

(APPROVED: 08/13/08)

**MOLOKAI PLANNING COMMISSION
REGULAR MEETING
MAY 28, 2008**

*** All documents, including written testimony, that was submitted for or at this meeting are filed in the minutes file and are available for public viewing at the Maui County Department of Planning, 250 S. High St., Wailuku, Maui, and at the Molokai Planning Commission Office at the Mitchell Pauole Center, Kaunakakai, Molokai. ***

A. CALL TO ORDER

The regular meeting of the Molokai Planning Commission (Commission) was called to order by Chairperson Steve Chaikin, at approximately, 1:20 p.m., Wednesday, May 28, 2008 at the Mitchell Pauole Center, Meeting Hall, Kaunakakai, Molokai.

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

Mr. Chaikin: I'd like to thank everybody for their patience and I apologize on behalf of this Planning Commission for making you guys wait here. We'll try to get this situation corrected for our future meetings. But it is May 28, 2008. At this time, I'd like to bring this meeting of the Molokai Planning Commission to order. And today, we are honored to have the Director of the Maui County Planning Department with us, Mr. Jeffrey Hunt, and we -- it's very seldom where we even have the director or even the vice-director here so the fact that he is here today is really a special occasion here for -- for us here at the Planning Commission, so thank you for taking a few hours out of your time to be here with us today.

I'd like to also introduce some of the other members of the Maui County Planning Staff, and we're also pleased to have with us Simone Bosco, from Long Range Planning. Thank you, Simone, for coming. We also have our hard working Molokai Staff Planner, who's also very much appreciated all the work that you do on behalf of our community. We have over Suzie Esmeralda, keeping accurate verbatim records of each of our comments here today. We also have Ralph over here. And who else? Oh, we have Thorne Abbott from Coastal Zone Management. Thank you, Thorne, for coming. And I don't know if we -- is he from the County? Alright, we've got somebody else from Long Range Planning. Perfect. Okay. Thank you very much.

Alright, and our Commissioners here today, we got Commissioner Don Williams down there at the end; we've got Joe Kalipi here; we've got Mr. Bill Feeter, and our Vice-Chair over here, Mikiala Pescaia. Also, keeping us on track and in bounds over here to my immediate left, we've got Corporation Counsel, Mr. Michael Hopper.

Okay, on today's agenda, we have -- first, we're going to just see if there's any community comments, if anybody has any planning issues or land use issues that they want this

Commission to be aware of, we're going to give them an opportunity to come forward. After that, we have some housekeeping things that we have to take care of, some minutes that we need to approved. And then we've got some unfinished business. We have a letter for Malama Pono O Ka Aina that we just have some loose ends that we need to clear up on. After that, we're going to move into our Orientation Workshop, and part of that, a big part of that, is really an update on the general plan and the community plan update, so we're really looking forward to that, and we're going to also have I think finish up some of our segments of the workshop that we didn't get to in the past, and that's going to be followed up by the Chairperson's Report, which we're going to talk about a number of things, including quorum, and then we'll follow that with the Director's Report, which includes a number of different items, including what we might want future agendas. Nancy, did you have something to add?

Ms. Nancy McPherson: I just wanted to mention, Chair, that we also do have an SMA recommended exemption to cover after the approval of the minutes.

Mr. Chaikin: Thank you for that clarification, Nancy. Alright, so let's go ahead and get started and, you know, at this point in the meeting, we give the -- you, the public, an opportunity to come forward and provide testimony on anything -- any planning issue or any land use issue that you think's important, so is there anybody out there that would like to make any comments on anything? Alright, come forward and state your name for the record, please.

B. PUBLIC TESTIMONY ON ANY PLANNING OR LAND USE ISSUE

Ms. Mahealani Davis: Aloha, Planning Commissioners. Mahea Davis. Last night I attended the first water use first meeting to review the water use and development plan, which each county should have in place for guidance, having to do with anything that requires water, which is about everything. I just wanted to bring that to the Planning Commissioners' attention and encourage Planning Commissioners themselves or people that they know might be interested to attend. I had to leave early. Commissioner Feeter was in attendance. I'm not sure when the next meeting is but they planned monthly meetings for the next year. And somewhat related to that, I just wanted to make a statement that many of the changes in the community over the past several months, because I have been aware of and attentive to the conditions of water on the island, I realize that many of the decisions made were made because of the constraints, environmental constraints, scarcity of water, and condition of delivery systems, and had very little actually to do with the behavior of individuals or political actions in the community, and I just wanted to say and have it on record that water is really a determining factor for almost everything we do here, and I find it, unfortunate, that some people are being blamed for bringing down development plans or putting people's jobs at risk when, in fact, if you go

back and look at the planning that went into these projects, due attention was never given to the water factor, so thank you.

Mr. Chaikin: Is there any question from the Commissioners? Okay. Anybody else that wants to make testimony? Alright, come forward, thank you.

Mr. Nat Bacon: Nat Bacon. I'm here speaking in behalf of Malama Pono O Ka Aina. There's a draft letter that is being presented, I guess, by you guys later on in the -- in your report, and I don't know if we can address it now. It has to do with the bed and breakfast and TRV's. Do I speak to that now and I have some handouts or is this not the time to do that?

Mr. Chaikin: Well, yeah, if you're not going to be here later on in the meeting when that agenda item comes up, then you're willing to -- you certainly can state whatever you want at this point if you've gotta leave. But if you're going to be here, we would prefer that you address this when the agenda item does come up; that way we can start getting an open dialogue and spend some time on it if we need to.

Mr. Bacon: What kind of time line are we looking at for that, do you know?

Mr. Chaikin: It's fairly up in the agenda. I think we only have one item in between your -- let me just say, with the Malama Pono item, that comes directly after this exemption item, which is next on the agenda.

Mr. Bacon: Okay. Well, I can wait then, I guess.

Mr. Chaikin: Alright, thank you. Anybody else from the public would like to -- alright, DeGray.

Mr. DeGray Vanderbilt: Thank you, Mr. Chair, members of the Commission. My name is DeGray Vanderbilt. I would just like to bring to your attention what Mahealani brought up about the first meeting of the process to get the Molokai water use and development plan together, and she said there'll be 12 meetings, and this is kind of important because we were told last night that this water use and development plan will allocate water for land use and it's supposed to be consistent with the community plan. Well, it may get done before our next review of the community plan, so these two processes are pretty well interlinked so you might wanna keep -- keep an eye on that and -- but at that meeting, and I just wanted to bring up there was a lot of West End landowners, maybe 15 were attending, and they were concerned about loss of water on the West End since the Ranch shut down, and I just wanted to bring up that the Ranch is trying to get the County to take over their water systems that are losing \$750,000 a year and owe about 6 million dollars to the parent company. The utility is just a shell company and it can be bankrupted. The Ranch says

they'll be out of money in about four months. But there's no way, just talking to County personnel, that they could possibly take over the system even if they wanted to for a year because they gotta get budget revisions and approvals, and this will set a precedent because most private systems around the County are losing money and if this goes, Kawela might just say, well, we want you to take over our system and all the ones in Maui County. So that could be a major hit. And it's pretty tough to get to the parent company, which is Guoco Leisure, the Malaysian based company, because they've set up this shell company.

The other thing I just wanted to mention, and Mahealani brought about these plans, I just wanted to mention that many of the opio generation on this island spent, right after the Ranch shut down, many hours, and I think Steve went to some of the meetings, and came up with this plan, *Molokai - the Future of an Hawaiian Island*, and it's really a great document and, hopefully, some members of the group can come here to the Commission to explain the purpose and intent of this document, but it basically took all the planning documents, since 1978, Federal, State, and County, they had a room full of them and they went through and, basically, the message was all the same about the values Molokai had for its island; it's just that nobody seemed to listened as they went through these plans. So this is a good document. I think it can be found on *The Molokai Dispatch* website if you wanted to print one out. And so, basically, those were the two items that I wanted to bring up that were planning issues.

Mr. Chaikin: Thank you, DeGray, and I think you do bring up a couple of important points and we will consider putting those on one of our future agendas. Thank you.

Mr. Vanderbilt: Thank you.

Mr. Chaikin: Is there anybody else from the community?

Ms. Judy Caparida: I too have been very busy trying to get everything together. I feel that nothing can work if we don't get everybody together. Everybody's on the wrong page. We seem to work together. It looks good. But when the plan comes out, it's all screwed up. I don't know where the pages all coming apart. I feel that, you know, the water is important. The water is the one that you have to have before you can develop anything. And development is going on without even them thinking about water. They think that the water -- we have a lot of water. There's not enough water. It's not raining anymore. Hello. The weather is changing so miserably. There's nobody can control that. So all the plans that we made, we have to make sure that there will be enough water to make the plans work. We're busy with this water planning on the Maui -- like last night, we had that, cause I'm on the water working group, I've been here since 1992 working on that, and I see a lot of changes. The thing is that people love more swimming pools and they want water to drink. And I don't think that is fair. I think that we have to make sure that water comes for family

use, home use, not for recreation cause there's a big swimming pool out there, learn how to swim, and swim all you want. That's the way I look at it and I feel really that we should think about things like that. On Molokai, man we're different from every other island, but there's a lot of stuff that our young people would want to bring here to use that have, oh, recreation. I mean water, that is the food. For me, that's my icebox, that's my freezer. We have not time for futting around. The weather is changing. We have to start concentrating on our families and how much we can take care of them. Gas. Hello? Pretty soon we gotta go ride horse because it's so expensive. Everything is expensive. So that's why I just wanna share that everything that we do we better make sure we're pono. Think what is the best for our island. Thank you.

Mr. Chaikin: Thank you for your testimony. And we do have planning -- the planning process on our agenda today so we will be addressing, you know, the whole concept of planning as we go forward today. So is there anybody from the community? Come on up.

Ms. Karen Ashley: Hi. My name's Karen Ashley. My maiden name used to be Carbonwater in French, so I've been kind of interested in water all this time. And I don't know if this is -- I'm hoping this is going to help because I went for a long walk with my dog one day because I wanted to get healthy, you know, I'm 26 years without cancer and it's because I eat raw fruit and raw vegetables instead of, you know, cooking them, which also saves gas, and, anyway, the dog couldn't walk anymore and I was passing by Coconut Grove and, you know, that dog went in the water in Coconut Grove, you know that stream in the Coconut Grove, the spring that comes out there, and she sat in there and she wouldn't move out of that water for like 15, 20 minutes just to cool off cause I had been walking her for like 3 days, you know. I had problems. So anyway, it was low tide and I was really thirsty too cause I had kinda run out of water myself, and I tasted that water and that water was so good, and I know that that water is feeding those coconut trees, you know, but I know that there's a lot of that water that's just like going out into the ocean, and I've heard so much talk about water, you know, and I know what a legal battle it is, you know, trying to deal with the Ranch and them taking the water from -- cause I trained with the Nature Conservancy too to be a docent and I went up into the mountains and I saw how, you know, the Ranch takes the -- the water from the mountains that it's affecting the whole water table of the whole island and they're feeding cows, and like cows are the most inefficient form of food on earth. They take up so much grass and so much water and then what do you get for it? A little bit of meat that makes you sick. The meat just turns into uric acid and gives you -- gives you arthritis and cancer and diabetes and heart disease and that is documented by Cornell University in the China Study. The book cost \$30, it's by Campbell, T. Colin Campbell and his son, Colin Campbell or something, anyway, Thomas Campbell, and it's documented, you know, and here we are feeding these cows when people desperately need this good fresh rainwater from up there instead of drinking this chlorinated stuff that's like chlorine it's toxic. You know, I've got a lot of books on this. If anybody's interested in just sitting down and going over this with me, I'd be happy to share.

So what I'd like to say is, you know, I realize that there's a lot of problems with the water system, it's very old, it's -- the water's breaking, you know, the pipes are breaking all over the place, and I mean I've reported a few. And when I was riding a bike, I was calling up the water district all the time, you know, you'd go by and you'd see this -- this stream coming out of the middle of the road, you know, that's from, you know, acid in the soil eating up the pipe so -- I mean why don't they just use ocean water for their swimming pools? I mean to me that's the, you know, just make everything plastic. All the plumbing plastic. That could be done you know. That's so easy. And -- but, you know, there is drinking water and I know that this woman she really touched my heart when she brought in her plants from Kalamaula that the farmer lady - do you remember? Does anybody remember her? The farmer lady from Kalamaula? She brought in all her dead plants and she says this is what happens when we get rationed with water, and she brought in all her dead plants. She says, "My plants didn't get watered for two or three days and all my plants died." You know what? I eat plants, you know. I am 26 years without cancer and I found out that the food that I was eating was giving me cancer and the only thing that's going to get rid of my cancer is plants. Fruit and veggies locally grown. And I'm like watching this poor woman bringing in her dead plants because they stopped her water in Kalamaula and here we've got water at the Coconut Grow; now how hard would it be to take -- to put a pump on that -- on that -- on that spring and --

Mr. Chaikin: Excuse me, Ashley, could you just wrap it up in one minute cause we've gotta --

Ms. Ashley: Okay. I'll just --

Mr. Chaikin: Okay, thank you,

Ms. Ashley: How hard would it be to put a pump on that spring and pump it to Kalamaula so that that lady can water her plants so we can eat them?

Mr. Chaikin: Thank you, Ashley. And let me just say --

Ms. Ashley: My name's Karen, it's not Ashley. My last name is Ashley. Everybody gets that wrong.

Mr. Chaikin: Alright. Well, thank you. And let me just say that if anybody has any specific recommendations they would like to make to this Commission, that you can always put it down in writing and get it to the Commission office, we'll each get a copy of that, and we can look at that in a little bit more detail. Is there anybody else from the community that would like to make any comments at this time? Alright, seeing none, we can just go right ahead with our agenda. The next thing on our agenda is the approval of minutes from the

April 9, 2008 meeting. Commissioners, have you had an opportunity to review that and do you have any motion to approve those minutes?

C. APPROVAL OF MINUTES OF THE APRIL 9, 2008 MEETING

Mr. Bill Feeter: Chair?

Mr. Chaikin: Yeah, go ahead.

Mr. Feeter: I move that the minutes of April 9 be approved.

Mr. Chaikin: Okay, moved by Commissioner Feeter. Any second?

Ms. Mikiala Pescaia: Second.

Mr. Chaikin: Second by Commissioner Pescaia. Any discussion?

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

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

VOTED: that the minutes of April 9 be approved.

Mr. Chaikin: Okay, unanimous. Thank you. Alright, that means we can move right ahead to Item B, which is Communications. This is where the Planning Department is asking us, the Planning Commission, to concur on an exemption for an SMA permit so, I guess, Nancy, you wanna give a little talk about this?

D. COMMUNICATIONS

- 1. MR. JEFFREY S. HUNT, Planning Director, requesting concurrence from the Molokai Planning Commission pursuant to their Special Management Area Rules, as amended, that a Special Management Area exemption can be issued for the following:**

**Goodman Residence SMX 2007/0471(SM5): 2,080 square foot single family dwelling and 576 square foot garage on 12,897 square foot abutting Kanoa Pond, at TMK: 5-4-017: 002, Kawela, Island of Molokai.
(SMX 2007/0471)
(N. McPherson)**

The Commission may act on whether or not to concur with the Planning Director's determination that an SMA exemption be issued.

Ms. Nancy McPherson: Yes, thank you, Chair Chaikin. Greetings. Good afternoon, Commissioners. Thank you for coming today. We have an SMA assessment that was done for a proposed residence and garage on Kanoa Pond, these are Kanoa Beach lots, TMK: 2-5-4-017:002, in Kawela. The house is 2,080 square feet, 576 square-foot garage, individual wastewater treatment system, grading on -- the site has already been graded and cleared previously, and it is adjacent to the shoreline so there was a setback determination made. The setback is the minimum, which was 40 feet based on the average lot depth. The valuation is \$380,000. It will require a flood development permit as well. I believe the base flood elevation is three feet in that area. I did make a site visit at the end of April and took photographs. I did inspect the distance from the certified shoreline and made a recommendation that this project be exempted because it qualifies as being not a development under our State and County SMA rules and guidelines. So I am here today to make that recommendation and request your concurrence with that determination based on the information that has been submitted to you in Exhibits 1 through 8, and I hope you all have had time to look through the application and look through the exhibits. We do have a -- we've included a FEMA flood map. We've included a site plan with measured distances. I'm familiar with that area because I actually live on the other side of the fishpond, closer to town, so I walk down that beach quite often and, as you can see from the photographs, this actually is right next door to the last lot in that subdivision, which we all know, many of us know about as having had a -- some controversy over the swimming pool next door. That's what that big wall is. The owner of this lot didn't have anything to do with that wall so -- but there have been some site improvements that were done by a previous owner, kind of like the start of a wall in front there. State Historic Preservation was consulted and as this lot has been previously graded, they had no concerns. They felt that there would be no impacts but, as usually done, there's a recommendation that should anything be discovered that State Historic Preservation be called immediately and all work shall immediately cease.

Mr. Chaikin: Is that it, Nancy?

Ms. McPherson: Yes.

Mr. Chaikin: Okay, thank you. Before, you know, I ask the Commissioners if they have any questions on this, I'd like to -- to ask Corp. Counsel if he can just give us a rundown of specifically what we should be looking for as Commissioners when we look at this exemption. So, Michael?

Mr. Michael Hopper: And your planner is aware of this and should have, you know, gone through all of this in her analysis, which I'm sure she did, but the main issue is whether or

not this house qualifies as a development under HRS 205A, which is the State Coastal Zone Management Law. Basically, if it is a development, it has to get a special management area permit. If it is not a development, it doesn't have to get a permit and you have no jurisdiction to review it. The reason that you are reviewing it at this point to determine whether or not it is a development or not is because of the way the Coastal Zone Management Act reads. The definition of development has a definition of things that include development and things which are not development. One thing that is not development is a construction of a single-family residence that is not part of a larger development. Your planner has determined that this a construction of a single-family residence that is not part of a larger development so, therefore, it is considered not development. There's a little caveat at the end, however, that states that if it is deemed if an item that is not development, basically, the law states that whenever the authority, which is you, finds that any excluded use, activity, or operation may have a cumulative impact or a significant environmental or ecological effect on a special management area, that use, activity, or operation, in this case this home, shall be defined as a development for the purpose of this part. If you do find that this single-family home, which is written into the State law as a use or activity that is exempted, has a cumulative impact or environmental or ecological effect based on your review, you can, after issuing findings of fact and conclusions of law outlining your basis for that decision, require that the department process or that the applicant go in for a special management area permit, in this case it would be a major permit, as required. If you find -- if you agree with the Planning Department's recommendation that this is a not development and will not have that sort of cumulative impact or environmental or ecological effect, then you can simply concur with their findings. So those are your options today.

Mr. Chaikin: Thank you, Michael. Commissioners, do you have any questions for Nancy? Okay, Commissioner Feeter?

Mr. Feeter: Yeah, thanks, Nancy. Can you explain Exhibit 4 what that demonstrates?

Ms. McPherson: Exhibit 4 is from the FEMA Federal Flood Insurance Rate Map, and what that talks about are the different flood zones in the area. When you have -- there's a little box, which was drawn in by the applicant, where it says, "Kanoa Fishpond," and then as you're looking mauka, you can see where there's some streams that have been outlined coming down and part of this parcel is in Zone A-4. And what happens is when our department reviews it, we do flood confirmation, and that was noted on the zoning and flood confirmation form, that they are in that flood zone, what their base flood elevation is, they're not in a floodway, but they -- it will require a special flood hazard area development permit because it's in Zone A-4. So I just included that so that you would have a good look at what the FEMA -- what the FIRM looks, the Flood Insurance Rate Map looks like, and that is a separate permitting process done by our staff on Maui. So they will also need a

special flood hazard area development permit in order to get their building permit, which they're aware of, and they're pursuing that application.

Mr. Feeter: This is a floodway then?

Ms. McPherson: I can't see what you're pointing at.

Mr. Feeter: The Zone A-4.

Ms. McPherson: It's a flood zone. It has to do with, perhaps another planner knows more about it, but it has to do with the level of water that comes into that area, this has to do with coastal flooding since -- and that includes the fishpond actually, interestingly, and my understanding is that it is not in a floodway but it is in a flood zone - those are two different things. It does look like there's a stream coming down one lot over, however. But these streams coming through this Kawela -- Kanoë Pond Subdivision have been channelized, they have little ditches, and they're, you know, some are maintained better than others, but I'm not exactly sure what the condition of this ditch is. I think last time I checked it was in pretty good shape. So there is a flood water management system along that section of coastline when that subdivision was originally approved. But because it's in that inundation area, that means they still need to be above the base flood elevation.

Mr. Chaikin: Thank you, Nancy. I'm still looking at that same Exhibit No. 4. Is that little box, is that the lot?

Ms. McPherson: Yes, that's the lot.

Mr. Chaikin: Okay. Thank you. And just, you know, I don't understand. When you as a planner take a look at one of these projects and you're trying to figure out whether or not this is a suitable design for this particular lot given the flood zone that it's in, I mean is this the map that you use or how do you know how high that water's going to come or go over a hundred year, is there a map that you use? Is this the map? Is there other maps? How do you figure all that out?

Ms. McPherson: We do have a form of GIS. We have an ACCELA application that we can use so I always generate a map with that, which actually is Exhibit 1, but I didn't include the flood zone and SMA information on that one. That probably would have been helpful if I had done that. But that also has some flood zone information on it. I also consult with our planner who -- planners who review these -- for these flood zone permits, so we confer and, basically, if the proposed development is above the base flood elevation, they're not impeding flood waters, so, in this case they're on footings, so they're not impeding flood waters and, in that case, as long as they're not displacing flood waters onto adjacent properties, that, you know, I'm okay with that proposed structure.

Mr. Chaikin: Alright, Nancy, you made a statement earlier that it has a base flood level of three feet. What does that mean?

Ms. McPherson: Base flood elevation? Well that's the minimum level of water that would be likely to come through that area during a time of inundation, and they have calculations that they use. If you would like to see those calculations, we can get them for you for the next meeting.

Mr. Chaikin: Nancy, I'm just trying to understand the process. Okay, so what you're saying is during a period of inundation, it's likely that there's going to be three feet of water above the grade?

Ms. McPherson: Yes.

Mr. Chaikin: Is that what you're saying? Okay. And how high is this house being built above the grade?

Ms. McPherson: Well, the bottom portion of any supporting beam, and Don probably knows even more -- way more about this than I do, but the bottom level of that beam has to be above that flood elevation. So the lowest point of the floor understructure of the structure has to be above that water level.

Mr. Chaikin: Okay, so the applicant's here. I think the applicant's here. Are you representing this?

Ms. McPherson: Oh, yes.

Mr. Chaikin: Oh --

Ms. McPherson: This is Laura Kapuni and I -- sorry I didn't ask her up here sooner but --

Mr. Chaikin: Okay. Well, let me just give the Commission an opportunity to ask some more questions, but when she gets up here, then she can specifically answer my question as far as how far this is being built above the grade so we can just --

Ms. McPherson: Okay.

Mr. Chaikin: You know, have some idea of what we're looking at here. Commissioners, do you have any other questions for Nancy while she's up here? Commissioner Feeter, go ahead.

Mr. Feeter: I can't decipher from Exhibit A-5 the number of feet off the grade. I can see existing grade and I can see the floor line and I'm told by my colleague it's what? Three feet four inches.

Mr. Chaikin: Alright, we can get clarification on that when the applicant comes up. But is there any questions more for Nancy while she's up here?

Mr. Feeter: Well, I just wanna, again, understand this. If this is a floodway, like I have in front of me a definition from FEMA what a floodway is, and it says, if I may, is where the water is likely to be deepest and fastest. It's the area of the flood plain that should be reserved, kept free of obstruction that is, to allow flood waters to move downstream. Placing fill or buildings in a floodway may block the flow of water and increase the flood heights. In our -- the same neighborhood, we have a case where there's a house that was built right -- the closest to Kawela Stream and it appears that it wasn't high enough. The house next -- two lots from it was elevated and it's significantly difference -- there is a difference between the two houses, and which goes back to one was obviously was built incorrectly in a flood plain or floodway, and the other one was, and so that's -- and the reason for this all is that it contributes to the whole neighborhood, increase the possibility of flooding because it's by their -- FEMA's definition you keep from of obstructions. And in the last November flood, there was copious, logs, branches, mud, rocks, and so forth came down the Kawela Stream and flooded the whole area badly. Thank you.

Ms. McPherson: Yes, Commissioner Feeter, I am aware of the phenomenon out there and with Francis Cerizo, at our last meeting, we did bring that issue up to him and I believe he would like to follow-up on the situation out there at Kawela Stream. What I do have for this application is I do have an elevation certificate with a stamp by a licensed professional architect, which was submitted by the applicant to me by my request. I also have a flood hazard area certification also signed by the architect. And I have an application for special flood hazard area development permit, which has been submitted to our department. I also have a zoning and flood confirmation request form that states, with a signed signature at the bottom on behalf of the Zoning Administration and Enforcement Division, dated October 30 of '07, that this project is not in a floodway and that the base flood elevation is three feet mean sea level and that it is in the flood zone A-4 and C. So that is -- those are the facts that have been presented to me. That's what I'm basing my recommendation on.

Mr. Chaikin: Thank you, Nancy. Any other Commissioners got any other questions for Nancy? Okay, Commissioner Feeter, go ahead.

Mr. Feeter: The -- how -- this piece of land is on a fishpond and so the new owners, do they own a part or have access to the fishpond?

Ms. McPherson: The fishpond is a separate TMK. It's privately owned. There is some land that has accreted in front of the property. They do not own that land. That land actually goes to the State. They have control over that. It's in the conservation district -- or wait. I take that back. I'm not sure about the zoning but I know that they are not doing any activities outside of their TMK line, and there is a bit of sand that is in front of their TMK line, and I've gotten very clear assurances from the applicant that there are going to be no activities going on in that area without State approvals. So they're quite aware of that situation between their property and the fishpond. And since I said I live the down the beach, I'll be checking so --

Mr. Chaikin: Alright, thank you, Nancy. Any other Commissioners got anything else for Nancy? If not, maybe we could have the applicant come up and we can ask a few questions. Thank you.

Ms. Laura Kapuni: Aloha. I'm Laura Kapuni and I'm here on behalf of Mr. and Mrs. Goodman. So any questions?

Mr. Chaikin: Thank you. Commissioners, do you have anything? Any questions? I had that one question on the height of how high this house is going to be built off the ground because when, you know, when we look at this stuff, we see that there's a stream next door, which it could be problematic in the future, and we do have the ocean that's close being an oceanfront property, so the height above the flood level is a pretty important thing so can you address that?

Ms. Kapuni: Sure. At minimum, the height is two-and-a-half feet above the flood zone so five-and-a-half at minimum.

Mr. Chaikin: So is that on the plans, the five-and-a-half, is that --

Ms. Kapuni: Yeah, it is but I don't have the elevation with me right now. All I have is the floor plan and the plot plan, but I can bring that to you if you need it.

Mr. Chaikin: Okay. Commissioner Pescaia?

Ms. Pescaia: I'm just wondering about the garage.

Ms. Kapuni: Yeah?

Ms. Pescaia: The garage is the same? I mean is the -- I know the garage has to be cement or, you know, something hard and concrete but --

Ms. Kapuni: Foundation.

Ms. Pescaia: Is the padding or whatever the -- is there going to be a build up mound that it's going to sit on?

Ms. Kapuni: That's a good question. I'm not sure.

Mr. Chaikin: Nancy?

Ms. McPherson: My understanding is that the proposed garage is outside of the A-4 flood zone so the -- the flood issues only apply to the main residence. Does that sound right?

Ms. Pescaia: Is the entire house in the flood zone?

Ms. McPherson: Well, I'm not exactly sure where that line falls but it was enough so that it triggered a flood hazard area development permit, and those issues will be dealt with by that permit process, and if there's any changes that need to be made in the design of the project then, you know, we will follow-up, we are the same department, and we'll follow-up and make sure that, you know, those changes are taken into account as far as SMA as well.

Mr. Chaikin: Any other questions?

Mr. Don Williams: I just have a comment.

Mr. Chaikin: Okay.

Mr. Williams: The non-habitable spaces are allowed in the flood plain so even if the garage was located at say minimum grade, it's still allowed just so they don't have habitable spaces in there, like bathrooms and living quarters and stuff like that, so I think it should be alright.

Ms. Pescaia: Well, I was just wondering because if the garage pad has a building on it and there is flooding, I know people out in Kawela who suffer every year because their garages flood, they store things in there that are valuable, and then they come to us and ask us for help in planning to -- because so and so -- because they're garage is flooding, they put up a wall and then that diverts water into somewhere else and then people get really angry about the way -- sorry for the concern and I know that we are talking about flooding, which does come under another permitting process, but as we're looking at things that count as development or not development and, you know, if it's going to -- I know that is a pre-graded area, I mean it's already been graded and altered, I just -- you know, the change in the ecology, not ecology, construction or altering things that might, I don't know, just change the -- it's a very sensitive area, that's why it's in the SMA area, and so the -- I don't know what I'm trying to say, but it's real -- it's a very sensitive area, basically. It's a real

sensitive area. And if the garage is going -- the house is on existing grade and it's going to be lifted up, I was just wondering, you know, by having to build the garage up higher, I mean it looks like it's going to be on existing grade, from the documents that have been provided to us, it looks as if the garage is going to be built on existing grade. I hope the people, the Goodmans, are aware and have toured other -- you know, the area and have spoken with other residents in the areas and know the risk they're putting themselves in cause I would hate to see them come back to us five years from now and be upset and disappointed for not knowing this information. That's the only reason for my concern. Thank you.

Mr. Chaikin: Thank you, Commissioner Pescaia. Any other Commissioners got any other comments? Well, you know, today, we're really fortunate that we have Thorne Abbott here. He's an expert on coastal zone management, and I hate to put him on the spot but I'm going to do it anyway, and could you just come up. I mean we're all lay people up here, you know, this is an A-4. I have no idea what A-4 means. Is it normal and ordinary to be building in A-4, and what do you guys on Maui usually require when somebody does that?

Mr. Thorne Abbott: Thank you, Steven. Thorne Abbott, Coastal Planner. Let's differentiate between floodways and flood zones. Floodways are a water shed. They're stream. They're, as Commissioner Feeter said, it's where debris is coming down and you don't wanna stick something like poles or something that would catch that debris or block it. You know how a span bridge over a river, you know, when it's an arch bridge it has those -- its feet into the water and then all the debris comes down, it hits the bridge, and it gets stuck and it forms a big dam and then that pushes everything over the bridge and bridge washes away. So we don't wanna do that. That's a floodway. And so the Federal Building Code won't allow -- the FEMA standards, Federal Emergency Management Administration, won't let you build in those areas unless very, very specific design criteria. That's item one. A flood zone is an area where you can get flooding from the ocean or you get flooding from the water shed comes down, it hits a low land, and it fills up. And there's a couple different kinds of flood zones. There's a C Zone, which is floods maybe once in a hundred years. They consider that pretty minimal flooding. Or even once in 500 years. So really, in C Zone, you're safe, okay.

A Zone is where the water rises but there's no velocity. It's just slowly rising, yeah. So to deal with that, what you do is put a mound and you put your house higher up. The other thing you could do is put posts in and just elevate the house above that, and a lot of the plantation style houses are that way. And the lowest rafter of your -- you know, your lowest 2-by-6, or 2-by-8, or 2-by-12, your lowest rafter has to be just above that what's called base flood elevation. So if your base flood elevation is three foot, then your lowest rafter has to be three foot one inch, okay.

And then there's V Zone and V Zone is when you have velocity. Now think V, velocity, speed. That's when you're near the coastline, and the waves are coming in, and it's pushing. And for that, of course, you could put your house up higher but even with your house up higher, if there's a lot of velocity going on, it could easily push the poles over, right. And if it's just bamboo sticks holding your house up, your house is going to fall down. So the Federal law requires that you fortify however you're building your house so that it can stand that velocity.

All those items are not avoiding flooding, per se. You're still building in the flood zone and you're allowed to build in the flood zone but you have to change your design so you can deal with the inundation of that flooding. Okay, so FEMA basically says fortify - either use stronger materials, anything that would be, you know, velocity zone, has to be breakaway, say you're -- say you're using a propane gas tank, something like that, you know, you wouldn't want it floating around so you have to have that tied down very tightly, but all your connections have to be breakaway and it'll just snap off and then seal so you wouldn't have an explosion, same with your electrical box, same deal. Does that clarify the issue?

Mr. Chaikin: Yeah, Thorne. That's very helpful. Just out of curiosity, this one has a three-foot flood elevation. Where does that figure come from?

Mr. Abbott: That comes from the FEMA maps, which are called "FIRM," Federal Insurance Rate Maps, and that's -- actually they determine what your insurance rate's going to be. You can actually build whatever you want, wherever you want, even in a flood zone, but the Federal Government's going to, you know, not insure it or help with your insurance rates. If that's the case, the bank's not going to loan you the money because you don't have any guarantee you can repay it back. So there's Federal Insurance Rate Maps, they're over in Maui, and Francis Cerizo opens them up and looks at them and, as Nancy provided in her exhibit, they're kind of hard to see on an 8-1/2 by 11 but, you know, the actual real big one is good, and then you also get an engineer elevation certificate from a licensed engineer, and he's putting his license on the line when he stamps one of these plus he's getting a Federal permit so, generally, they don't -- I can't speak to whether these are good numbers or not in this case, but one would presume so since it's stamped by a licensed engineer.

Mr. Chaikin: Alright, thank you, Thorne. Any other -- any other comments or questions? Commissioner Feeter, go ahead.

Mr. Feeter: Is there going to be fill on this lot?

Mr. Abbott: I might speak on the fill, I don't know on this particular project, but you can't use fill to -- in a flood zone as a structural device because, you know, if you had the fill and you had a big velocity wave come in, that could easily eat that fill out and wash the thing

away. You can use fill for other reasons, nonstructural purposes. But I don't know on this project, but that's just something to be mindful of that ZAED would probably not approve this with fill in the flood zone.

Mr. Chaikin: Thank you, Thorne.

Ms. McPherson: Thank you, Thorne. The application states no fill and no excavation. They often have to do some for the individual wastewater treatment system, which is going to be going mauka of the garage so, in this area, my understanding is that they do create a berm, that because the water table is so close to the surface, they have to actually mound dirt up over it. And I was also given the -- all the information on the wastewater treatment system design so if you need that information, we can submit that you to as well.

Mr. Chaikin: Thank you, Nancy. Any other questions? Okay, Commissioner DeCoite, go ahead.

Ms. Lynn DeCoite: You know, somehow I kinda feel uneasy with FEMA on that three-foot base elevation. It's as if we haven't learned anything about Katrina and its natural disasters because as we saw the floods rise, I mean we were like up there on foot level. About two years ago, I know there was a flooding that took place here on Molokai, in Kalamaula, where when the rain came. I mean everything just plugged up. County was in there. The repercussions was that the impact that it had to adjacent neighbors. So I kind of, you know, and just being put into the workshop that we went to last year, we saw the maps that were drafted out at the conference, and I no agree with that base foot of three-foot elevation. So somewhere I'd like to see a change made there on the height because I'm looking at it as this permit before us is that there are neighbors around that place and I can imagine what the impacts would be because there is a river that comes down, probably about -- not too far from that area, and when it backs up, boulders come rolling down that place. So I somehow I'd like to see it change. I don't know how it can be changed. Maybe it could on the County standards or something. But I'd like to see that change made if possible.

Ms. McPherson: Thank you, Commissioner DeCoite. Since I came to Molokai, I have been in conversations with people about the flooding situation at Kawela. I'm also on the water working group, which is kind of morphing into the water use and development plan, and one of the things we've been discussing is the idea of creating retention, ways of retaining sheet flow off the mountains and keeping it from ending up in the ocean. Well, there may be a way to deal with the water coming down Kawela Stream as well. I think it's going to take some funding, a lot of additional study, and a strategic plan to figure out how to deal with that flooding situation. Unfortunately, with the laws on the books the way they are, with the zoning that exists, the interim zoning, the folks who own these properties along the pond are allowed to build their homes there. It's unfortunate that a flooding

problem has been created over the years perhaps because the information available to the people who designed the subdivision originally was not adequate. Today, we have a lot more information and there may be some after-the-fact things that can be done. They can cost a lot of money. Maybe they won't cost a lot of money. Another thing I know they're going to be doing is redoing the bridge at Kawela. I know Commissioner Feeter's had some concerns that that might not fix the problem either. But, again, we have a situation, it affects a lot of people, and we're going to be working, the department's going to be working, I'm going to work with Planner Cerizo, and we're going to try to figure out some solutions and work with State Highways and Public Works and whoever we can to try to get something to fix this problem because it does affect everybody.

Mr. Chaikin: Thank you, Nancy. Any other final questions? Alright, seeing none. I have one final question, and then we'll open it up to the community if anybody wants to come forward and provide testimony on this, but I'd like to ask the applicant that, you know, today we're going to -- we're going to be talking about the community plan update process and in that, I think we're going to have to fundamentally change the way we do things, and that includes building, and really move towards more green building. Can you address that? What is being done in this particular application that would be considered, you know, environmentally friendly?

Ms. Kapuni: I don't know what kind of material my client or the Goodmans are using, but I know this is going to be a retirement home so they're just trying to be as minimal as they can. I know it says 28 or 2080 square feet. Of the 2080, 481 is a patio, and then there's about 1599 living space, which is the home ...(inaudible)... materials --

Mr. Chaikin: Yeah, I guess I was -- I was more getting towards, you know, as we go on into the future, we don't really wanna be dependent on the gas barge coming in to heat all of our heaters. We really wanna go towards solar heating and things like that. And so I would just throw that out that, you know, as you're working with your clients, you know, that you could really encourage them to put in some, you know, some, you know, some green improvements to their house so we don't have to be so dependent on foreign oil coming in. We can use the abundant sunshine and put in plants that, you know, are -- that don't take a lot of water, and just all those -- there's a lot of different things that you can do in the design concept of a house just to make it environmentally friendly. Alright, if there's nobody else, we're going to open it up. Is there anybody from the public that wants to make any comments considering this, this exemption request? Alright, we've got somebody.

Ms. Kapuni: Okay, thank you.

Ms. McPherson: I'd also just like to mention that Francis Cerizo, they are updating the FEMA flood maps using LIDAR technology, which I believe is satellite, and so we should be getting more updated flood zone information very soon.

Mr. Chaikin: Thank you, Nancy.

Mr. Bacon: Nat Bacon once again speaking for myself. The question I had was that it was previously graded and this is obviously a wetland area cause it's in ...(inaudible)... of a pond and I was wondering what happened to the wetlands? I mean is there some mitigating circumstance that -- that has been imposed on this so that -- that that property, which will no longer serve the purposes of wetland, it has been taken over by some other piece of property? Also, we talked about two other things. One was the subdivision. This is part of a subdivision, which seems to me like that would qualify as a development. If it's number Lot 3 of a certain subdivision, you know, that's a group of buildings that is a development and wouldn't it apply to this situation also? And the other one was we were bringing up and talking about floods and things. People, right near the Feeter's, have been building, not only the structures that we were talking about, which are elevated, but they've also built walls to divert the water from coming into their property, which flows right down the street to the next neighbors, and now the next neighbors, who've never had water problem before these walls were put up, they have that problem. It doesn't seem fair anyway. But if some of those questions could be answered or looked into.

Mr. Chaikin: Alright, well thank you for your concerns. Those are important concerns. And I'd like to bring Nancy back up and see if you can address the wetland issue for us.

Ms. McPherson: Even though Kawela is -- thank you, Chair. Even though Kawela is actually a pretty dry area, because of the basal water lens along the whole southern coastline of Molokai, I'm sure at one time that there -- in fact, I think on the lot next door to where I'm staying, there was a spring on that property at one time, so I know that that whole area probably had different kinds of wetland areas and springs. This subdivision was done many many years ago. It seems that at that time, that wasn't a concern. The subdivision was approved. The area was graded. I believe there was an archaeological study done. And so all of this was a done deal a long time ago. So there are currently no impacts on wetlands as a result of this project. That property was graded when the subdivision went in. So some of these lots have overgrown and then need to be grubbed, but the -- my understanding was that that area was bulldozed originally so all along that fishpond and that was done when the subdivision was created, which was in the '80's? '70's? I'm not positive but a long time ago.

Mr. Chaikin: Alright, thank you, Nancy. One of the other issues was the walls in the front and, you know, if this is an exemption, we, as a Commission, cannot put any conditions about walls in the front. What impact do you have as a planner dealing with people that are coming forward for a permit to communicate to them, you know, the concerns with putting big walls up in the front of their property?

Ms. McPherson: Well, I think in my recommendation I do state that any walls and fences will conform with County Code. We have building codes that regard this. We have height limits on fences in the SMA along lot lines. We try to minimize obstruction of views to and from the ocean. And this -- the driveway in front of this property is actually off the road; it's off the highway. There are a bunch of trees there. But nonetheless, those trees may get cleared some day and if there's a high wall there, that's going to block the view to and from the ocean. So what is existing there, my understanding, is that a see-through fence will be installed in between that rock work and because the solid rock work is less than four feet high, that's actually permissible. So as far as the walls that are on this property, that is actually meeting code. I did put that language in there about continuing to meet the code, however, for any additional fences that may be constructed.

Mr. Chaikin: Alright, thank you, Nancy. Is there anybody else from the public that would like to provide testimony on this? Okay. Okay, first we got DeCoite that wants to come forward.

Ms. DeCoite: Nancy, try hang on. You know, Nancy, I think that's why I brought that up several years what happened in Kalamaula, exactly what that man just pointed out, is that these walls are there and the diversion of those waters that come down, the impact to the adjacent neighbors could create flooding on their lots and their properties, and the situation being was that those people that own lands above, these debris that come down, it gets passed on. The County gets blamed. The culverts are not big enough. And I mean we cannot go back and try to say, oh, you know, it's his fault. You need to this with your land. You need to do that with your land. It's the development and the buildings that are coming up in this subdivisions, whether it be on wetland or any other type of land development, is what we need to straighten out. I see the walls. I can see everything being set up for the fencing, which till today we haven't even enforced Kawela's plain view. I mean the fences are there. The complaints have come in. We have not even enforced what happened. So I mean we gotta kinda clean up what's happening now before we can move on, and sorry that it is the Goodman's place on this new lot, but, you know, things gotta be taken cared of because it'll be business as usual, and I mean we've proven that in several of the other permits that we took on that we disagree with permits and it's continuously been, oh, it goes into Maui, which is why I'm glad Jeff is here is because I had a major with pools being put in place after we've denied it right at this Commission level. So I kinda irritated with what's happening with all these things. You know, it's the impacts to the neighbors, impacts to future development, and there was springs in those areas where you're talking about. You know, the grubbing and stuff starts to take place, things start to get covered up, and then we lose all sense of the direction we're actually going into, and then County gets -- end up holding the bag again.

Mr. Chaikin: Okay, DeGray, did you have -- provide testimony?

Ms. McPherson: I'd just like to respond to Commissioner DeCoite's comment in that a lot of those walls that are along the highway were built without permits, they are violations of the code, and there needs to be enforcement done and, you know, I admit to not following up on that the way that I might have, and I take your comments to heart, and will try to redouble my efforts.

Ms. DeCoite: No, no, Nancy, that's not the point I making. It's not your job to do enforcement is what I'm saying. It's we've asked for that help for you and I just wanted to bring that point across being that we have Jeff here to hear. We've been slammed at this Commission level about those high walls being brought up and I want them to hear the complaints first hand, what we as the Commissioners here on Molokai put up with is that what's going on? It's not your fault, Nancy, but I wanted that to be heard from us at the Commission level.

Ms. McPherson: Well, it bothers me too.

Mr. Williams: Nancy, I have a question, please.

Ms. McPherson: Okay.

Mr. Williams: In that zoning, with the current zoning, is that R-1?

Ms. McPherson: Interim.

Mr. Williams: Interim. Well, my question is to density. I'm wondering is it going to be permissible in the future to have a second dwelling on that property?

Ms. McPherson: A second dwelling would not be possible on that property.

Mr. Williams : It would not be possible so --

Ms. McPherson: It's too small.

Mr. Williams: I'm thinking in line with these people here at Malama group. Is there way that you could reactivate the unused portion of the lot and regenerate the wetlands kind of things? Is there some kind of plant we could be looking at? Because, basically, their density, they're only going to be taking up 3,000 square-foot of the 12,000-foot lot so there's quite a bit of land left and maybe -- is there an answer to that? Does anybody know? Is there some kind of -- something we could make a condition ...(inaudible)...

Ms. McPherson: Well, again, we need additional information. We need a study done to assess the extent of wetlands. I don't think the Kawela area will most likely be included on

that. But that's a good suggestion. I, at this point, I would just recommend drought tolerant landscaping.

Mr. Williams: I think the intent is for the grounds to saturate and absorb and whatever.

Ms. McPherson: Right.

Mr. Williams: So maybe we should be looking at that area, and I realize the subdivision is an existing subdivision, we run into that all the time, but maybe we should kind of research the -- and try, rather than ignore, the replenishing of wetlands and rather than denying permits, maybe there's a way we could work together to kind of set an example, maybe help ...(inaudible)...

Ms. McPherson: Well I agree that any future subdivisions, especially along the shoreline, should take only the highest ecological planning methods and concepts into account.

Mr. Williams: Okay. Thank you.

Mr. Chaikin: Alright, DeGray, you're up.

Mr. Vanderbilt: Thank you, Mr. Chair. My name's DeGray Vanderbilt and I'm just confused. I wanna thank Thorne for his clear explanation. He's got great knowledge and he's able to put it in words where it's really understandable. I didn't review this because I didn't come down to the planning office to get a copy of whatever the Goodman's submitted or the staff report. But again, I would like to emphasize that when the agenda's posted online, that action items, the documents associated with those be put on the agenda online so when you tap on it, you can get that information and then be prepared to give constructive testimony. The other thing is Corp. Counsel mentioned that this is exempt, that single-family homes are exempted, they're not part of a larger development. It was brought up that you got the fact that this is part of a bigger subdivision. And then that brings into question: What happens if they do come up with a ohana unit or a swimming pool in the future and it's more piecemeal? How do you determine what is a larger development? Is that defined anywhere? And I'm just throwing out some things that were still unanswered questions when I was on the Commission. And what are the cumulative impacts as far as beach access? If you have this big subdivision and this was the last house in the subdivision and there's no beach access to the beach in front, how does that get resolved because more and more, as development takes place, we gotta be concerned about beach access? As far as the garage, there seems to be some way that there's gotta be some breakaway stuff or where the water can flow through that doesn't seem to be much of a problem. And then I'm confused over the -- the -- there was going to be no grading or fill yet there's going to be mounds in order to account for the septic system. Now, when the water hits those mounds, where does it go? The other thing is the FEMA

maps. We were told over a year ago that the FEMA maps were being updated so I would just follow up and see when they expect to have those done. These rock walls, Nancy mentioned that a four-foot solid rock wall is allowable. Well here we are talking about water flowing through and you got a four-and-a-foot solid rock wall. So something doesn't track with the FEMA requirements and the approval by the County Code for a solid rock wall. What's the point of having flow through on a house if you got a solid rock wall right in front of the lot? And as far as enforcement, you know, this is just a real sore point on Molokai and we took a lot of heat, as many of you did, on this Kawela with the lots and until somebody is made to tear a wall down, they're going to keep on doing business as usual. It's just a business risk. Put it up. That's the M.O. today on Maui and it's starting on Molokai. Just go ahead and do it. You'll get a slap on the risk. But you'll have it up and you don't have to worry about it. So those are just a few comments I had because I was just having trouble factoring in all of these things so thank you very much. I just wanted to get them on the record.

Mr. Chaikin: Thank you, DeGray. Any questions? Is there anybody else from the public that would like to provide testimony this? Alright, seeing none, I'm going to close up public testimony right now. And, Commissioners, we have a couple choices here. Either we can defer this or we can go ahead and put this to a vote at this time. If there's no further information that you think we're lacking, we should just go ahead and put this to a vote. So is there anybody here that's willing to make a motion on this?

Ms. DeCoite: Yeah, I'd like to make a motion that we defer this to another time until we can find out if this project becomes that of a bigger subdivision, another ohana unit, until we can define the coastal or wetland areas, the beach access, and the grading or type of fill that will be used, and the rock wall, what the outcome of it, if it has, not culverts, but where water can pass through the rock wall. So I ask that we defer this till we can find that out.

Mr. Chaikin: Okay, any other Commissioners have any other thoughts on this? Cause some of that stuff we can actually get addressed right now. Our problem is is that when we come to these meetings, we have a bunch of different stuff on the agenda so we can't use the entire meeting on one agenda item, so we have a couple choices: either we can address these issues quickly and then see if we can get them resolved, or we can defer this to another day and we can start getting some of those questions addressed that Commissioner DeCoite has brought up. So any other Commissioners have any thoughts on this? Was that a motion that you made? Alright. So we have a motion on the table. Is there a second for that?

Mr. Feeter: Second.

Mr. Chaikin: Okay, we got a second by Commissioner Feeter. Is there any discussion on this? Well, I would like to say that, you know, we have a limited amount of time to act on

this. We have 30 days from today and I'm not sure if that gives us one more meeting or two meetings, and if we don't act on it, then it is a automatic, I believe, approval. Is that correct? Yeah, that's correct. So anyway, we can defer this and, you know, that is an option that we have. So is there any other discussion on this?

Mr. Joseph Kalipi: Yes, Chair. The point to add, as you said, that there's 30 days to act upon this. Someday, can we put note that we wanna take a look at that 30 days period. I know that there's a process where the County Council hear something that is not in agreement, they have 120 days to come up with a position. So I'm just saying that that 30 days I truly believe it's not long enough to come up with a factual position in writing, let alone more knowledge collected, and so forth. That's my comment.

Mr. Chaikin: Alright, so we got a question on the 30 days whether -- is that -- is that our rule or is that an SMA rule or could you just clarify whose rule that is?

Mr. Hopper: The 30 days is your rule. You could extend the time. So I mean the rule it's, right now, does say 30 days. There may be issues as far as, you know, how long does it take to determine an exemption and things like that, and I know certainly you've had issues with people telling you they've had a long time to get their permits approved. But you would have to reconsider that as part of an amendment to your rules just like all the other rule amendments. But, yeah, 30 days is your rule right now how it says.

Mr. Chaikin: Alright, so, Commissioner Kalipi, basically, this is one item that we could look at that's really a list of a whole bunch of items that we need to look at in pertaining to our rules. So we can put this on the list and, at some point, we will revisit our rules and at that time, we can take a look at it. So we do have a motion on the floor. It has been seconded. Is there any other discussion on this? Commissioner Feeter?

Mr. Feeter: Correct me if I'm wrong, but were the Goodman's apprized of the fact that -- I'm looking at the book *How to Buy Property on the Coast*, in so many words, and is it appropriate we ask who the realtor was in this case?

Mr. Chaikin: Commissioner Feeter, I don't think that's relevant, you know, who the realtor was or how they acquired the property. It's just what's before us right now is whether or not this place is going to have, you know, environmental impacts that are in excess of what we would consider acceptable. And so that's really what we're looking at, you know, at this point in time. And then there is some issues, some legitimate issues that have been brought up, and that's what, you know, the motion is that's on the floor. Is there any other discussion as far as the motion? Alright, let's go ahead and put it to the vote. All those in favor of the motion raise their right hand? Okay, I saw three. All those opposed? All those opposed? We have one. Okay, so, okay, can you clarify the voting here so we can get this straight? Thank you.

Mr. Hopper: If you are silent, that means you voted for the motion. You need to be advised of that. A silence counts as an affirmative vote. So you can vote for or can vote against. But if you say nothing when there's a vote, that means, under your rules, that you voted for the motion. Just so you know. So that's an important point. There's no right to abstain unless you've got a conflict of interest in this case, under your rules. So that's very important.

Mr. Chaikin: Alright, so for clarity, let's recount to make sure we got it right. All those in favor of the motion, raise their right hand. Okay, could the motion -- could you repeat that? Thank you,

Ms. DeCoite: The motion was made to defer this permit until further information could be found on whether this permit had clarify whether it be that of a bigger subdivision; under cumulative impacts to this area; beach access; and the type grading or fill that would be actually used.

Mr. Chaikin: Alright, thank you.

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

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

VOTED: defer this to another time until we can find out if this project becomes that of a bigger subdivision; another ohana unit; until we can define the coastal or wetland areas; the beach access; and the grading or type of fill that will be used; and the rock wall, what the outcome of it, if it has, not culverts, but where water can pass through the rock wall.

Assenting: D. Williams; L. DeCoite; B. Feeter; J. Kalipi

Dissenting: M. Pescaia; S. Chaikin

Excused: L. Buchanan; S. Napoleon

MOTION FAILED.

Mr. Chaikin: Okay, motion fails. So we have a chance to -- we have an opportunity to defer this or bring forward another motion at this time, and it doesn't seem like, you know, we're close to coming to an agreement, so I would just say let's go ahead and defer this, and let's sit on it, and think about this, and all of us can -- right but -- right, that's what we're going to do but we couldn't agree on that so we're just going to, by default, go ahead and -- because it doesn't look like we're going to approve it because there's not enough people to approve it. So by default, we're going to go ahead and defer it and then we can put it

on the agenda for the next meeting. Is that okay with you? Oh, we've got, Commissioner Pescaia, go ahead.

Ms. Pescaia: I think the difference is the -- the conditions under which the deferment will be fulfilled, you know, because the motion was deferred until this, this, and this was put into place, and then -- then we would take a vote and --

Mr. Chaikin: Well, that's a good point. Yeah.

Ms. Pescaia: That -- if that information never comes through, I think we -- you know, just deferring it to the next meeting I think would have been ...(inaudible)...

Mr. Chaikin: Well, yeah, you're correct. We really should get the information that's requested by one of the Commissioners.

Ms. Pescaia: But, as it was stated, it is deferred until all these pieces are in place and if they're not in place, does that mean that we are not going to vote? I mean we're deferring until they're all satisfied?

Mr. Chaikin: Well we haven't made any conditions of the deferment but just as a friendly --

Ms. Pescaia: But that was the motion.

Mr. Chaikin: Right, this is a friendly thing. We're going to find some of the answers to these questions. But, Director Hunt, do you have some comments to be made here?

Mr. Jeffrey Hunt: I would just like to say that if you do vote to defer, it's more helpful to staff to tell us what kind of information you want or why are you deferring it rather than just a vague we're deferring.

Mr. Chaikin: Okay, well, thank you. And I think that was reiterated in the motion that didn't past but I think it's very helpful that we do get that information so that, you know, we can all, you know, we on the same page at the next meeting and, hopefully, come to some consensus on this.

Ms. DeCoite: Okay so, Nancy, is that possible that the information can be found out before the next meeting, if we're looking at 30 days, which was why I tried to specific on what we --

Ms. McPherson: Well, cumulative impacts to beach access, you know, if you'd like me to analyze every single lot in the Kanoa Beach Lot Subdivision to find out what the original beach access is, I can go to the County, you know, to the subdivision office on Friday and find -- see what records I can find on the original subdivision, what was approved, where

the beach access was, what the drainage that was proposed, but normally what happens is that when a subdivision is approved, it's kind of understood that all those lots that have been created are developable. That's why it's been approved the way it has. So I can dig up as much information as I can; I could find out more information about how the individual wastewater treatment system's going to be handled; issues about the rock wall. Again, I think the wetlands issue is moot because this subdivision was created quite a while ago but I can see what I can find out, again, about the original subdivision approval. And then look into the issue of whether or whether or not an ohana house would be permissible on the property. Does that cover everything? And for Commission Feeter, I might even be able to find out who the realtor was.

Ms. DeCoite: Well, yeah, as long -- I mean, you know, cause we're looking at the neighbors in that neighborhood being impacted so I no think I was asking anything drastic of -- yeah.

Ms. McPherson: No, no, no. But again, I don't know how much information I'll be able to find out regarding Kawela Stream, the bigger flooding issues, and whether or not building that house right there on that lot is going to affect -- I mean I defer that to our flood zone management planners so I can consult with them as well if you'd like.

Mr. Hopper: Nancy?

Ms. McPherson: Yes?

Mr. Hopper: If they did -- if they were allowed to build an ohana and built one, it's not being -- it's not part of these plans so --

Ms. McPherson: No.

Mr. Hopper: It would be a separate assessment, right?

Ms. McPherson: They would have to file a separate SMA assessment application, yes.

Mr. Hopper: And they would actually have to do that for anything not -- not in these plans --

Ms. McPherson: Yes.

Mr. Hopper: That would constitute a proposed action under the rules?

Ms. McPherson: Anything additional.

Mr. Hopper: Right.

Ms. McPherson: A swimming pool --

Mr. Hopper: Okay.

Ms. McPherson: Whatever. So that would still come before you.

Mr. Chaikin: Alright. Well, thank you, Nancy. At this point, I think we can conclude that agenda item and move on.

E. UNFINISHED BUSINESS

- 1. MALAMA PONO O KA AINA (MPOKA) requesting that the Molokai Planning Commission write a letter of support of the Wetland Assessment. (N. McPherson) (Discussed at the April 23, 2008 and the May 14, 2008 meetings.)**

The MPOKA group wishes to make a presentation to the Commission on impacts to fishponds, wetlands, and shoreline areas in Manae, in order to illustrate the need for a comprehensive Wetlands and Shoreline Assessment Study to be conducted by the US Army Corps of Engineers which will provide data for better planning and enforcement of federal, state, and county laws regarding these resources. A request from a government agency and matching funds will be needed for the Army Corps to initiate such a study.

The Commission may take action to approve or revise the draft letter.

- a. May 14, 2008 e-mail from Commission Lori Buchanan**

Mr. Chaikin: The next item on our agenda we have is Unfinished Business, Item E, and that's really a letter that Malama Pono O Ka Aina has asked us to write on their behalf supporting an action that they wanna do to move forward with this wetland study. We have agreed to do that. We had made some revisions to the letter. And I think after the last meeting, I kinda discovered that Commissioner Buchanan had sent in an email requesting that some additional things be added to the letter. And so each of you have a copy of that -- those additions to the letter that she wanted to have in there. Do any of you have any problem with those additions to the letter that Commissioner Buchanan wanted to add? No? But just for clarify, I would like to just take a -- take a vote on that. I mean I suppose this is an agenda item so we have to let the public, you know, an opportunity to respond to this as well but, Nancy, did you wanna say something?

Ms. McPherson: Yeah, I did wanna clarify that the redrafted letter was not what was submitted to you with your packets for this meeting. Unfortunately, I didn't get that to our secretary in time. The only substantive change is at the very end of the letter, when it says, "The content of the this letter was approved by the Molokai Planning Commission at its regular meeting on May 14, 2008," I added the following sentence, "The Commission respectfully request that the Office of Council Services and the Mayor's office respond to this request at their earliest convenience." So that -- that sentence was added so that's really the only change.

Mr. Chaikin: That's correct. And then we also wanted to add some additional comments by Lori Buchanan. It's clearly stated in the email that each of you have. Do you guys have any comments on that or -- I think they're good comments. They really -- I think their good for Malama. She put some good comments in their for your guys. So I think we should just add that to the letter. But just for clarity, why don't we vote on this. Is there anyone from the public that wants to comment on this letter that we're drafting? Alright, seeing none. Can we -- oh, do you have a comment on this? Okay, yeah, go ahead.

Ms. McPherson: Actually, if I may just quickly read the section, I'll take an excerpt from the email. It says, "I would like some text to include that Malama Pono needs to be a consulting/advisory group to Army especially since we request that Army coordinate "the project." I want it to be clear that Malama Pono is providing the vision, and the Army the expertise, and Planning Department the practical implementation for department use. A sentence emphasizing an urgency for this project due to currently development in East Molokai can be added." So that would basically be the substance of those comments that would be added to the letter in the appropriate location.

Mr. Chaikin: Right, and that's what we, as a Commission, right now are just going to take a vote to go ahead and put Lori's comments in. That's all. So is there a motion that we can -- oh yeah, Mahea, did you want -- do you want to -- you're welcome to go up and say something. Okay.

Ms. Mahealani Davis: Yeah, real quickly. I just wanted to say thank you for the letter of support, for Commissioner Buchanan's comments. I'm very cognizant of Commissioner William's statements earlier about the idea that all of us are working to try and find ways to work together to make things better and not just say -- keep saying no to things. I think it was excellent suggestion that we work with people who are putting in homes to do it in a environmentally sensitive way and not just deny permits but approve them with conditions that fit the place where they're going, and that goes for wetlands, flood plains, or anyplace else on this island. So I just wanted to say thank you for your folks' support.

Mr. Chaikin: You're welcome. Anybody else from the community have anything else to say? Okay. Commissioners, can we have a motion just to accept the -- a letter as amended? You can just say "so moved."

Mr. Kalipi: Commissioner Chair, just for clarification. I was going to wait for discussion and I thought somebody was going to make a motion but, however, just for clarification, I know Lori's comment was: I wanna be clear that Malama Pono is providing the vision and Army -- they'll be providing the vision and the Army expertise and the Planning Department the practical implementation. My question is: Do we have -- does Malama Pono have read this? Are they okay with this? And if so, I'm sure that they have a vision statement or vision, is that accessible? Do we? Can we know what that vision is or be attached as something that we can have? It sounds really good verbiage though that they take the lead and have a vision statement or a vision of what their intents are.

Mr. Bacon: Nat Bacon again for Malama Pono. We do have a vision statement as part of our organization and we can get you a copy of that if you'd like that. I think what Lori was referring to was just that this project, as it was, you know, we sort of created this vision. We've spoken with the Army Corps of Engineers, it was like four years ago we started this whole thing, and it's finally coming to fruition because of you guys helping out with this thing. And so I can get you a copy of our statement of purpose for our organization and I can bring that in, but we don't have anything with us now. That would probably be helpful for you so you really understand, you know, who we are and what -- oh, who we are and what we're doing. And thank you very much for your help because this is really important for all of us. Thank you.

Mr. Chaikin: Okay. Alright, thank you.

Mr. Kalipi: Yeah, that was my concern. If we're going to put it in black and white that we want them to take the lead and have the vision of it, I kinda want it to be clear what the vision was, but I do agree that they should be the ones that lead it with technical assistant from the Army Engineer and so I think it is a good comment or thing to put in.

Ms. McPherson: Well, we did have this joint meeting. The first letter that you received outlined all of the activities and the things that happened and the big joint meeting we had on Maui, and the vision of the group was shared -- of the Malama Pono group was shared with State and County personnel at that meeting, including the Army Corps representative and since the Army Corps is involved in this also, all of these agencies are aware of Malama Pono's vision for the wetlands and fishponds of Molokai, and so I think that's what Lori's referring to in this letter.

Mr. Kalipi: Okay, to kinda make it more concrete, can we have that vision in writing --

Ms. McPherson: Certainly.

Mr. Kalipi: Or something that is tangible because then if you ask me tomorrow or if you ask somebody tomorrow, that vision could be another vision that you could tell me and that could be the vision too.

Ms. McPherson: Well, what I -- what I could do is do a condensed version of the powerpoint presentation that was given on Maui and print that out for the Commission if you would all like to have a copy of that. Would you all like to have a copy of that?

Mr. Chaikin: Sure, we'll take that.

Ms. McPherson: Okay.

Mr. Kalipi: Again just commenting, it's not that I don't support any of the languages that are put forward through us, I want it to be more concrete to say if we're going to put this in writing and we're going to go to bat and we're saying that they're going to be the visionaries, then what is the vision? Is it by speech or olelo just by saying and what's the interpretation of the vision? So I don't wanna stall the process of this so if that could be simultaneously put together and we can approve this, I'll be fine with that.

Mr. Chaikin: Does anybody else have any comments on the letter or anything they wanna say about this? Okay, well I do. You know, when I look at this letter, and it's not just this letter, it's other letters that we, as a Commission, are getting ready to send out, you know it has a sign of weakness to the letter because it's not on a letterhead and I think we, as a Commission, you know, we are body that, you know, is recognized in this County and it sure seems like we should be able to have our own letterhead so when we write these kinds of letters, it goes off with a sense of authority to it. And for all this time, you know, I haven't seen any letterhead, and I know sometimes we use the Planning Department's letterhead, but I can certainly understand the director's position of not wanting somebody else to sign something using the Department of Planning's letterhead because he may not concur with what's on there. So I don't know. Can we get the director to come up and comment on whether or not this Commission can move forward to developing our own letterhead?

Mr. Hunt: The Planning Department would be willing to explore the options involved and the ramifications and come back and make a report on that. I don't want to make any promises at this point.

Mr. Chaikin: Well, I appreciate that. And, you know, it would be simple enough to take like the letterhead that you have, take out "Department of Planning," and put on "Molokai Planning Commission;" take out your director and the deputy director's name and put the

name of all the Commissioners, and it just seems like that would be something, but maybe there's a protocol with the Mayor or finding out whether or not we can use their County seal or --

Mr. Hunt: Perhaps there's some letterhead from the previous administration on the shelf somewhere or something.

Mr. Chaikin: Okay, thank you for your cooperation. Alright, Commissioners, are you ready to take this to a vote.

Mr. Kalipi: One last comment. Nancy -- well, a question for Nancy. Can you read me back the last line of it because -- I'll wait till she reads me back the last line of what was changed.

Ms. McPherson: Oh, sorry. The Commission, at your last meeting, requested that some emphasis be made on being responded to in regards to this project, so I put in: "The Commission respectfully request that the Office of Council Services and Mayor's office," that those are the two parties that this letter is going to, "respond to this request at their earliest convenience." Now, if you would like to change that wording and the Commission agrees, I mean this is pretty much what was approved at the previous meeting, but I did add this last sentence at your request.

Mr. Chaikin: Yeah, I did request that just because I -- you know, there's a feeling when you sound out letters that somehow they fall into this black hole out there and you never get any response, you don't know if they wanna move forward, they don't wanna move forward, so this is just asking them in a nice way to, hey, what are your intentions with this particular request?

Mr. Kalipi: And my comment, it sound pretty weird hearing you say the comments that you said, Nancy, because you first said we wanna put emphasis on or strengthen the language to get some response from the County Council, however, when you read the language, it says this at the end of it: "at your early convenience," and so, in my mind, it doesn't put a time frame of a response. That means, well, maybe next year we can -- that's the earliest of our convenience, or maybe three, six months from now that's -- I mean I'm looking at strengthening language, as you said, the intent is to strengthen the language and put emphasis on a response from the County and it's not like, you know, we wanna twist their arm and they don't have a lot of bills and everything else that they're facing at this time, however, I think the language is pretty weak to say, "at the earlier of your convenience" that, you know, but I'm just sharing that with the other Commissioners. If they think that that's strong language, then I'll go with that but, however, I -- I just -- I don't think that's strong language.

Ms. McPherson: I could change the word to "opportunity." I could -- my understanding is normally these offices try to respond within 30 days. That's usually the goal. So if you wanna put "30 days" on there.

Mr. Kalipi: No, so even if you go like, you know, 45 days or, I don't know, if you guys wanna go 30 days, I'm just bouncing around the idea, but I'm just saying that I know when we wanna a response, we wanna put or narrow down a time frame and when you say -- or when we say, "at your early convenience," that just kinda open the door to say, well, anything goes.

Mr. Chaikin: Yeah, Commissioner Pescaia?

Ms. Pescaia: Can we leave it as is and maybe in 30 days, if we haven't heard a response, we send a follow-up letter and then --

Mr. Kalipi: That's possible, however, then we gotta redraft another letter, but if that -- we think that we wanna continue that steps that's, you know, that's for discussion, or we wanna do a one shot letter. I think Malama Pono should also probably respond because their the individuals that we're supporting also. But understand that I'm trying to support or strengthen this letter so we don't have to lengthen the process of writing another letter, then we're going to come up with a draft letter, then we gotta come up with language of the draft letter, and then we gotta come up with a time frame of the draft letter. Okay, so I'm just kinda playing through the process in my mind.

Ms. McPherson: I would suggest replacing "convenience" with "opportunity," and the follow-up letter would be much shorter and much more quickly done and approved.

Mr. Chaikin: Nancy, I would go with your expertise on this and I hate to, you know, get to the point where we're -- excuse me, micro-managing every single detail because that's not really our role. We just wanna be supportive and let this thing, you know, roll and move forward. Do you have one more comment on this?

Mr. Bacon: Well, I was just going to say that, you know, I agree with what you just said in terms of, you know, Nancy deals with these -- Nancy deals with these people day in and day out, and all the people up there in the County, and so, you know, she has a pretty good choice of words in terms of you don't want to bend their arm and say, you know, do it within such and such a time. Whether it's early convenience, earliest convenience, or earliest opportunity, those are sort of good words. I mean we're happy with that. We're getting the message through and I think, as she says, people up there try and respond as quickly as possible, within 30 days or whatever their thing is so --

Mr. Chaikin: Alright, thank you. I'm going to bring this discussion to a close because, as I said earlier, you know, when we come to these meetings, we have a lot of different things on the agenda and so we have to make sure, as Commissioners, that we can keep moving forward because we have a lot of other things to be discussing and we don't -- we wanna be able to get through agendas. We don't wanna have to, you know, get halfway through and then run out of time. So I would like just to put this to a vote to see if we can go ahead and support the addition of Lori's comments into this letter.

Ms. DeCoite: Okay, I'd like to make a motion to support Malama Pono with this letter that we drafted with the new additions to it.

Mr. Chaikin: Thank you for that motion, Commissioner DeCoite. Do we have a second?

Ms. Pescaia: Second.

Mr. Chaikin: Any discussion? Hearing none.

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

It has been moved by Ms. DeCoite, seconded by Ms. Pescaia, then

VOTED: to support Malama Pono with this letter that we drafted with the new additions to it.

Assenting: D. Williams; L. DeCoite; M. Pescaia; S. Chaikin; J. Kalipi

Dissenting: B. Feeter

Excused: L. Buchanan; S. Napoleon

Mr. Chaikin: Thank you, Commissioners.

Ms. McPherson: Thank you, Commissioners.

Mr. Chaikin: And, you know, the next thing on our agenda, we're going to be moving into the General and Community Plan Update Process and that really is the beginning of a very important phase that we're going to be going through as a community, but before we do that, if we can just take a very short five-minute break, and then we can get into that -- that whole update process. Thank you.

*(A recess was called at 3:03 p.m., and the meeting reconvened at 3:10 p.m.
Commissioner Kalipi was excused from the meeting during the recess.)*

F. ORIENTATION WORKSHOP PART III

1. General Plan and Community Plan Updates

Mr. Chaikin: Alright, at this time, I'd like to reconvene this meeting and -- and move on to Item F, which is Orientation Workshop Part III, and it starts off with Item No. 1, which is the General Plan and the Community Plan Update Process, and we talked a little bit about this at our last meeting, and I think what I was saying is this is probably the most important planning event that happens on our island, and it only comes around about once every ten years, and it's where the broad section of the community come together and, hopefully, reach some sort of a consensus on a wide range of issues to provide the framework to guide us forward over the next decade or so. And I think it's -- you know, I had brought up, at the last meeting, that I was concerned whether or not this would truly be a community plan. Is -- is the community really going to show up? Are we going to reach out and get the community actively engaged and involved in this process or is it going to be more like the five most outspoken people in this community going ahead and making most of the plan? And I think that it's really important that we get the community involved in this process because I think that's where we went wrong before. I think that we had a group of people and businesses that got together and they made their own plan outside of the community plan and when they went to implement it, they got faced with a lot of resistance from the community. So it's really important that we get these people involved and, as we speak, there are different groups out there making their own plans, and there's one plan that's fresh off of the press, this came out last week that a community group made their own plan, and that's fine. That's great that people are out doing their own plans but they -- we need to make sure that we can bring them into this community planning process. So I think that, you know, over the last year or so or couple years, this community has gotten really divided. You know, there's all the for's and the against's, and the, you know, people that support this and the people or are against that. The protestors. The silent majority. There's all these different groups. But I think there is a real opportunity right now to try to try to bring all of these groups together and try to put together a good plan. I think that with the closing of the Ranch, I think it was a deeply emotional issue for a lot of people. I think everyone in this community felt that. And I think that everybody is ready to come together and be a little bit more flexible in terms of coming to some kind of consensus in a way that we can move forward. I think it's also important because, you know as the Chair of this Commission and as a member of this community, I'm concerned about the economic future of this community. We already have one town that's pretty much boarded up and when you took to our current town here, it's not particularly vibrant, and with the price of gasoline the way it is, it's just been soaring lately, and the price of food's going up, and when you look and project out into the next ten years, it is not a pretty picture looking forward. We have already, with India and China, you know, having, you know, the new born middle class and converting all their bicycles into cars and into vehicles, I don't think the demand is going to subside any time soon for fuel. And so I think that even now, today, Europe is paying \$8.00

a gallon for gas. So it's certainly likely that over the period of this next ten years that we are going to see a considerable increase in the price of fuel, which skyrockets the price of food, which brings up the price of water, and when you combine that with what's going on in this community, a loss of jobs. I think that with the -- all this tourist accommodations shutting down, it's not a particularly good combination when you combine less jobs with much higher prices. So, you know, and we, as Commissioners, are the ones that are charged with that responsibility of mitigating all of that. So I think that, you know, it's really important that we approach this whole thing with a sense of importance, a sense of urgency, and I think that -- that we need to get the community involved and make it a true community plan. But just to start this whole process off on a more positive note, let me say that I think that Molokai is especially well suited or well positioned, I should say, to meet the challenges that lie ahead. I think that, you know, with only six or seven thousand people, it's relatively easy to meet our core challenges of -- of being more food self-sufficient, and I think it's certainly reasonable with the low population and the abundance of solar and wind that we certainly could move in the direction of being less energy dependent, especially when you -- when you compare it to someplace like Honolulu, that must be a daunting task to think about becoming energy self-sufficient and food self-sufficient. But whether or not we're going to be able to obtain all of these objectives, is going to be largely dependent on whether or not we can be good planners and whether or not we can come up with a good plan. So I'd like to turn this discussion over to Simone Bosco and she can let us know where we're at in all of this.

Ms. Simone Bosco: Okay, thank you, Chairperson. I prepared a brief powerpoint here. It's just an overview of the process to help everyone here understand where we're at. So if you wanna switch your -- your legs around, I can just kinda burn through this, but I think it's more important that we discuss how the Planning Commissioners can be involved in the process and what their role is, to answer some of these questions that you have, and we'll follow that discussion up -- we'll have that discussion in just a minute. But I'm just going to burn through this powerpoint. It's just kind of a broad overview of what the general plan update is all about. It's intended to, like the Chairperson said, address a wide range of problems and opportunities on all the island. The general plan update itself is comprised of 11 separate documents, okay, and they all address these types of issues: historic and cultural resources; native species and ecology; scenic resources and important views; rural lifestyle and agricultural lands; housing; transportation; infrastructure capacity; public facilities; lifestyle issues. Lifestyle. I mean that's very, very precious to all of us, especially here on Molokai. So how do we address cultural issues? How do we keep traditional life? How do we incorporate recreational opportunities and protect -- protect people's families?

This is the -- a slide that just shows all the separate documents that comprise the entire general plan, like I had said, there's 11 separate documents, and where we are in the process right now is we have -- we have brought the Countywide policy plan, which is at the very top, the overriding policy document which establishes broad vision, very very

broad Countywide policies. We've already brought that through the General Plan Advisory Committees and through the Planning Commissions, all three Planning Commissions, and we've forwarded it to the County Council. Okay, so that has been processed through the different bodies. Right now, we're working on the Maui Island Plan on Maui, and also we've started the Molokai Community Plan and the Lanai Community Plan, which addresses your island here, and we're also in the very very early stages of the West Maui Community Plan update, okay.

In terms of purpose, the County policy plan, again, is very broad. The island plans, well, particularly the Maui Island Plan is designed to be a regional plan but so are Molokai and Lanai regional plans because those community plans address the entire island, okay. But at the same time, they're considered more specific area plans, just like you see on the bottom tier, you have all the different Maui -- Maui Island Community Plans. Well the Molokai Community Plan functions similarly, and then I'll go into that a little bit later. It's a three-tiered planning process and what -- and this is what I wanted to describe a little bit, it's just kind of an overview of what the purpose of each plan does. The first -- the policy plan is kinda like meeting with the architect. It establishes the values that you wanna see, say in your home. It's a very -- it's kind of getting a sense of where do we wanna go? What is the vision for the entire County? The island plans are kinda like the floor plan. It's sort of deciding where -- where do things generally fit in in your home. It's kind of like the layout of your house. The community plans are much more detailed plans. It's like looking at one room in a house and you wanna figure out, well, where do I want the dishwasher? Where do I -- how do I want to use this kitchen? And so that's kind of like a community plan. You're deciding on function and form and specific land uses. So when you look at plan, they act as kinda like a set of blueprints throughout the future. They act as guides. And the more specific the area of the plan, the more specific the plan. So in terms of say Molokai, it's both. It's actually both the regional plan and a very specific area plan so we'll be looking down at -- down at the, you know, Kaunakakai, different land uses in Kaunakakai, for example, and how to lay those land uses out, and how to use the land.

So again, Countywide is vision and values, island plan is regional, and the community plans planning design for community needs, lay the ground work for design guidelines and character standards, and they also include subarea plans, like the business districts, the resort areas, etcetera, like that. And the functional plans are actually more designed to achieve certain functional goals, for example, the Cultural Resources Management Plan will only look at how to protect cultural resources; how to promote historic preservation. Agencies also have their own functional plans. Say Wastewater. Wastewater can have a functional plan that just deals with that one subject.

Plans also define boundaries and locations for activities but they do not describe how to do that and that's a really important point. What describes how to implement these policies are things like zoning, ordinances, and the functional plans. And just kind of as a quick

overview, zoning -- zoning and County ordinances are like tools. They set forth standards. They set forth how -- how high, how wide, how deep things are. What you can do in certain areas. What you can do with certain land uses. They regulate site planning, nuisances. They protect certain areas. Etcetera. So I was just kind of -- that's a very distinct difference though between -- between zoning and the general plan intent, okay.

Countywide -- I'm just going to go through this real fast just to tell everyone this is the process that the Countywide policy went through. The Countywide is at the very far right of that diagram, at County Council. It was delivered to the County Council in January and the County Council will probably take that up after budget, sometime in June or July, and they'll be meeting on what the draft plan is and so, hopefully, we'll expect to complete that process by the end of the year, okay.

As far as the approval time line, again, the County -- well, I just repeated -- I'm not going to repeat that. As far as the Molokai Community Plan, a little bit about that, we're in the very beginning phases, okay. Right now, we've hired the consultants, we're working with the consultant on formulating how we're going to go about this -- this review process. We're in the very very beginning stages. We're developing the work plan, the public participating program, and also the community outreach that we -- we wanna do. We're going to have some community outreach events. Two are planned for Molokai. And we hope, we really hope that we can launch those community outreach events within say the next four months, by fall at least, hopefully, okay, but we're really looking forward to having as many people as possible get out and come out and, you know, get involved. It'll involve mapping exercises and it's basically designed to just really get feedback from the community and what they think the issues are, what we can do about the different issues, etcetera. Okay?

So as far the CPAC's now, CPAC's are similar to the GPAC's. CPAC stands for the Community Plan Advisory Committees, and those are the committees formed to review the draft plan, which we have not -- we're not in any place to release now. That won't happen probably until next year, early next year. Right before we release the plan, we're going to be forming the CPAC's, the Community Plan Advisory Committees, and then once they're formed, we'll release the draft plan, that's after the community outreach events, and we'll start the review process for the draft community plan, okay? At that point in time, we have workshops that we're required to do for the public. We wanna get the public involved. And then we'll, you know, we'll go through 180-day process with the CPAC's, and then that plan will come to, six months later, will come to the Planning Commissions and they will review the plan for another six months, okay? And they'll have also a lot of opportunity for the public to testify and comment, okay?

A little bit more about the CPAC's. I just kind of have some -- some information about what their roles are -- what their role is. Primarily, their role is to provide recommendations to

the Planning Commissions - actually to the Planning Director on the draft plan. That's essentially the role of the CPAC. They're to review the draft plan and to provide revisions and recommendations. Okay. Similarly, the role of the Planning Department is to take all those recommendations and work with the CPAC's before submitting that plan to the Planning Commission, which is the Molokai Planning Commission.

Our goals are to try to arrive at a general agreement on plan contents with the CPAC's, and then to bring that same draft to the Planning Commissions. And this is kind of what goes into the general plan process. If you look at the middle row, you'll see that a lot of these subjects are also addressed in much further detail in the community plan document. We also have a land use element. We have an implementation program. And we have a financial element and a capital improvement element that we're required to lay out in the community plan. So that will implement the policies.

Okay, I'm going to pass through this because I think we're going to have this discussion a little bit later but, essentially, we really want to engage the public. We're going to be trying to get the word out about these community outreach events. Well, we'll give you an APB before it happens.

And a little bit more about what the plan is intended to do. Guide decision making for the next 20 years. We're also required to update the community plan in 10 years. So the Chairperson's absolutely right. This is one of the most important processes that this island can go through now in terms of guiding the direction of growth and development and their future. It establishes the location and timing of future growth. It defines the character and density of planned development. Recommends the location and programming of capital improvements and also recommends implementing tools to achieve that vision.

The role the Molokai -- well, this is the process for the Molokai Community Plan and where we're at in this flow chart is to the left, okay. We're in the very first tier. Once we get through formulating the draft plan, then we're going to bring the plan to the CPAC's and so forth, and I've described that process. You can see the Molokai Planning Commission comes later. It's going to come late next year but I know we're going to have a discussion anyways here what the Planning Commission can do in the meantime, okay. The Planning Commission's role, basically again, to provide visions and recommendations to the County Council once they get the draft plan they provide those recommendations for review by the Council.

And this is just kind of a list of the community outreach that we -- some of the outreach efforts we intend to -- to launch. There are a lot of other avenues that we are required to use and so, you know, we hope to use as many avenues as possible including AKAKU, thank you for being here today, to get the word out, newspapers, public -- public speaking amongst themselves, different boards and bodies that we just want -- we really wanna have

people be involved in this. We have the two community outreach events coming up. Again, the public workshops with CPAC and public testimony. Okay, hopefully, basically this is intended to say we want the best information possible. We wanna put together the best possible plan based on sound planning principles, and we wanna also listen to the public and really hear what they're concerns are and, hopefully, some of those -- all of those concerns we can address in some way. It's a huge part of any community plan process to include the community and if we don't do it, it just -- it's going to sit on the shelf and just do nothing, so we can have that discussion a little bit later, okay?

I'd like to just say, you know, thanks to everyone for being here. I'm going to stop here cause this is just the last slide. We wanna try and just make this work for everyone, okay. Okay, and also, one more thing real fast. Very soon we'll be uploading the Countywide policy plan onto the website. Right now, the most recent version isn't uploaded. We're trying to get that in a format that it's easily downloadable for the public. But if you go to the County website, hopefully, very soon we'll get that uploaded and you guys can see, at least with the Countywide policy plan, what the draft looks like and also the process that it went through. We also have an email address that the public can send comments and any kind of opinions or recommendations or any kind of concerns to -- it's up there, it's listed up there, the email address is generalplan2030@mauicounty.gov okay, that's the powerpoint. Now for the discussion. Thanks.

Mr. Chaikin: Thank you, Simone. And I think that, you know, the best thing that we can do here is try to be as productive as we possibly can. As we're just starting to embark on this process, I think it's important that, you know, we give you guidance because this thing is only going to be as good as your ability to orchestrate this process in the best possible way and you need input from us, you need input from the CPAC, you need input from the public, and you need input from anyone that you can get input from, and one of the reasons that's important is because during this process, if things were to go array, and sometimes there are problems in this process, you know, we need to have the public -- give the public an opportunity to provide input on developing the process so if something happens later on, there was an opportunity way back when for them to come in and say this is how it should have gone, you know, so I think it's important that up front, you know, we do that and -- and I don't know how many opportunities we, as a Commission, are going to have to be able to give you input, and I have to say, as the Chair, I haven't been through one of these processes before but I did go through the general plan update or the islandwide plan update --

Ms. Bosco: Countywide.

Mr. Chaikin: And -- and there was some problems and so I think that we can, you know, try to take those problems and address them and try to make the process better from our

experience that we've had. And I have some areas in which I can comment on but do any of the Commissioners have any comments or questions or -- about the process?

Ms. DeCoite: Yeah, if you wanna get the public out, make free food.

Ms. Bosco: Yeah. Yeah, that's very true.

Mr. Chaikin: Well, and that's, you know, that's not a bad idea. And I think that, you know, let me just give you some of my things that, you know, when I look back on that process, there was a couple things that kinda stood out as, well, it could have gone better if we did this, and one of them was the schedule. We had a predetermined schedule and then midstream, we seemed like, well, different planning commissions wanted to address certain things in a different order and we switched it, okay. So it was difficult to communicate to the community, you know, some kind of a schedule where it gets changed, you know, so at some point, we ought to come up with a schedule and we ought to stick to it. And we have to know, in advance, that things might not go as planned so we have to have a gap in there, kind of a catch-up gap, so it doesn't have a domino affect, you know, if we start getting behind schedule that, you know, we need to have a little gap in that where we can try to catch-up. I think one of the things is that, you know, really getting the community informed about what's going on and I think we didn't use email as much as we could have or should have because not everybody can attend every meeting but everybody should be able to happen to know what went on at every meeting with email. I mean if you can get a list of everybody that's interested in this thing, and every time there's a meeting, boom, a little synopsis comes out of what happened at that meeting, people feel like they're involved and engaged in the process. And I think that -- that we need to, you know, I talked a little bit about the domino affect, you know, we're going -- I think the community really does agree on a whole lot of things, but there are going to be some contentious issues, and I think we have to recognize that when we get to some of those issues, we have to spend a certain amount of time on them and then decide, well, this is maybe an unresolved issue and it has to go in the unresolved issue pile so we can go on so we don't get way behind schedule cause we can, as you know, I mean you can forever on one little issue, so I think that's important. Also, you have other things like community groups, like Malama over here, I'm sure they wanna bring in their own plan to stick in with the plan, and we need to figure out how we're going to address that when people come in with their own, you know, pre-done plan, how is that going to merge in or how are we going to address that because -- and if we are going to allow certain areas to have their own plan and bring it into the process, we have to really let the whole community know that if they wanna do the same thing in their little sub-community, that they can do that and bring that in so it's not like one group has an opportunity to do that, and no one else knew, and they get excluded out. You know, I don't know, you know, I hope there's some kind of a budget for this of some sort so we can kinda go beyond the call. I know the GPAC, you know, there were some things in the paper but it didn't seem like we -- we did as much as we could have or should have to reach out and,

you know, we really need to because, as I said, this is a very divided community and this is a big big opportunity for everybody to bring everybody together, sit them down at the same table, get people start working together and realize they have a lot in common, and there's a just a few things that are contentious that we can deal with and I think that we need to spark people's attention but, more importantly, we need to keep their attention because this thing goes on for months and months and months and months or how to get people to be involved in such a long process and one of the ways you do that is reducing the amount of time that you spend on contentious issues cause people get turned off if they come here and people are arguing back and back and forth and, you know, they don't show up because it doesn't move as good as they could have or should have done. So, you know, I don't wanna take all the time. I know the community has some -- some input on this and other Commissioners might ana have any input but before I turn it over to the community, do you, the Commissioners, have anything that might improve the process or at least this portion of planning for this whole update process? Well just thnk about it and let me let the public have an opportunity. Is there anybody out there in the public that wants to comment on this? Go ahead.

Mr. DeGray Vanderbilt: Well, personally, I'm not real happy with -- with the schedule as I hear it without reaching out starting till September. I mean we just keep getting pushed off further and further. So I mean it would be good to know when they anticipate having the Maui Island Plan finished. I know the Council got a flowchart of when things would happen with the Maui Island Plan and I think our community deserves a similar flowchart that seems like that's happening now. It's been over a year-and-a-half since a resolution went to the County to make so that our GPAC members would be the ones that would be reviewing the island plan. And for some reason, that's not being pushed through and I think it's best to get those things in line right now. We have -- we have to get another GPAC member. We had one member that didn't show up to any meetings so we need a replacement to that. We need these resolutions passed by the Council so that when we're ready to go, we're ready to go and we don't get caught in some Council hangup. So I don't see the point in waiting until September or June or whenever. Let's get those things done. And there was some talk about formulating a draft plan. I don't know what kind of draft plan needs to be formulated. I know the consultant, I don't even know who our consultant is, I think it's Chris Hart, but they came up with a whole draft plan for the Maui Island Plan. That wasn't accepted by the Planning Department. There was more delays. And I thought we have a clear agreement with Long Range Planning that our draft plan would be our existing community plan. We'd start there and move forward. So I'm not quite sure what -- what the Maui County has to formulate. But I just hope that we an get going because we're about to lose one or two other members that are having to make commitments to other boards and commissions or other things in their lives and to just keep pushing this off is at a time when we really need to be accelerating forward with this Molokai Ranch shutdown and everything else. And we have the water use and development plan that's going along at ths time. They're going to finish up in June of '09. And that plan is going to allocate water to land use

and we're not even going to be finished our community plan. So the longer we delay, the bigger hurt this community's in so I would urge Long Range to put Molokai on a fast track for once. That's all. Thank you.

Mr. Chaikin: Thank you, DeGray. You know, I concur on the timing a little bit. I, you know, I don't know these processes real well but, you know, the way that it seems like it usually works is you wait, and you wait, and you wait, and then you rush, and you rush, and you rush to get it done. So if there's anything that we can be doing in advance to get prepared, I mean there's plenty of time now and maybe the community can start looking at things, we can start, you know, having something way in advance as to get people start thinking. I know they're working on their plans. Maybe other communities want to be working on their plans. These are things that people can be doing while we're sitting around waiting. Thank you. Go ahead.

Ms. Judy Caparida: Aloha. Before I leave, I need to say something. I'm just looking at that planning review. I've been from the beginning, from the first time they had the GPAC meeting until the hold up. Every time we set something, this is really discouraging, you know it's really discouraging, because no matter how we try to figure out our island, how we try to set it in place that we can adjust to and live our life, we still get messed up because somebody screw up with 'em, they send 'em back over here, we try to patch 'em all up again, we look over there, it's not GPAC anyway, it's CPAC. Is that a new name? Is that another group? Hello? How come you never had 'em from the beginning. We need to know who's involved. That's what I mean. That's exactly what I mean. You take all that we have here on the island. Take all our mana`o. Take all our life. You drain us and then you go and give it to somebody else to tell us how to do it. We already told you in plain English the way we want our plan to be worked out for our island. It's disgusting. It's disgusting because you know why? Cause we cannot pay for that lifestyle you guys are trying to make for us. That's exactly what I'm trying to tell you. This is Molokai. We're divided by water. We're in the same County but we're divided by water. Our lifestyle is way different from Maui. They want all what they want there - keep it there. What we have is because this is what we can afford. I mean I don't know how many time I going to have say that. This is what we can afford. It is already draining us, draining our families here on the island. We have to figure out how we can do it to stay in line with the law and then still live. It's already killing us. And then I see all this mix up again. Hello? Mr. Hunt, hello? I tell you you folks making plans that you folks want to do for Maui. They're not plans that we say this is what we're set up for ourself on Molokai. I'm here to talk for my family because almost all the people on Molokai is my family so who you think going come outside here? They're so disgusted with what you folks giving us and this is why they say, "You know what? Tell 'em, Auntie. Tell 'em what our life is. We love live off the ocean. We live off the land." That's what ...(inaudible)... the places that we miss out, which the finances cannot take care of. That's our life. So you know what? I don't figure this plan is anywhere what we ask for. You folks are putting us guys, adjusting us, readjusting us, hello? There's nothing wrong

with us. You folks wanna set us up so that we can do and redo our life to that style and it's not going to work. It's not going to work. We love Molokai because Molokai is where we're born, we're raised, and that's where our family is and this is all we have. We do not have money to go buy all over the island. No. But that's why I'm here to say that our lifestyle needs to be set where we can afford and what we can do the best to raise our family here. I get great-grandchildren. I want to see what they're going to have. It's already draining us because they don't care. You guys don't care for us, Molokai. Eh, only little bit people over there. They no more enough monies for pay the taxes. Hello? We are human beings. We are human beings. So this is why I'm saying is I look at all these plans and I see you guys readjusting it again and I don't think that's right. So I really thank all of those that came here to spend a lot of time. I remember the nights we stayed up late to do this, you know? And that's funny. This is really some kind of work that to adjust our life and that's why we're here. I don't care how many miles I gotta go, I'm going to go because you know why? That's my life; my children's life; my great-grandchildren's life. It is our generations coming forth and we are leaving. We already pushing daisies. But you know what? Until I die, I will speak up on all my children and all our families on Molokai I speak on their behalf because it is really a struggle to try to survive. Thank you.

Mr. Chaikin: Thank you, Judy. Any comments or questions? Seeing none. Simone?

Ms. Bosco: Yeah, thank you for your testimony. I just wanted to address one point real fast and then we can talk about perhaps ways that the Planning Commission can be a sounding board for the community a little bit more. We are using the existing community plan as the starting point for discussion. That will be the base plan so we're not -- it's an excellent -- a lot of work went into that plan so please understand that's what we -- we are not going to let that plan go. That's still extremely relevant to today's circumstances. We just need to see what areas of that plan need to be improved, okay, with help of the community, with the community very very involved. As far as what the Planning Commission's role could be, I would suggest, just as a starting point for discussion, if you do have issues or concerns that you would like to address in a meeting, put it on the agenda, just put a very specific agenda item on the agenda and then the Planning Commission can discuss that and staff here, on island, can relay that -- those -- the concerns or the questions or whatever information to me and if there's a specific -- if somebody from the public wants to testify or group wants to present something, agenda it, just put it on the agenda, and I think that would at least help people to -- you guys can serve as a sounding board for the community. Otherwise, you know, I don't know how else we can -- I mean they can also -- people can send stuff straight to me too if, you know -- or to the Planning Department, but if you do wanna actually be more involved, that would be the way to do it so -- I mean before we -- before next year so --

Mr. Chaikin: Thank you, Simone. So what's the -- what's like the next thing on the agenda for us or for this community concerning -- concerning this update process? I mean what could we look forward to as the next thing?

Ms. Bosco: The next thing is going to be the community outreach events and what I mean by that is we're planning a community-wide islandwide two-day event. It's actually separate days. We'll come on one a day and, hopefully, it'll be on a Saturday and it'll involve basically just a whole series of talk story discussions and mapping exercises to get the community to tell us what they think, okay. It's a community outreach event - two of 'em. And actually --

Mr. Chaikin: Think about what? Think about the process, or think about the current plan, or --

Ms. Bosco: Just, yeah, just what they think the issues are on the island now and what they think the solutions are, primarily ...(inaudible)...

Mr. Chaikin: Okay, so if somebody is going to come that outreach, it'd be good if they were actually prepared. I mean if they actually read maybe the community plan and that way they can come and address some issues or otherwise they might be kinda lost in the process. I'm just saying that we should at least give the community some indication, you said something very important, we're using as the base our existing community plan, that's important. That's something the community can start looking at and decide what they like and what they don't like in that document, cause it's kind of a long document, so it'd be good to give them some advance notice as to what they should be looking at and, you know, so when we get towards the process, it's not, oh, we gotta read this?

Ms. Bosco: That's right. That's right. And also the Planning Commissioners can be looking at the community plan more critically as we go -- for the next year and, yes, so the community plan is one document to start with. There are a lot of technical studies that the public can be made aware of. The community plan is on the website now so you can download it. So --

Mr. Chaikin: Have you been through this process before, the community plan update process yourself?

Ms. Bosco: No, I have not. No. No, I have not.

Mr. Chaikin: Okay, I was just wondering if -- cause we, as the Planning Commission, we are probably -- I mean we're not experts but compared to the community, we sit here and we listen to a lot of these different issues. So we probably know as much as anyone else as far as what issues in this community need to be addressed in that community plan. But the way I see it is first comes GPAC, and then it comes to us, so it's kind of like already established, all's we can do is hope that Council is going to listen to us and stick that in. Does the -- do you see the Planning Commission ever making -- coming forward and

making recommendations to the CPAC as far as what should initially be put in there, or how does that work?

Ms. Bosco: I'm going to let the director answer that.

Hunt: The CPAC is more of the basis of the plan. It's more general. It's the first step and it's generally more inclusive, a longer process, then it goes to the Planning Commission as more of a fine tuning. So the CPAC is more citizen based; yours is more technical review. It doesn't mean that you can't change things or make recommendations, but it's not as lengthy. You've got other agenda items. You've got other planning matters and issues to deal with. So your time isn't available to spend on the review of the draft plan. So it's just an additional step.

Mr. Chaikin: I guess I'm trying to figure out, you know, we had all these matrixes, and I guess you start with the existing plan and then the CPAC makes their whatever, was it a recommendation that they're making, or they're actually making the base of the plan, right? Or what are they doing? They're making a recommendation. So is it -- is it that's what sticks all the way up unless somebody changes it? I mean the CPAC comes up with something. Okay, they say whatever they say, okay. Then here we come, there's the Planning Department can make a recommendation to the Council, we can make a recommendation to the Council, but is that CPAC, whatever they say, the basis that needs to be changed?

Mr. Hunt: The discussions that we had with Council early on in this process, they indicated that they wanted one document to come to them to be the working document. Now, in addition to that document, there'll be all the other versions. So how it will work out is we'll present a draft to the CPAC or work with the CPAC to get a draft, they'll make comments on that, and then we'll forward that to you, you guys will make comments on it, and we'll revise it again based on those comments, and then forward it to Council and they'll get the final Planning Department recommendation based on the CPAC's comments and recommendations and the Planning Commission's recommendations. Your recommendations may be different than the CPAC's so those will be attached as appendices so the Council can go back through and say, well, here's what the Planning Commission said; here's what the CPAC said, but the Council said they wanted one document to work from.

Mr. Chaikin: Yeah, I guess, you know, I guess I was just thinking that there's only so many chances to change the document and if there was something that was really important to this Commission, it seems like it would be better to get it in at the CPAC level than try to make a recommendation further upstream or -- you understand what I'm saying? Like, for instance, if we hear stuff that's really problematic in the community, wouldn't it be advantageous to tell the -- provide testimony to the CPAC in terms of what we're seeing

here at the Commission so they have more information to, you know, to come up with their plan or how do you see that working?

Mr. Hunt: I would ask you to have patience and faith and trust in your CPAC. Those people represent the community. They should be in touch with the community, and DeGray's on the CPAC, he was the chair of the Planning Commission, so there should be a lot of overlap. Have faith in those people that they're going to identify those issue through a broad citizen-based process, and then it's your chance afterwards to then make sure that they didn't miss something or put your version on it, your interpretation.

Mr. Chaikin: Thank you.

Ms. DeCoite: Mr. Chair?

Mr. Chaikin: Yeah, go ahead, Commissioner DeCoite.

Ms. DeCoite: First of all, I thought that's why GPAC's General Plan came to us and -- and the way I look at it after that powerpoint is that it's like you guys wasn't satisfied with the recommendations so we make another entity there and -- and I no agree with that. I think the accountability should be held at that point where GPAC was formed and that was the reason why GPAC was formed was so that they could make those recommendations, come back to the Commission where we would take a look at it, but it's almost as if nobody wanted what the recommendations were made so we formed CPAC, which I'm assuming CPAC will probably consist of the same people from GPAC, but they've already made that and I think we kinda defeating the purpose here.

Mr. Hunt: The CPAC, as a resolution, once it gets passed, will merely be the GPAC transferred into CPAC. The G's general plan, the C is community plan, so in theory, it should be the same group of people.

Ms. DeCoite: Yeah, so what I saying is why don't we move on, I mean I kinda -- I mean I tell you right now, this is about the bulk of the people that going come out and like you heard Aunty Judy say, and I've been to a lot of the meetings, Aunty Judy sits on almost every board I know, DeGray is probably just as often there, Linda Place from Manae, you got the homestead associations, you got the West End organizations - these people meet on a regular basis at the water working group and everything so I mean are we hear to stall process or are we to move it forward because I kinda feel that we getting bogged down and we're not moving forward with a lot of these things, and you could hear the frustration in Aunty Judy's testimony which it's almost as if you guys axing the GPAC and saying let's take --

Mr. Hunt: No, not -- not at all. What we're trying to do is get some preparation done and get to you folks when we're ready and we're prepared so that the process, once it starts moving, can be very efficient and productive. Once we give the CPAC a plan, by law, they only have a certain amount of time to review it, so we don't wanna hand out a really rough draft or spend a lot of that review time doing preliminary work, which could be done ahead of time, and then once the clock starts ticking, we got something good to start with. So that's the idea there. It's to use that clock with efficiency.

Ms. DeCoite: Then we should have had that when the GPAC was formed, is what I'm saying, cause remember you guys brought GPAC stuffs to the Commission but now that you guys going have CPAC, it's like we going do the review over again.

Mr. Hunt: No. No, it'll be a different level. The GPAC was at the Countywide, now this, remember the slides that Simone had, we're coming down to a closer level now, so the information and plan now will just be Molokai. And in response to the comment that we're trying to do a Maui plan here, that's not accurate at all. We're here to listen to you folks and the citizens that this will be a Molokai plan, it's not going to be a Maui plan. The way that -- the best process that works, and I have been through several of these community plan updates, and the best process that I've seen is there's a mutual respect of the professional planners versus the citizen-base planners and you folks represent the citizens, you know the community far better than we do, the values and the vision of the community, but we can bring to you technical expertise and legal expertise, and between the two of us, we can come up with the best plan for your community.

Mr. Chaikin: Alright, thank you, Commissioners.

Ms. DeCoite: Well, hang on, Steve.

Mr. Chaikin: Okay.

Ms. DeCoite: Well, what I get one hard time with, Jeff, is that you know when things come to the Commission at this level and you say, you know, you guys look over, you know, an overview of what we do, we make a decision, yet you guys override us in Maui. So it's as if the Commission has -- has no clout and an exemption has been given on that side on an SMA and I question that, I brought it to the agenda when Clayton was here, and he's like, oh, I don't know what the reasoning was. I said, "Then what's the sense of the Commission?" You know, so I just trying to say checks and balances is that where does the check balance and where does the check bounce? You know, cause there's no accountability here. We say something and Maui overrides.

Mr. Hunt: Well, in terms of the planning process, the community plan process, there's not like a veto that the Planning Department's going to use. On the other hand, you guys don't

have just an absolute right to write the plan either. If there's planning issues, if there's legal issues, then we're going to look at the different recommendations that you guys make. You should be aware that the recommendations that the Molokai GPAC made, most of them were incorporated into the plan. It's not like we ignore them. But there's going to be different versions. The CPAC version will probably be different than the Planning Commission version so the planners have to wrestle with, okay, here's one version; here's another version. But we incorporate almost all the -- all the recommendations based on the citizens, but we don't incorporate all of them.

Ms. Bosco: We tried -- we -- if you look at the evolution of the Countywide, you'll be able to see that, and once again, GPAC and CPAC are essentially going to be same members, it's just called something different. We're losing a member here. Do we have quorum?

Mr. Chaikin: Yeah, at this time, I'd like to thank Director Hunt for coming and it's really great when you can provide some time for us here because it really gives us access that we feel we don't when you're not here so I really appreciate you taking the time, and I appreciate everybody's patience here today, and we'll see if we can get this thing resolved with our quorum issues so we don't end up wasting your time. So with that, I'm going to just tell you that our next regular meeting date is June 2, 2008 here in this room at 12:30 so I would like to thank all of you for your attendance here today and -- and we have to close the meeting at this time. Thank you.

I. NEXT REGULAR MEETING DATE: June 12, 2008 (Thursday)

J. ADJOURNMENT

There being no further business brought before the Commission, the meeting was adjourned at 4:03 p.m.

Submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards and Commissions

RECORD OF ATTENDANCE

Present

Steve Chaikin, Chairperson
Mikiala Pescaia, Vice-Chairperson
Lynn DeCoite (Arrived at 1:25 p.m.)
Bill Feeter
Joe Kalipi (Excused at 3:05 p.m.)
Don Williams

Excused

Lori Buchanan
Sherman Napoleon, Jr.

Others

Jeffrey Hunt, Planning Director
Thorne Abbott, Coastal Resources Planner
Simone Bosco, Staff Planner, Long Range Division
Nancy McPherson, Staff Planner, Molokai
Dave Michaelson, Staff Planner, Long Range Division
Michael Hopper, Deputy Corporation Counsel
Ralph Nagamine, Administrator, Development Services Administration, DPW
AKAKU