating that we're gonna do that? You know, It seems like we should be realistic, not idealistic. And so I would change that to say, "Utilize renewable and green technologies to make Maui County energy efficient and increase our energy self-sufficiency" or something along those lines.

Ms. Bosco: Okay. Thank you. "And increase our energy"-- what did you say? "Self-sufficiency," right?

Mr. Chaikin: Yeah, but if there's a better way to say that, I'm open to that.

Mr. Dunbar: Steve, how about if we Just put: "More energy efficient and energy self-reliant" or "self-sufficient." If you just put "more" in there -- I mean, it kinda says that you're moving up. I agree with you.

Ms. Bosco: I guess more is measurable. We could do it that way.

Mr. Vanderbilt: How about putting a percentage in there?

Ms. Bosco: Well, it's a 25-year plan.

Mr. Vanderbilt: Well -- no, I was watching PBS last night and they were looking at 20 percent by the year 2020 in Germany, and it looks like they're gonna beat that, and they're gonna be at 30% by the year 2012 now because they put financial incentives in there on the solar, like Bill was talking. So it can happen.

Ms. Bosco: Okay. Staff over here has a comment, Chairperson.

Ms. Nancy McPherson: Nancy McPherson, Staff Planner on Molokai. There's actually an island in Spain that is going to be energy self-sufficient in the next year or so. There's

another island somewhere else, I don't remember where exactly, but I can get that information for you if you're interested in it.

Mr. Chaikin: Well, I stand corrected. Maybe we can become energy self-sufficient during this period.

Mr. Dunbar: I know they eat lots of takos.

Ms. Bosco: I have to say these meetings are a lot more fun when there's sense of humor.

Mr. Dunbar: I do know of a plan that wants to maybe come to Molokai to put in perhaps a hundred megawatt plant that they'll then make Molokai make self-sufficient, provide its energy, and send all the rest to Honolulu. It's just whether or not we want to look at the windmills. But it's -- I mean, it's not a pie-in-the-sky thing. If they can do it, it would -- you know, I mean, they gotta go through choke hoops, but it's still --

Mr. Chaikin: Molokai is within reach, but when you take Maui County as a whole, it's gonna be a little tougher.

Ms. Bosco: It's something to shoot for. It's a different way of thinking. I think it's good. Okay.

Mr. Vanderbilt: How about in 1028?

Ms. Bosco: 1028 is which reference number? 1028 is?

Mr. Vanderbilt: "Expand renewable energy production capabilities within the County to supply 20 percent of the County's energy needs." That would be -- I mean, when you just say, "Expand potential renewable energy production capabilities within the County," is that one-hundredth of one megawatt? Or is it --

Ms. Bosco: Well, that would be something that we'd need to -- we need to evaluate and create standards for that, but the policy sort of opens the door to create those standards. Okay. So the community plan can further refine that statement or even ordinances, actually. More appropriately, ordinances would define it.

Mr. Dunbar: When I look at this whole renewable energy thing, I guess where I'm coming from is that I just don't want it to be lip service. You know, I want it something that someone's gonna do something.

Ms. Bosco: Do you want to add an implementing action?

Mr. Dunbar: Not just yak about it for the next 40 years and say, well, why didn't we do it then?

Mr. Kalipi: Okay, can you put that in: "No lip service" or something like that?

Mr. Vanderbilt: No, actually, it would be nice if these plans had words like "lip service" so the average guy reading it could make sense out of it.

Ms. Bosco: Well, you could add an implementing action even under that. Any statement, you can do that.

Mr. Dunbar: You know, I know in the prior sections we demanded that, or we put in -- we didn't demand, but we put into the recommendation that the County make all of its major renovations and new buildings more energy efficient, you know, so hopefully, that's not just light bulbs. So if we can maybe build that up in one of these sections here, I'm not exactly sure which one, perhaps 13d, to say that this is something we want to occur with our buildings. I don't know quite where to put it other than -- yeah, I've listened to this jargon for so long it's -- I'm over it. We need some meat.

Ms. Bosco: I'm kinda perusing all the policies to see where it is, actually.

Mr. Dunbar: Well, under 13g, it's "Promote the retrofitting of existing buildings to incorporate energy-saving design concepts and devices."

Ms. Bosco: There you go.

Mr. Dunbar: I mean, maybe there we should -- "And these devices should begin with Maui County" or something.

Ms. Bosco: You could create an implementing action under that policy that specifically says something like "Maui County government shall be a leading example of green building technologies," something like that, if you wanted.

Mr. Vanderbilt: Would you want "Promote the retrofitting" or just "Retrofit existing buildings?" All these --

Ms. Bosco: Well, the government can't retrofit private buildings, so we're just promoting it, you know.

Mr. Vanderbilt: Is the director planning to go -- I mean, I look at 12h, "Adopt a zero policy for Maui County as a model for other industries." And then you go down to the bottom at 13k, "Adopt an energy efficiency policy for Maui County as a model for other industries."

And then there's a couple other ones that sound just about the same. There's a lot of very similar sounding policy statements in here, and I don't know who's gonna try to reduce this down a bit, but somebody should make an effort.

Ms. Bosco: Okay. We'll be reviewing for redundancies too.

Mr. Chaikin: Well, let's take a look at 1 -- or I3i, the very last one. It says, "Provide efficient -- " or "energy efficient urban design guidelines and amendments to the building code." And then when you look at -- that's really similar to this other one which is I3h. It talks about urban design guidelines and amendments to the building code. It's almost the same thing.

Ms. Bosco: You're right, it is.

Mr. Chaikin: So it seems like we should reject one of those and just make it simpler and cleaner.

Mr. Vanderbilt: I think you wanna put amendments to the building code in there because that's -- that was -- that's been called for since like the early '90's, and nobody's really done it. They've talked about requiring this and that, but they haven't put the requirement in the building code.

Ms. Julia Staley: Mr. Chairperson, may I say something here? Okay. On Maui, they had a --

Mr. Vanderbilt: Excuse me, where?

Ms. Staley: On Maui, they had feelings of redundancy in certain polices so what they did is they actually took the initiative and noted several policies, then put in the record that they thought that they were redundant, and asked the -- asked staff to maybe condense them. So if there's things you feel are redundant, you certainly can do something like that.

Mr. Vanderbilt: Have they done that in all the sections they've reviewed?

Ms. Staley: No, sir.

Mr. Vanderbilt: Just on this one?

Ms. Staley: It was either this or land use. I'd have to go back to my records.

Mr. Vanderbilt: Okay.

Ms. Bosco: I think we could probably drop I3I. It's almost the same language.

Mr. Chaikin: Yeah, I agree. So I'd like to go ahead and request that we drop that just so we're not saying the same thing over and over again.

Ms. Bosco: Okay. Thank you. Okay, anything else? How do you feel about --

Mr. Dunbar: Yeah, I got one other thing. I think we ought to put something in here that talks about the County giving tax incentives for -- real property tax incentives to buildings that are either retrofitted or new construction of energy efficient facilities.

Unidentified Speaker: ...(inaudible)...

Mr. Dunbar: Yeah, but this is only affecting the County so I agree. Hopefully, they'll all come on board, but -- so where do we add that?

Ms. Bosco: We're gonna add it. That's an excellent suggestion. We'll make a new policy. Do you want the -- can you provide the language?

Mr. Dunbar: No, you're on a roll.

Ms. Bosco: Okay. How about "Develop --" or no, not develop. Let's see. "Provide incentive systems and --"

Mr. Dunbar: Yeah, "Develop tax --" "real --" "tax incentive--" yeah, I want "tax incentive." "Tax incentives and credits for the development of energy --" let's see, or "sustainable energies --"

Mr. Kalipi: Kip, take a look at 13a. It has some kinda language like that.

Mr. Dunbar: Provide incentives that encourage ...(inaudible)...

Ms. Bosco: Oh, 13 -- 13 -- or excuse me, I3a --

Mr. Kalipi: 13a. Okay, thank you.

Ms. Bosco: "Reward energy efficiency."

Mr. Dunbar: 13 what? a?

Mr. Kalipi: 13a.

Ms. Bosco: Yeah, 13a.

Mr. Dunbar: "Encourage the use of locally --"

Mr. Kalipi: Maybe we just gotta strengthen some --

Mr. Dunbar: ...(inaudible)... wrong here.

Mr. Vanderbilt: And "Reward energy efficiency with financial incentives" or something right at the end of that one.

Mr. Feeter: I think what Kip wants to do is put "tax" in front of "incentives."

Mr. Dunbar: Yeah. I mean, you know, incentive would be like you do the MECO water right now. Oh, come to us, and then when you go to them, you get some guy who doesn't even know the program. And by the time they do, they say, oh, you need a plumber on Molokai to install it. Of course, there's nobody on Molokai to install it, so the incentive is useless. Put "tax incentive" in front of it, and then it hits everybody's pocket.

Ms. Bosco: Okay, so let's finish this one if you wanna go with it: "Provide tax incentives and credits for the development of sustainable --" How about -- is there such a term as "sustainable energy technologies?" I don't know if that's a real phrase or not..

Mr. Kalipi: Well, my question is, do we beef up 13a, or do we create a whole new -- is that totally different or can we beef 13a up?

Mr. Chaikin: Well, I think that there's more incentives than just financial incentives. So 13a could, you know, be really broad and then the other one's speaking specifically to a particular kind of incentive, which would be a tax incentive.

Ms. Bosco: I mean, you could probably have another one. I mean, I don't think it would hurt, yeah.

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

Ms. Bosco: Thank you, Kip. I think you need to use your mike a little more. We need to be able to hear you.

Mr. Dunbar: I gotta speak into my mike. Yeah, I mean, I think that -- what do think, Steve, DeGray? Does it cover it all?

Ms. Bosco: I think that's very good.

Mr. Dunbar: I mean, this could be a business. It could be residential. It could be a farm. It could be anything. We get more pig farmers on the place, and they have all the water they want. We can make methane.

Ms. Bosco: That's great.

Mr. Chaikin: Anything else?

Mr. Vanderbilt: Okay. Any other changes to I3 section? If not, I'm ready for a motion if somebody wants to make it.

Ms. Bosco: I just want to clarify with—excuse me—with Julia here, I3g, we have that note—potential implementing action. Okay. Do you want to leave it as a policy here? Okay. It looks like it's -- okay. I guess I was gonna propose adding an implementing action but none was proposed. So is that the exact same language or did we change it? It doesn't need to be in there, then? Okay.

Mr. Chaikin: Now that we cleared that up, right?

Mr. Dunbar: Okay, let me ask a question. I thought that was what we wanted to do with the County to make sure that they did --

Ms. Bosco: Right. That's where I was going. Did you want that language?

Mr. Dunbar: Absolutely.

Ms. Bosco: Okay. So, okay. So you did. So put it back in now and then --

Mr. Dunbar: What we wanted to say is that it was the County retrofitting old buildings or developing new ones.

Ms. Bosco: Right. So there'll be an implementing action underneath this policy that states, "Maui County shall be an example of green building practices."

Mr. Dunbar: I still think that kinda let's them off the hook.

Ms. Bosco: Is that right? Do you wanna improve on that?

Mr. Dunbar: "Promote the retrofitting of existing Maui County buildings or any new buildings developed by them to incorporate energy-saving design concepts and devices." I mean, if you want them to be an example, this is gonna be right up front.

Ms. Bosco: Okay, can you say that again? "Maui County will be --" How did you say that?

Mr. Dunbar: Yeah, "Promote the retrofitting of existing Maui County buildings and any new development to incorporate energy-saving design concepts and devices."

Ms. Bosco: Okay, when you say "Maui County buildings," are you saying government buildings?

Mr. Dunbar: Absolutely.

Ms. Bosco: Okay. How about if we say "Promote the retrofitting of existing buildings, including government buildings?" We don't wanna --

Mr. Dunbar: Oh, yeah, I mean, I just -- that, in particular, is -- I want "government buildings," "Maui County government buildings."

Ms. Bosco: "Including government buildings" because we want to make sure it's Federal and State as well. Okay?

Mr. Dunbar: I wanna make sure that Maui County is an example, Maui County government is the example.

Ms. Bosco: Okay, so underneath that, we should have an implementing action that says something about an example, right? Is that right or do you want another policy?

Mr. Dunbar: Well, what were you thinking of right there? Finish your thought.

Ms. Bosco: I was thinking, "Maui --" okay, "government shall be a leading example of --"

Mr. Dunbar: "Maui County government --"

Ms. Bosco: "Maui County government shall --"

Mr. Dunbar: "Will be the leading example --"

Ms. Bosco: "Shall be a model of --" you can even say, "Model of "sustainability."

Mr. Dunbar: Model of what? "Sustainable energy," "renewal energy?"

Ms. Bosco: Say "A leading example of sustainable practices." Is that okay? How's that or do you want to improve it?

Mr. Dunbar: Well, it all depends on what practices they want to sustain. So far I haven't heard too much in the last two hours.

Mr. Chaikin: I'm just looking at the wording of that. We said "Including government buildings," but really when you're talking about retrofitting existing buildings, you don't have to say "and government buildings." I mean, I'm just saying if you say "buildings," that includes all buildings. It implies that it also includes the government buildings. I'm just not sure if you -- but then that was the point you were trying to make. You're trying to over emphasize for the government to take the lead.

Mr. Dunbar: That it's government buildings, the existing government buildings, because, I mean, they never do it. And every time I see a new building come up, it's never done. So, you know, we can't do anything about the State but I -- all I'm trying to do is make a statement here that says, you know, the government can talk, but let's see them walk.

Unidentified Speaker: ...(inaudible)...

Mr. Dunbar: God help us.

Ms. Bosco: Okay, so are we gonna leave this as it is, and make the bottom statement an implementing action?

Mr. Dunbar: No, I kinda agree with Steve: "Promote the retrofitting of existing government buildings or municipal buildings." Take out "including government buildings," and then put in "and any new government development." If you want to say "County government," that's fine.

Ms. Bosco: Okay. Did you say "Promote the retrofitting of existing government buildings?"

Mr. Dunbar: Yeah.

Ms. Bosco: And then -- okay. Julia, "existing government buildings," and then take out "including --"

Mr. Dunbar: Take out "including government buildings."

Ms. Bosco: "Government buildings." There you go. Okay, I just want to point out the problem with this statement is the original intent was to direct the private industry -- everyone, actually, to retrofit existing buildings. What we're doing here in this statement is we're limiting it to only government buildings. So I would remove the first "government" in that sentence, and then we'll be fine.

Mr. Vanderbilt: Would you wanna put "residential," too? I mean -- the people?

Ms. Bosco: Well, resident buildings -- residential includes -- buildings includes residential. So it would read, "Promote the retrofitting of existing buildings and any --" I would say, "and any government buildings." And then you have "and new development." It's kind of a run-on at this point, but "and new development to incorporate energy-saving design concepts and devices." Okay? We'll have to work on the run-on problem, but that's where we are.

Mr. Chaikin: What happened to our implementing action or the Maui County one?

Ms. Bosco: I thought Kip wanted to drop that. I thought -- Kip, did you wanna drop that implementing action statement?

Mr. Chaikin: The Maui -- well, he's trying to get Maui County on the hook, is what he was trying to do. So I don't know. I think that should be an implementing action because I think Maui County should retrofit their buildings.

Ms. Bosco: Okay. It read, "Maui County shall be a leading example of sustainable practices."

Mr. Feeter: Yeah, is there any County -- within the County agencies, is there an ecologist on the payroll, on the staff, kind of a bird dog, watchdog person who is in Planning, for example? If not, I'd like to suggest a -- Joe and I was talking about "add education awareness" say in our community colleges, suitable courses, encourage that so that -- well, education at all levels, but have a staff member who is an ecologist. Maybe you could add that to --

Ms. Bosco: Does I3b address that, Commissioner Feeter?

Mr. Feeter: Yeah, yeah.

Ms. Bosco: Okay. Thanks. Okay, can you take a look at this?

Mr. Vanderbilt: Are there any more comments on --

Mr. Chaikin: Yeah, we never finished I3g.

Mr. Vanderbilt: I3g, okay.

Mr. Chaikin: Okay. I think that implementing action doesn't really do anything. It's just fluff. Basically, it just says we're gonna be good people. It doesn't say they're gonna do

something specific. So I think we should say “Maui County will retrofit existing buildings to incorporate energy-saving design concepts.”

Ms. Bosco: “Maui County will retrofit existing buildings to incorporate energy --“

Mr. Chaikin: “To incorporate energy-saving design concepts.”

Ms. Bosco: “Saving design concepts.” “Saving design concepts.” Thank you, Steve.

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

Ms. Bosco: That’s a good point. The point is, should it add -- should it include the word “generator?” Well, it could say “energy efficient design concepts.” I don’t know. I’m complicating it.

Mr. Vanderbilt: And then I’d add the words they did everywhere else: “as a model for other industries,” because I think people wanna see the County do it before they jam everybody else up. So would it be alright to add on there: “as a model for other industries?”

Ms. Bosco: Got it.

Mr. Chaikin: You know, still, when you go up topside, we got the implementing action so we got Maui County in the hook. So I’m just wondering if we have to mention “government.” And we say “Promote the retrofitting of existing buildings, any government buildings.” I mean, it’s kind of redundant to say “any buildings,” “any government buildings,” “any preschool buildings.” “Any buildings” covers all buildings. So why do we have to start listing buildings?

Ms. Bosco: Okay, so take out “any --“

Mr. Chaikin: I don’t know. Is that okay, Kip? I mean --

Mr. Dunbar: Yeah.

Mr. Chaikin: Okay.

Mr. Alueta: If I can, Commission and Chair, I would -- if you’re meaning the “government” when you’re saying “Maui County--“

Ms. Bosco: Yeah, “Maui County government.”

Mr. Alueta: I would say "Maui County government" because you're not -- especially if you're gonna say as a model. I thought you meant Maui County as an -- it's a plan for everybody, not just the County government, but for businesses or anyone else.

Mr. Chaikin: That's a good point. Have a seat.

Mr. Vanderbilt: So add "government" after "County." And then that -- "the County will be a model for other industries."

Mr. Dunbar: Correct.

Mr. Vanderbilt: Okay. Are there any other comments?

Ms. Bosco: And I think the very end should say "and will --" okay, it's not quite correct right now. It should say "design concepts and will be a model for other industries." Is that right, guys?

Mr. Vanderbilt: "To serve as a model for other industries."

Ms. Bosco: "And will serve as a --"

Mr. Vanderbilt: "To serve."

Ms. Bosco: "To serve as a model --"

Mr. Chaikin: And then the very beginning of that sentence, is that clear? It says "Maui County government will retrofit existing buildings." Does that mean their buildings and all the private sector too?

Ms. Bosco: "Existing government buildings," it should say.

Mr. Chaikin: Yeah, to make it more clear.

Ms. Bosco: Okay.

Mr. Chaikin: Can you say "their buildings?" Or is that --

Ms. Bosco: You can say "their" or you could say "government." "Its --"

Mr. Vanderbilt: "Its existing buildings."

Mr. Kalipi: What about "all buildings?" Does that capture everything -- "all buildings?"

Ms. Bosco: You don't even need the word "existing."

Mr. Chaikin: But they're not gonna do the private sector. They're just gonna do their own buildings.

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

Ms. Bosco: Yeah, yeah. Okay.

Mr. Vanderbilt: Okay. Is there any other discussion on I - L - whatever - 3?

Mr. Chaikin: No, no, wait a minute. "Maui County government will retrofit government buildings." They're not gonna do the Federal and the State. They're just gonna do their own buildings. So we gotta --

Mr. Vanderbilt: "County buildings."

Ms. Bosco: "County buildings?" So change the word "government" after "retrofit?"

Mr. Chaikin: No, not that one, the other one.

Ms. Bosco: That one to "County," "Maui County."

Mr. Chaikin: Now, we got it.

Mr. Vanderbilt: Any other discussion on Section 3? We have one more short section after this. It doesn't have much in it. So can we get a motion?

Mr. Chaikin: Yeah. Okay, I'll make a motion that in Section I3 that we've changed the objective. We've added a new policy statement. We've changed Policy Statement I3g, and added an implementing action to I3g. And that we have removed I3i.

Ms. Bosco: I3i.

Mr. Chaikin: Excuse me, I3i. It's redundant with I3h.

Mr. Dunbar: Second.

Ms. Bosco: Okay, seconded by Kip.

Mr. Vanderbilt: Any discussion? Did we remove I3i?

Ms. Bosco: No, I3l.

Mr. Vanderbilt: Okay. Okay. Any other discussion?

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

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

VOTED: To accept Objective I3 as changed; a new policy statement that was added; Policy Statement I3g as changed and the implementing action added to I3g; and that I3l was removed.

Mr. Vanderbilt: Five-zip. Let's shoot -- this other one has what? Let's do four and five together. There's only six items there.

Ms. Bosco: Okay. The next two sections or --

Mr. Vanderbilt: Okay. 14 – 14c, I'd just like to use the Molokai and Lanai.

Ms. Bosco: Okay, for I4c, you wanted to use --

Mr. Vanderbilt: It'd be "Promote land use patterns which can be provided with infrastructure and public facilities in a cost effective manner," if that means existing towns, small towns, villages, whatever.

Ms. Bosco: Okay, so I4c shall read, "Promote land use patterns --"

Mr. Vanderbilt: "Promote land use patterns" and then "which can be provided with infrastructure and public facilities in a cost effective manner," because the director is always saying you don't want to do all these how-to's. You leave that up to the community.

Ms. Bosco: So you wanted that to replace what's existing now which is "Consider land use patterns," blah, blah, blah, "including the expansion of --" is that right?

Mr. Vanderbilt: Right.

Ms. Bosco: Okay. Okay, are there any other suggestions?

Mr. Dunbar: A quick definition of a "land use pattern?"

Ms. Bosco: The land use pattern is -- well, typically, an area has the same characteristic. So for example, gentlemen estates kind of like a low density residential pattern. High density would be a pattern of -- you know, high rises. It could be a land use pattern of grid. It could be curvy, lineal streets a land use pattern. When you look at the urban -- just urban development, if you study it through history, there's different kinds of forms that you find in each area. So it's a general description of an area with similar characteristics. That's what it means. So, you know, Maui Island's land use pattern is very different from Molokai right now, as an example.

Mr. Dunbar: Thank you.

Mr. Alueta: Kip, if I can take a stab? You have a typical -- you have urban sprawl which is your continued expansion from one core center. On Maui, we have what you call a community-based on an island with small communities. And it's kind of like a pocket urban. And they're connected by -- it's called nodal communities. Molokai sort of has that same pattern where you have certain nodal but -- and in Kihei, you call it sprawl, you know, where you just have one long coastline. You see the same patterns on the East Coast of Australia, I mean, where the Gold Coast is. Just one big sprawl. And so that's where we're trying to promote and that's where the urban growth boundaries are coming into play is that we're trying to establish a land use pattern that's gonna be limited by part of the statement as well as a growth pattern.

Ms. Bosco: Thank you, Joe. That was helpful.

Mr. Chaikin: I'm just wondering if we don't want to put something in here like on the negative side. Basically, it's saying let's do this because there is infrastructure here, but we're never saying let's not do this when the infrastructure is insufficient. So --

Ms. Bosco: That's true and the reason it is, is typically, you don't want -- or policy statements don't want to read in the negative. That's just kind of a general rule.

Mr. Chaikin: Oh, I didn't know that.

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

Ms. Bosco: I don't know.

Mr. Chaikin: We could break the trend.

Mr. Vanderbilt: "Promote no growth."

Mr. Kalipi: This is kinda interesting because this statement is actually a reversal. In most of the cases, the proposed language from the GPAC is then dissected and made into a -- fewer words recommended by the director. But this one is a reversal where there's more words there, and it almost seems as if some of these 14c proposal of the director could go into an implementation action.

Ms. Bosco: Implementation. So the part "Including the expansion of existing towns," or "the creation of very small towns and villages," could that be an implementing action?

Mr. Kalipi: Yes, yes. And so then we still got the basic "Promote land use pattern which can be provided with infrastructure" and so forth, yeah?

Ms. Bosco: Thank you. Good suggestion.

Mr. Vanderbilt: Yeah, and I just keep getting back to the implementing. The GPAC didn't know about this implementing or we would've gone through every policy statement and boosted up the implementing section instead of just reserving the implementing section for policy statements that the director didn't like because he thought they were better served in implementing, for whatever that's worth.

Ms. Bosco: Okay, Julia has that up now. Getting back to Steve's point, though, Steve, what were you trying to say?

Mr. Chaikin: When I read the plan it says that let's direct our growth in these areas where we have infrastructure, which is good, but what happens in reality is people come up with plans that wanna develop in areas where there is not sufficient infrastructure available. So I was just saying, what about a policy statement that says that we should discourage development in areas where infrastructure is insufficient.

Ms. Bosco: We had that policy under land use which we did a couple of days ago. It was something like, "Develop --" First of all, one of them was "Define and develop urban and rural limits." That's one policy. And then there was another one which related -- which said something like, "Direct development towards areas where existing infrastructure is." I don't have the exact language right here in front of me, but if you go back to that section, we did that under land use. So --

Mr. Chaikin: That's fine. I mean --

Ms. Bosco: Yeah, but I see your point.

Mr. Vanderbilt: Well, how about on that objective? Instead of "Direct growth in a way," how about just "Control growth in a way that makes efficient use of existing infrastructure where there's available capacity?"

Ms. Bosco: Great. Did you want to say again? Julia will take that.

Mr. Vanderbilt: It says instead of "Direct growth," it says "Control growth." You got so much capacity so you wanna control it in a way where you --

Ms. Bosco: That's fine. "Control growth in a way that makes efficient use of existing infrastructure where there's available capacity."

Mr. Vanderbilt: And you'll still be directing it but in a controlled manner to take advantage of what you got as far as infrastructure. Okay, is there any other --

Mr. Chaikin: Are we doing five, too, or are we just doing --

Mr. Vanderbilt: Four or five, yeah, five. We're also doing five.

Mr. Chaikin: I have a comment on five.

Mr. Vanderbilt: Okay.

Mr. Chaikin: The last -- or I5h, yeah. Five is a lot, but that's okay. I5h, at the end of that it talks about this tsunami inundation zone. The last -- the land use one, this came up. You know, I forget the wording that we had, but a tsunami inundation zone is very limited. It doesn't take in all the different potential disasters that could happen. So if we could broaden that somehow with that same language. We came up with good language. I don't remember what it was, but --

Ms. Bosco: I think it was "natural disasters." Hold on, I'll look. Julia, do you have that? Julia will look at it. Okay. Good. Oh, here it is: "natural disasters." But we can say something like that. Let's go back to the other one. "Discourage the development of critical infrastructure systems within the tsunami inundation zone --" okay. "Discourage the development of critical infrastructure systems --" Well, you could say, "which could be prone --" Well, I'm trying to say, "which could be prone to natural disasters." Hold on.

Mr. Chaikin: Or "potential seawater inundation areas" or something, because that would take care of global warming, too, if waters came up.

Ms. Bosco: I think "within the reach of projected sea level rise?" I don't know.

Mr. Alueta: I would suggest "Discourage development within known critical --" or "known hazardous zones," because you know your tsunami. There could be reports that come up with projected sea level rise. There's also known geological zones, and earthquake zones, and rock hazard zones. So if you put it -- be it to a "known hazard," that'll be a little easier for us to define and it leaves it open so that other reports can -- supporting that can be developed later on.

Ms. Bosco: Thanks, Joe. Excellent.

Mr. Dunbar: So "Discourage development of critical infrastructure systems." So what are we talking about? Are we talking effluent systems, and water systems, and --

Ms. Bosco: Like wastewater systems, electric plants.

Mr. Alueta: Could be wastewater lines within the shoreline setback --

Mr. Dunbar: Wastewater --

Mr. Alueta: Where you have a known shoreline erosion. I mean --

Mr. Dunbar: Like on Maui?

Mr. Alueta: On Maui, we had to abandon a wastewater line, I mean, and relocate it.

Ms. Bosco: Okay, is that good, guys? Let's keep going here.

Mr. Vanderbilt: Okay. On 15o and 15k, they're the same, huh? 15o and 15k, are the same? They both say --

Ms. Bosco: 15o and 15k?

Mr. Vanderbilt: "Promote innovative conservation and recycling practices."

Ms. Bosco: Yeah, they are. So one has to go. 15k can be removed. Thank you.

Mr. Vanderbilt: And what is 15g? It came out of the original language: "Consider social justice and equity issues as part of infrastructure planning process." What are "social justice and equity issues?"

Ms. Bosco: Oh, excellent question. For example, placing a waste site near a low income residential development, that's a good example of an unjust social move. So what we wanna do is try and promote equity and protect those parts of the community which may

not be able to normally speak for themselves. You wanna try and promote all -- I mean, it could even be something as similar or, you know, I don't know. Joe, you could probably elaborate on this.

Mr. Alueta: Maintaining or developing water systems to support the Department of Hawaiian Homelands. For instance, up in Keokea where we reserved water resources and development of those water resources to ensure Hawaiian Homelands. We also provided capacities -- wastewater sewer capacity for Waiehu Kou to -- and install -- and made sure that that capacity was reserved for them during the last capacity upgrade.

Ms. Bosco: Did that answer your question?

Mr. Dunbar: I got a little question.

Mr. Vanderbilt: Could we change it to just say "Avoid social injustice in the infrastructure planning process?" "Avoid social injustice in the infrastructure planning process," you know, like they're doing in Waianae? They're threatening that if they don't allow them to renew the landfill, they're gonna put a bigger landfill closer to the middle of Waianae. I mean that's what you were talking about social --

Ms. Bosco: What did you say again?

Mr. Vanderbilt: "Avoid social injustice in the infrastructure planning process."

Ms. Bosco: This gets back to stating the policy in a negative. You wanna try and --

Mr. Vanderbilt: Well right after that, it says, "discourage the development," so come on, you guys. I understand what you say, but every time you say something here, then you go back and you -- so --

Ms. Bosco: I'm just speaking from what I know. I mean even, "discourage the development of critical infrastructure systems," I mean, that's even probably a poor statement. I mean, I would probably change that a little to support what I just said.

Mr. Vanderbilt: Well, it was -- the Planning put it in the original one and the Planning Director agreed with it.

Ms. Bosco: I want to just point out, though, having equity issues in the statement, that considers other types of social problems too. I mean, equity includes financial equity, economic equity, so --

Mr. Alueta: At the same time --

Mr. Vanderbilt: Well, there's been very, very little, in this State as it's moved forward --

Mr. Alueta: If I may, Mr. Chair? It's just the injustice leaves it only on the negative whereas the citation of the reserving capacity as well as providing for infrastructural support such as reserving water is a positive. So it's not a negative. So consider social -- if you leave it to an injustice, avoiding injustices, you're just avoiding screwing somebody, not necessarily providing some type of benefit to them because they're in a social class.

Mr. Vanderbilt: Alright. Alright. How about this: "Require social justice and equity issues to be part of the infrastructure planning process?"

Ms. Bosco: Can you repeat that, please?

Mr. Vanderbilt: "Require social justice and equity issues to be part of the infrastructure planning process."

Ms. Bosco: "To be part of the infrastructure planning process." Thank you.

Mr. Vanderbilt: "Consider."

Ms. Bosco: That's very good. "Consider social justice and equity --" Yeah, "Consider social justice and equity issues to be --"

Mr. Vanderbilt: "Require."

Ms. Bosco: Oh, you want "require?" Okay. I'm sorry.

Mr. Vanderbilt: "Consider" can be a fleeting thought.

Ms. Bosco: Okay, "require." Okay, thank you for that.

Mr. Vanderbilt: Did I say 15n? Instead of "develop and adopt," just put -- leave this as a policy statement and take out "Develop and" and just start with "Adopt."

Ms. Bosco: Are you on 15 -- what?

Mr. Vanderbilt: 1 -- it's not a 15. It's L5n.

Ms. Bosco: Okay, it's I5n as in "Nancy?"

Mr. Vanderbilt: Yeah, yeah. So take out "Develop and adopt." And just put "Adopt local or community sensitive 'level-of-service' standards for infrastructure systems."

Ms. Bosco: Okay, thank you.

Mr. Vanderbilt: And leave it as a policy statement.

Ms. Bosco: Okay, thank you.

Mr. Vanderbilt: Any other comments on Section 5 or 4?

Mr. Dunbar: I wanna make sure I'm not deprived.

Mr. Vanderbilt: Alright. Go for it.

Ms. Bosco: We wouldn't want that. Okay, did you have a comment? No? Okay.

Mr. Vanderbilt: Ready for a motion?

Mr. Chaikin: Okay, I'd like to make a motion that we accept Objective I4 noting that we did change the I4 objective, and that we did change the Policy Statement I4c and added an implementing action. And that we also accept the Objective I5 noting that we changed -- noting that we did change Policy Statement I5n, I5g, I5h, and that we removed I5k.

Mr. Vanderbilt: Is there a second?

Mr. Feeter: Second.

Mr. Vanderbilt: Second: Commissioner Feeter. Any discussion on that?

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: To accept Objective I4 noting the change to Objective I4, and the change to Policy Statement I4c and the implementing action that was added. And to also accept Objective I5 noting that the changes to Policy Statement I5n, I5g, I5h, and that I5k was removed.

Mr. Vanderbilt: Five-nothing.

Ms. Bosco: Thank you.

Mr. Vanderbilt: What's the next section?

Ms. Bosco: Next section? Do you wanna keep going?

Mr. Kalipi: DeGray, can we move to a short recess? A few minutes?

Mr. Vanderbilt: Yeah, recess.

(A recess was called at 4:47 p.m., and the meeting was reconvened at 4:56 p.m.)

Mr. Vanderbilt: Okay, we're back on the record, and we are working on Improve Parks and Public Facilities section. Okay, Simone?

Ms. Bosco: Okay. We're getting ready to do Parks and Public Facilities. And I'll go ahead and read the goal statement. Okay, G, "A full range of public facilities and recreational opportunities will be provided to improve the quality of life for the County's residents and visitors." Objective G1, "Expand access to recreational opportunities and community facilities to meet the present and future needs of residents of all ages and physical ability," and then supporting policies G1a, etcetera.

Mr. Vanderbilt: Okay, let's look at G1 first.

Ms. Bosco: How does everyone feel about the goal? Is the goal okay?

Mr. Vanderbilt: Yeah, I would add after "will be provided by the County."

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

Ms. Bosco: Well, recreational opportunities come in many forms, though. I mean, did you wanna exclude the -- you know, the --

Mr. Vanderbilt: Well, I didn't know if they were trying to be subtle cause the first Planning Department goal was "Maui County will provide."

Ms. Bosco: No, and then we took that out because we recognized that there are lot of other kinds of opportunities. Aren't there?

Mr. Dunbar: You recognize the expense.

Mr. Hopper: Yeah, I'd comment that, you know, I play in-line hockey on Maui, and Maui In-line Hockey is just a nonprofit that happens to run and organize the rink, so they provide the opportunities to it. So it's not all just County stuff.

Ms. Bosco: Thank you.

Mr. Vanderbilt: Excuse me. You know, we're talking about a full range of recreational opportunities to improve the quality of life. Now, I know Auntie Judy has mentioned sometimes, and as I was flying over to Maui, I saw the jet skis going in and out of that calm bay going in and out of Halawa Valley; that's recreational but you'd question whether it improves the quality of life for the residents there. So maybe "A full range of island-appropriate public facilities and --"

Ms. Bosco: You want to add the word "island-appropriate?"

Mr. Vanderbilt: Before "public facilities and recreational."

Ms. Bosco: "A full range of island-appropriate public facilities and recreational opportunities."

Mr. Dunbar: DeGray, while you're on that, actually the jet skis are termed to be "thrill craft" and they are banned in Molokai waters, but who's gonna lead that parade?

Mr. Vanderbilt: No, cause it was that real calm day and I was flying. You could just spot them coming in there.

Mr. Dunbar: Oh, I know. I see them. And they're banned in Molokai waters, but we get back to our old, little, rotten word called "enforcement."

Ms. Bosco: There was a policy, I think, in the natural environment section that addressed that or an implementing action, just so you know, regulating fishing activities and boating activities. Okay, Commissioner Feeter, do you have any comments?

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

Ms. Bosco: Did you have any comments?

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

Mr. Chaikin: I'll take a stab at one. I'm looking at G - what is that? G1g or, yeah, G1g. It says "Expand access to community centers." I don't know. It just sounds kinda weak. It seems like we can do more than just expand access. I'd like to create more of all that stuff. So maybe "Promote development of community centers --" blah, blah, blah, blah, rather than just "expand the access."

Ms. Bosco: Okay. Can -- okay.

Mr. Chaikin: "Promote development of community centers," and then the rest would be the same.

Ms. Bosco: "Promote development of --"

Mr. Chaikin: "Promote development of--"

Ms. Bosco: Okay, "Promote the development of --"

Mr. Vanderbilt: Well, you know all three GPAC's put in there "low cost or affordable access." I mean, if you look at the -- they all just inserted "affordable or low cost" or "low cost" cause there was a lot of talk about the price of access to County facilities. The fees are starting to go pretty high.

Ms. Bosco: So should it read, "Promote the development of --" is that right? Add the word "the?"

Mr. Vanderbilt: No, no. It's --

Mr. Feeter: Yeah, G1h, "Expand the affordable access to recreational opportunities that support local lifestyle such as outrigger canoe paddling, surfing, and wind-surfing."

Ms. Bosco: Add the word "wind-surfing."

Mr. Kalipi: Just for point purposes, or being a pain-in-the-butt purposes, G1h, it says "Expand affordable access to recreational opportunities that support local lifestyle," and I underline the word "such as" outrigger canoe paddling, surfing, camping, diving, and fishing," blah, blah, blah, blah, blah, blah. You could go on because it could be under implementating action and that's fine, but I'm just --

Mr. Vanderbilt: No, you're absolutely right, Joe. That's -- they said when we tried to put the "such as," you can't put the "such as," cause you're gonna restrict things. So I would just take out everything after "lifestyle," right, Joe?

Mr. Kalipi: If we're staying consistent. I mean, I'm just pointing out that.

Ms. Bosco: That's a good point. Thank you.

Mr. Vanderbilt: Thank you, Joe. And I think it leaves it up to each community to figure out whether they want thrill craft or --

Mr. Chaikin: Anybody else on G1? Hearing none --

Mr. Vanderbilt: How about a motion?

Mr. Chaikin: I'd like to make a motion that we accept the Goal G noting that we did actually change that goal, and that we accept all the rest of G1 as set forth by the Planning Department.

Ms. Bosco: With the amendments to --

Mr. Chaikin: Oh, sorry. Noting that we did amend G1g and G1h.

Mr. Dunbar: Second.

Ms. Bosco: Seconded by Kip.

Mr. Vanderbilt: Any discussion?

Mr. Dunbar: I just wanna ask the other Commissioners just to make sure that we're in there, would this -- with what you folks feel we're doing here in G also incorporate some of our disabled? I'm just throwing it out.

Ms. Bosco: The G1 --

Mr. Dunbar: We don't have power wheelchair races in here, but, I mean, you know, are we talking about access and you know? You feel that it incorporates it?

Mr. Vanderbilt: Well it says "Expand access for all residents of all ages and physical ability" somewhere. That was in G1, right?

Ms. Bosco: Yeah.

Mr. Vanderbilt: Okay.

Mr. Chaikin: Did we have a second on that?

Mr. Vanderbilt: Yeah, we have a second from Kip and we're under discussion. Is there any more discussion?

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

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

VOTED: To accept Goal G as changed, and noting the amendments to G1g and G1h, and to accept the rest of G1 as set forth by the Planning Department.

Ms. Bosco: Unanimous.

Mr. Vanderbilt: Unanimous. Moving to G2.

Ms. Bosco: Okay, G2, "Maui County will work within each community plan area to improve the quality of community facilities." Do you want me to read the rest or no? No. Okay.

Mr. Chaikin: I have a question. What is a "dedicated shelter" as opposed to a shelter that's not dedicated?

Ms. Bosco: Okay, let me think about that here. I know there's a reason why it's -- I'm trying to think what the -- let me think about why.

Mr. Chaikin: Well, let me just suggest that we remove that word, "dedicated" and insert the word, "adequate." So say "Develop and maintain adequate shelters and facilities for disaster relief throughout the County."

Mr. Feeter: Yeah, Steve, "dedicated" means that structurally, that building is above the tsunami line and also has strength, i.e. the -- on this island, I think it's the high school. And so when I think they say "dedicated," I think it means "structurally." At least I would interpret it that way.

Mr. Chaikin: Okay.

Ms. Bosco: I think it does have something to do with when you identify a shelter for a particular use, it's designed and built with that use in mind.

Mr. Vanderbilt: Or it's the closest thing to something and it's identified in the civil defense plan or whatever.

Ms. Bosco: Exactly. Exactly.

Mr. Vanderbilt: So could we put -- leave it as a policy and take out "develop and maintain," rather than just -- and insert "provide?"

Ms. Bosco: Absolutely.

Mr. Vanderbilt: "Provide dedicated --"

Ms. Bosco: "Provide dedicated --"

Mr. Vanderbilt: "Shelter--"

Mr. Chaikin: Okay, well, my point is that it's great to have an island where you have dedicated shelters, but if it really comes down to it, and we get hit big time, and there's not an adequate number of shelters, we're gonna be in big trouble. So we have to also make sure that we have an adequate supply of these shelters.

Ms. Bosco: What -- can we add "and an adequate supply of shelters?"

Mr. Vanderbilt: Yeah, "Provide an adequate supply of dedicated shelters."

Ms. Bosco: Okay.

Mr. Feeter: Or you could say "Develop civil defense shelters and --"

Mr. Chaikin: I don't know. It seems to me that a shelter is a shelter. I mean, it's not a shelter if it doesn't withstand the thing, so I don't know why you have to say "dedicated," but a shelter is --

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

Mr. Chaikin: Yes, I guess a shelter could be just a structure of any kind, I guess, but what we're referring to is shelters that, you, are gonna withstand that stuff, but I don't know. We can leave "dedicated" in there, I guess.

Ms. Bosco: "Provide an adequate supply of --" Okay, there you go. Okay, she got it.

Mr. Kalipi: I've got a question, and I should've jumped out at it on the last one, but the one that says "move to implementing action" that was just erased --

Ms. Bosco: Yeah?

Mr. Kalipi: What is that gonna reference under?

Ms. Bosco: Oh, if it were an implementing action?

Mr. Kalipi: No, when it falls under implementing action, my understanding is that a policy is gonna be made, and then the implementing action is gonna fall down into a certain category.

Ms. Bosco: Right.

Mr. Kalipi: What is it gonna attach itself to?

Ms. Bosco: Okay. It would be part of a larger disaster preparedness strategy. So there would be a number of implementing actions that would achieve a certain standard for disaster preparedness for the County. So you would list those under --

Mr. Kalipi: Yeah, that doesn't answer my question.

Ms. Bosco: Okay.

Mr. Kalipi: My question is, what policy does it attach itself to?

Ms. Bosco: Oh, I see. Yeah. Good point. It really attaches to the objective unless there's another policy under the same section that's very similar.

Mr. Kalipi: Right. Can we make a note of that or something because then you said it's gonna fall under the implementation portion?

Ms. Bosco: Yeah. Right.

Mr. Kalipi: What does that mean? It just falls into, you know, something that gobbles everything up?

Ms. Bosco: Right now it's a policy, though. We made it a policy.

Mr. Kalipi: Right. Oh, okay. Yeah, yeah.

Ms. Bosco: But in the future, yeah.

Mr. Kalipi: Because I missed it on the last -- there was someone says -- but it doesn't channel it. What policy does it attach itself to?

Ms. Bosco: Right. Staff did make an effort to go through every single implementing action and see if there was a policy that gave it a genesis. But if you notice that we've overlooked that, please, you know, let us know, yeah.

Mr. Kalipi: Okay. Thank you.

Ms. Bosco: Anything else? Commissioner Feeter?

Mr. Feeter: I'm looking at the library -- G2a. I like the Molokai recommendation: "Improve and maintain the quality of library," and so forth. I'd like to add also "Improve, maintain, and expand the quality of library," and so forth.

Ms. Bosco: Excellent. Thank you. "Improve, maintain, and expand" under G2a. The library really does need to be expanded. We've been seeing such a tight budget in that area. Okay. Anything else?

Mr. Chaikin: Yeah, I'd like to go back up to the Objective G2. It talks about "Maui County will work within each community plan area to improve the quality of the community facilities." I'm kind of hung up on this adequate or adequacy because you could have high quality, but if they're wholly inadequate, what's the good of it? So somehow we gotta put into that objective, "the quality" maybe "and adequacy of community facilities."

Ms. Bosco: "And adequacy" after "quality." We got it in G2c, Steve.

Mr. Dunbar: Yeah, I don't see any change in Maui, Molokai, Lanai draft language. I was just wondering, was everybody asleep when you guys did this or what? It seems like the wording is all the same.

Ms. Bosco: It must've been late, yeah.

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

Ms. Bosco: Which objective are you speaking to, Bill Feeter? Speak into the mike.

Mr. Feeter: Yeah, G2 could be deleted in its entirety: the "Maui County will work within each community plan."

Ms. Bosco: Is there a reason why you propose that?

Mr. Vanderbilt: That's the objective, right?

Ms. Bosco: That's the objective. Did you wanna answer my question? Oh, you didn't hear? Is there a reason why you wanted to delete the objective?

Mr. Feeter: Is there a way?

Ms. Bosco: A reason?

Mr. Feeter: Yeah, it's much too broad. It's not workable.

Ms. Bosco: You want it more specific? Is that what you're --

Mr. Feeter: Exactly.

Ms. Bosco: Okay. Do you have some proposed language?

Mr. Vanderbilt: Bill, but that --

Mr. Feeter: Well, each community plan, that's what we're doing right now.

Ms. Bosco: We wanna make sure we're gonna continue to do it, though. Remember that.

Mr. Feeter: Well, that's already set in cement.

Ms. Bosco: Well, remember, we're trying to maintain --

Mr. Feeter: Every ten years.

Ms. Bosco: Well, this is basically renewing the plan. So we wanna make sure we carry this work forward and not just drop the ball. But if you have some improved language for the Objective G2--

Mr. Dunbar: Bill, can I ask a question? Are you okay? The question is -- Not are you okay but are you okay with me asking a question? Why are now referring to each community plan? We've never done that in the past. Why are we doing that now? Why isn't it just "Maui County will work within each area to improve the quality and adequacy of community facilities?"

Ms. Bosco: It doesn't necessarily have to say that. It can say, "Maui County will improve the quality of community facilities," period.

Mr. Dunbar: I like it.

Mr. Vanderbilt: Well, I think -- let's see. Did anybody -- cause sometimes the community facilities get improved in Lanai and Molokai a lot less than they do on Maui, but maybe -- which is logical, I guess.

Ms. Bosco: Community plan areas are budgeted. You know what I mean? So by saying it broadly, we're gonna need to decide for ourselves where the funding goes. Okay? I think the intent here of saying -- of including the word "each community plan area," insures that every community plan area will be funded for improved community facilities. That's the reason why it's probably --

Mr. Vanderbilt: Hana and Paia --

Ms. Bosco: Yeah, right. If you -- go ahead, DeGray.

Mr. Vanderbilt: No, no. That's --

Ms. Bosco: Okay. So that's the reason.

Mr. Vanderbilt: I think you have a tremendous amount of facilities in Wailuku and Kahului, but they're lacking in some -- in other places.

Mr. Chaikin: G2e, just to be consistent with what we were talking about earlier about retrofitting, maybe we can say "Redesign and retrofit public facilities to adapt to major shifts in environmental or urban conditions," or "Redesign or retrofit."

Ms. Bosco: Excellent. Thank you. Anything else?

Mr. Vanderbilt: Okay, if there are no other comments on G2, can we get a motion?

Mr. Chaikin: I'll make a motion that we accept the Objective G2 noting that we did change it, and we also changed the Policy G2f, G2a, and G2e.

Mr. Feeter: Second.

Mr. Vanderbilt: Bill--second. Any discussion? Hearing none, all those in favor --

Mr. Dunbar: Well, the only -- I'm wondering. So we're also taking out -- we changed G2f, so it's no longer an implementing action right? That whole thing is --

Ms. Bosco: Right, that includes it. Yeah.

Mr. Chaikin: Wait a minute. Did I not --

Ms. Bosco: Did you not make a reference to G2f?

Mr. Chaikin: That is correct, I did not.

Ms. Bosco: Oh, okay.

Mr. Chaikin: So what did we do there?

Ms. Bosco: We made it a policy.

Mr. Chaikin: Oh, we changed it and made it a policy instead of an implementing?

Ms. Bosco: Yeah, that's right.

Mr. Vanderbilt: Could you add that to your motion?

Mr. Chaikin: Yeah, I'd like to add to my motion that we, on G2f, that we changed that policy statement and we made it a policy statement and not an implementing action.

Mr. Vanderbilt: Is that a friendly second, Bill? You second that? Okay.

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: To accept the Objective G2 as changed, and also the changes to G2a, G2e, and changed G2f and made it a policy statement and not an implementing action.

Mr. Vanderbilt: Unanimous.

Ms. Bosco: Unanimous.

Mr. Vanderbilt: The last shot here is the G3.

Ms. Bosco: G3, "Improve the funding, management, and planning for public facilities and park lands."

Mr. Chaikin: G3a, you're talking about closing parks. You're talking about not saying anything negative in a policy statement. That's pretty negative.

Ms. Bosco: That's absolutely right. We can look at that one and change it.

Mr. Chaikin: Why don't we just get rid of the "close parks" because when you limit access, that could also include a closure or a temporary closure?

Ms. Bosco: You can say "control access." "Control access to natural resources in order to rest sensitive places and utilize resources in a sustainable manner."

Mr. Chaikin: Okay.

Ms. Bosco: Is that okay?

Mr. Vanderbilt: Wait, wait, wait. What is it?

Ms. Bosco: We're talking about G3a.

Mr. Vanderbilt: Well how about parks because there are -- aren't there parks? What's south of Wailea? What's that big park down there along --

Ms. Bosco: What are you -- okay, the G3a speaks to natural resources and sensitive areas.

Mr. Vanderbilt: No, it talks about parks.

Ms. Bosco: No, that's G3.

Mr. Vanderbilt: No.

Ms. Bosco: Oh, yeah, I'm sorry. I'm sorry. Oh, my goodness.

Mr. Vanderbilt: But there's that big park south that's a natural resource and a park.

Ms. Bosco: We could add the word "parks." "Close--" or I mean "Control access to --"

Mr. Vanderbilt: You don't have to say "Close the parks."

Mr. Chaikin: "Control parks --"

Mr. Vanderbilt: "Park access--"

Ms. Bosco: "Access to --" No, "Control access to--"

Mr. Kalipi: "Control park access and limit access to natural resources," blah, blah, blah.

Mr. Vanderbilt: Can we put, "Employ the use of the Hawaiian kapu system?" That was agreed by everybody. Why did the director take that out? Maybe he didn't know what it was.

Ms. Bosco: He didn't support it. He didn't support it. I remember that specifically being struck. You can put it back in, if you'd like.

Mr. Vanderbilt: Well, let's see what the Council -- can we put it back in and see what the Council does with it?

Mr. Feeter: Yeah, I move that we put it back in.

Mr. Vanderbilt: Yeah, okay.

Mr. Feeter: Cause we're actually doing it on this island.

Mr. Vanderbilt: "Employ the use of the Hawaiian kapu system --" Just start it out, "Employ the use --"

Ms. Bosco: Where exactly is that? Can you give me the reference number?

Mr. Vanderbilt: G3a.

Ms. Bosco: G3a.

Mr. Vanderbilt: And just start it off, "Employ the use of the Hawaiian kapu system --"

Ms. Bosco: Okay. "Employ the use of the Hawaiian kapu system, " and then how do you want it?

Mr. Vanderbilt: Not to "close parks" but to "control park use, " "park use." "To control park use and limit access to natural resources." So -- and you're only doing that in order to rest sensitive places that --

Mr. Chaikin: Could you explain the Hawaiian kapu system?

Mr. Vanderbilt: Don't look at me.

Mr. Vanderbilt: That's precisely why I'm not gonna vote for it because it's not something that really is understood nor employed. And while I think it could be a great system, you know, I mean, if you fished in someone's ahupua`a, you fished out of season, or you -- I mean, it's grounds for killing you and, you know, that was part of the system. So, you know, it's like anything else. You talk about traditional lifestyle, and values, and Hawaiian kapu, and while I think it has meaning to practitioners, I don't think it has any meaning to anybody else. So I just -- to me, I think it's a pretty sensitive area, and it's just -- it is not adhered to, and why would a Caucasian who doesn't know anything about a kapu system -- I didn't know that. Or why would a -- you know, I mean, I -- to me, it's just a little to --

Mr. Chaikin: We could maybe keep it, and somehow separate that, and keep that, because it is part of the culture, of our host culture, so it would be good maybe to keep it as an implementing action of some sort.

Mr. Kalipi: Steve, that's good.

Mr. Chaikin: And to just kinda reword it to two different things.

Ms. Bosco: Good idea. Okay, so drop it down. Could we drop it down as is? Or did you wanna change it a little?

Mr. Kalipi: Well, how's this? How's this? I'll take a stab at it. "Control park access and limit access to natural resources," and you put the rest of that language in there, but then the implementing action would say "Employ --" you know, "Employ the use of the Hawaiian kapu system," or something like that.

Mr. Vanderbilt: "Where appropriate."

Mr. Kalipi: "Where appropriate" or "applicable."

Mr. Chaikin: Or "To control access."

Mr. Kalipi: Then we still get the intent of -- yeah.

Ms. Bosco: Okay. "Where appropriate --"

Mr. Vanderbilt: "To control access."

Ms. Bosco: "To control access."

Mr. Dunbar: I'm thinking of a point and that's in, you know, our graduations here. You know, everybody loves to go out and poke kole, and they poke kole just because it's a dumb fish. It'll sit there and look at you until you throw a spear to it. But they have decreased the stocks of that so much that, you know, they're trying to do some sort of a ban, but every party you go to, you got kole on the plate. You don't have manini. So it's -- as I say, while I think it's something good to educate with people with, I'm just not also sure it's enforceable. That's all.

Mr. Vanderbilt: Okay. So now we're on -- we're still on G. We're on G3, right? Any other comments on G3?

Ms. Bosco: And Commissioner Kalipi, is this the language for the policy? Because you changed it when you said it a little, but this is what we had originally discussed: "Control park use" and then "access to." Okay. Thanks. Anything else?

Mr. Chaikin: G3d. It talks about developing partnerships. Who's gonna be partnering with who? I'm just trying to picture what's happening here. What we're trying to do is get kamaaina rates. And somebody's gonna be partnering with somebody and I'm just not sure how that's gonna play out. I mean, I would reword that to say something like what we wanna do is we wanna "Encourage businesses to provide Hawaiian residents affordable access to visitor facilities, services, and activities."

Ms. Bosco: "Encourage businesses to --"

Mr. Chaikin: "Encourage businesses to provide Hawaiian residents with affordable access."

Ms. Bosco: Got it. "Encourage Hawaiian --" No. "Encourage businesses to --," and then take out "with the visitor industry." Oh, wait, did you want --

Mr. Chaikin: No, we just wanna encourage businesses to provide the local residents with better deals than they give to the tourists.

Mr. Vanderbilt: How about -- here's one. Here's the statement in the current plan: "Encourage kamaaina incentives within the visitor industry to allow Hawaii residents to enjoy commercial visitor facilities." Whatever.

Mr. Chaikin: I think it's okay the way it is, but you gotta go "Hawaiian businesses --" or "Encourage businesses to provide Hawaiian residents --"

Ms. Bosco: She has to take a lot out there. It was already there, Julia, but anyway.

Mr. Dunbar: Are we talking Hawaii residents or Hawaiian residents?

Ms. Bosco: Just take out "Hawaiian."

Mr. Chaikin: Oh, yeah, "residents," right?

Ms. Bosco: Just take out the word, "Hawaiian," yeah.

Mr. Dunbar: I don't know. There's a Hawaiian resident and there's a Hawaii resident.

Mr. Chaikin: Local resident, or a Maui County resident, or --

Mr. Vanderbilt: Could we add at the end "through kamaaina incentives?" You wanna put the word "kamaaina" in there?

Ms. Bosco: I think we have that in the economy section. You'll see this language again, actually.

Mr. Vanderbilt: Okay, are there any other comments on G3?

Ms. Bosco: I would add, as staff would note that under G3f, consider adding the word "expand." So, "Encourage partnerships with businesses and community groups to improve, expand and maintain."

Mr. Kalipi: That's okay with me.

Ms. Bosco: Thank you.

Mr. Kalipi: It's under G3f: "Encourage partnerships with businesses and community groups to improve, expand and maintain trails and landscaping on public lands."

Ms. Bosco: Thank you. The sun is sinking, isn't it? We're almost there, guys.

Mr. Vanderbilt: Do you wanna -- Steve was mentioning maybe we could figure out a way to combine e and f.

Ms. Bosco: e and f.

Mr. Vanderbilt: See, f doesn't include landowners or just regular people. It just says "businesses and community groups."

Ms. Bosco: You know, they're very similar. I mean, I would probably strike G3f completely because -- I mean, you could add "businesses and community groups" to G3e, and I think it would cover everything. So it could read, "Collaborate with the State, businesses, community groups, and private landowners to ensure proper stewardship of the islands' trail, public lands, and access systems."

Mr. Vanderbilt: Would you -- do you wanna just collaborate with the State and private landowners? Could you just say, "Develop partnerships to ensure proper stewardship --" I mean, how you do that, I mean, there's a -- it's gonna involve sometimes more than just the State and the private landowners.

Ms. Bosco: Okay, so strike the first part, the first phrase, and say "Develop --"

Mr. Vanderbilt: No, I just -- that's just up for discussion, "Develop partnerships to ensure proper stewardship of the islands' trails." I mean, we're trying to get broad policy statements here which can be expanded as appropriate in the various communities.

Mr. Feeter: There is a State Na Ala Hele Trail System in already, it's under DLNR, Department of Forestry and Wildlife, and it's called the State Trail System. And we have it here. There's Kamakoo and -- what's the trail --

Ms. Bosco: Is that word -- or the way it's said, "Develop partnerships," is that strong enough? Or -- I'm just asking. Are there any other ideas about how that compares to --

Mr. Vanderbilt: See, e says "Collaborate with State and private landowners," then f says, "Encourage partnerships with businesses and community groups." So I don't know why they picked two, and then two different groups to partnership in f but --

Mr. Chaikin: I mean, it's kinda like wordy, but you could say "Establish collaboration and develop partnerships."

Ms. Bosco: Yeah, I was just gonna say that: "Establish partnerships --" Wait. How did --

Mr. Chaikin: "Establish collaboration and partnerships."

Mr. Vanderbilt: And then knock out f.

Mr. Chaikin: I thought that was gonna be on G3e, and we were gonna get rid of f?

Ms. Bosco: Right, exactly.

Mr. Vanderbilt: Are there any more comments on 3?

Mr. Chaikin: G3e. Should that be a plural with "trail?"

Ms. Bosco: Well, are we going to delete G3? Oh, excuse me. I'm sorry.

Mr. Chaikin: G3f.

Ms. Bosco: Plural on "islands' trail system," "systems."

Mr. Chaikin: Or "island trails."

Ms. Bosco: Or "trails." Put a plural. I think that's better. Okay, we're gonna remove G3f because it's redundant with G3e.

Mr. Vanderbilt: Okay. Are there any more comments on G3?

Mr. Chaikin: Hearing none --

Mr. Vanderbilt: Can we have a motion?

Mr. Chaikin: I'd like to make a motion that we accept Objective G3 noting that we did change policy statement G3a, and also added a implementing statement to G3a. We also did change G3d and G3e, and we removed G3f. And the rest of the policy statements stay the same.

Mr. Vanderbilt: Do we have a second?

Mr. Feeter: Second.

Mr. Vanderbilt: Second--Commissioner Feeter. There will be no -- is there 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: To accept Objective G3 noting the change to Policy Statement G3a and the implementing statement added to G3a, and that changes were made to G3d and G3e, and that G3f was removed. The rest of the Policy Statements stay the same.

Mr. Vanderbilt: Draft. Okay.

Ms. Bosco: Do we any more? Is that it? Did we do it? Oh.

Mr. Vanderbilt: Just before we adjourn, I'm gonna -- the 2050 plan, the condensed version which was handed out a couple of weeks ago when the State Senators came in, it has policy plans. It's gonna be sort of an overarching thing. We'll email it out to all the Commissioners. And if you see some things in there you might like to comment on, just write your comments down and bring them to the next meeting cause the deadline for submitting comments is November 10th. And our next meeting is November 7th, I believe. So you might just take a quick look at it. Based on some of the things we've done, if there seems to be anything --

Ms. Bosco: I think the next meeting is the 14th or something like that.

Mr. Vanderbilt: What?

Ms. Bosco: The next meeting is November 14th.

Mr. Vanderbilt: Oh, well, then we missed the deadline.

Ms. Bosco: Unless you -- this isn't a very popular statement, but we're not going to Lanai on November 7th. We can -- yeah. So we can probably come on November 7 if you'd like.

Mr. Vanderbilt: Well, where are we? Are we ahead of everybody now?

Ms. Bosco: No, we're still behind.

Mr. Vanderbilt: We're not behind Maui.

Ms. Bosco: Maui's really behind like --

Mr. Vanderbilt: Well, then they're gonna ask for an extension, probably, right?

Ms. Bosco: No, we're gonna get them back on track. We're gonna try. Anyway, it's just a thought. We're not gonna go to Lanai on the 7th, so we're here. I mean, we could be here.

Mr. Chaikin: Do we know what we're gonna have on our agenda on the next --

Mr. Vanderbilt: We would just do this.

Mr. Chaikin: No, on the 14th. Do we have like -- we have that TVR that's still going on that's kind of a big deal, but is there any other stuff besides that?

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

Mr. Vanderbilt: Yeah, but I thought we were giving him to the 14th. Let's see.

Ms. McPherson: Yeah, I might have an SMA exemption.

Mr. Vanderbilt: For the 14th.

Ms. McPherson: For a swimming pool at Papohaku, yeah.

Mr. Vanderbilt: Well, that's on the 14th, right?

Ms. McPherson: Yeah.

Mr. Vanderbilt: Anybody can do a special meeting on the 7th? Two, three. We'll try and we'll get some of these other Commissioners.

Ms. Bosco: Okay. We may not have Corp. Counsel representation, just so you know.

Mr. Vanderbilt: That's alright.

Mr. Chaikin: And just -- before we close, can we review what we're gonna do next time so we can prepare and I don't have to wait for the agenda to come out?

Ms. Bosco: Thank you. Excellent. I'd like to -- okay. Kip, listen up. I want language from you on a policy that we needed your input on under culture -- the question about moku management. Okay? You had a question about a couple policies. We're gonna discuss two policies.

Mr. Vanderbilt: Remember, you were gonna get us the language to look at. We didn't vote on those issues.

Ms. Bosco: Those two. And then we're gonna cover housing, transportation, and economy, if we can. And we're gonna talk about the shoreline access, bring back information on shoreline access regulations.

Mr. Vanderbilt: What? Now, what is this? Shoreline --

Ms. Bosco: Remember we -- you guys had requested the regulations on shoreline. Remember, at the last meeting on Monday, you wanted information on shoreline regulations? We'll bring that back at the next meeting.

Mr. Vanderbilt: Thank you. And you'll bring any updates you have on what our Commission has done?

Ms. Bosco: Yep.

Mr. Vanderbilt: Does everybody have all the -- the first two sections that we all acted on: Lanai, Molokai -- okay. Alright.

Ms. Bosco: Thank you, everyone.

Ms. McPherson: Please remember to bring your stuff with you especially, the Chair.

Ms. Bosco: Are we adjourned?

Mr. Vanderbilt: Alright. And Joe's gonna leave the maps so with -- the meeting is adjourned.

J. ADJOURNMENT

There being no further business brought before the Commission, the meeting adjourned at 5:45 p.m.

Submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards and Commissions

RECORD OF ATTENDANCE

Present

DeGray Vanderbilt, Chairperson
Steven Chaikin, Vice-Chairperson
Bill Feeter
Joseph Kalipi
Kip Dunbar

Excused

Sherman Napoleon, Jr.
Linda Kauhane
Michelle Pescaia
Lynn DeCoite

Others

Joseph Alueta, Planning Program Administrator
Simone Bosco, Staff Planner
Julia Staley, Staff Planner
Nanci McPherson, Staff Planner
Michael Hopper, Deputy Corporation Counsel
Ralph Nagamine, Administrator, Development Services Administration, DPW