

**MOLOKAI GENERAL PLAN ADVISORY COMMITTEE MEETING  
REGULAR MEETING  
MARCH 1, 2007**

**A. CALL TO ORDER**

The regular meeting of the Molokai General Plan Advisory Committee (GPAC or Committee) was called to order by Pro-tem Chairperson Daniel Bennett, at 6:10 p.m., Thursday, March 1, 2007, at the Kaunakakai School Cafeteria, Kaunakakai, Molokai, Hawai'i.

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

Mr. Bennett: Since I see a quorum this evening, we have seven; we'll begin the meeting. I'd like to call the meeting to order and open the floor to public testimony at this time.

**B. PUBLIC TESTIMONY**

Mr. Bennett: If anybody would like to give public testimony we would welcome your input. There being none at this point, we'll probably ask for testimony towards the end of the meeting if anybody comes or in the middle if being appropriate.

Mr. Vanderbilt: How is the public notified about this meeting tonight?

Mr. Bennett: That's a question for the Maui County Planning Department I believe. Maybe John can answer that question for us?

Mr. Summers: Thank you Mr. Chairman. The public is notified through the County's notification processes; posting of the agenda, Joy and I believe we've sent it to Nancy to post around town. I know we've talked about trying to get notifications in the Molokai newspaper and I think in the long run that would be a good idea to try to move in that direction. We haven't done that yet. I haven't forgotten about it. It's something that I think we should do. Thank you Mr. Chairman.

Mr. Vanderbilt: So the notices for tonight's meeting got posted on the east end neighborhood all the way up to Moanaloa by the post office? That's were normally our Molokai Planning Commission use for their postings.

Ms. Paredes: I send out 3 copies to each GPAC member in order to help put up the agenda. In previous meetings, we have asked the GPAC for help to post because the Planning Department is located on a different island, as far as the GPAC staff is concerned. So we not only give to the public here, we also mail out to each GPAC member 2 additional copies along with your personal copy to help notify the public

because you folks know where majority of the public congregates so you can post notification.

Mr. Vanderbilt: Yeah, and I think that's great Joy, but all of us have things we gotta do and all I want to know is when you ask us to volunteer we may or we may not do it. So how do we know and maybe Nancy can say, how do we know these are posted so people know about the meetings?

Ms. McPherson: Well, I believe my understanding is we get emailed the agendas and that Nina is making copies. We are doing them in blue because we don't have green paper so that we're matching up with the rest of them and posting them at the neighborhood store, Maunaloa. I think the last time around I had to make a special trip up to Maunaloa so I posted that there. You know, we'll double our efforts to make sure it gets posted more widely. Thank you.

Mr. Bennett: Thank you Nancy.

Mr. Vanderbilt: Thank you Nancy. I just wanted to know how and if it's getting posted.

Mr. Bennett: I think you know, as long as we're doing this procedural stuff, which we seem to be doing now is if we can do a good a job as possible but when we get to the nitty gritty I think we're really going to have to double our efforts in terms of when we actually start to work on the Molokai Island, Molokai Community Plan we have to be sure they get into the newspaper and make sure they get posted on the bulletin board because that's when we want community input. It's nice to have that now, but on the other hand when it gets to affect the community more directly then we certainly want to be sure the community is well represented. Thank you DeGray. Any other comments at this time, suggestions. If you just came in and want to give public testimony, we're open to your testimony or at anytime during the meeting, and you want to give testimony, you are free to give your input. The next item on the agenda is a continuation of the workshop. Is that right Erin? So Erin's up, we're working on comments and suggestions on the view of the draft Countywide Policy Plan.

**C. WORKSHOP - County of Maui, 2030 Countywide Policy Plan (Plan). The Molokai GPAC will review and provide recommendations on Section IV (Goals, Objectives, & Policies) of the Plan, with emphasis on the **Housing, Good Governance, Local Culture and Traditions and Education** Sections.**

Ms. Wade: Great. I think we will just get started with right were we left off the last time; and that was Goal I – Expand housing opportunities for local residents, that's page 11. You guys got half way through, so we'll start with the second objective. I'll re-read the goal and we'll start with the second objective and start going through. The first, the goal

statement is: Quality, island appropriate housing will be available to all Maui County residents regardless of their household income, size, and age. Then the first objective we got through already was about addressing the housing deficit and then the second one reads; provide more housing in neighborhoods and urban centers at densities that promote the efficient use of land, infrastructure, and public facilities.

Mr. Vanderbilt: I attended a couple of Maui County, Maui Island GPAC meetings and it was sort of enlightening. But I'd like to understand the process. I don't quite understand where we are going right now. We spend a lot of time, last time, going over a couple of items. I think it was natural environment and social services. And now we're going into housing. I'm wondering, I think we need to be kept updated as to what we did at the last meeting so we don't get to the end of this. Plus I can't remember all the things that we worked on and there were really some great ideas and some great reasons why we made those suggestions. So I'm just wondering where the process is going now? Are we just gonna sort of keep changing? Then Maui says certain things, Lana'i says certain things and then some group somewhere is going to come up with a final product and we don't have anything to document what we've done here on this island to be accountable to our community.

Mr. Bennett: My sense of this is that at some point Erin was going to compile a record of what we did; the suggestions we made – that's kinda what the sense I got from the last meeting. And present it to us and that was going to be passed on to the policy review board and incorporated in our suggestions that are going to be incorporated into the Countywide Policy Plan.

Ms. Wade: I can illustrate really quickly. This is a draft of how the final matrix is going to look. I'm sorry I can't broadcast this more broadly. But essentially each island that makes a comment related to each statement the comment goes in the matrix and the resolve is either a brand new policy statement or a concluding statement under the staff column which summarizes the statement for the 3 islands. So and then our goal right now is to get through the entire document so that we can be sure that each island has discussed every single policy statement at least once. And then once we have all your comments, get them back to you and what our goal is to try to get to you a draft of this completed matrix, hopefully, at least what I have done what we've gone through so far, before the next meeting. But we just finished Maui GPAC. They had their meeting on Saturday, so we just finished it yesterday. So John hasn't had time to review it yet. And none of the other staff members that were taking notes at the Maui meeting had time to review. We just want to be sure that they match the stuff that was said in the minutes before I send it out and people tell me "you didn't get what I said." So we want to be able to double check it before we can send it out.

Mr. Bennett: In the document we just got, in the General Plan Policy, the General Plan Policy Review...

Mr. Vanderbilt: Mr. Chair, I passed that out...it was mine.

Mr. Bennett: So this is your document Mr. Vanderbilt?

Mr. Vanderbilt: Mike, did you pass it on?

Mr. Bennett: So it seems like that first item in section 2 which is where we are at right now...is that correct? Are we in section 2?

Mr. Vanderbilt: I guess I'm having a problem because we put a lot of thought in this Section 1 and I see what was happening over in Maui and I just want what we did recorded for our information so that we can be accountable to our community with the final document. So the document that I just presented to you was saying that when we're reviewing the various statements we have 3 options. We can provide specific amended wording, which I think we did last time on some, we can ask the Planning staff to amend the wording cause we're not quite sure but we give them some ideas of what we want and we can approve the statement that they've already drafted or we can delete or add a new statement. So all I'm saying is that it would be helpful I think to this commission if say in Section 2 for instance, we receive a summary of the statements that we had in Section 1 on Natural Environment and Social Services which either showed our specific wording or wording that the Planning staff came up with based on our suggestions or whether we wanted to delete, add or approve the statement as addressed. So that we understand that and then we move into tonight's work which would be reviewing whatever other sections that we have which is Housing, Good Governance, Local Culture and Education. Plus there is so much information that if we sort of put in comments and wait for somebody to homogenize our comments with Lana'i and Maui I just don't know how we can feel comfortable.

Mr. Bennett: Okay I, again, what I think is happening at this point is that Erin is not going to give us a summary that (not audible) one until the next section. So perhaps if Erin, if it's possible for Erin can do both sections for the next one and then we can look at what we've done so far in the next section? Is that possible?

Ms. Wade: If it's just your comments you're concerned about, maybe we can do that. Yeah I think we can do that. I can get that done in the next two weeks. I was trying to get it all so that you had all 3 islands and then the final statement.

Mr. Bennett: Yes. I think that's probably too much for us to digest in one sitting. So what DeGray is suggesting is that we just focus on what we're doing at this point and

then we'll get and then we'll get that, and when we look at your summary of sessions one and two we can add to that or amend that in whatever way we feel necessary. At that point you can adjust. Once we thru all 3 sessions then we can see, then you can present the whole "ball of wax" to us then maybe we can see where we fit in with everybody else what we have difference, if we have similarities; to be sure that our concerns get addressed in the Countywide Policy plan.....Is that okay DeGray?

Mr. Vanderbilt: Thank you Mr. Chair and I think that's really important because if we understand what we did, fully, then we will be in a better position to negotiate with everybody else and come to some common understanding but we've gotta really understand where we're coming from.

Ms. Wade: I just need to make a point too though that we don't have the minutes complete yet from this meeting, so when I get the minutes complete then I can go back and double check and be sure I got everything you said. But if you want this feedback before the minutes come out, it might....I think we did a really good job, but it might not have absolutely everything. So we'll be counting on the minutes.

Mr. Vanderbilt: No...excuse me Mr. Chair....I have a follow up. And that's why I say you come out with a summary and that gives us a chance to look at it one more time and say there's a little correction here or something there. As far as the minutes, we don't need the minutes. But I would hope that while you're taking our comments, if we sort of approve of the statement with specific wording you'd take that down and you don't have to refer to the minutes after that. And you're doing a great job, especially on Maui! I don't know how you control everybody over there. It was cool.

Ms. Wade: Thank you. For the most part, I do take down your comments word for word a lot of the times we suggest the things that these goal statements should include something about ahupua`a, so I put in a comment like that instead of re-wording the statement. So in some places you're getting brand new wording in which that's what I did in the comment section.

Mr. Bennett: So can we proceed again with the second objective under housing opportunities for local residents?

Ms. Wade: Great. I read the first objective statement. The policy statements are as follows:

- 223: Revise County laws to support traditional neighborhood designs which incorporate a mix of housing types that are appropriate for island living.

- 224: Promote infill housing in urban areas at scales that capitalize on existing infrastructure and lower development costs,
- 225: Streamline and simplify government review processes to promote high-quality, mixed-income and mixed use projects,
- 226: Encourage the establishment of additional senior citizen and special needs housing in appropriate locations,
- 227: Encourage the use of environmentally sound building materials and technologies for housing construction,
- 228: Support the Department of Hawaiian Home Lands' development of homestead lands that are developed in accordance with the Maui County General Plan,

Anything to be added or comments?

Mr. Bennett: I have a comment in terms of, I really like the fact that you're, that there's an encouraging mixed use, mixed income and mixed use projects. Is there anyway to make a statement of discouraging a gated community or single income, single, you know which create basically economic ghettos for the island whether its high end ghetto's or low end ghettos. Is there anyway that we can make a statement to discourage those things?

Ms. Wade: Generally you seek to phrase the policy statement in the positive, but what we'll do is look at a way to phrase it that does both.

Mr. Bennett: Often there is talk about gated communities and physically gated communities. But in my understanding what a gated community is it doesn't have to be physical it could be economically gated community. Which, either for low income or high income.

Ms. Wade: That's an excellent point.

Mr. Bennett: So whether there's a physical gate or not, there's still an economic gate because if you have a million dollar lot for sale there's nobody that lives on this island. 99.5% of the people who live on this island can't afford a million dollar lot. So you're creating this gated community whether it's physically gated or not. So that's my concern. Are there any other comments for this particular area?

Mr. Arakaki: Yes I had one. This is regards to again to some escalating land prices. We see I see the wonderful driving force that increase our holding cost and this ties into agriculture land and the price of agricultural land. We know that we got ordinance that protects our agriculture land and one of them is the purpose of being banned from agricultural land is to keep land costs down so we can do it; we can farm one. I know for once, my background is agricultural knowledge, and once the land prices exceed \$22k an acre there's no way that I can farm on that land and make it go. Once the land cost exceed the rent cost exceeds \$200 an acre a year, I think the model becomes questionable. So we're seeing all these agricultural land that is being priced way out of "whack." We've already lost those lands to agriculture I know that. There's no way we can go onto that land and conduct what the purpose of intent of that land is standing for. So we've lost it. Even though it's there and zoned agriculture we can't because there's no way we can do it. But you can grow orange trees (in audible) but not in the sense that what is defined in the constitution, what agriculture land is...which is a resource to all people in Hawaii. What we see today is agriculture land becoming a commodity. Agricultural land, the land its self, the value of the land, it's not so much the fertility of the soil or the climate of the area to grow crop. It's the real estate value. So if it became a commodity it's no longer a resource to conduct agriculture activity. And that had driven up the price to agriculture land. I don't mind, you see cause I come from a position, I don't mind giving up agriculture, and I'm a strong protector of agriculture land. But I don't mind giving up agriculture land if it's going to serve its purpose; providing residents without regardless of their household income, age, size...or age that it provide housing for these people....people that are cleaning out our bathrooms when we go to a hotel or working in a park or even teachers you know providing a place for them. I don't mind giving up agriculture land for that, but once I see agriculture land being sold for \$100k an acre we've lost it already. It doesn't matter if we wanted to re-zone and so and so wants to re-zone it just leave it the way it is. So I'm saying the County needs to enforce the ordinance and we need to enforce the part that says the person caring for the agriculture land needs to keep it affordable to farm on it. And if not, and if you can't do that then everything fall apart, because there's no opportunity to provide those lands for the housing that we're stating here. I'd like to have that opportunity there and you can't do it with land being valued at \$500k an acre or \$100k an acre for agricultural land. Because already we've put in (in audible) commodity and I think that's unconstitutional first of all.

Ms. Wade: So use the enforcement that you're talking about we do get to in the good governance section. So we'll talk about that at the very next goal. But I think your point about identifying land for housing development isn't one that we've talked about here. Identifying lands that would be appropriate for affordable housing might be something that (inaudible.)

Mr. Arakaki: To me it's a public interest that land is set aside for this purpose. It doesn't matter whether it's housing income or size or, it's a public interest that people can afford for themselves. And that's why I said because its public nature, I think there's a place even in the constitution that we can give land, agricultural land for these purposes, if you can define it as being the public interest.

Mr. Summers: Thank you Mr. Chair. We've tried to hit the protection component in the sustainable land use section and the good governance section enforcement part, one area that specifically relates to affordable housing would be farm labor dwellings or farm labor dormitory which is an issue that the ag community is bringing up on a reoccurring basis. But that's something here that we may want to look at.

Mr. Arakaki: Much broader than providing a dwelling for people to work on a farm.

Mr. Summers: Right, right.

Mr. Arakaki: I think there's some underline problem here in our county and state where families that are working, there are 2 families working that can afford a (in audible) rent. I think there is something fundamentally wrong. That's not the kind of lifestyle we want to promote here in Molokai. I definitely see it elsewhere and I don't want that to come here.

Ms. Davis: I think I want continue the discussion that Alton is bringing up because when I looked at this section on housing, it seems like we're looking at details of a picture that is very large and troublesome to most of the people I know that live here and who cannot afford a home. There's a statement in the draft, the Countywide Policy Draft, on page 33 that nearly "nearly a fifth of the housing units in the County are not housing Maui residents." That's incredible to me. That's 20% of houses, housing units like I guess you're counting condos and everything else. There's just something wrong with that and if people are going to be able to continue to not be residents of Hawaii but purchase real estate here and use it for speculation then there's no way prices of land for houses, for agriculture, or anything else are ever going to be maintained at a level that makes sense for our residents and makes sense for our economy. I don't know how you change that picture but I'd like to hear more ideas about that and looking at the non-regulation of vacation rentals; which is the tip of the iceberg. We have saved for, we have begged for enforcements of the law so that we are presently on the books. We have tried to initiate discussions from the community up to the county level about what can be done to discourage this kind of activity. Now in America, you know, it's all about whoever can come up with a good idea to make money, God bless you, and God bless America too. But in reality on small islands where there is a limit of land, there's gotta be different ways to look at things and appropriate ways, appropriate taxation

measures, maybe property tax to discourage this kind of activities that are driving our local people out of our local communities.

Ms. Wade: I think that's a good one. We can add a policy that talks about using the existing, making the existing house stock available for local residents through several lanes. One would be like a homestead, changing the homestead tax policy and sending it through the roof. We can do something like that, so that not living full-time in a house within Maui County would just be unaffordable opportunity. That's an option. I'm not saying that you can do it, but that's one thing, the TVR process is another, the enforcement in another.

Ms. Davis: I'm not sure about the legality of things. But there's a difference if someone is renting a home for local families. Or renting a home to someone who's going to be there for 3 days and pay the \$800 a night and then leave. And it's even worse if that owner is not even living in Hawaii or paying taxes in Hawaii. So there's something wrong with the system that allows that kind of thing to happen. And I can see where you could have a kind of a scale a different scale for property taxes and (inaudible); where residents are paying the lowest amount possible and people who are speculating are paying such high taxes, where they are encourage to go elsewhere to try an make a fast buck.

Mr. Summers: Thank you Mr. Chair. Several nuggets came out of that conversation. Policy related to a progressive property taxation system is something we can look at. We'll also develop a policy that addresses off-shore speculation. One of the things that are being discussed is the mapping of these resort areas and developing specific policies to limit the offshore market to those areas to the extent possible. There maybe ways to effectuate this by having strong policy related to the concerns that you just addressed which I think is very important.

Mr. Bennett: Let me ask you, is anything being done or going to be done about the bed and breakfast situation in Maui County?

Mr. Summers: Thank you Mr. Chair. That's a very hot issue right now and the County is moving forward with ordinances to address that a number of ideas are being discussed one of which is the mapping of these resort areas prohibiting transient vacation rentals and that type of accommodations outside of those areas. So better enforcement more progressive enforcement have also being discussed. And we'll soon be implementing these as well.

Mr. Bennett: Thank you. Aunty Ruth.

Ms. Manu: I just want to talk about that...that's Wailua. We had a millionaire that sold his property for \$1.2 million and that effects our area in Wailua very very much. Because within 6 months property tax went up to \$5000. So if you talking about selling things like this we Molokai residents can't afford it. We can't absolutely not. When I see those homes it's like telling us, they trying to push us out from where we are. We are kama`aina's we belong here. So you're saying, you know for us, not only us at east end, all over, the whole island of Molokai. When you start hitting our pocket book because we don't have that much jobs on the island and every time we can't afford \$5000 every 6 months. Our family alone cannot pay \$5000. So we went to Maui to fight to exempt those people on Molokai who can't afford \$5000 on property tax. I'm talking about property tax, not whatever. We get in so many houses that are being building up over there and you talking about bed and breakfast, whatever. We only have 2 legal, the rest is all illegal (illegal). So what is the County going to do? What is Maui County going to do for Molokai? We only talking story but if nothing is happening, hello? So I don't like that at all. Talking about ag, talking about whatever. Ag is ag. Leave us alone. Because most of us cannot afford it. Keep urban, urban keep ag, ag. You want to change zoning come back to planning commission we talk about it. Right now I get the word down from one of our family from the mainland saying they want to change Puko`o zoning. Hello? So that's later. But you know what, enough of that. We cannot afford the property tax that's honest. That's true for all of us living here on the island of Molokai. If we had a house and land right now we'd be thankful for it. Really. And we'd be there to keep it. You know? That's all.

Mr. Bennett: Thank you Ululani.

Ms. Apiki: I'm not sure if it's here and I don't see it and I'd really like to see, I don't see a bullet for homeownership education. And I'm not sure if this is the place that it would be, but it would nice to have a bullet that includes that. Support homeownership kinds of programs to help people the process of you know having a home and keeping a home. So could that be included?

Ms. Wade: You bet. That's a great idea. Thank you.

Mr. Vanderbilt: Yeah, and I think one thing and looking over this, these policy statements I see at least 5 references that have been pushed on Maui for what I call "tiny bounds." We're going to have affordable housing, (in audible) wealthy condos, but we're gong to shrink everything down and affordable to us in smaller. I think you'll see that in number 215, 218, 222, 224, and maybe number....no...no...that maybe all at this time. And I think that at some point there are different objectives on different islands. And when we look at this first goal that says, "Quality of island appropriate housing." Well appropriate housing on Molokai varies a lot from Maui. I don't know what it is on Lana`i I just know we printed out the average sales price of new projects. There are 4

new projects going in on Molokai. The average price is \$3.8million. So there are somewhere off on Mars but as far as new projects....I just see that everybody is getting away from requiring, and it's not for everybody, but some families would like to have a decent size lot which they could grow and have an ohana on it. And it shouldn't be available just to the wealthy people. So hopefully that can be factored in. And I just, with everybody saying here tonight is if you look there's various things in the current general plan that says to "discourage the conversion through zoning or other means of agricultural lands for non-agricultural uses including but not limiting to golf courses and residential sub-divisions." That's in the current general plan.

Ms. Wade: And this one being the one we've been discussing.

Mr. Vanderbilt: Yeah. I guess the problem I've having a little bit, is you've taken like Water and Agriculture and you've split it up into various sections so the reader doesn't get the full impact and I don't know why that was done. But I think agriculture is such an important situation here and so is water on all the islands that I think they ought to have like the old general plan there's specific comments rather than trying to bounce them around. So that's just one thing.

Ms. Wade: Would you like...can I address that? The reason we separated it is because there were redundancies in that plan that made for inconsistencies so it was, there was a policy statement on water for instance under housing and then when you got to physical infrastructure it said something different that wasn't necessarily consistent which made for problems in terms of implementation. That's how you get your lack of interpretation.

Mr. Vanderbilt: Okay, instead of splitting them up then I would've made the agricultural and the water consistent with the others but kept those things together. Because they are so important and that's the thing that everybody is sitting on. So it's really hard when you have to bounce around. But anyway so what I was based on what everybody is saying tonight I would like to see a policy statement saying, discourage the conversion through zoning or other means of agricultural lands to non-agricultural uses including but not limited to golf courses and residential subdivisions. And that comes out of the current general plan. And then add, except for affordable housing residential subdivisions which are 100% affordable to Maui County's workforce family. Because I think there is a way to convert ag lands. But if they are converted to residential uses they should be for Molokai's workforce families to get them (inaudible) a chance.

Ms. Wade: Okay great. I'll take what you've said and Alton's comments and we'll combine that and make a policy statement. I did want to address your "tiny town" thing that you were mentioning. We've heard a really similar comment Lanai this morning that they said, "mixed use, mixed income is a good thing, mixed uses isn't necessarily

what Lana`i is.” So they want something that is more rural. They want us to create a policy that isn’t, doesn’t start with promote infill housing in urban areas. They want something about the outer-islands and the more rural communities to address that. So we’re going to do that and hopefully it will address your concern as well.

Mr. Bennett: I have a comment; I want to get back to what Aunty Ruth was saying about income tax and the current policy. Is there anyway to tie income tax increase to resale of properties?

Ms. Wade: Yes.

Mr. Bennett: So that if a property is sold for \$1.8 million and that person pays high income tax, or high property tax. Whereas the person who keeps their property within their family if inheritance would be okay as far as I’m concerned. So you can pass on your property to your children your grandchildren. But if you turn around and sell that thing for a huge profit, that person who buys that property should be, they are getting that value out of that property, they should be able to pay the higher income tax, or rather the higher property tax rate.

Mr. Medeiros: In regards to what you were saying, when I lived in California we had a thing called Proposition 13. It was nice when I had a 7 acre parcel just 10 minutes out of Silicon Valley in a place called Saratoga and it was zoned ag. So when I owned it my property taxes was somewhere around \$600 a year and it was fixed on Proposition 13. But when I owned it to the next fella, past it along, the property taxes went from \$600 to \$4000 a year. Last year he sold that same property for \$4.3 million and the new owners are paying like \$10,000 a year on property taxes. So that was called Proposition 13 and it worked very well.

Ms. Wade: That’s exactly what John was saying with the progressive taxation that’s been....

Mr. Medeiros: I think though the main issue for us on Molokai is it’s going to be very difficult to hedge against the future as far as the land prices and those kinds of things. And I think the more we get away for being agrarian culture you know and get technology driven at those prices you just kind of ride along with it. So I know the model for myself and my family is no sell the land and it’s just as simple as that.

Ms. Wade: Well defiantly you’ve got to get into an implementation strategy we’ll make a policy for that one too.

Mr. Arakaki: I guess....the other formal tax I think, besides property tax is capital gains tax and whether or not where there is tremendous amount of capital gain. Like its kinda

weird, nobody flips agricultural land but that's what's going on up there you know. That means I know that already a lot of our resources are a commodity and I think we need to take a look at taking away some of those incentives, that capital gains incentive, from those areas of land. If it's because there's capital gains opportunity those land will continue to flip.

Ms. Wade: Right, thank you. Is there more on the housing? Do you want to move?

Mr. Vanderbilt: No I don't want to move. Just like Eddie said about creating incentives for not selling the land, I look through this thing and there's always the developers asking for incentives to do marginal affordable housing like on 218, create incentives, which means for the developers to develop lands in oriented neighborhoods and I don't quite know what that means...but....

Ms. Wade: We got that....

Mr. Vanderbilt...anyway....

Ms. Wade...in the last round....

Mr. Vanderbilt: .....anyway....we need to have incentives for people who don't sell the land. And the one is what Eddie brought up and so there needs to be a strong statement as to amend the property tax laws so that local families don't get their property tax increased when somebody in the neighboring area sells. Like what Roxanne's friend got up in the meeting the other night and she said, you know John McAfee sold his property right next to me and our property taxes went from \$5000 to \$35,000. And they don't know how they are going to pay it. So they are trying to appeal that right now.

Ms. Wade: What we'll do is create a policy about taxation, property taxation, and affordability for this section. I want to pull you back to the big picture real quick because we do have quite a bit to get through and if we can keep focusing on housing. We're getting into some detailed discussion and good brain storming about creating opportunities for affordable housing but what we want to make sure we're still at the broad policy level as well.

Mr. Vanderbilt: Well I guess that thing that I passed out was the schedule of the review of the Countywide Policy Plan on page 2. We had 1 meeting cancelled. Maui County has had some Saturday meetings that ran all day and I don't want to see Molokai rushed through. I know that you only have a limited budget, but I don't want you to cut Molokai short. And that's just true. Because this is a lot of stuff and when this becomes law some lawyer is going to look through this and say "oh, well they said this" and we're

consistent with that. And it takes some time and there's actually for a general plan it's getting to be almost too many statements in here because just keep it simple and let us get to the island plan where we deal with Molokai and Lanai deals with Lanai and Maui deals. But don't try to solve everything in these policy statements.

Mr. Summers: Thank you Mr. Chairman, keeping it simple is a great idea for this Countywide Policy document. So that's, we're all in alignment there. Regarding there meeting that was missed due to inclement weather, hazardous flying conditions the clock for Molokai actually started 2 weeks later because that was the first meeting after distribution of the plan. So Molokai won't lose any meeting time as a result to that. Do we have any additional policies for this housing section?

Mr. Vanderbilt: John, if the Maui GPAC meeting they said are reviewing the policies and objectives but there's 50 pages before the policy objectives and I look on this schedule that's on page 2 and I'm wondering when are those going to be reviewed? And the, another thing is after the policy objectives there's this appendix A which is an executive summary.....

(Tape 1 Side B)

Mr. Bennett: Next time Joy, bring a whole six pack of tapes.

Mr. Vanderbilt: No and then we have this Appendix A which is whole lot of pages of the Executive Summary and it just seems so cumbersome for a simple general plan. So at what point are we going to make decisions what if that is included or how we edit the first 50 pages...it's not included in our summary that you gave us. So maybe you could; and I hate to be a stickler on this but we're under the gun and we want to do a good job for our community and we need to understand where this thing is going so we don't get lost in the shuffle.

Mr. Summers: Thank you Mr. Chairman, we do have programmed into the schedule time for the review of the sections 1 -3, three is a very simple section; a page and a half. Sections 1 and 2 are a little longer so we'll have specific meetings on section 1 and section 2 and entertain comments on the appendix as well. So we will have those opportunities. Right now what we want to do is focus on the policy pieces. We're making excellent progress here on Molokai and Lanai. We had a productive 2<sup>nd</sup> half meeting on Maui as well last Saturday. So we're getting some traction we're getting wind in our sails we'd like to keep the momentum if you will.

Mr. Vanderbilt: How about the Focus Maui Nui appendix on the back?

Mr. Summers: Well I think anything included in the document is fair game for discussion and of course you wouldn't want to go in, we can't go in and amend.....

Mr. Vanderbilt: Well I didn't know what you're intention is. I mean there is a lot of stuff in there which they did, but is that really....they're Focus Maui Nui. They are not the GPAC. I'm just wondering if you've decided whether that should be included in the general plan or not.

Mr. Summers: At this point it's our recommendation that it be included but part of....

Mr. Vanderbilt: Why? Why is that?

Mr. Summers: Focus Maui Nui was an important part of the public process in terms of developing this general plan. We have heard on Molokai, from members of the community, that there's a feeling that more should be done and that Focus Maui Nui maybe wasn't comprehensive on Molokai as it could've been. But part of this public process with the General Plan Advisory Committee and the Planning Commission is to get that type of feedback. And although it is our recommendation that that piece be included, if we hear concerns about that we are certainly willing to entertain recommending that it be eliminated.

Mr. Vanderbilt: Mr. Chair...

Mr. Bennett: Mr. Vanderbilt you still have the floor.

Mr. Vanderbilt: At the last meeting I think you passed out the Focus Maui Nui plan for Molokai. I read through it and there's a lot of questions I have as to where these things came from. How do we determine how these statements came to be and who led the executive sessions and what the process was? I mean could we contact....do you know? Or should we contact the Focus Maui Nui people or...

Mr. Summers: It's certainly possible and the Focus Maui Nui people have been very helpful. I can certainly ask them to come back to Molokai when we get to that part of the discussion, we're not there yet, we should probably have that on the agenda so we can have a specific conversation about these other parts of the plan. But when we get to that stage of the review process it wouldn't be difficult to probably have them....

Mr. Vanderbilt: Mr. Chair? Could I just....

Mr. Bennett: You still have the floor Mr. Vanderbilt....

Mr. Vanderbilt: I've read through the Focus Maui Nui Molokai thing and I have a lot of questions and if it would be ok with the GPAC I would be willing to take the time to put the questions down in writing and forward it to the head of Maui, Focus Maui Nui to see if we get some responses.

Mr. Bennett: I think that's certainly acceptable. I don't think we need a motion to do that. I'd say just go for it.

Mr. Hopper: I would advise that you do this specific questions...if DeGray has specific questions and then you agree on them he could submit them to Nancy in writing, they could be passed out at the next meeting, you could all read them, you have additional questions, then make a motion to send it as a Commission to them just because the statement of one Commissioner and another Commissioner isn't necessarily the statement of the Body. So I would recommend a motion to do that.

Mr. Bennett: Thank you Mike. So can you do that?

Mr. Vanderbilt: What, what I'll do is put together my comments, get them back to this Commission at the next meeting and then we can decide what we want to do. Send them in or not send them in or whatever. Thank you.

Mr. Bennett: So to just let you folks know we should put that on the agenda for the next meeting. Okay Erin?

Ms. Wade: Okay. (In audible) Would you like me to summarize what we have and then we can, for housing?

Mr. Bennett: Yes.

Ms. Wade: Okay.

Mr. Vanderbilt: Excuse me.

Mr. Bennett: Mr. Vanderbilt.

Mr. Vanderbilt: I don't understand what a, in 223 what is a traditional neighborhood design.

Ms. Wade: We got the same question on Lana'i. We'll do a better job of explaining what we mean.

Mr. Vanderbilt: And in line with that are there going to be a section of definitions? There weren't any in the original 1990 General Plan. But there is a lot of new terms things throwing out.

Ms. Wade: What we're thinking about doing is in the body, the Maui County Today Section 2, doing a better job of explaining all these terms and doing an index in the back. So that any of you can turn specifically you can go to the Maui County Today and not only read what you're determining but what is it all about in that earlier section.

Mr. Vanderbilt: And on 227 I would just instead of encourage I would say require because in our current community plan and other community plans they've always said "change the County Code to require people to put environmentally sound stuff in" whether it be light bulbs and whatever.

Ms. Wade: Okay, thank you. Anything else before I summarize?

Mr. Vanderbilt: And one more thing, the biggest lacking think in affordable housing is the developers stay away from it and everything is creating fee simple affordable housing for our workforce families. So I think somewhere in here it needs to be emphasized cause that the thing that's lacking if you look all the affordable housing products coming very few are fee simple affordable houses that are, I like to use this word social equity (in audible) social equitable.

Ms. Wade: Maybe that's a good think to put in with the home ownership program as well. That's the one there that (in audible). So what I have then is something 225 that you guys might like it that it concluded but that you wanna do something to it to discourage gated community and economically homogenized communities or neighborhoods. 227 was as DeGray just said he would like it to inquire striking encourage. Then I have, set aside land for housing for local people because it's a public good. That's a new policy. And in addition to that, something about discourage the conversion of ag land except for the use of affordable housing. So we'll make 1 policy statement for what you asked. And then another new one make existing housing available to local people thru property taxation, enforcement TVR's, progressive property tax legislation, some other things as incentives to people, for local people to stay and not leave. And then another additional one policy to address an offshore speculation, (in audible), property tax for locals and then finally one addressing home ownership program and the provision of fee simple affordable housing.

Mr. Bennett: Okay, Zessica you have a comment?

Ms. Apiki: Yes, thank you Mr. Chair. I have a question about 227 and to DeGray's suggestion to strike encouragement to require. I have an issue with that because I don't

know what cost would mean for people who are building homes and how much more that would cost them. So I actually have a problem with that and I would prefer encourage instead of require.

Mr. Vanderbilt: Thank you. That would be fine with me.

Ms. Wade: Okay. Anything on the floor? Okay, the next one is good governance that's item J, page 12. The goal reads: ....

Mr. Bennett: I want to get back to 227.

Ms. Wade: Okay.

Mr. Bennett: I would like to require it for large scale land development, housing development and then encourage it for single home owners. How does that sound? Is that appropriate? So when we have large subdivisions the developer knows they have to put in solar heating, they have to do building materials so that the homeowner has the option, single homes.

Ms. Apiki: Thank you. I really like that. I don't know the cost, but I've heard it costs a lot for some of these not all.

Mr. Bennett: That's all. Eddie.

Mr. Medeiros: Since we're going back and reviewing things I just suddenly had an after thought, again with traditional neighborhoods I know one of the things that are really paramount with people now you know and I know with my own family living in Maui and you think about your traditional neighborhoods especially if you have the ability to design something again it's gotta be, we need to be thinking outside of the box again. One of the big issues is security. Now I know in the ranch camp as soon as you provided a back door, crime goes up. Every neighborhood, new neighborhood now throughout the Country which is doing it, is not necessarily gated community but if it's one way in and one way out there's a drastic reduction in crime. And in order to provide these neighborhoods with optimum security I think we really need to be thinking out of the box and security issue should be employed in the design. It's essential especially in these days. The way life is you know living is getting pretty harsh in the city. Get's pretty damn harsh around here sometimes. So I can imagine what you people do in Maui. I stay there in a weekend and I'm getting ready to come back and get a .44 you know but. I think somehow we need to incorporate that into everything that we do.

Ms. Wade: How about an implementation strategy about addressing your issues and (in audible).

Mr. Bennett: Thank you Mr. Medeiros. Mr. Vanderbilt.

Mr. Vanderbilt: On housing, just one more. Right now the new housing law they passed, somebody in Kahului would have the same right and preference to an affordable housing project on Molokai as somebody born and raised on Molokai, because of the developer lottery thing that they might pull. I would like some statement in there because Hana, Lanai and Molokai all recommended that priority preference to Molokai residents for affordable housing projects. So I would like some statement like that will go be provisions in the ordinance to allow preference for residents of Molokai. But we might as well make it Molokai, Lanai, and Hana.

Ms. Wade: I got that thank you. Okay? Moving to J. The statement is:

- 234: Maui County's government services will be transparent, effective, efficient, and responsive to the needs of its citizens. There are three objectives. The first really is the coordination, the second is implementation, and enforcement and the third to future plan. So the first objective, (235) improve inter-departmental and inter-governmental communication, coordination and consensus building.
- 236: Foster consensus building through in-depth public participatory processes.
- 237: Address and plan for the implications of Hawaiian Sovereignty.
- 238: Respect and empower all social, political, and economic groups.
- 239: Avoid duplication of effort by governmental agencies, and coordinate governmental services to improve the cost-effectiveness of governmental services and programs.
- 240: Ensure that necessary services not provided by the private sector are made available by government when feasible.

Ms. Wade: Should I go through the whole thing or do you guys wanna work on the top?

Mr. Bennett: Any comments in this section? Mr. Medeiros?

Mr. Medeiros: Item number 237 addresses the plan; I think the word implications should be implementation of Hawaiian Sovereignty. Gonna have to face it. It's coming.

Ms. Wade: You want both words implications and implantations or replace?

Mr. Medeiros: No just implement is fine with me.

Mr. Vanderbilt: Yeah, uh I don't understand what you mean on 238, respect and empower all social, political, and economic groups that's such a sweeping statement. I mean, what does it mean?

Ms. Wade: I think it means honoring each group that comes to you at equal level. So that at any point where we have a group coming for public participation or that comes to a government body to explain a point or lobby a proposal that we respect them all and keep them (in audible).

Mr. Vanderbilt: Okay, but in regard to that I think that Ronny Kimball's not here tonight, but he is one that is really adamant about the fact that the County government, whether it be the Mayor or the County Council had no respect for Molokai's community plan. And for somewhere in here there's gotta be something about respect for the policy to the community plans. But right now we work so hard on these community plans and then 2 years later somebody comes in and makes an amendment to the community plan. And there's gotta be somewhere they can't make an amendment. They can't just make an amendment unless it's an emergency situation. And so then maybe something can be worded so that maybe in the General Plan on implementation in the 1990 it says, "All County laws shall be consistent with the intent of the General Plan." That's a pretty bold statement and law after law is passed with no regard to our community plan or our general plan in many instances. So it's all words unless, who do we hold accountable for all of this stuff? For good governance? That's a lot of words we want these guys to work with everybody to grab a beer, but you know when it get's down to it the County government does what it want and they really haven't cared about our community plan.

Mr. Summers: Thank you Mr. Chairman. DeGray could you re-read that policy, I think that would be an excellent addition under objectives.....

Mr. Vanderbilt: It's on page 21 of the 1990 General Plan it says, "All County laws shall be consistent with the intent of the General Plan." But I would expand that longer that all actions by County government officials shall be consistent with the intent of the General Plan. And when they refer to General Plan, they, that includes the Community Plan if I'm not mistaken.

Mr. Summers: That's correct. And I think the expansion would be very worthwhile. To expand it to all County laws and governmental action shall be consistent with the General Plan.

Mr. Vanderbilt: Thank you.

Ms. Davis: Thank you Mr. Chair. Could you add to that, that it also be consistent with the intent of the Community Plan, Community Plans since they are so different?

Ms. Wade: So you're generalizing it as the General Plan. Do you prefer that it say.....?

Ms. Davis: Right, we had gotten into discussion over the years about whether or not the community plan has the course and effect of law. Or is it just a policy statement? It generally guides decision makers and I think most of us would work on the community plan intend that it has a course and effect of law when decisions are made and when it leads to get down to the nitty-gritty you'll put the general plan as a guide but then the ultimate decision would be based on that community, that community plan.

Mr. Summers: Thank you Mr. Chair. The way General Plan is defined in Bill 84, General Plan is a set of documents which include this Countywide Policy Plan, all of the Community Plans, and the Maui Island Plan. The nice thing about using the term, General Plan is that it includes it all, including the Community Plans. Otherwise we'll have to say all the different planning documents separately.

Mr. Bennett: My understanding is the and DeGray can back me up on this and sorry that Ron's not here, but when we drafted the 1992 Community Plan we were told, specifically told that it was a guideline. You could not put words in like require, must, and mandate. But it's also my understanding, if I understand you folks correctly, that this time around we have to put those kinds of words in and if this General Plan will have the effect of ordinance. Is that correct? Or are we still back creating another set of guidelines?

Mr. Summers: The General Plan is adopted through ordinance. So it is a County ordinance it does have the force and effect of law. But it's a document, and it says specifically in the new ordinance those policies that are meant to be guidelines and those policies that are standard that are meant to be regulatory in nature. So at this Countywide Policy level it's more of a broad policy document. But when we get into the Community Plan and we have things like urban growth boundaries we may specific standards and certain instances then there will some regulatory effect. But I think that it's important to note that all policies, even if it's a policy statement, those policies have to be followed by governmental agencies when they adopt laws, when they approve programs. Just because it's a policy statement it doesn't mean the County could act in

ways that are not that are not consistent with it. For instance, if we have a strong policy statement about protecting agricultural land and the County tries to adopt an ordinance that does just the opposite of that, the County isn't operating consistently with the policy set forth in the plan. So, one of the nice things about the new ordinance the way it was constructed specifically indicates that when we construct the plan which is a community plans we'll identify those provisions that were meant to be policy or more guided than those provision like urban growth boundaries that are supposed to be more regulatory in nature.

Mr. Bennett: I guess I have another suggestion. I want to ask Nancy if this occurs and it would seem to me and I don't know how works for the Planning Commission but it seems to me that the proper approach if you want to do anything with a piece of property if you will, change the zoning or do a development or anything; the first thing you should do is go to see Nancy. And the first thing that Nancy should do is to whip out that Community Plan and say "oh this is what the Community Plan says." So if you're going to change that you'd have to do a Community Plan amendment. But if you're not going to change that your plan must fit within the Community Plan. And I don't know if that occurs. I don't know if you know when somebody comes in and says "oh gee, I've got 2 acres of land and I want to subdivide this land. Does this fit?" What process do they go through?

Mr. Vanderbilt: Have a seat Nancy.

Ms. McPherson: Yeah, when we so our staff review of applications that come in, the Community Plan is a huge test and we have to review that application based on the Maui County General Plan Policy also the Community Plan all to be subjective and implementation strategy and you know against all the policies that are active currently in Maui County. So yeah it goes through a rigorous review. But yeah it's true. It would help people a lot if they came in and just asked before, you when they are conceiving their idea and say...but you know we also have an issue of well people don't even in for their permits at all. So that another problem.

Mr. Bennett: I think that's how a lot of controversy and headaches are created this community because people don't do that or their just either unaware or purposely don't care. So I think that's where a lot of the controversy occurs. DeGray....

Mr. Vanderbilt: Mr. Chairman. I have a suggestion. This might not go into the policy plan, but I would suggest that on all application that would involve development; whether it be a zoning change, community plan amendments, subdivision, conditional permits, special use permit, right on the top in bold letters to be printed: Please take time to read the General Plan and the Community Plan in the areas where you plan to develop before applying." So that they can't come in down the road and say, "Oh we

didn't know that." And I think that's really important. Because most people don't do that and in that little bold statement you can say "this can be found on the website or where ever." And I think that will help staff not have to deal with a lot of (in audible).

Mr. Bennett: I just want to say I think that what would really help to guide those folks, and I'm not saying that you know, I think that most I have an optimistic view of people; most people want to get their development done the right way. You know they don't want to have to spend extra time and money butting their heads against the legal system and against the community and what ever else; they want to it the right thing. So I believe that people want to do the right thing. And so if they are guided then perhaps they'll be happier, the community will be happier, and then it would be win-win for both parties.

Ms. Wade: How about if we add a policy under the third objective that states talk about educating the public about the Community Plans and the development review process? Does that broaden it? I'll keep your suggestion about changes the line on the application as an implementation act and some other things too.

Mr. Vanderbilt: Thank you Mr. Chairman. Well, you know when, I hate to bring up La`au Point but I gotta bring it up only because they come out with a draft environmental assessment and it says in that assessment you have to say how you are consistent with the Community Plan. Well they just went through and picked out several areas of the Community Plans they were consistent with but they left off things like discouraging your additional development of buildings which impact the integrity of the shoreline and other things that didn't fit their project. And I think that it's gotta be made clear to these guys that they can say the things that they are consistent with but they also need say the things that they are not consistent with, because when we get all these policies in the Community Plan and these General Plan policies a developer can go through and he can make a case for himself. And then you say, well so what? That's really hard when you come to government decisions because what would be consistent with this part of the community? So how do you wait? How do you wait? Well there's...that's what I don't understand. How do decision makers wait? Like if you say you have environmental concerns you have economic jobs or you say, well we're going to do a coal burning plant to supply power to Honolulu and put it on the west end of Molokai; which was an actual thing. But that will create all these jobs. So how do you factor in that? I mean it's really a tough nut. But that's the thing.

Ms. Wade: (In audible) No it is. It's definitely a challenge and part of that too is educating, education of your Boards and Commissions as well. I mean if you make these choices (in audible) the public or the Boards and Commissions. We can't give you an outline for to review and approve things except for laws and ordinances we have found in the Community Plan. So its value statements are left up to the Board.

Mr. Arakaki: I think that's why it's important read some of these plans like Maui Nui that really portrays some of the attitudes of the people here that talk about that economic goals that should not supersede cultural values or environmental values. Those are the kind of things, over arching things that need to permeate thru this plan. You know we always need to put a check there whether or not this job development is compromising to all the values and the....it seems like this community has put those kind values at a much higher level than some of the economic values. So I think you, you need to, I don't know how you put those kind of things to permeate to our, what are we doing here. And I think those things are important.

Mr. Summers: Thank you Mr. Chairman. Two things on the first page of section four we talk about computing or balancing tradeoffs. So I would encourage the members to read that again. And then in the economic section let's make a note of sustainability and promote economic development provided that it does not (in audible). Just make a quick of that when we get to the economic section to keep that in mind well be able to clear up a lot of these trade-off issues.

Mr. Bennett: Can I make a suggestion Erin, as soon as we get thru with the J section can we break here for a few minutes? Can we take a 5 minute break?

Ms. Wade: Should we get through the rest of these then?

- 241: Adopt policies and regulations that can be effectively administered, implemented and enforced.
- 242: Rewrite the County Zoning Ordinance incorporating best land use regulation practices.
- 243: Simplify and clarify the permitting process to provide certainty and transparency in the development process.
- 244: Utilize institutional knowledge to improve the quality and effectiveness of existing policies and codes.
- 245: Adequately fund and support the implementation of planning policy, programs, and enforcement activities.
- 246: Update the Maui Island Plan, Community Plans, and public facility plans in a timely manner.
- 247: Plan for the unique character of each community in Maui County.

- 248: Enhance planning support on Lanai and Molokai through the use of information technologies, expanded staffing and the expansion of municipal service centers.
- 249: Develop, continually update, and implement plans for infrastructure, transportation systems, community facilities, and social service programs within the County.
- 250: Adequately fund the continued maintenance of all the County's infrastructure, transportation systems, public facilities and social services.

Mr. Bennett: Well I have a real problem with 250. Just continually maintain the current infrastructure isn't going to get us there, especially on Maui. It seems like the infrastructure on Maui is tremendously over burdened and 100 years behind the times. So how can we adequately fund its continued maintenance if it's just going to continue to put us further, put us folks further and further behind? So there has to be a stronger statement in there than just continued maintenance.

Ms. Wade: How about adequately fund the improvement and the continued maintenance.

Mr. Bennett: Well that's a little better.

Ms. Wade: A little better....

Mr. Bennett: I still don't think it's strong enough. I think you need to say something like, aggressively overhaul something. You know there's no recognition there is a problem. It's seems like somebody on Maui has their head in the sand. Because anybody you talk to, even when we go over there we can see it. I'm sure those people who have to deal with it everyday like you folks who have to get stuck in traffic everyday, you know there's a problem. So how can you not. I guess it's ridiculous not to really address this in some really strong language.

Mr. Summers: How about aggressively fund the improvement to eliminate existing capacity deficit and fund the continued maintenance of all the...

Mr. Bennett: Much better.

Ms. Wade: Also, the quality of the facilities is discussed in the physical infrastructure goal. So doing the community capital improvements, that kind of stuff, specific loads improvements both (in audible) physical infrastructure.

Mr. Bennett: Had I known not all those problems are County problems but a lot of them are.

Ms. Wade: Okay, any other comments for this goal section?

Ms. Davis: Under 236, could you add the word accessible after in-depth with response to consensus to in-depth and accessible of public participatory processes.

Ms. Wade: Yes, thank you.

Ms. Davis: And I also would like to see something on this list, I don't know where, about supporting more localized decision making.

Ms. Wade: Okay, great.

Mr. Bennett: Any other comments for this section? Mr. Arakaki.

Mr. Arakaki: Yes, in regards to 242. In this area of County zoning ordinance. I'm sure you write is what you want but I'd like to see this strengthened to so with the purpose of intent of the ordinance is enforced. I don't want to rewrite it because I think personally its intent is fairly clear. It's more for enforcement of it so that you can get support.

Ms. Wade: 242 is what you're saying?

Mr. Arakaki: Yes.

Ms. Wade: Okay.

(In audible)

Ms. Wade: Yeah, we'll separate...

Mr. Arakaki: Well specifically I mean I know that in agricultural ordinance there's definitely one with intent which keeps land, agricultural land affordable so you can conduct activities, primary activates. And how are you going to enforce that intent? This is just what I think.

Ms. Wade: Right, right.

Ms. Apiki: I just have a question. What does 244 mean? Can someone just define it for me?

Ms. Wade: Yeah we had that question on Lana`i too. Essentially it's a big challenge when you have turn over in your institution and new people come in, they don't know what happened in the past. It's suggesting that we understand people are a huge knowledge base within any government organization in the public can utilize that for the benefit of government process. I think we can state that a little bit more clearly.

Mr. Bennett: Any other comments or questions Mr. Vanderbilt, you have something?

Mr. Vanderbilt: Yeah, in regards to 242. You know there's been some talk about the County Code being re-written because it's just been piece mailed together and it's very hard to follow so maybe there might be some statement in there about the re-writing the County Code so that it is more user friendly and understandable. Because they just keep mending things and then they put it in there and then that sort of conflicts with other areas.

Ms. Wade: That's a great point thank you.

Mr. Vanderbilt: And then on the 242 again we, ag ordinance is a nightmare for everybody and somewhere I think you add ordinance you need to amend that to make it so that ag lands are not used for high end residential uses where they don't have to do any farming except; the Maui County Farm Plan allows them to have an acceptable farm plan if they just grow grass that's already there. Land conservation they call it or something so, I think that's really, that's that's the one that scares everybody like somebody could buy land up here like 1000 acres and put in a lot of homes and we have no say. And that's another thing on the subdivision, amendment subdivision laws so that each community plan area where the stuff (in audible) is going to go at least as public hearings some comment on that.

Ms. Wade: Yup, that's come up thank you. What I'll do because both of those comments are encompassed by the Maui County Code amendment you have suggested so I'll put those to the amending the ag ordinance and amending the subdivision to include public participation and implementation.

Mr. Arakaki: I guess with this ag ordinance too, I know that we've been trying to regulate the ag ordinance by uses. You can use it for this and not that and so forth. But I am going to state it again, I think you should take away the capital gains opportunity from this land, I suggest that we do it. And if you can some how find a way to keep the land price down without having capital gains opportunities for the land. It will keep ag lands forever because you can regulate land use but if the prices keep going up and up and up you just get (in audible) anyway so might as well you just rezone it, use it for residential. In the event that it never comes back down you'll never be able to use for its purpose of intent. Unless you can regulate capital gains opportunity (in audible).

Mr. Summers: What they do in Europe to address that is a tax improvement. So if it's agriculturally zoned they tax improvements higher than they would in say urban areas; non-agricultural improvements.

Mr. Medeiros: I know twice a year I get a visit from 2 people. In order to maintain my ag water rate you know I have to be doing ag. And to maintain my ag property tax rate I need to be doing ag. And once a year I get a visit from these people. I don't know, they just come from Maui you know. They are better than the game warden but they are there. You know so; if that helps you at all you know I see um.

Mr. Summers: Thank Mr. Chairman; I've made a note in the land use section related to this ag ordinance issue as well as the land value taxation issue. Regarding the public process, public review procedures, that may be a policy that we can look at in the good governance section providing public review procedures as related to by DeGray. Are there any additional policies that are missing from this list?

Mr. Arakaki: I wish you were going to address this, but I know that you brought it up in regards to, you talked about the land. And we do know where some of our values are have been placed, and so I'd like to talk about water. If we set priorities first of all values that you know water should be provided for affordable housing as number one or water should be provided for our native Hawaiian traditional use, you know that should be number two and water should be provided for agricultural farming or whatever it is. But I think in water, it seems to be the best way is continued battle because nobody knows where it should go. Except that we know what we want for our community. So I don't know if we should even talk about something like that, but we know that water is a very scarce resource and its continuing battle regards to whether or not we should develop more area and yet I know that people living in Kawela their well is getting salty. So you know we need to whether or not we should set policy set policy for it.

Ms. Wade: That's a great point. We do talk about water and its use in the natural resource, in the natural environment section that it continue to support aquatic species and that it continues to nourish the ahupu`a. But there are other uses for water that we do need to address. So we'll take a look at the whole section and give them, what other things need to be prioritized for water use.

Ms. Haliniak: 240, Ensure that necessary services not provided by the private sector are made available by government when feasible; can you give me an example of what that would be?

Ms Wade: Transit is a good example. Often times its not affordable or a private sector to operate and joint transportation system because people aren't aggregated in enough

density that in order to provide accessibility for people. Some kind of transportation needs to be provided to government will sometimes either subsidize or provide that type of a service.

Mr. Bennett: Any other comments for this section?

Mr. DeGray: I'm wondering on 248, so the County's admitting that we are underserved, so on 248, okay. But 247, plan for the unique character of each community in Maui County. And I don't know if it's, if it's planned but that's necessary, that's the right word, I think we need to say, add on to that, acknowledging that County ordinances maybe applied differently but will reflect the unique character of each island's community. Because there's laws passed sometimes we dealt one with the Planning Commission right now and just pushed through on Maui. And we really had to look at that thing and there's a lot of ordinances like zero lot line that don't apply to Molokai. So I think a statement like that will give the lawmakers a chance to pass a law and feel comfortable that they might say, except on Lanai or except on Lanai and Molokai that following the plans.

Ms. Wade: Okay great, I'll work on some language for that.

Mr. Bennett: On 247, instead of the word "plan" how about the word "preserve?"

Ms. Wade: I think that almost exact statement is in the land use sections, preserving the unique character of each community. What we wanted to do, this is you know you see the objective above it is about updating the plans, the community plans, public facilities plans so in our plan what we want to do, we wanna plant the character. And now maybe we'll add on to that plan and provide implementing actions that address the unique character or something like that.

Mr. Vanderbilt: So Erin, maybe you could move, acknowledging, acknowledges that County ordinance maybe applied differently to reflect the unique character of each island's community. Maybe that can be moved up under the objective up above, adopt policy and regulation. So, okay.

Mr. Summers: If I may Mr. Chairman, rather than applying the regulations differently we could think of a policy that would read something like, develop policies in regulation that are suitable to unique character and unique to our various communities.

Mr. Bennett: Are there any other comments to this section. Okay if you folks can review, then after that we can take a 5 minute break? And again I think I'd like to invite anyone here who wants to give public testimony after the break, please feel inclined to do it. If not we will proceed then.

Ms. Wade: John and I will have to coordinate a little bit but what I have is on 236 adding “an accessible” following in-depth. On 238, as I was explaining it I have a note that I have kept referencing equal access, but it said nothing about equal access in here so perhaps we should be something related to that. 242; adding something about “and” amending the County Code making it more user-friendly and consistent with the update of the plan. 244; clarifying what does institutional knowledge mean, just clarifying your statement. 247; I made the note about implantation but John and I are going to coordinate to use the statement that you just read. On adequately fund, 250 I’m sorry, continued maintenance, we’re going adjust it to read as John’s statement read about the objective. I’m also going to research through out this document with the appropriate to add policies related to prioritization and water use. And then I guess this one is just also John’s statement. John statement, well that’s all that I have.

Mr. Summer: Thank you Mr. Chairman. I’ve 2, one related to “all County laws and government actions shall be consistent with the General Plan.” This is a modified version of what’s made in the existing general plan. And then a policy about educating the community about general planning policy and program. The educational component on those.

Mr. Bennett: Okay then let’s take a 5 minute break and we will reconvene.

Time of break starts at 7:45pm ends at 7:56pm.

Mr. Bennett: So I believe the next section we’re covering under the Countywide Policy Plan is local culture and traditions. Is that correct?

Ms. Wade: That’s correct. Page six. Okay I’ll start with the Goal #106:

- 106: Maui County will preserve lands, sites and activities that are culturally important to assure that current and future generations will enjoy the benefits of their rich island heritage.

Actually there are 3 objectives. The first is about access, the second is about art, culture, and history, and the third is about architecture, structures, and landmarks. Just keep that in mind.

- 107: Identify and protect access to mountain, ocean, and island resources for traditional cultural practices.
- 108: Work cooperatively with land trust organizations to identify and preserve historic and cultural sites.

- 109: Limit development of makai lands which are important for traditional Hawaiian use, giving priority to activities which include subsistence food gathering, religious and recreational uses.

Shall I keep going? Yeah? Okay.

- 110: To preserve for present and future generation the opportunity to know and experience the arts, culture, and history of Maui County.
- 111: Expand opportunities for all age groups to participate in the arts.
- 112: Encourage the recordation of oral history of Maui County residents.
- 113: Develop programs that reconnect former County residents with their ancestral families on the islands.
- 114: Identify and foster teaching opportunities for cultural practitioners to share their knowledge and skills.
- 115: Encourage the construction of houses which reflects Hawaiian architecture to perpetuate traditional building practices and craftsmanship.

And the last objective:

- 116: Preserve for present and future generations the historic architecture, structures, cultural sites, and landmarks of Maui County.
- 117: Identify, develop, and maintain an inventory of significant cultural and historical resources for protection.
- 118: Promote the rehabilitation and adaptive reuse of historic sites, buildings, and structures to perpetuate traditional community character and values.
- 119: Establish programs to record, restore, maintain, and interpret cultural districts, sites and artifacts in both natural and museum settings.

Were done.

Mr. Bennett: Thank you. Mr. Vanderbilt.

Mr. Vanderbilt: Just one off the bat. 108, take out work cooperatively with land trust

organizations to and just say identify and preserve historic and cultural sites. That's one option that can be employed which is probably allowed (in audible).

Ms. Wade: Okay.

Mr. Bennett: I would like to ask in 106, what criteria is used and how are sites cultural, sites and activates determined to be important? What's the process there? What does it have to do with.....

Mr. Summers: Thank you Mr. Chairman. This would be effectuated through the update of the Maui County Cultural Resource Management Plan and through the review of that document by the Cultural Resources Commission.

Ms. Davis: Thank you Mr. Chair. Yeah, 106 what I thought immediately of this include legalizing chicken fighting. Finally! 108 I would agree with DeGray that some wording changed maybe more cooperatively with government and non-government organizations. I also one of these I was wondering what, there is one about access. 107 – Just have a concern, that often there are two types of access at least. There's public access and then there's access for native practitioners to exercise their constitutional gathering rights. And sometimes the two don't mix. So I, you know I don't know where but someplace, I'm not sure if it has to be at this level but there should be some distinction made that the County would, I would hope support the, enforce the protection of the right's of native people. Access rights. Continue to exercise their rights for gathering, access to the ocean. But there needs to be some I guess cognizance that it does not necessarily mean automatically. It might even be public access would be detrimental to the preservation and protection of the native rights access.

Ms. Wade: That's a good point.

Mr. Medeiros: In regards to 107, access is getting critical on Molokai and I know, if you know this the stretch between Kaunakakai and Kamalo basically there is no, there's limited access to the ocean. That everybody who wants to launch their boat launches in front of my house. Now all that property is all bought up so what I think what the County needs to do is, it needs to, they need to start procuring more access or buying access. I know Molokai is getting critical. And then when they develop on the stretch up from Ronnie Kimball's house out there some beach access but it's a foot path. So you know if you want to laugh you flat bottom, and that's how people on Molokai get around, there's only place you can launch is my house and then there's but if you want to risk it, if you have a 4 wheel drive mega vehicle, you can launch at Kamakaina's down the road and then Kamalo. And that's it. But it's getting more and more difficult to do. So my money that stretch doesn't have any water yet. So I always thought the County

should just go ahead and buy it up now. I mean it just makes sense for future planning. We need to start procuring access cause it's getting tougher.

Ms. Wade: We'll save that items specifically for, we're keep a running list by the way of things that you suggest for implantation activities for a better specific Molokai for your Molokai Plan. So I'll put that in for your Molokai plan that adequately funding acquisition of new lands to expand access (in audible).

Mr. Vanderbilt: Thank you Mr. Chairman. And I guess as far as the access concerned I had another, but anyway, as far as the access it says identify and protect. I think identify, secure, and protect. And that might lead in to what Eddie is saying and.

Ms. Wade: Okay. But security do you mean acquire?

Mr. Bennett: When we get to the Community plan we'll be looking more specifically at access. I'm glad that we're talking about it now not just that stretch but all stretches into shoreline.

Mr. Arakaki: Yeah, I would like to take this opportunity to present this issue. You know in one way we talk about identify and preserving historic and cultural sites mainly because they are there but somewhere along the lines I'd like to recognize that the native Hawaiians as an ethnic group and a culture I think that it's well and rare and maybe endangered. And we need to recognize that. If there is any community that should have that as part of their planning document should be Molokai. We need to recognize that because I believe that we need all the help to make sure that if Molokai is going to be the place where they can do their, I'd like to see that we plan for that. It's not going to happen by accident or something like that. Because there are a tremendous amount of forces around that tends to be work against some of the values and I think we need to look at that and see how we can position ourselves for that if it comes to place. (In audible)

Ms. Davis: 109, could there be some language that, besides limiting development of makai lands, that the County would consider doing land swaps to actually preserve those lands for open space for the purposes stated here otherwise I don't see how you can limit development if private property rights are involved.

Ms. Wade: Okay, maybe something like, limit development of makai lands utilizing conservation tools and conservation, land conservation tools something like that. Thru acqu....John's saying "thru acquisition or other means."

Mr. Vanderbilt: Mr. Chairman. There's a part of 109, limit development of makai lands that which are important to for traditional Hawaiian use. I think we can limit

development especially if somebody is coming in for a zoning change or something else, and that's a policy statement or in your community plan you can say, "Oh well sorry." So I think there is a way if the statements are in there and there's a reasonable nexus or limited development. Just one more Mr. Chair. Native Hawaiian yeah is very limited reference to that. And that was my question on preserve local cultures and tradition. My ha`ole tribe is growing on Molokai so is it every culture? Is it the Filipino culture, the Caucasian culture, it just seems like this is watered down a little bit and it should be I thought it might be intended to be the host culture?

Ms. Wade: The way that it is structured is intended for all local cultures. There are things that are specific to Hawaiian culture because when we are on Lana`i they were saying there is not a lot of host culture here, it's a lot of plantation culture. They have their own very significant plantation culture there that we want to protect as well with this Policy Plan document. So I know Molokai is different. But what we want to do is ensure that the things that you want to do here are also enabled by (in audible). But we also don't want to prevent anything (in audible).

#### **D. PLANNING DIRECTOR'S REPORT**

1. General Plan 2030 Progress Report
2. Status of Spring 2006 Molokai GPAC meeting minutes

Mr. Bennett: I would like to recommend perhaps we continue this section next time because it's very important. It's something that we need to get out. And the concern for time here for you folks I would like to see the agenda items for next meeting. I'm hoping that the Planning Director can come back, perhaps? He was going to do a report for us I guess? I'm hoping that Mr. Hunt can return to our next meeting (in audible).

Mr. Hunt: Would you like me to address that now or later or?

Mr. Bennett: Your report? Or your ability to return?

Mr. Hunt: Either one.

Mr. Bennett: Address your ability to return then. Are you available for us next time?

Mr. Hunt: That was going to be part of my report.

Mr. Bennett: Well it better be a short one if you guys are going to make your plane.

Mr. Hunt: I'll apologize for not coming sooner. My schedule, when I told this job back in January I didn't realize how busy this job really is. I've heard the complaint or concern that this island and Lana`i feels neglected and I'm going to work to overcome that at

least from the Planning Department. My schedule is very busy. I can't commit to coming to every meeting. I've come to 2 of the Planning Commission meetings thus far. So again we are trying and will continue to try.

Mr. Bennett: Okay, well whenever you can make it we'll put you on the agenda how's that? The other agenda item I didn't want to forget is DeGray's comments about Maui Nui. So that needs to go on the agenda as well. And I just would entertain a motion for adjournment if that's acceptable.

Mr. Summers: Mr. Chairman if I may, one of the issues that's come up in terms of our scheduling with Lana'i and trying to get more time for our meeting, I was interested in asking the committee if they could start a little bit earlier? If we could find a meeting space? Maybe 5:00pm or 5:30pm? I know that initially we had 5:00pm meetings and then we pushed those meeting dates, times back to 6:00pm, but if we can slide it towards 5:00pm that would be very helpful. If it's at all possible.

Mr. Bennett: If you intend to do that, Mahealani would have to be the Chair for an hour, because I have a commitment till 6:00pm that I've committed to previously. She says that's okay. It's okay with me. You know our meetings; I think these folks changed to Thursday because of the Lanai meeting. Is that correct?

Mr. Summers: Thursday is an excellent day based on the idea to start at 5pm or 5:30pm rather than 6pm so we could have slightly longer meeting.

Mr. Bennett: That's fine just as long as you realize that I won't be here so. That's okay with everybody else, its fine with me.

Mr. Hunt: Just real briefly, there was discussion earlier about the TVR's, the transient vacation rentals and the difficulty the (in audible). The new administration and the Planning Department is pursuing an enhanced enforcement procedure where we are going to start enforcing them we're going to start regulating them. We are going to work with the County Council to come up with a new draft ordinance to provide areas for where they are allowed and areas where they are not out right permitted. I think it's, I think it's important for people to understand the constraints that the enforcement officer staff is under, and it's not an adequate amount staffed. I just don't want to set a false expectation that we're going to solve this and wave a magic wand and it's all going to be taken cared of. It's going to be a difficult situation and we're not going to solve it (in audible).

Mr. Bennett: Thank you for the update. Mr. Summers.

Mr. Summers: Mr. Chair. I would be a little bit uncomfortable starting at 5pm and not having you for a full hour if 5:30pm would be, okay that would be....

Mr. Bennett: That's fine. Mr. Vanderbilt.

Mr. Vanderbilt: I know in the effort to catch up or do whatever the Maui GPAC had full day sessions on Saturday, somewhere down the line if we need an extra meeting date can that be arranged probably?

Mr. Summers: You will get extra meetings because you do have extra time. So Molokai is actually out front because they have another meeting that both Maui and Lana`i have already used. But the bottom lines is we're gonna get the job done within a 120 days and if we need to have program something additional we'll do that.

Mr. Bennett: Mr.....oh you had more?

Mr. Vanderbilt: Oh just real quick on the TVR. Our Planning Commission now has applications before us for approvals of TVR's and I guess there's nothing you can do about that if people want to come in and apply for a conditional permit or a special use permit it just puts us in a very awkward position knowing that things are coming down the line.

Mr. Hunt: We are in somewhat of an awkward position to but the Planning Department has suggestion the recommended to Council that they draw a bright line where these TVR's would be allowed in resort areas and outside of those areas they would not be allowed. But under the current laws, the Planning Department we try to objective and make use of the law as it is in the books regardless of our personal or professional opinions. And right now the books allow TVR's under conditional permits and so we have to process it. It's awkward for us too.

Mr. Bennett: Are there....Mr. Medeiros.

Mr. Medeiros: I'm just curious while we have him here I just wanted to ask a questions because I know it'll probably come up, what kind of revenues are we talking about in Maui County?

Mr. Hunt: In terms of?

Mr. Medeiros: Yeah in, that these vacation rentals generate.

Mr. Hunt: I don't understand the question.

Mr. Medeiros: Yeah I'm talking about the amount of revenue's that these vacation rentals generate. I mean you know....

Mr. Hunt: To the County? Or?

Mr. Medeiros: Yeah to...

Mr. Hunt: In tax revenues? Or to the economy?

Mr. Medeiros: Yeah well to the County. I know they have, we have kind of like an idea on Molokai. You know we have 35 vacation rentals and their owners usually report to the Molokai Visitor's Association the amount of time that they are rented so we know that they generate x amount of dollars a year. I'm just kind of curious what it is in Maui. I know it's gotta be substantial cause there's I don't know, 1,000 of them?

Mr. Hunt: There's, the last inventory we had done a study done conducted I believe it was stated around 800 who were operating however not all those were permitted. It's only the permitted ones that are given pass. But it is a big question. I don't know off the top of my head what the revenues would be or if we did permit all of them what it would be. The point of the argument that some people are making, the other argument that advocates of the TVR's are making is the amount of money that goes to the economy in general. So in the arguments whether you are pro or con (in audible).

Ms. Davis: Just for the record one of the community members were saying there is close to 2 about 220 on the island.

Mr. Arakaki: That's why I say that you need to take a look at the overarching of the needs of the community. I mean you can have these things but you always have to go back to where the community wants the community to be. And that's just priorities. I mean, if you folks keep forgetting where the community wants to go wants to be you're always going to run into this problem. (In audible) economic values then you're going to run into problems. Cause the community will say no and I think you gotta support the community.

Mr. Bennett: I'd still like to entertain a motion for adjournment.

Ms. Apiki: I make a motion to adjourn.

Mr. Bennett: And second?

Ms. Manu: Second the motion.

Mr. Vanderbilt: Excuse me I'd like to object to the motion....nah...nah...nah.

Mr. Bennett: All those in favor?

Molokai GPAC Members: Aye.

Mr. Bennett: Opposed?

Silence by the GPAC Members.

Mr. Bennett: To bad.

**E. ANNOUNCEMENTS and SETTING OF THE AGENDA FOR THE MARCH 15, 2007 MEETING**

**F. NEXT MEETING DATE: March 15, 2007**

**G. ADJOURNMENT**

There being no further business brought before the Molokai GPAC, the meeting was adjourned at 8:20 p.m.

Respectfully submitted by,

JOY L. H. PAREDES  
Secretary to the Long Range Division

**RECORD OF ATTENDANCE**

**Present**

Alton S. Arakaki  
Barbara Jean Haliniak  
Daniel Robert Bennett  
DeGray Vanderbilt  
Mahealani Davis  
Ululani Manu  
Zessica Apiki  
Ed Medeiros

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Jimmy Duvauchelle

**Excused**

Glenn I. Teves  
Moses Luczon  
Ronald S. Kimball

**Absent**

Zhan Dudoit

**Others**

Jeff Hunt, Planning Director  
John Summers, Long Range Planning Program Administrator  
Erin Wade, Senior Planner, Long Range Division  
Nancy McPherson, Molokai Planner, Current Division  
Joy Paredes, Secretary, Long Range Division  
Michael Hopper, Deputy Corporation Council