

(APPROVED: 11/12/08)

MOLOKAI PLANNING COMMISSION

Regular Meeting
September 24, 2008

The regular meeting of the Molokai Planning Commission was called to order by Chairman Steve Chaikin on Wednesday, September 24, 2008 at 12:39 p.m. at the Mitchell Pauole Center, Kaunakakai, Molokai, Hawaii.

A. CALL TO ORDER

A quorum of the commissioner members were in attendance. (See record of attendance)

Chairman Chaikin introduced the staff for the Molokai Planning Commission, introduced the members who were present. He also went over the agenda for the meeting.

B. PUBLIC TESTIMONY ON ANY PLANNING OR LAND USE ISSUE

Mr. Chaikin: Is there anybody out in the community that wants to provide testimony or any land use issue or any agenda item that we have today and don't want to stick around until the agenda item comes up, we're going to give you that opportunity to do that now. Is there anybody who wants to provide testimony on anything? Whoever wants to go first can step up to the mike and state your name.

Mr. Helm: My name is Zachary Helm and I'm the Deputy Director for the Department of Parks and Recreation, County of Maui. Molokai Planning Commission members at this time I would like to recognize our staff if you don't mind. From our Planning and Development Division Mr. Pat Matsui who's out here in the audience. Project Manager for this item that we're going to be discussing later which is the maintenance shop, Mr. Baron Sumida. We have our consultant representative Rowena and the architect for the project. I would also like to introduce some of our staff that's here today. We have Mr. Billy Amoral our District Supervisor. Our Maintenance Supervisor Mr. Benito Piros. Building Maintenance Repair staff is Jr. Ragonton and Justiano Venenciano. Our Irrigation Specialist Mr. Mark Kawano and our Rec Leader Mr. Mike Mangca. I would like to take this opportunity in thanking the Mayor Tavares and the County Council and especially to Councilman Mateo for supporting this project. The project I'm pertaining to is the Molokai Parks and Recreation Maintenance Shop. It is a long over due building and it will benefit the entire community. Providing this facility will address a lot of our needs for our Parks and Maintenance Division. It will provide much needed space for our equipment and supplies. The building will be able to accommodate all of our maintenance needs such as tools and small machinery equipment. It will serve as a storage facility as well for lumber materials, electrical machinery and irrigation supplies. It will also provide space for all of our tractor mowers, utility carts, fertilizer spreader, aerator and our small skid loader and attachments. The location, Duke Maliu Regional Park, this building will be a suitable area for the overall operation. It is centralized and will make our work much more

manageable and efficient. It will not create more noise or additional traffic. Home Pumehana should not be impacted by this new facility. We operate during the week days from 6 am to 3:30 pm. Weekends and holidays we are closed. At Home Pumehana they have a maintenance crew that does maintenance during the day at their property during the day as well. Which shouldn't be an impact. Actually the noise and traffic is during the late afternoons, evenings and at night. This is when the activities are going on. We really would appreciate your approval for this facility. It will bring some economic relief. Your support and approval is much appreciated. Thank you.

Mr. Chaikin: Thank you Zach. Are you going to be here for the rest of the meeting as we take this issue up?

Mr. Helm: Yes.

Mr. Chaikin: O.K. so I'm going to hold questions or any comments at this point. Zach is there anybody else from your group that wanted to speak? Who ever wants to get up can speak at this time.

Mr. Amoral: Good afternoon. The proposed Parks and Recreation Maintenance Shop at the Duke Maliu Regional Park will replace what we currently have. Please take a moment to look at what our staff is currently using. That facility cannot meet the requirements of our district. In order to become an efficient entity of Molokai we need to have the proposed facility built. With a better facility we will be able to meet the demands of our community with better and faster service. The proposed facility will be built with the community in mind. It calls for insulated walls to keep the noise level down and it addresses all the safety concerns that have plagued our district. It will also become a buffer between events that are held at the Regional Park and Home Pumehana. Mahalo.

Mr. Chaikin: Is there anybody from the Park that's not going to be here later on when we take this issue up? You can speak now.

Mr. Piros: Good afternoon commissioners. My name is Benito Piros, Park Maintenance Supervisor. I'm here today in support of the Parks and Recreation Maintenance Shop at the Duke Maliu Regional Park. This facility is critically very important in our daily operation as maintenance. Not only will it provide much needed space for our equipment and supplies as Zachary mentioned but it will help us in our operation, more efficient. Because we don't need to put our equipment on all different places as you all know which is under the heat of the sun. It will shelter our equipment, they are very expensive by the way. I would like to ask for your support and approval for this very important facility that we are waiting for a very long, long, time. Thank you very much.

Mr. Chaikin: Thank you. You can step to the mike and state your name for the record.

Mr. Mangca: Good afternoon. My name is Mike Mangca Jr. and I work for the County of Maui, Parks and Recreation as a Recreation Leader. I support having the new maintenance shop at Duke Maliu Regional Park. The new maintenance shop will make operations more manageable and efficient by allowing all maintenance equipment and supplies to be stored in one location. This in turn will free up storage in other areas like the gym and make it accessible for the users to put up the volleyball equipment when they want to. Building the new maintenance shop will also benefit the community by creating jobs for the residents of Molokai. Thank you for your time.

Mr. Chaikin: Anybody else?

Mr. Ragonton: Good afternoon Planning Commissioners. My name is Nazario Ragonton Jr. and I'm an employee with the County of Maui. I have worked in the Building Maintenance Repair Shop for the Department of Parks and Recreation for 14 years. I'm in support of the new Parks and Recreation Maintenance shop of the Duke Maliu Regional Park. The shop that we have now is very small and it is a daily struggle to work in a very confined space and area. The building that we have now is very old and unsanitary. The rats and everything, the cats can come inside our shop and how many times we call the pest control to spray our shop because got plenty fleas and as I told you is very unsanitary. Having a new building will provide us a storage space for all of our equipment, tools and small machinery. I think the location is perfect because it is centralized. It will be in operation Monday through Friday only during working hours and I believe that it will not cause a noise or traffic problem. Please planning commissioner's consider our request. Mahalo.

Mr. Chaikin: Thank you.

Mr. Kawano: Aloha. My name is Mark Kawano. I have been an Irrigation Specialist for the County for 17 years. In the time that I have worked here I have never worked out of a shop, repairing valves and sprinkler heads and such. I had to do everything out of my truck. Most materials are bought as needed because I have no where to store them. So at this time when we get called out, if stores are closed or if parts are not available we turn the water off which sometimes means closing the facility or park until the next day or Monday. I have other things like pumps, pipes, blueprints which are stored in different places. If no one is there I can't get them. I have paper work that sometimes gets misplaced or I have to take home with me. I would like to keep my job things at work and in an orderly fashion which all of you would like to do. But it's hard to do if you don't have some where secure to do that. When we go to Maui and talk to other people about their shop and see their shop I feel bad for us on Molokai that we have to work out of our trucks. Instead of having a safe and adequate shop like all the other districts. We get so excited when we receive new equipment that it's sad to see it sit outside in the sun or rain where kids can climb all over it and vandalize it. I think the Molokai Parks and Rec are doing a heck of a job and struggling all these years where we could do a lot more organized and serve the people more efficiently by having this shop built. Aloha.

Mr. Chaikin: Thank you. Is there anybody else from the Parks Department that would like to speak? Let me just say that I would like to thank you for all you guys coming and sharing with us and we certainly will take your comments into consideration.

Mrs. Brown: Good afternoon everyone. I'm Gladys Brown and I'm here in support of that building too. Whenever somebody comes to the Pauole Center and asks me what that building is I said that's an old shack that I used to teach at when I was at Holomua School and that was 50 years ago. So you can just see what a disgrace it is to this area. So after they tear it down I hope the new building that you're going to put up at Duke Maliu Park will be much nicer and much more convenient. I really would like to say too that all the people that work and leave their tools there are such hard working people. I'm here to spy on them all the time and I can see they're working hard as they can. So I really wish that you would support them and give them this building to make their work much more convenient and as many of them say would be much faster for them to get their work done. It's what we want don't we? We want to get the most work out of them that we can. So after you take that building down I think it won't be an eye sore. I think that space there will be just right for something new to be put up. I appreciate it very much, thank you.

Mrs. Alcon: Real fast my name is Ella Alcon and I work for the County also. I work with the County Council and for gotta be over 20 years we've been begging for a new building. So I just stand in support of my fellow workers and their building, try visualize that building not there. When we have events at Mitchell Pauole it's just ugly. It really is. It doesn't belong there and we can do so much with this area if that building is gone. The new location is perfect. It's centralized, easy for them to get to and I see no problem with the noise like Zach said. They only there fore the week, working hours when everybody else working so the noise shouldn't cause any problem. But I really think it's long over due and we need one place that they can work efficiently, keep the equipment. Another thing I hoping once that building gets built is if all the vehicles, the county vehicles can park away from here because that's our complaint, year after year. We have parties, big luau's and half of the parking space is reserved for County vehicles and that's not good. That should be for the public to park and stay for the events over here. That's all I get for say, thank you.

Mr. Chaikin: Thank you Ella and thank you for those additional insights. Is there anybody else that would like to testify on any planning issues or any agenda item at this point?

Ms. Manu: Aloha I'm Ruth Manu. Well two weeks ago and we came over and we never even know what the hell was going on. To tell you the truth because this incident was only for those who live in the area like old folks home, Kapaakea, everybody living on the main stretch. That's all. That's why we never know nothing. Plus it was in the year 2005. Now this is 2008. So, me and my sister look at each other like oh, ok because somebody told us. This is the first time we never do our homework and we was pissed, like what? So, we want to apologize first, for me myself because we didn't know nothing. Now we know. It's like you know what it has been done, they had a lot of meetings out to the public and in the mail, the last one was certified mail and bang they here to get

really approval to build this. I support that, now I know. I got it out. It's like they needed that. Of course look at that, it's ugly. We come down here for parties and this cute old building looking at us, how can you do it with papers or something to make it look nice. But the whole truth is true, this Kawano boy he talking about doing his work in the truck, hello? How come? We just as important as Maui. Maui, Molokai, Lanai we are same county. How come we no can have some facility like that. I don't think going make that much noise. They need it. If they say 30 years, just like the school, we had our middle school, hallelujah. Now we need this one for this guys that working here. So I support that. Aloha...any questions?

Mr. Chaikin: Thank you Aunty Ruth.

Ms. Caparida: Aloha my name is Judy Caparida and yes we didn't do our homework. For one thing I felt aloha for everybody but then it was looking at the good and yet not knowing what was in the back of the whole plan. I know for myself that we do need a building for our guys because when we have meetings, plenty noise, the saw going, sometime I gotta go outside and say "eh bruddah, no can hear". So I really know that we really need the building. In the good way we didn't mean no harm, we just wanted to make sure that everybody is happy not knowing that this was from 2005. So we went out to make sure the plan was already set and we did and so we're here to apologize. It wasn't to be meanful in anyway, anything good for our community that's what we wanted. Only thing they were telling me from the community on this side was Judy you know what if over there get plenty noise what about over here? They know that they're surrounded by old folks and they know they surrounded by the school. We just want to make sure that they make it beautiful and noise proof. And you know what it's just for the day. I know we have more noise in the evenings when we have games. So I'm sorry to all of you. I did not mean to hurt anybody in anyway. Molokai is the things that we need and that's what we support. Pumehana they already said it was all right. When we went there to find out they already had meetings, a lot of meetings, not all of them come out. Over here they never come out until they got certified mail, hello, this is the kind of type we are. We went out to sign petitions, we went as far as that and that's when we found out that everything was already made so we went back again and found out that they all ready had agreed to it. I'm thankful for you folks being concerned for our old folks and for our guys here in the County. I'm thankful for everything and I'm sorry guys. Never mean to go that far but you know what for us it's like what ever hurts Molokai, that's what are needs wanted to be met. We know that Zachary has always tried to do what is good for our people. Aloha Commissioners.

Mr. Chaikin: Thank you Aunty Judy. I think it is important in our community that we have people that take a position and when new information comes to light they're flexible enough to change their mind on the issue. That's good to hear. Is there anybody else out here that wants to provide testimony on anything?

Seeing none I'm going to move along on the agenda.

Ms. Buchanan: Chair Chaikin, about that, I don't know how much time it's going to take but we might want to ask the Planner how much time it's going to take because we might want to switch things around. Looks like all of them is going to be lengthy.

Mr. Chaikin: O.K.

C. APPROVAL OF MINUTES ON THE JULY 23, 2008 MEETING

MOTION: TO APPROVE THE MINUTES AS CIRCULATED

MOVED: COMMISSIONER LORI BUCHANAN

SECOND: COMMISSIONER SHERMAN NAPOLEON

MOTION UNANIMOUSLY APPROVED.

Mr. Chaikin: Is Nancy here? Can you just give us a little information of the park on how much time we have to deal with this? I'm just wondering if we have any deadlines that we're up against with this particular application?

Ms. McPherson: Nancy McPherson, Staff Planner, Molokai, good afternoon, thank you Chair. I think we discussed it the last meeting that there is a time factor. But there are some things that have changed and what we would like to do, I think it would be fine if Joe went ahead and presented because that item can be deferred and he says his presentation is quite short. So I would like for him to go ahead and right after that we would be following that with this item.

Mr. Chaikin: Thank you Nancy, we will go with your advice. Joe go ahead with your presentation and if it looks like you can't finish this than we will defer it. Your condensed version.

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

1. MR. JEFFREY S. HUNT, Planning Director transmitting Council Resolution No. 08-55 containing A Bill for an Ordinance Section 19.530.030, Maui County Code, Pertaining to Administrative Enforcement to the Lanai, Maui, and Molokai Planning Commission. (J. Alueta)
 - a. Public Hearing

Mr. Alueta: Thank you Chair Chaikin. The item before you is to allow the Planning Director, as well as the Solid Waste Director, basically this is just a housekeeping matter. Back in '96 they had the Charter amended which takes priority over everything. The Charter amended to have Title 19

be the responsibility of the Planning Department. Since that time you've also had in the last Charter amendment you split Public Works into two entities, one being Public Works and the other one being Department of Environmental Management which took over Solid Waste and Waste Water. Administrative rules are enforcement procedures for some reason come under 19.05.30 and it lists Public Works Director only. This amendment would add Planning Department to be able to enforce Title 19 as well as the Director of Solid Waste to be able to issue a violation following the procedure under 19.5.30 for their section. If you look under 19.5.30 it covers several chapters. Title 12, 14, 16, 18, 19 and 20. We're also being asked to add Title 8 which would be Water and Solid Waste for Landfills and Dumps. 12 is streets and drainage, street designs and drainage regulations. 14 is waste water. 16 is your building code. Title 18 is your subdivision. 19 is the zoning and 20 is your environmental management. All this does is add the Directors that need to be added to this code that the charter is saying needs to be responsible for these various sections. The letters that you have from Environmental Management basically makes it clear that they want Title 8 added and the Water Department would also like the Director of Water Supply added in addition because the chapter already references, Chapter 14 is already referenced but the Director of Water Supply is not listed as one of the persons that administers violation under 19.5.30. Without this amendment the only person that can issue a violation for zoning is the Director of Public Works. But the charter says it's the Planning Director. That's why we need to bring these two documents in alignment. Basically from our standpoint it's a housekeeping matter. That's why it's being done as a resolution.

Mr. Chaikin: Thank you Joe. As I understand it the only changes that we're really doing is adding three additional directors which will have the authority to issue violations, is that correct? And the three additional ones would be the Department of Planning, the Director of the Water Supply and the Director of Environmental Management. So that would be four director's total, is that correct?

Mr. Alueta: You will add Title 8. 8 is water and solid waste under the dumping rule. So if somebody illegally dumps a refrigerator the only methodology in which to do with that is call the cops and it becomes a criminal littering issue. By adding solid waste or the Director of Environmental Management they can go out and give a civil fine which in this case a \$1000 fine to someone for illegally dumping their car or refrigerator and that's what's needed. Right now they don't have any ability to do that. The only mechanism they have is the criminal violation. Prior to this change when planning, zoning violations used to be handled as a criminal before the creation of 19.5.30 and it's way more effective to deal with than under civil fines and we've been successful in collecting \$50,000, \$30,000 civil fines for violations.

Mr. Chaikin: Commissioner's do you need further clarifications on this, questions, comments?

Ms. Buchanan: Joe can you explain the Board of Water Supply? Instead of the Director of Water Supply it's going to be the Board of Variance and Appeal?

Mr. Alueta: By adding the Director of Water Supply, if the Director issued a notice of violation under 19.5.30 would then go to BVA. The Board of Water Supply would still hear other appeals such as if the Director denied a subdivision, a water meter that person would still appeal that Director's decision to the Board of Water Supply. What we're adding here only deals with, I'm not exactly sure how water deals with things but say someone hooks up an illegal meter to the County Water Supply, the Director of Water Supply under this provision would be able to issue that person a fine of \$1000 or whatever the fee fine schedule is. Or issue a notice of violation under that and if that person appeals that violation it will go to BVA and not Board of Water Supply. But other appeals outside of violations would still go Board of Water Supply under the provisions that they have.

Ms. Buchanan: And currently would not go to BVA than? It doesn't? Currently that is not in place and that is what we're asking them to do?

Mr. Alueta: Correct. That's what they're asking.

Mr. Chaikin: Commissioner Buchanan, Corp Counsel wanted to clarify that.

Mr. Hopper: If an NOV was issued under this section, this section says that NOV is issued under this section would go to the BVA. The problem is under the Water Supply rules it says that any person agreed by decision or order by the director may file a notice of appeal with the Board of Water Supply within 30 days. I want to speak for water but what it looks like is that you've got a potential for a dual jurisdiction if someone would know if they go to the BVA or Board of Water Supply. Water has sent you this letter and it's going to continue to advocate in front of Council that the BVA hears issues, appeals for notice of violations because they're going to be hearing appeals for notice of violations for every other person who issues NOV's for this section. Currently if they are issued an NOV it is at least arguable that would have to go to the Board of Variances and Appeals because the NOV is issued under 19.5.30 and under 19.5.30 it says that NOV's under this section goes to the BVA. The problem is you got the potential conflict under the Water Supply rules that say that a decision or order from the director goes to the Board of Water Supply. So they're asking you, they're recommending that it goes to the BVA and asking you to add that to the legislation to clarify it. So if someone is issued an NOV they know right where to go. I believe that's what they're intent is here.

Mr. Alueta: Also the Director of Water Supply isn't here so if there was a violation to some kind of water rule and it was to be issued a notice of violation you would have to have someone from Public Works to go out and issue that notice of violation because it's only the Director of Public Works that is currently listed. That's why we want to bring clarity to these issues.

Mr. Chaikin: Any other commissioner have any other questions?

Ms. Buchanan: What are they asking us now to do than as a commission?

Mr. Alueta: We are asking you to amend, the resolution from the County Council is asking you to amend 19.30 and to add the Director of Environmental Management and the Director of Public Works, I'm sorry the Director of Planning which already has the Director of Public Works in there. So you're adding two directors. The letters that we have, the letters that we have from agency comments, one is that we're also asking to have Title 8 added as well as the Director of Water Supply is added. From a department standpoint we agree with it and we have no objections to that at this point and we think it could make sense. Title 14 the Water Department is already referenced and 8 would add solid waste which falls under Environmental Management. Right now there is no ability to, basically that's what you are being asking for today and the department recommends that you recommend approval of the proposed changes through the County Council.

Ms. Buchanan: But as it stands you only asking for the addition of the two, the planning director and the whatever, but you're not asking the inclusion of Title 8 and the other recommendation right?

Mr. Alueta: We are in the sense that in analyzing this based on the agency comments we are recommending that you do add Title 8 and do add the Director of Water Supply to the proposed amendments.

Mr. Chaikin: Corp. Counsel wants some clarification here.

Mr. Hopper: Joe's here because he's kind of your staff. Council is asking with the initial bill, the Department of Water Supply is asking for the water supply and the Department of Environmental Management is asking for the addition of Title 8, 8.04. So you've actually got three different entities asking to amend this section to clarify.

Mr. Chaikin: O.K. Joe one more time. We're adding three more Director's you wanted added to the list and you want to add Title 8 to the list and is there anything else besides that you wanted added to the list?

Mr. Alueta: No, that's it. So you're adding Title 8 to the already listed titles and you're adding the Director of Environmental Management, the Director of Planning and the Director of Water Supply.

Mr. Chaikin: What about the clarification of the Department of Variance and Appeals? The clarification of who you go to in the event there's some kind of, because the Water Department is saying that you go to them under certain circumstances, is that correct?

Mr. Alueta: Yes and my understanding is that the amendments do do that.

Mr. Chaikin: Your amendment that you wrote up?

Mr. Alueta: The amendments that are coming from the Water Department, all they're doing is adding the Water Supply, the Director of Water Supply to the various sections of the code. Unless I'm missing something.

Mr. Hopper: And they're recommending language added in subsection C of the bill. Saying notwithstanding any provision of the contrary, the Board of Variance and Appeals shall be the only county board or commission to hear appeals of orders issued by the Director of Water Supply pursuant to this section which is 19.5.30. That's what they're recommending that the commission add as language.

Ms. Buchanan: that is what I'm having a problem with. Thank you Corp. Counsel. That is the language that I'm having difficulty digesting at this point. I don't know if I want the BVA to be that entity. Especially when it comes to water. If I adding that into the language I don't know what kind of ripple effect that is going to have because I would need some site cases in order to make that determination.

Mr. Chaikin: Corp. Counsel if that language does not go in there than what potential conflicts could arise because of that?

Mr. Hopper: I think the letter attempted to explain it to you. I'm not an expert in water, I don't do any water enforcement, I do the land use and planning. But they do say to you that this language would void any ambiguity regarding the proper administrative appellant authority for appeals pursuant to section 19.5.30.030. The problem is that existing in the code right now you're got 14 listed as one of the titles that's enforced under 19.5.30, it's already in there. So I think water wants you to clarify in the code to people using the code why 14 is in there. They believe a reasonable reading of that is that in 14 for the appeals that deal with not NOV's, water supply can hear that but under Title 14 in 19.5.30 those are appeals that the BVA can hear. They believe that's a reasonable construction of that I think. The problem would be someone gets an NOV and they appeal, they could form shop (?) I want to go to the Board of Water Supply or I could go to the BVA. I think Water Supply is asking you to pick the BVA because the BVA hears appeals from the notices of violation which is usually fact base, sort of like criminal cases almost and that's what they're advocating for. I'm not advocating for either approach necessarily but that's kind of how I see it.

Ms. Buchanan: Could you site me one example?

Mr. Hopper: I'm just not good with water examples because like I said I don't do any water enforcement at all, I wish I could give you a better example. The best I can tell you is read the letter, the statements from the Department of Water Supply and that's what they've chosen to communicate to you as their position.

Mr. Chaikin: So Commissioner Buchanan, what do you think about that? You're adding that or leaving it out?

Ms. Buchanan: I think somebody from Water Supply should come and explain how that is, what ramifications that might pose and I want examples of what type of cases the BVA would hear if this language is put into this.

Mr. Chaikin: Joe can you go back to our time table in dealing with this particular agenda item?

Mr. Alueta: 120 days. From the date of receipt of the ordinance, from July 10.

Mr. Chaikin: What I'm hearing from one of the commissioners at least is that we need additional information in order to make a real good recommendation on this. It looks like we still need to get some additional information. At this time since we are listening to this now I'd like to open it up for public hearing and see if anybody from the public has anything to say on this issue. Is there anybody out there that wants to speak on this issue? Seeing none I'm going to close the public hearing and Commissioner Feeter do you have a comment on this?

2. Action

Mr. Feeter: Yes, thank you. The comment is that I can't support this and the reason is that this new ordinance, I believe should be kept solely in one agency which is Public Works. The reason for that is that it adds more bureaucracy and less collaboration. When each of these departments individually should be putting more emphasis on their own functions, now they're given another function and that is not efficient in my view. So therefore I don't support this. I would like to see it kept in Public Works only. One last comment is that all of these agents, departments, are not good at enforcement and this adds a new dimension to each of their, more people, more cost and less efficiency. Thank you.

Mr. Chaikin: Thank you Commissioner Feeter. Well it sounds like if the commissioner's agree is that we're going to let this item rest, get some more information and re-visit it. But before we move on I would like to make a couple comments but let me go back to the way this is agended. It is agended as taking a look at a bill for an ordinance for Section 19.53.030 which is basically this whole piece of paper. In my opinion this does not need a minor tune up, it needs a major overhaul. I think this is the root for the cause of a lot of the enforcement problems that you guys are having in the department today. I think this ordinance is (inaudible) in nature and it may have served its purpose in the day but we are way beyond that point at this point. We have violations that raise from little petty minor infractions all the way up to multi-million dollar business schemes. This is one size fits all, max cap, \$1,000 as long as you obey when you're issued a NOVA and I think that the potential offenses that are out there are a foreign access of what this ordinance provides. As an example if I owned a shoreline house in Maui and I wanted to do a transient vacation rental and I

knew it was going to be too much of a hassle to go through this process, I could figure that maybe I could stay under the radar for a while, work my TVR and some of those places get a \$1,000 bucks a day to rent those out. You could go for 6 months, maybe 8 months and then your neighbor complains because remember, you guys are mostly complaint driven, you guys don't go out and do much enforcement. It's all complaint driven. So say after 8 months somebody complains, take you guys a couple more months to get your act together, to issue a NOVA, as soon as that home owner or that TVR operator gets that NOVA, they immediately respond back to the Planning Department and telling them they are in receipt of the notice of violation and they are going to immediately desist and cease that activity. The next day they get a maximum fine of up to a \$1,000 and they stick a quarter of a million in their pocket. The problem is what we need is ordinances that deter violators. Remember we don't want to enforce, enforcement is the worst case scenario. In fact we have all these rules in the books and we don't even use them because we don't want to enforce. If you guys wanted to enforce you could go down the block and every other house you could probably tag them for some minor infraction. We don't want to enforce. What we want to do is deter the violation from happening in the first place. The way you do that is that you have ordinances that are not attractive to the violator. This thing goes as far as encouraging violations because you know you're pretty well protected because you're going to get a max of \$1,000 as long as you comply. Well you could probably go after them criminally or something and maybe try to get some kind of bigger fine out of the people but the truth of the matter is that this is a contingency issue and probably don't really do that, I don't know. Joe can you comment on that and am I totally out of line?

Mr. Alueta: First of all it's a \$1,000 per day. We've collected \$50,000.

Mr. Chaikin: When I read this and you can read it and see if you interpreted it differently. It says that for any day that that thing persist after you get your notice of violation.

Mr. Alueta: Obviously I would prefer the public beheading, the cutting of the hand and the public execution as the means of deterrence. Denying, tearing down homes, that would be the ultimate public deterrent. But if you want those changes then obviously you didn't run for County Council and put it on the council and get the rules changed. I can tell you right now it's not going to happen, politically. When I wrote the sign ordinance I wrote a bounty hunting provision. It went no where. I put a bounty hunting provision in the sign violation and the answer was it wasn't in the spirit of Aloha. That's what they said and they took it out. I'm with you as far as the weak and lapse thing but not making the changes that we are proposing and the council is proposing would make it easier for violators to continue. It would actually undermine our current violations that we have pending because one of the first things we would say is, I got a notice of violation from the director of Planning, it doesn't say that here, it says Public Works. Let's start all over. Let's go back to go. If you want the violators to get a free ride and you want to not pass an ordinance that is contrary to this charter than fine, don't make these changes. As far as efficiency, we had it under Public Works, Title 19 was enforced, we used to send, Planning was in charge of the zoning, had no enforcement,

we had to rely on Public Works and that's how it is right now, technically. Well building inspectors, guy's who deal with how far 2x4 should be spaced, what the plumbing code or electrical, you try send an electrical inspector out to do a zoning code violation, how efficient is that, it doesn't work. You need to have specialize people who understand the zoning laws to go out and deal with the zoning violations. You need building inspectors and plumbing inspectors that deal only with plumbing to know what is the plumbing violation, what is an electrical violation, what is a solid waste or environmental hazard and violation. You need those specialize expertise in violations. Because it's their kuleana, Title 12 is Public Works' kuleana. Title 18 is subdivision, that's their kuleana. They're going to have their specialist deal with the violations of that. That has been very effective. That's why I'm saying, under the criminal section it doesn't work. We've gone that way, we were that way, we used to go to the courts all the time. The judge used to say you're coming in for a criminal violation for a sign? Throws it out. This is the only methodology.

Mr. Chaikin: Joe let me just say that I concur your recommendations that you set forth have merit. I have no argument with what you're trying to do. I'm just trying to get something in the enforcement ordinance that really deters people from violating. Right now the maximum fine is basically these guy's gardening bill. It's basically no deterrent what so ever and that's what I was hoping to achieve. Put something in there, take away the potential financial gain committing zoning violations.

Mr. Alueta: All those that's not under the proposal, obviously we recommend that you adopt the ordinance along with some of the proposed amendments. As a side note, your comments from the commission, if the commission agreed can say Council while you're at it why don't you look at the fine structure because we think a \$1,000 is not enough given the type of violations. Or if you feel that the over all ordinance needs to be revised to be more deterrent. But as a quick fix so we can deal with the issues of inconsistency with our charter, we recommend, again, that you try to pass this out and make the recommendation to the County Council on this so that this matter can move forward.

Mr. Chaikin: Well I think County Council over here or Counsel is whispering in my ear, no, no you can't do this and that so why don't you speak to that.

Mr. Hopper: I just wanted to say why it's a \$1,000. The charter right now says that the maximum penalty for any violation is a \$1,000. That's the charter. That's your equivalent to a constitution. That over rides the county zoning ordinance. So the Council couldn't adopt a fine higher than a \$1,000 a day if it wanted to. SMA is a completely different story. SMA under state law can get a \$100,000 for initial fine and \$10,000 per day. For example for a vacation rental in an SMA area is an SMA violation. That's a lot different. That's under your jurisdiction. The appeals from that go to you, not to the BVA. As far as this section on zoning enforcement and throughout the code, this isn't the only section with violations, a \$1,000 is the maximum fine by charter. So you need to amend the charter to get higher. As far as the jurisdictional issues there's not a choice as to who

does the enforcement. The charter already says the Planning Department does enforcement for zoning, Public Works director does enforcement for subdivisions, building code and each of the department's has their own jurisdictions for enforcement. If Public Works tried to issue a notice of violation, a zoning violation that could get kick from the BVA because that's not the appropriate director to enforce that law. That issue doesn't, isn't one that council can really fool with because the charter already tells them who has to do the enforcement. Those are the issues there.

Mr. Chaikin: Thank you. So if I heard you correctly is, for instance, if transient vacation rental is in the SMA then they have a pretty high limit of maximum fines, if they're not in SMA then it's \$1,000 max, if they comply with the notice of violation?

Mr. Hopper: Yes. Just so you know your rules need to be amended, your SMA rules need to be amended to allow for that \$10,000 per day and \$100,000 initial. Right now your fines are at \$10,000 initial and \$1,000 a day, they don't reflect a change in state law which has happened. But yes, SMA, all violations in SMA which are SMA violations, not all zoning violations are SMA violations. But a TVR because it would result in the change in the density or intensity of use, that would be an SMA violation if you didn't get an assessment. Those fines are much higher.

Mr. Chaikin: Those are just some thoughts that I had. Is there anybody else who would want to make a comment and then we'll see if this is something that the commission wants to defer?

Ms. Buchanan: Chair Chaikin, this has been fun, thank you very much. But I do have a questions pertaining to this right now and maybe we can wrap it up. I have a question for Joe. Joe, DBEDT says that an anticipation of adoption of this they're encouraging administrative rule changes to include the amendments in ACT 169? Also, sessions law of Hawaii 2001 increasing the thresholds from one time daily civil fines and ACT 224 and SLH 205. Are you guys going to include that or at some point is that plan to move ahead should we adopt this?

Mr. Alueta: Yeah we'll look into that as far as those rules. But we just want to get through one.

Mr. Hopper: Just to let you know we have a set of administrative rules for the Planning Department that is ready to be adopted.

Ms. Buchanan Once this changes over. O.K. so actually the problem came in 2007 so the lesson learned is you don't make a charter amendment unless you have corresponding revisions to the administrative section of that county code and that's why we have that problem now. So they went ahead and did a charter amendment and this is the result of that. So they should've done it concurrently, right? Thank you corp. counsel. So they should have done this concurrently and they didn't. Now they're having a problem because they split one department into two departments. I don't have a trouble with all of this I'm just having trouble with the Board of Variance and Appeals

hearing my water issues. Water is important to me and I don't know if I want to leave it up to them to be hearing my water issues. That's all the problem I have with. So I'm ready to make a motion.

Mr. Chaikin: Commissioner Buchanan that's a valid point but go ahead with your motion.

MOTION: I WOULD LIKE TO DEFER THIS PENDING MORE INFORMATION FROM THE WATER DEPARTMENT SPECIFICALLY FOR WHAT TYPE OF CASES WOULD BE HEARD BY THE BVA.

MOTION: COMMISSIONER LORI BUCHANAN

SECOND: COMMISSIONER LYNN DECOITE

MOTION UNANIMOUSLY APPROVED.

Mr. Chaikin: Thank you Commissioner's.

Mr. Alueta: Thank you very much.

Mr. Feeter: I have a question. The 30 day, 120 day period following this action that we just took. Would you clarify that please?

Mr. Hopper: I don't know it off hand, hopefully I have it handy. I can look it up but it'll take me a second. I think Joe is on it as how it applies to this. You said June 10?

Mr. Alueta: His question is if it goes beyond the 120 days, what happens, it means the council can take action. If you don't respond back within the 120 days they have the option of taking action without your comments.

Ms. DeCoite: I think the date was July 10, yeah Joe?

Mr. Alueta: Yes.

E. UNFINISHED BUSINESS

1. MR. JEFFREY S. HUNT, AICP, Planning Director, requesting the following land use changes on behalf of the DEPARTMENT OF PARKS AND RECREATION for the new Parks Maintenance Baseyard at the Duke Maliau Park and related improvements on approximately 13.145 acres of land located along Kamehameha V Highway near the intersection with Oki Place at TMK: 5-3-003:12, Kaunakakai, Island of Molokai: (N. McPherson)

- a. State Land Use District Boundary Amendment from the State Agricultural District to the State Urban District (DBA 2007/0006)
- b. Change in Zoning from Interim District to PK-2 Park District (CIZ 2007/0013) (N. McPherson) (Public hearing conducted on August 27, 2008)

Action may be taken on district Boundary Amendment and Change in Zoning applications.

THIS APPLICATION WAS WITHDRAWN.

2. MS. TAMARA HORCAJO, Director of the DEPARTMENT OF PARKS AND RECREATION requesting a Special Management Area Use Permit for the proposed Molokai parks Baseyard at Duke Maliau Regional Park and related improvements at TMK: 5-3-003: 012, Kaunakakai, Island of Molokai. The proposed improvements consist of a 5,000 square foot building for maintenance, storage, and office facilities. The subject property covers 13.14 acres and located along Kamehameha V Highway near its intersection with Oki Place. (SM1 2007/0010) (N. McPherson) (Public hearing conducted on August 27, 2008.)

Action may be taken on the SMA application.

Mr. Chaikin: Nancy can you us where we are at this point and where you would like to see the commission go from here.

Ms. McPherson: I would like to bring your attention to a couple of documents that I think you just received today. So I want to apologize again for lateness. But we have been working very hard on resolving the issues brought up at the last meeting. Within the department, with the parks department, with the consultants, we've been meeting on Maui and e-mailing, etc. One correction I do want to make though is on one document the slightly thicker document that says Maui County Planning Department's Report to the Molokai Planning Commission, September 24, 2008 meeting, for the SM-1 that starts with Conclusions of Law, that heading should actually say Recommendation. So I apologize, I'm still trying to get the hang of all the norm and (inaudible). The addendum is an addendum to the report on the SM-1 that you received at the last meeting. Is everybody with me so far?

Ms. Buchanan: I need one more copy.

Ms. McPherson: For Don? O.K. so what we have is an addendum to the SM-1 report which is new information, new analysis and new conclusions. The second document is the recommendation, the last report said that we were, it included a recommendation and it said that we were recommending

that you defer the item until the land use entitlement were achieved in order to have consistency. Well we listened to your concerns, very seriously and we re-evaluated the request for district boundary amendment and change in zoning. What we have come up with in consultation within our department is that the DBA and CIZ, that district boundary amendment and change in zoning request are actually not required in order to accommodate the proposed Molokai Parks Maintenance Project. This is because while desirable as an implementation of the Molokai Community Plan, which designates the area as park, we do not have mandatory requirement to take it out of interim in order to build the baseyard. What we're recommending is that that issue be handled during the Molokai Community Plan Update process and implementation program strategy. So what I did in the addendum is I listed the State Land Use Law that applies which may not have been sited quite as clearly in the last report. The Molokai Community Plan, those policies, objectives and implementing actions that would apply and the Title 19, County of Maui zoning, interim zoning provision allows for publically owned buildings. So therefore the department is withdrawing the request for District Boundary Amendment and Change in Zoning. As I just stated we will be reexamining the consistency issue as part of the Long Range Planning process involving community participation, and hearing everyone's mana'o on any proposed district boundary amendments in order to bring about consistency with the community plan. Even though the community plan designation of park would not be changed as part of the community plan update, most likely. We should be analyzing for consistency even though there's no community plan change. What I'd also like to do before we go into the recommendation, I would like to let the applicant make their presentation which they did not really get a chance to do at the last meeting. Unless you have any questions for me I'd like to go ahead and give it to the applicant.

Mr. Chaikin: So Nancy, you're on E, unfinished business item one which is the change in the zoning and the state land use classification, are you proposing that we skip that and go directly into the SMA?

Ms. McPherson: We're actually requesting that we're withdrawing that request.

Mr. Chaikin: O.K. So that is an agended item so we should allow, ask the public if they have any input on this. So is there anybody from the public that has any comments on the land use change or the zoning change? Seeing none, we can move right on to E-2. That is asking us to look at an SMA use permit. At this time you want them to go ahead and do their presentation, Nancy?

Ms. McPherson: Yes I think I did talk about my staff report at the last time. But basically based on our analysis we are finding that the project is consistent with state land use, community plan and county zoning.

Mr. Chaikin: Thank you Nancy. I just want to thank Commissioner Buchanan for having the for sight to take a look at this and really save us from what could have been a really chaotic process. I think that every time we can save our ag land because we should be moving into the direction of

sustain ability and self sufficiency and ag plays a tremendous part in that rather than move towards urbanization or dependency. So thank you Commissioner Buchanan for keeping us on the right track.

Ms. Dagdag: Good afternoon Chair Chaikin and members of the Molokai Planning Commission as well as members of the community. Once again my name is Rowena Dagdag and I'm from the planning firm of Munekiyo and Hiraga, representing the applicant, the County of Maui Department of Parks. Just to introduce you one more time to the project team we have Mr. Zachary Helm the Deputy Director of Parks and Recreation, we have from the Parks Department staff, Baron Sumida and Mr. Pat Matsui. On the project team is Mr. Calvin Higuchi the project's architect. Our other consultants were unable to make it this afternoon however Mr. Higuchi will be able to address any questions that you have regarding the building plans, the drainage and civil engineering as well as the landscape plan for the proposed maintenance facility. Also with us this afternoon and I don't know if he was introduced was Mr. Joe Krueger from the Department of Public Works. From the last meeting we understand that there were issues of drainage in the project or within the project area and the surrounding properties. So we've asked Mr. Krueger to be here this afternoon to address any concerns that the commission members or the community may have. We would like to thank you for this opportunity to come back before you again to present the project one more time and as if was noted this afternoon, many of the community members came in and spoke in support of the project including the two young ladies there in the audience stating that they were not aware of the details of the project. I wanted to bring your attention that we did have some noticing requirements including the publication of the draft environmental assessment as well as the final EA. However at most times I understand with the state and county regulations in noticing that sometimes it's only for those who are within 500 square feet. Although it was published in the newspapers and even state wide, we do note that concern that the over all community be made aware and whether it be additional meetings or additional, just going and knocking on doors I think we were sensitive to that so the parks department were able to go and talk to the residents within the Molokai community. Again we thank you for bringing that to our attention as well.

Since our last meeting I understand that there were questions regarding the projects civil engineers report on the drainage and soil erosion control. I wanted to note that we have been communicating with the State Department of Transportation, Maui District Office, their Highways Division, with the Chief Engineer, Mr. Ferdinand Cajigal and he has been in communication with the projects civil engineer and the issue with the report was just some adjustments to the existing number of the run off as well as the post development run off. There were just numbers that needed to be adjusted. However in conversation and in an e-mail that I recently received from Mr. Cajigal, although there are those changes in the report that over all there wouldn't be any additional impacts to the project area, he doesn't see any additional adverse impacts. However he and the projects civil engineer area continuing to make sure that the report is final and that the issues and concerns that the State Department of Transportation has are addressed before we go in and file the building permit application for the project.

We also wanted to re-introduce the project to you. At the last meeting you were provided with a copy of the power point presentation. Today we have provided you with the projects plans. I'm not sure if it was provided to you at the last meeting in your packet. But starting from page two, actually page one is just a partial topographic survey of the park. Page two is the site plan that shows the relation of the project area or the project area in relation to the existing kitchen and concession stand, the restrooms, the paved parking lot in both areas as well as the over all scheme of the park. Page three or figure three, provides you with the floor plan of the building. In today's public testimony the Parks Department staff noted that all of their maintenance and repair work would be done indoors inside the facility. Currently the work is being done outdoors and kind of creates an unsafe situation for a lot of the keiki who run around here in the mornings during their activities and also in the afternoon for the after school children. So we wanted to also note that the building will accommodate those activities, all the construction, repair and maintenance type of activities. The building is also insulated so that noise will be mitigated, so any kind of construction noise such as grinding or welding, construction saws that all can be contained within the building. It's also insulated so that also it keeps the building little bit cooler and as mentioned before there are a number of storage areas so that the Parks Department maintenance staff can contain all of their materials in one centralized location. There's also a maintenance staff area for the employees to congregate and hold staff meetings. Right now I think sometimes when they have staff meetings it's situated in different parts of the this complex. So the building would also provide for a centralized staff area for them to congregate. The next page, figure four are the elevations of the building and later this afternoon or, I'll be calling up Mr. Calvin Higuchi later to describe in detail or answer any of your questions that you may have on the projects design. The last page is the preliminary landscape plan. If you have any questions regarding landscape issues we also have Mr. Higuchi here to answer any of your questions.

I think at this time Chair Chaikin we can open up for questions.

Mr. Chaikin: Commissioner's do you have any questions? Commissioner Feeter?

Mr. Feeter: Last time we talked about photovoltaic, I don't see that in the plan.

Ms. Dagdag: I'm going to bring up Mr. Calvin Higuchi to address the use of energy savings techniques for the project.

Mr. Higuchi: My name is Calvin Higuchi I'm with Hiyakumoto Higuchi Architects from Maui and we're the project architect. Photo voltaic, we had our electrical engineer look into it and for the amount of power this facility is going to use is not going to be feasible for the initial cost so we decided not to do it. Our budget is pretty low already. We can't put it in at this time. As far as solar water heating we don't have any showers or hot water usage so we won't have that either. Any other questions?

Mr. Chaikin: Any other questions by any of the commissioner's? Did you draw up the site plan?

Mr. Higuchi: Initially yes. Our civil and land scape architects took it over from there, they did the details.

Mr. Chaikin: I just wanted to draw your attention to the site plan because it really left out some real relevant things. Just to the north and east of the proposed project. There's two baseball diamonds there. The one to the north and east happen to be the little league field with children 12 and under and I thought that was something that you guys should have had on your site plan at least, draw the diamonds out there rather than a blank.

Mr. Higuchi: I think we added it on.

Mr. Chaikin: It's on your copy. O.K. just one other question. You have the pavement over there and I guess it's your driveway into the facility, is that a gate that I see?

Mr. Higuchi: Yes. There's actually two parallel fences right now that run up the park and that curve portion of that driveway intercepts that. So we're going to cut off the chain link fence at that point and continue it along the curve there.

Mr. Chaikin: So that's going to be locked gate when you guy's are not there?

Mr. Higuchi: That's correct. There's another fence that come parallel or in line with the long portion of the new building and that comes across from the driveway and that's where the gate will be. There is another gate that is closer to the restroom near the end of the existing parking. I think they're going to leave that there as well to kind of control the traffic that goes behind the rest room and to the kitchen.

Mr. Chaikin: Any other commissioner's have any, Mikiala?

Ms. Pescaia: I'm sorry I wasn't here at the last meeting so you may have addressed this in the past. Were any other sites considered for this particular project including sites in Duke Maliu Regional Park?

Mr. Higuchi: I'll leave that up to Parks to answer that. I think they looked at other sites.

Ms. Pescaia: While you're getting up here I'm just gonna try and throw out some of my other thoughts so you kind of see where I'm going with that. I went out there and I took a look and I notice that beyond that back diamond there's a whole patch of area that's open and I was just looking at the way the building is positioned it would essentially cut off access to further development like maybe developing another parking lot and opening access to that back field. So

I'm just wondering, it looked farther away than the Home Pumehana houses are, I was wondering if that was another option or even at the of that front parked paving lot right along side the street, if that was considered an option.

Mr. Higuchi: A lot of the lot is in the AH flood zone which is higher flooding so we tried to keep it outside of that area. Of course we didn't want to use the soccer field so that was the only area that was remaining in the park that actually could be used without being in the high flood area.

Ms. Pescaia: Sorry we don't have a picture that shows all the diamonds and everything but so that area in between the existing quarter, like the Home Pumehana border and where that back field is, that's part of the AH zone?

Mr. Higuchi: I think this map kind of shows, we didn't have that much area to really work with in the park. We could have but than we would have to do all the flood plain kind of thing.

Ms. Pescaia: Because currently I work right past there, I work at the community college which is right across the corn field so I pass this park all the time and heavy rain conditions that place is flooded, it is under water, I don't know who built that ditch in the front but it doesn't work so I'm hoping that wasn't you folks and put little bit more thought into this. Would that effect the effectiveness, the worker's access to their facility having so much water in there at different times of the year? Are you going to do anything else that's going to mitigate that problem? I'd hate for them to not even have access to their building because it's so flooded or their equipment being ruined because they're having to drive it through this huge pond four times a year or 8 times a year. Just wondering.

Mr. Helm: Mikiala to answer your question as you notice this is a larger map of the regional park. Regarding the flood concerns I've assessed this problem for many years and I'm pretty much aware of where the floods are pretty much at. We all can see it. Especially during the heavy winter times, pretty much about a fourth of the field is under water. If you take the back side of Kaunakakai School, during the winter time the water gets as high as here. It stays there for a day at the most and than it's gone. The problem is the drainage here always backs up. The drainage is between Kamehameha Highway and borders our park. There's a swell and that's supposed to address the concern but apparently not. If you want to know the other areas of concern for flooding, through my experience there is no flooding in this area where the building is. But over here, where the entrance is, it's pretty much outside of the main parking in this area when there's a lot of rain. To answer your other question about parking, we're thinking about, at least temporarily, opening up this fence here because we know we're going to have Pop Warner coming up and there's a big concern about people parking outside of the highway, we're going to open up this fence for now. We're going to put post and rail, kind of had some idea, that's where I was, I just came back from over there and we're going to enclose an area where people can park. At least during the, now, it's going to be a chaos once they start the first game over here the whole island shows up. I don't know if

there's any funds to do the expansion parking at this time. Because they're going to have to fill this area because it's too low. If they fill that area we don't know where the area going so that might be a big issue, it might go to the school. For now to address the parking issue, that's what we're going to do. We're not going to bring in any gravel or anything, they'll just go on the grass. But there will be post and rail so people don't drive all over the place. At least I think when we went there this afternoon we can at least have 50 more cars in there but they'll stay off the highway. Flooding is a problem and it's been a problem for a long time. It's not for me to discuss.

Ms. Pescaia: Sorry I know I threw out five questions at once but were any other sites considered? I know it makes sense to be here in town at one of your bigger parks that you manage.

Mr. Helm: There were other alternative sites. We wanted this site right here at the soccer field but that belongs to Molokai Ranch, we lease the land so we don't own the property. That would have been an ideal piece of property, right here where that batting cage is. That was one of our first option. Next option was the piece of property west of Rawlins Chevron, that little square lot but it's pretty much salt, dirt, that was the other site.

Ms. Pescaia: But aren't we trying to move those county guys out, or the state guys out?

Mr. Helm: Yeah but that was before we knew that they had to leave. So, that was an option but that cost too much money. The other was the property where Malama Park is, but we were concerned about the flooding because county has a property there and you guys heard that they're going to build a halau there for the canoe.

Ms. Pescaia: You guys looking at places that are a flood zone. Is there any place that's two feet higher that we can put you guys? The fireman they took you guys spot, that would've been good for you guys up there. They no like share? The bottom corner of their aina over there for you folks?

Mr. Helm: We're going to be next to the pavilion and the pavilion never did flood and that area I'm pretty familiar with that area. That's why we kind of chose that area because we own the land and we didn't have to come up with extra monies to purchase property for the county. That was another concern that we had. I don't know. I understand the flooding situation but...

Ms. Pescaia: I know I just hate to put you guys in a bad spot.

Mr. Helm: But if they do the drainage project, I don't know when it's going to happen but I know there's supposed to be a phase three and that included this problem with the water. I don't know if they're going to put some culverts under the ground to the ocean, but if they can address that problem then we wouldn't have that water all backed up every year.

Ms. Pescaia: O.K one more question about that back field putting that building there, I noticed, illegally people drive around the kitchen and they kind of go to that back corner to park.

Mr. Helm: That little league field in the back?

Ms. Pescaia: The back one and they all drive over there and that's why the grass no grow because people keep parking on the far side...

Mr. Helm: We're going to block that out.

Ms. Pescaia: I'm just wondering?

Mr. Helm: If you look at the plans there is parking for the pavilion but not so much for the Little League field. That is only for the people that use the pavilion. Just to let you know, the gate we're talking about the entrance from that parking lot, there's a gate right now. That gate is going to stay there. The gate is located in front of the comfort station, you go left, that's the entrance for this building is going to be. We're going to keep that gate there.

Ms. Pescaia: People are driving to the back because this little parking lot is too...

Mr. Helm: They cannot do that now.

Ms. Pescaia: I know that is blocked off but I guess the community interest is being able to park closer to that back field or even to the other side, the opposite side of the main field. People are wanting to get to the back field and that's part of the reason why they're driving around on the back side.

Mr. Helm: The intent of this field was the regional park. A regional park is a parking lot that's centralized around these three parks. People have to park in that parking lot and walk to those fields. That is the intent of this particular project. But then you know how people are here they want to drive right up the back stop. We know our style. Even over here.

Ms. Pescaia: Currently there is no handicap access, it's all kind of muddy sometimes and to get to that back baseball field, that is one concern that I've heard in the community from people. Because we're talking about maybe extending this parking lot out, I'm just looking projecting later on down the road as we hope usage of these fields will grow if there was a way that we could just hold on to that chunk as a future expansion for parking lot, some how in this plan.

Mr. Helm: That's good you brought that up because there's an easement from Ranch Camp, supposed to be a road that drives in from Ranch Camp towards the park. Maybe in the future we can open that road and pave that road into that particular park.

Ms. Pescaia: O.K. that was the question.

Mr. Helm: So for now we haven't gotten to that point.

Mr. Chaikin: All right commissioner's, any other comments or questions, concerns? Commissioner Buchanan go ahead.

Ms. Buchanan: Since we already on flooding I may as well stay there, bite off the big dog first. I wanted somebody to explain where the access runoff from the building going. It's in the EA, let me check, it was on page, you know what I talking about? Rowena was waiting for me ask this question.

Mr. Higuchi: The third sheet that Rowena gave you was exhibit two and that shows the preliminary drainage plan. In the paved area, that curved driveway that goes into the project area and further up in the parking area, the new parking area there's a couple of long rectangular boxes and those are underground perforated pipes. So whatever additional runoff that we're creating with the project are going in there. There's no runoff.

Ms. Buchanan: O.K. it's a retention type of, O.K. So how much water are you retaining in there and hoping that it drains down in that, what is the capacity?

Mr. Higuchi: I'm not sure the capacity but there's two 50 foot long pipes, four feet diameter. So it's supposed to take care of all the additional runoff that we're creating.

Ms. Buchanan: And that is O.K. with the Water Department because of the aquifer underneath?

Mr. Higuchi: Yes. They based the sizing on the percolation which we got the investigation report on.

Ms. Buchanan: Commissioner Pescaia had brought up the flooding issue and there's two culverts where all the water exits or where the water from this property will exit. Are you aware that directly across the street they've had several flooding problems directly related to what's happening within the park as well as the Maui Community Center and the new road that was installed?

Mr. Higuchi: I think that was the current concern from Highways.

Ms. Buchanan: There's a wetland right across from the street of Maui Community College and there's been a lot of testimony in the past from Kapaakea residents as well the Seaside Place residents that got flooded out some years ago and to my knowledge that issue has not been rectified. I don't see in this plan that you guys adding any type of additional drainage but you still depending only on two culverts to take that runoff across the street. I did not walk where the runoff goes or

where the culvert goes but I think everybody on this board can tell you that's it's not sufficient at this time and do you guys have any other plans besides the insulation of the two four foot diameter for excess runoff other than the two culverts to mitigate flooding?

Mr. Higuchi: To answer directly the answer is no. We basically took care of what ever runoff from the project itself. We are aware of the flooding that goes on on the highway and at the culverts. But I'm not aware of any other projects maybe Parks or Public Works can answer that.

Ms. Buchanan: Has any additions to the plan been made to incorporate the recommendations from the Police Department? They were pretty specific.

Ms. Dagdag: For comments relating to Police Department comments I would like to ask Mr. Baron Sumida from the Parks Department to address that. Mr. Sumida had a conversation with Officer Tim Gapero regarding the comments. So he'll be addressing that concern.

Mr. Sumida: Good afternoon commissioner's. My name is Baron Sumida, Project Manager for this project. Yesterday I had a conversation with Lt. Timothy Gapero regarding some issues that they were concern with. Basically they were concerned that there was insufficient lighting in the area and also there's insufficient parking and the security gate. As we had mentioned earlier the security gates are still in place so that's not an issue with the Police Department at this point, they're satisfied with the way we're addressing it. As far as lighting and additional parking, Deputy Director Helm explained that we are going to use the grass area for over flow of parking and as far as the lighting, as this point we don't have any, we're not adding any additional lighting with this project. We hope to add it in a future project that we're planning in the future, that still needs to get council approval and of course we need to get some monies to finance that type of work. The Police Department is satisfied with the way we're handling it and they had no other concerns.

Ms. Buchanan: I need a letter to that effect from the Police Department to show satisfaction. But should this commission feel that they need to have that as a condition of use for this permit, the use should be thinking about that. Because it was strongly put forth not once but twice and the only response that the police got from you folks was that you guys was going hand it to Long Range planning and that was not acceptable. But at this point I would still want to see, because they were really good recommendations, I felt that they were viable and easy enough to add to the project at this point. That would probably be part of a recommendation should I make that motion.

The second thing is, I know you guys are going to do BMP for the dust mitigation for Home Pumehana but I wanted to exactly know what that would look like and what that would be, for the project site between construction and what you guys going to use between construction site and Home Pumehana for BMP's?

Mr. Higuchi: Home Pumehana is mauka of the site so as far as BMP's we would probably have silt screens on the bottom side and probably dust screens around the project.

Ms. Buchanan: How high would that be?

Mr. Higuchi: Usually they're about 10 to 12 feet.

Ms. Buchanan: Would the same thing be implemented for Kaunakakai School?

Mr. Higuchi: This would be right around the project site.

Ms. Buchanan: Only around the project site?

Mr. Higuchi: This is during the construction site. One thing I want to mention, your concern about the Police Department comments, when we had a meeting the other day, apparently Parks Department is looking at hiring a Ranger so that there's little more security in the park.

Mr. Chaikin: Commissioner Buchanan did you have anything else at this time?

Ms. Buchanan: Yeah hang on, the document is only this thick.

Mr. Chaikin: Go ahead.

Ms. Buchanan: One other concern is Mr. Helm said that their hours are from 6am to 3pm, I was not aware that the hours of operation was that early. We all know that old folks wake up at the crack of dawn, but, a condition that or a consideration that if you guys started work at 6am in the morning that you guys not going be starting up tractors and law mowers and everything else at 6am in the morning since you right next to an old folks home, a retirement home.

Ms. Pescaia: You like explain how this perforated pipe retention thing works, like how the water collects and yeah.

Mr. Higuchi: It's under the paved area and they have these grated inlets like you see in the streets, those cast iron grill type things. So the water goes in both sides and it's four feet diameter and probably three to four feet below the pavement. But it's also got a lot of gravel around it with some geo-petiles to keep the silt from getting in there. So the water goes into the inlets, into the pipes and sits there and slowly seeps into the ground.

Ms. Pescaia: Is the water just run off water that finds its way? Or is it being piped in from the rain gutter kind of thing?

Mr. Higuchi: We're not planning on any direct connections to it. So what ever rains that hit the roof will come down in the gutters and on to the pavement and directed to the drainage inlets.

Ms. Pescaia: So it's paved between where the out spout is and this gutter. Did you folks, maybe you did, actually calculate like how much water, the volume of water, as opposed to amount of dirt you're going to be covering up and that's going to be sufficient?

Mr. Higuchi: Yes. It's calculated. The soils report tells us how much the water percolates and so it's based on that. So if it doesn't percolate that much than actually you need bigger retention. So they size it according to the amount of retention/percolation.

Ms. Pescaia: Cause if you wrong, we in trouble o.k.? I'm just wondering if there is, in your mind, I hope you right, I really hope you right. But is there room for another one to be put in place in case we needed it in the future?

Mr. Higuchi: Sure.

Ms. Buchanan: The whole idea behind that is remember we on top of one aquifer and I'm sure the park uses pesticide in order to spray certain things at certain times if that's a consideration I think when they put that inverts in or whatever it was. Because you really don't want to be draining that much water over the aquifer depending if you using pesticides. That was another issue.

Mr. Higuchi: One other things that our civil engineer mentioned is that most of the inlets and, especially in paved areas, have this special filter now so we have to put that in so that it keeps all the grease and stuff. We have one bay in our covered parking area for wash down on the mowers and so forth, so that has a special inlet and it's filtered.

Ms. Pescaia: Do we anticipate heavy industrial by products, waster, fuel, oils, having that intensity of use? Expectation of that?

Mr. Higuchi: Not that I know of. It's just very light maintenance.

Mr. Chaikin: Any other commissioner's?

Ms. Buchanan: Finding my stuff here. On page 63 of the EA, item 11, Rowena, flood elevation of five feet, building pad is proposed to be 7 to 9 feet above the MSL. So the padding of the area for safety and I never really look good at the plans you gave me today, but how high is that padding going to be from the ground? In your plan it says 7 to 9 feet.

Mr. Higuchi: I think the base flood elevation in that area is like five feet. The actual grade is already at about 7 or 8. We're going basically right above that area.

Mr. Chaikin: I'll just throw out that a lot of the flood maps are based on historical data and I think there's a building set of evidence that suggest that the future might be different from the past in terms of the rising elevations or the floods and what not. But that's just something to consider.

Ms. Buchanan: One more question. Will there be an on site archaeologist when you guys are doing grading and grubbing?

Ms. Dagdag: In page, I'm going to note the page in here, we did receive comments from the State Historic Preservation and if you take a look at Chapter 9, Chapter 10 page 12, the Historic Preservation Division noted that no historic properties will be affected because and for these reasons, intensive cultivation has altered the land, residential development has altered the land, previous grubbing and grading has altered the land. They have also added that in the event historic resources including human skeletal remains are identified during routine construction activities all work needs to cease in the immediate vicinity of the find and that the finds needs to be protected by additional disturbance and that the State Historic Preservation Division, Kauai section needs to be contacted immediately. The State Historic Preservation has previously indicated that no additional archaeological work was recommended for the property because of those three reasons and that should any archaeological remains or cultural matter be found, that all work should stop. That was the recommendation that State Historic Preservation had.

Ms. Buchanan: I noticed in a letter dated November 13 of '07 from the Office of Hawaiian Affairs they had a concern and I think it was a concern between who would be contacted with SHPD or dual care or they wanted both to be contacted. But I was hoping that some over site by somebody when you guys are digging in access of more than one or two feet where grading and grubbing is done that you guys would hire one on site archaeologist. It doesn't have to be a full fledge archaeologist but somebody that would know what they looking for and if they could be on site and they would be the person responsible to make the contact with the appropriate people.

Ms. Dagdag: State Historic Preservation didn't indicate that there would be a need for an archaeological monitor and that's...

Ms. Buchanan: No disrespect to SHPD but I no believe nothing they say. I never have and I never am until this stuff is fixed in their office. That's how come I gotta take one extra concern when comes to, when they make assessment. Because I never seen them ever say they was concerned about anything, ever. I've done this for ten years. I was just wondering if that would be something you guys would at least consider. It wouldn't be for full time, would only be when you guys are digging deep, two, three feet.

Ms. Dagdag: We'll contact SHPD and determine minimal.

Ms. Pescaia: There are local monitors in there, local people who we've trained on island to handle these small jobs. They don't do it as full time but they would definitely come up for the day or when ever you need them and just for when they're going more than two feet deep. Because we're in the shoreline area and the coastline has changed over the years, it's a real sensitive subject for the community. We recently had an inadvertent discovery at another public park and SHPD did not mitigate that situation properly and it was handled by the local burial council and everything turned out o.k. So just to save you what might be grief.

Ms. Dagdag: I understand OHA asked to be notified. I'm wondering if we could get recommendations from OHA if that's what the commission would consider.

Ms. Buchanan: I really no care what OHA get for say.

Ms. Dagdag: But a local qualified archaeologist whose been trained on the island.

Ms. Buchanan: I think Nancy can provide you with one list or maybe at least two or three people that would be satisfactory to this commission. We've done this before.

Ms. Dagdag: O.K., thank you.

Ms. Buchanan: Wait, stay right there Rowena because before we close this and make one recommendation conditions on this that is not currently on this project for me would be the archaeologist on site for excessive digging, the lighting that was asked for my the Police, an extra gate that is beyond the gate that is already there now, that would be more on the traffic side of the road, also the condition that you guys would be actively seeking one easement from Ranch Camp for the back road and doing that now instead of putting that to future planning. Also, oops I never touch on landscape, I going do that real fast after this. But the more parking and the walking path consideration as noted in the April 4 letter by the Police Department.

And than on the last issue since you gave us this last page, landscaping. I know you said somebody can address that. I took one really quick list at the preliminary plant list and there's some issues on here and it's not a big issue. But there's stuff on here that shouldn't be on here. I don't know who you want me to take that up with. But like banyan tree, no way I would want you to plant a banyan tree, absolutely nothing from the family of macro carpia at all. Also coconut trees, I no think we need to give the kind them business for cutting coconuts down at the park in perpetuity. Just stuff like that. It's not a big issue but I want it noted that I'm not happy with the preliminary plant list.

Ms. Dagdag: We can remove those from the list.

Ms. Buchanan: I would like to hold a condition that at least I, if the commissioners are o.k. would oversee the plant list before you guys order and plant stuff. I like plants so I kind of know about plants. That would be my only thing on landscaping. O.K. pau, go ahead.

Mr. Chaikin: O.K. any other commissioners got anything? Commissioner Feeter go ahead.

Mr. Feeter: Thank you. Budget. Looking at 2005 in the previous plans and I'm concerned about \$2005 compared to \$2008 and number one, has it been funded and that's the question. Has it been funded?

Ms. Dagdag: I'll have Mr. Helm address that.

Mr. Helm: I'll have Patrick answer that question, he has some of the money in his division.

Mr. Matsui: That's a good question. When we first started this project like '05 or something we were looking at \$500-\$800,000. As time went on '08 budget which we're in now we asked for 1.2 and we finally got it. But you know the last few months oil was going up, we're finding our bids going up. Molokai is even worst than Maui. We're crossing our fingers, we not really sure we're going to meet budget. A lot of the concerns you're talking about it makes sense in the long run but we have phase doing things. Yeah it would be nice to have the road, would be nice to fix the drainage, nice to have more lighting but right now we're just focused, just trying to get our base yard building for our people to come and work. Hopefully once we get that done we can start adding in to make the park better. It's going to come over years. Over all the county fiscal is very bad, we already got word from the Mayor's office we gotta cut 10%. Next years budget across the board, 10%. This on top of our electricity going up, everybody knows that, we gotta pay electricity, water everything else, gasoline. So it's hard times and we'd like to have all these things but a lot of times we just gotta get by with bare minimum. Right now we're just trying to focus on the building. Hopefully we got enough low bids that we can build just the basic thing. We might not be able to do all of the fencing, all of the landscaping, all those other things, but if you start putting conditions on our permit that we gotta do these things, we may not be able to do our project.

Mr. Feeter: Thank you for that. How much do you have right now?

Mr. Matsui: 1.2

Mr. Feeter: 1.2 million.

Mr. Matsui: Yes.

Mr. Feeter: In your opinion is that, from your past experience, is that sufficient to build your present plans?

Mr. Matsui: I think we're in the ball park. We're close and we're hoping we get good bids. The economy is slowing down so contractors are sharpening their pencils, but on the other hand materials and everything else is going up. We're hoping and that's why we want to put it out to bid as quickly as we can.

Mr. Helm: I just wanted to add too, we do have an operational budget, pretty much it's the districts kuleana. We do small projects. We can put up lights, we can put in a sidewalk, maybe certain specifications, we can't do a whole bunch of stuff but we have people on Molokai in our district that's capable of doing the work. If there is funding to do small projects that'll improve some of your concerns, requests, like the lighting, we can get exemption of some how putting some lighting in that over flow parking, we'd love that exemption. But I'm not sure on the rules and regs on putting up lights because right now like Patrick said, there's only x amount of monies and you have to figure shipping all that material to Molokai and the construction company that's going to get the job, we don't know if this is going to be the amount. Hopefully, cross our fingers, it's enough money.

Mr. Chaikin: Thank you. Just to follow up on that. Molokai as you know is economically challenged. What can we do, is there something that we can do in a project like this that we maximize the benefit to our local community in terms of jobs, in terms of the building of the project and is there some way or something that we can do to maximize the benefit here?

Mr. Helm: Give me an exemption to put the lights in, I can do it in house.

Mr. Chaikin: I'm talking about the whole project. I'm just talking about are we going to hire somebody from Maui to build this building or is everybody going to be hired here locally?

Mr. Helm: Well we gotta go through a bidding process so I cannot answer that.

Ms. Pescaia: Who's going to be occupying the office, in this new building?

Mr. Helm: Our maintenance supervisor.

Ms. Pescaia: Where's his office now?

Mr. Helm: Right in the gym, on the side of the gym.

Ms. Pescaia: He's the only one or is it like, that's where your irrigation specialist is going to share...

Mr. Helm: He'll need to have an office because he has to install his computer, he has to do his time sheets, he has to do his daily work assignments. Of all the staff that we're going to have here he's the only one that's probably going to need an office.

Ms. Pescaia: So this office wouldn't eventually move over to that building?

Mr. Helm: Not really because you know there's three divisions in this department. You have recreation and support services, maintenance division which we're trying to help right now and aquatics which is the pool. One day we would like to be all in one area but it's going to be hard. I know there is plans, just to give you some news that there was a couple of grants that was approved just recently by the USDA, one of the grants was for \$75,000 to do a master plan for Mitchell Pauole Center. So with that plan it was to improve our facilities here at the center, the civic center across there and just the whole complex. Maybe with that plan we can expand our office. Because we really need to expand that office.

Ms. Pescaia: That office is a little matchbox, poor thing. I'm just looking down the line again, projecting what our possibilities are. The fire station, they're moving out, everybody's trying to move out and we're trying to revamp this area and I didn't want to, it would've been nice to keep our options open as far as parks and rec go and be able to either expand on this building in the future and house everybody here and have all of your resources in one place and opening up this space for other things. Opposed to them coming up with this grand plan and you folks being....

Mr. Helm: Back in 1991, I'm going to kind of share this with you guys, there was, I had a dream, not a dream but I had a vision of Molokai's future regarding parks and recreation and I think Linda Lingle was the Mayor at that time. I mentioned to her that it would be a good idea to purchase, at that time, land from the Ranch where the existing Regional Park is, I wanted to build a gym, another gym and in that gym would have all of the parks and recreation offices. But that never materialized. That would have been a great plan because that would have had everybody together. That property we were talking about is the property right in the back of the little league field at the regional park between Ranch Camp, right in the back there. But that was one of the proposals I made but I guess it ain't gonna go there.

Mr. Chaikin: Any other Commissioner want to chime in on anything at this point? Maybe Nancy can help on this one. The EA is not as complete as we hoped it would be. There's some things that seem to be missing in there and looking at that whole EA process, I noted that the parks and recreation department was the accepting authority to the adequacy of that document. Is that a normal process in government that they approve their own EA?

Ms. McPherson: Yes. The Parks Department can be the accepting authority for the Ea, for their own project. Also the Planning Department can do that as well. There are other departments that do that but to my knowledge the parks and rec department might do the most and I think public works does some to. I think they're pretty good at it actually.

Mr. Chaikin: When they decide who's going to be a consulting party in the beginning I guess they send out some letters and certain people are in from the very beginning, how is that determined or

decision makers like ourselves usually excluded or included in the whole process. It just seems to me that you should try to get all of the linkos ironed out before you show up to the bigger event. Can you talk a little about that?

Ms. McPherson: Well I was not on board at the beginning of this process. The preliminary consultation etc., was done starting in 2005. From past experience I would normally recommend that the Molokai Planning Commission be a commenting agency. I can't really tell you why that didn't happen in this case. It wasn't intentional. But also our corp. counsel might want to say something to that because I'm not sure how many boards and commissions are usually commenting agencies on environmental assessments. In the case of Molokai I think it's a good idea. The planning commission is the only body on Molokai, they have a lot of knowledge about this island and the community and the issues and environmental constraints. The process could really benefit from the local knowledge. Mike do you want to speak at all to the, how usual or unusual its is for a planning commission to be a commenting agency?

Mr. Chaikin: Let me just say that I just bring that up because just to try to figure out ways how we can make this a better process. By bringing it up and talking about it, you hearing about it, next time something starts up and you're in in the early stages you might throw that out that we should be in the loop.

Ms. McPherson: I definitely will do that. The only concern I think that, I'm not sure if Mike has this concern but our only concern is that we want to make sure that the commission is only commenting on cultural and environmental impacts, sticks to the environmental view aspect of this so that no one has to recuse themselves later on if they make comments that can be interpreted to be being against the project.

Mr. Hopper: To address the EA briefly, I think typically you're treated something like a jury where you don't find out or get all the information at the beginning. The reason fo that and it's the same thing I've told council, you get an EA and you don't like the EA even though its been accepted, you can ask for that additional information. If you think you don't have enough information. You can generally ask as long as it relates to the permit you're granting, you can ask for that information and defer action until you get it or deny the permit because you don't believe that the applicant has met their burden. But that's with EA's in general. This one in particular I can't speak to it. If we're going to add additional conditions I recommend that they be very clear because conditions are contract terms basically, they've got to follow them, that they be, I would recommend written down and that we make amendments to the staff report here to make sure the findings of fact to what we have, based on the record, are consistent with any new conditions you put on if necessary. For example, in the staff report it states that archaeological monitoring, there doesn't need to be any, they don't anticipate, SHPD does not anticipate any archaeological impacts. If that's a different assessment that you have that should probably be amended in your staff report to state why you believe, if you do believe there needs to be additional monitoring and of course all conditions, I

believe you should ask the applicant if the conditions are feasible and if they can do them. That's my recommendation. The more important thing for me though is that if you're going to condition the project we make sure that everyone knows what the conditions are, that they're very clear and that if necessary we draft additional changes to findings of facts and conclusions of law when we adopt this.

Mr. Chaikin: Thank you. Are there any other comments from any other commissioners? If not, we really need to be moving in the direction and making some sort of decision. Is it my understanding or am I correct that we have already had a public hearing on this, open and closed? Today we just have to provide an opportunity for the public to speak on this issue?

Ms. McPherson: That's correct. The public hearing was closed at the last meeting for the SMA use permit. One thing I wanted also to mention is that Joe Krueger did fly over from Maui so if anyone had any public works questions specially for public works now is your opportunity to ask.

Mr. Chaikin: Seeing none from the commissioners at this point. I would like to open this up for the public, give the public an opportunity to chime in if they got any comments on this. Is there anybody in the public that would like to speak on this?

Ms. Caparida: Since we're talking about the flood area, I know Kapaakea, we know this place really good because when it rains, it pours. The thing is I remember, where they talking about the parking area there's a ditch, there's a canal over there that goes straight down to MCC. I don't know about puka's going to the ocean but there's no way the water has a place to go and that's where our problem is. It just rises up and that water starts going across the street it runs out that way. It doesn't come out this way as much as it hits the corner. That's where our problem is right there. So I hope our county figure out a way to either, you know how they do it now, you know Zach's place, that's a swimming pool when it floods over there. The water rises way up. Over here it goes into the neighbor's place and that's where a lot of the complaints come from. That much I know. Because mana'e to home here, down here, we have to move the boulders out of the road to get over to come to town. It's really bad. You know what the rain never come yet. Rain is coming. So, it's better to prepare than to be sorry. Because people on that side is waiting for all this to happen. I think we should prepare for that because there's no way the waters can go across because there's no way of the water diverting to get across there. You have to dig, than you have to open it up and then you have to make a culvert that goes under there, who cleans it up? I know for sure everything pile up that's why our water rises. So that is the only problem we have over there is the erosion of the water. I need to know that because we went to legislature and we went to fight for that. They got a million dollars to do the work over there to do the work on Kapaakea side. So, you gotta make sure that our side over here connect with that side so no more pilikia later. Thank you.

Mr. Chaikin: Thank you Aunty Judy. Anybody else from the public want to testify? I'm going to close the public portion of this at this time. I think we as a commission really need to be moving

in the direction of some decision making on this item. So let me just kind of recap where I think where we are now and where we need to go from here. Let me just say that the Parks Department is working for a very long time on this project. They started way back in 2005. They desperately need some place to be and they deserve some place to be and they do a very good job taking care of all of our parks with very little effort on our part. With that said, let me now say that we as a commission, these are the kinds of applications that we really don't like to get because we like to sit up here and think that we're doing a good job and then we get an application like this that's asking us to endorse a project that sandwiches a base yard facility between a little league park, a community kitchen and senior housing. We all know from Planning 101 that those are not compatible land uses. So then what we do in that case is we look at the alternatives because some how if we look at all the alternatives and this alternative is better than all the rest, than some how it gives us some justification to vote for this project. So when we go to the Ea and we go to the alternative section it's not really covered. So then take Zach's verbal that this really is the best way to go. Than I think we need to look at the community. We've had some people come in and testify in favor of this project and some testify against this project. I think we need to take a look at the people that testified against it and see what their particular concerns were. What I remember hearing was that noise was a factor, traffic was a factor and we had Zach remind all of us that even though there is going to be some additional noise and some additional traffic it really pales in comparison to the noise and traffic of these regional tournaments that we have at those parks. But never the less, these people that basically had these concerns, these are people that live there. Now not only do they have these problems in the afternoon, after school and on the weekends with the big events, but now they have to listen to additional noise and what have you all day. So for them it is a major impact and I think we have to take their concerns very seriously. So, we really go back to the consultants and see if they had done everything that they can to mitigate these concerns, these impacts and whether or not they've reduced the impacts to a level that we as a commission can consider acceptable. I think that's where we're at. I don't know the answer to that question because I've heard the commissioners up here talk but it seems as though they didn't go as far as I would like to see them go in terms of being concerned about these impacts. Now we did have one potential suggestion from Commissioner Williams, came up the other day, well maybe if we plant a hedge it'll block out some of the sound and maybe with the thought process being out of site, out of mind maybe that could help. I don't know. So I would like, we have all these consultants here, they're all very smart people. I would like to hear them reiterate what they can do to mitigate the impacts to these people that are going to be infected. But not only what they plan to do but what they haven't planned to do but could do. So I would like to hear from all three of these consultants that have been here and each maybe come up and see what we can do and the commission can take a look and see whether or not the impacts are mitigated enough. But I tell you what, I'll let you guys, give you a little time. We're going to take a break and you guys can figure out and tell us what you can do to mitigate those impacts and after that we'll see if the commission has any further information that they need to get before we move on to the decision making process. So we'll go ahead and take a ten minute break at this point.

After a short recess the meeting was reconvened at 320pm.

Mr. Chaikin: I'd like to bring this meeting to order and ask the consultants, I'll basically leave it up to you guys whoever wants to present first can come up and address the commissioners and see if we can address some of the impacts that have been brought up during this meeting.

Mr. Higuchi: Calvin Higuchi again. Relative to the noise issue, as you look at the floor plan the shop has roll up doors and it's like 10-12 feet wide and it faces directly into Home Pumehana. One of the things we could do is move that 90 degrees so that it faces towards the baseball field side and into the covered parking area.

Mr. Chaikin: I think that's major progress. You gotta understand these people at Home Pumehana, they have nothing to do but sit there all day figuring out what they're going to say next. That's probably a good strategic move.

Mr. Higuchi: The other thing we could do I guess is provide more ventilation, we do have ridge vents over the area and windows as well as that big opening. But if we put in more ceiling fans or what ever in that area it'll be a little cooler and if it gets really noisy they could actually close the door and mitigate the sound that way. We don't want to add more cost to it but that might be a simple solution.

Mr. Chaikin: O.K.

Mr. Higuchi: What other issue was there besides the sound?

Mr. Chaikin: Well there's the whole traffic thing of you guys trucks coming in and out and than we have all these teams running back and forth. When I was little league coach I know our whole team would be running back and forth to the different diamonds and you got your trucks going in and out and I know that you have work hours and what not and typically when the little league and all those guys are out on the field you guys are essentially done. But one of our responsibilities as planners is to not look at the conditions that exist right now but try to forecast out into the future, this building could be 20, 40, 60, 80 years in existence. So down the road it might be a much different scenario especially the way the oils going and we're already talking about four day work weeks, potentially longer days and so there might be down the road a little more conflict between all of these teams practicing there and your trucks trying to get in and out. We talked a little bit about a walkway or something, I don't know, I just bring that up.

Ms. Buchanan: I think a walkway and aggressively pursuing the easement for another route into the maintenance shed other than the current route.

Nancy you got my scratch paper?

Mr. Helm: Regarding the easement. First of all we need to research who owns the property and I'm not sure if we can condemn that property to do, (a) if it's an easement or not but I'm not sure who owns the property. My understanding is Molokai Ranch, into that particular area to the small field at the regional park, that's what I understand. I don't know what it'll take to put an easement through that particular area. I don't know what's involved.

Mr. Chaikin: Didn't I hear you say earlier that you already had an easement?

Mr. Helm: That's my understanding but I can't guarantee that it's true. I don't have that information, I'm not sure if Nancy might have it. She doesn't have it so I can't say if it is or not.

Mr. Chaikin: O.K. thank you. Anything else commissioners?

Ms. Buchanan: No, my problem is if we want an easement to the back of that maintenance shed and it's up in the air, how can we pursue it so somebody will get on and actually start to research if it's not a condition of this project that they aggressively pursue an easement at some point and time.

Mr. Chaikin: Commissioner Buchanan it's very important if we're talking about this being a potential condition on the application or just merely a recommendation. Because if it's a condition than it falls into a whole new category with a whole bunch of stipulations and I think corp. counsel might have something to say about that. I'll let him discuss that.

Mr. Hopper: I'd like to wait until we actually come up with what conditions we want to propose but there are certain conditions that I believe we should discuss in executive session about how they relate to coastal zone management act and things like that before we would pass. In addition to make the necessary changes to the staff report, we need to make sure, remember, since we're not doing the change in zoning any more which allows for far broader conditions that's a legislative act where you can kind of put any kind of conditions that you would like on them with some limitations. This is an SMA permit that deals with coastal zone managements, it's not a land use regulatory tool. So we just need to be careful with that and I have no problem having the group discuss these things but until we see on the table all the condition everybody would like to approve, we can than go from there and make the necessary changes to make that all correct.

Mr. Helm: I just want to add too, excuse me, if you make it a condition I don't know what it will take for us to meet that condition at this time. But I know if we do allow an access into that park we have to take a lot of other things into consideration. If it's to accommodate the public to utilize the fields, to be closer to the fields rather than parking in the parking lot, there's other concerns of safety concerns that I have like fly balls and things like that that can jeopardize the vehicles. I just wanted to share that with you. Adding a lot more conditions might just be more difficult for us to go ahead with this project.

Mr. Chaikin: Did you want to present anything?

Ms. Dagdag: I wanted to address some of the other conditions and also have a discussion with the commission as well. There was one condition regarding the final landscape planting plan and the condition would be that the applicant shall provide or file with the planning department, with a copy sent to the Molokai Planning Commission, the final landscape planting plan. If that's o.k. Is there any discussion on that?

Ms. Buchanan: The reason why those plans would be submitted would be for approval.

Ms. Dagdag: So we'll add the extra language in there. That the applicant shall provide the Molokai Planning Commission a final landscape planting plan for review and approval.

I know the issue regarding noise had been addressed earlier by Calvin Higuchi and we also wanted to note that all construction and maintenance activities, as represented by the Parks Department will occur between the hours of 7am and 3pm so that would help mitigate any noise prior to or after that time. It's already something that Parks Department currently does so we just wanted to note that as well.

There was also another question regarding the security at the park. It wasn't really clear as to which gates needed to be locked. Is that my understanding that there was a request that gates be locked at a certain time?

Mr. Chaikin: I think that was something that the Police Department set forth. They really wanted the thing to be locked when you guys aren't there just to prevent the loitering and what not. Then there was the light issue. I know that they were asking for more lights and you had talked a little bit about we can add lights later on but I just want to throw out and not necessarily as a condition, just as a recommendation that you consider motion sensor lights around that building so if kids jump over there, they want to mess around with the building, the light will go on momentarily. As opposed to something that's on all the time and it's going to be light pollution for the neighbors.

Ms. Dagdag: That can also be incorporated into the lighting plan for the project. As far as the gate is concerned, that the Duke Maliu Park entry gate along Kamehameha V Highway be secured and locked during non park business hours. So that would include or that will be the hours when there's no activity or business at the park.

Ms. Buchanan: What you mean, right outside by the road? Just the maintenance gate will be locked?

Mr. Helm: There's no gate at the main entrance at this time. But the gate that is there now where the rest room is that's going into the new maintenance shop will be secured. When we're done working it's secured. Now that gate serves other purposes as people utilize the pavilion and if it's

being used for that purpose they have to get a key and a permit. We're doing it now. It will be the same way we're going to do it in the future. But just to share this with you. We are thinking, because we have a lot of complaints because people drink there late at night, about closing the facility at a certain time. We have a Park Ranger on board and his job is to monitor the parks during the later afternoons and evenings. That's his responsibility. To make sure that everything is secured and if people are getting out of hand his job is to get them out. But then we're thinking about closing it as well. Maybe closing it at 11 and opening it up at 6am.

Ms. Dagdag: There was also another comment about obtaining a letter from the Maui Police Department so we discussed this and that final plans be submitted to the Maui Police Department for review and that comments be obtained from the department stating that no adverse impacts are anticipated.

Mr. Chaikin: O.K. thank you. Did you have anything else?

Ms. Buchanan: I didn't want to make more work for Rowena Chair Chaikin, but I don't think there needs to be an additional letter from the Police Department as long as the lighting issues have been addressed and she said it would be all good for them. The security issue with the gates have been addressed and the lighting is the only thing, no, we addressed that. The walking path, that the walking path be installed at some point on the project. So I don't think you need to do that, I not going make you stress out and send a whole new packet to the department for one letter.

Mr. Chaikin: Commissioner Buchanan did we actually deal with the lighting issue? I think that they had said that's something they would be able to do down the road with some budgeting money that they have time to time. So it was kind of put off, basically.

Ms. Buchanan: No, they was shaking their head in the back, they was going yeah, yeah. Well you know what it's going to be a condition at the end of the motion any way. But they already saying that it's o.k., that they like the idea about the motion detector lights.

Mr. Chaikin: Oh the motion detector. I thought you meant additional lighting for the whole facility. They had some issues with more lighting. Then the walking path. Did we fully discuss that walking path or did we have a mutual understanding about what we're talking with that? Maybe we should discuss that a little bit further.

Ms. Dagdag: That would be within the park, it really wasn't made clear.

Ms. Buchanan: It wasn't clear to me and I really didn't look at the plan but I thought it was a great idea. Because there's people with wheel chairs that like to access the area closer and right now there's nothing but dirt and bare ground. So there should be some kind of smooth surfaces to at least access the bleacher area, I don't think it would be a big cost burden for engineering at this point to

at least put in some walking paths from point A to point B. Right now there isn't any. I mean I haven't been to the park for a while.

Mr. Higuchi: We have another program called ADA accessibility, handicap accessibility and we're mandated to do all of our parks. We got like 100 + parks, we've set priorities, we have a program, what you're talking about, providing sidewalks to the bleachers, that's something that's going to happen, not right away but it has to happen, it's going to happen in the future. As funding comes available we're going to be doing it. Talking about money last year we spent like two million dollars, actually a million. We asked for two we got a million. Next year we're going to ask for two and we'll probably get a million. Maybe you ask for three you get one. It's a program we're mandated to do, it's a good idea. I personally want to do it. I just went to a seminar our population is aging. It's not just for the handicap people, it's for the older people too. Walking paths, something we want to do in all of our parks.

Mr. Chaikin: Thank you. Commissioner Buchanan are you satisfied that they do that with that other program.

Ms. Buchanan: That going be one recommendation I guess.

Mr. Chaikin: O.K., thank you. Is there anything else, commissioners? We got all the consultants here, kind of like your last opportunity to try and get something here. Anybody else got a comment? Commissioner Feeter?

Mr. Feeter: Just imagine what it would be like without these parks. Just, I think you know what parks do. They provide every age for people in this community and last time Zach said there was 9 parks. I don't know if those include the beach access on the West End or not, they do, O.K. So let's kind of focus on this for a minutes. We're talking about a lot of (inaudible) and it's really, these people need a place, yes they do. We don't like the traffic, yeah. We don't like the noise, but you can't have it both ways. We've got a budgetary crunch and I'm just kind of getting impatient here. What I'm saying is just think if we didn't have these parks. Our children and the adults would not be as healthy, they wouldn't demonstrate the leadership. Look at the young people that have gone out of this community that have had athletic back ground that they wouldn't have had the chance otherwise. We're talking about some mickey mouse stuff that's really not going to make a whole lot of difference 20, 30 years from now. Sure I'd like to see my photo voltaic, I'd like to see an access around the Ili'iki but let's get on with this thing, amen.

Mr. Chaikin: Thank you Commissioner Feeter. So I think we as a commission really need to move in the director of decision making and part of that decision making is trying to figure out if this thing does get approved by this commission, what if any, conditions we might want to attach to the project. So we need to be very clear on exactly what conditions we would be talking about attaching to this permit. I just want to go over the list of conditions one more time and make sure that all of

us have the same understanding of what we're talking about in terms of any potential conditions. I did hear some potential conditions coming forth from this commission such as having an archaeological monitor present if the digging is going to exceed a couple of feet. I heard another condition that related to that and that was who we were going to contact in terms of some archaeological find. Is that something that needs to be a condition or is that just something automatic. Can somebody talk to that? That's covered. The only thing I have so far is the archaeological monitor and also the issue came up with the plant list that before you guys actually go through the thing you will submit a plant list to the Planning Department, who in turn give that plant list to us, we'll take a look at it and either o.k. it or not o.k. it and give you recommendations why we didn't o.k. it and you will take that either back to us for approval and than you will move forward with your landscaping plan. So those are just a couple of conditions. Also Nancy has conditions that she has recommended in her staff report and they are listed there and we can all look at those. In addition to Nancy's recommendations and those two recommendations that I just brought up, we should see as a commission if there are any other conditions that we would want to set forth on this project.

Mr. Hopper: Just to recap, I don't think you've done this as a commission yet. You're granting an SMA major permit right now. This is considered a contested case, it's under the Hawaii Administrative Procedures Act. There are certain procedures you have to follow and among them you have to adopt findings of fact and conclusions of law. What's normally done with these is that the staff report you got, not today but at the last meeting, it has a bunch of information in it and these are usually adopted as your findings of fact. You should have read them and made sure that everything in them you believe is accurate and you're agreeing with them and you will adopt them. They will serve as the basis of your conclusions of law which will include conditions as well as conclusions of law which Nancy has prepared for you her basically proposed conclusions of law in her recommendation that state along with the conditions it has the conclusions of law that there are no impacts, there's a series there you can read them, and than finally the conditions. The conditions have to relate back to your findings of fact, for example if you need archaeological monitoring, that would be based on the fact that you may believe that there are or could be potential archaeological finds or impacts of the project. That should be made clear in your findings. Any motion to approve must also include an adoption of findings of fact, conclusions of law and can be in the staff report, you can reference. Or you can reference your own.

Mr. Chaikin: Just to be clear commissioners you have a piece of paper in front of you that says it's the one that says obtain a special management area use permit and basically in that it has a whole bunch of stuff that Nancy prepared and that is basically our findings of fact and conclusion of law that we would have to adopt in its entirety or if there's something in there that we don't agree with. So, you guys look through this and see if there's anything you object to in here and in addition to that we can make what ever conditions that we want as long as they don't conflict with something that's already written in here.

Ms. McPherson: Chair I'd like to add if you have additional findings of fact that you want the staff report to incorporate then you can approve the department's report as amended but you need to specify what those additional facts are that you would like included in the staff report. What I can do is I can go ahead and put a statement in the staff report saying that even though the State Historic Preservation has found that no cultural resources will be affected, there is concern that possible, you know, burials or other archaeological resources could be discovered therefore it is recommended that there be an archaeological monitor on site. We can create a condition that states that for all. During all excavation and grading activities going to a depth greater than one to two feet, or two feet, then there's an inadvertently discovery clause and a sandy soil clause that State Historic Preservation has kind of been issuing lately, I can add those in there. What I'd like to do right now, I realize you all are kind of reviewing the staff report, the original staff report, but what I would like to ask Chair is if I could just go through the recommendations for conditions only reading the ones that I have changes for, if that's acceptable and then if there's any other wording that the commission would like or any additional conditions that they would like to add then we can do it at that point. So we could at least get that part approved, maybe, and, unless you want to just do it all at the same time. If I may?

Mr. Chaikin: Yeah go ahead.

Mr. McPherson: First of all on the cover I'm going to change it to Department's Recommendation. But when it's all adopted it'll be, your conclusions of law and decision and order, the staff report is the findings of fact.

So, under recommendation we state the Maui County Planning Department recommends approval of the SMA use permit, well first what I want to say is the department request that the commission adopt the department's report as amended as its findings of fact and conclusions of law and recommends approval of the SMA use permit based on the following conditions. Under condition four, that final construction shall be in accordance with preliminary architectural plans dated as follows, floor plan and exterior elevation March 5, 2004 site plan, March 13, 2008. In addition the applicant shall submit final landscape planning plan to the Planning Department and the Molokai Planning Commission for final approval. Is that still your will?

Five, that appropriate best management practices and measure shall be taken during construction to mitigate the short term impacts of the project relative to dust and soil erosion, there's no change with that one. I didn't know if you wanted to add anything to that one.

Eight, there's a correction that the applicant shall submit plans to the Maui County Planning Department for review and approval as far as construction related structures. I don't know if you folks want to see that as well. You could if you wished to.

Eleven, that all exterior illumination shall consist of fully shielded downward lighting throughout the project, equipped with motion sensors. If that's acceptable than we can have it that way.

Condition fourteen is not required because an NPDES is not required. We can either leave it in as written or we can delete it. You want to delete it o.k.

Fifteen, that the applicant shall use best practices outlines in CPTED, etc., etc., and at the end I will add in addition the applicant shall submit final lighting plans to the Planning Department and the Molokai Planning Commission for final approval. If that is still something you'd like to see. If we delete fourteen they'll be renumbered but right now I have it as condition 18 under project specific conditions, that an on site archaeological monitor be present during all excavation and grading activities going deeper than one or two feet. Again the inadvertent discovery clause and the sandy soil clause.

So I think I had this language before you in the past for the project. So I hope you can trust me to draft that correctly.

Mr. Chaikin: O.K. Nancy do we, did any of this reflect the change in the door location from..

Ms. McPherson: No that would be an additional condition. Let's see where we could add that. We could add that, I think Rowena has a condition actually that she'd like to read that might incorporate that, Rowena do you have that one about operations, best management practices for operations for maintenance operations? We could include the relocation of the door under that one I think.

O.K. so I think we could add that under four, condition four, with the exception of the relocation of the shops roll up door from the north side to the east side, is that correct?

Mr. Chaikin: From the northwest to the northeast.

Ms. McPherson: Where we say final construction shall be in accordance to plans, preliminary plans as follows with the exception of relocation of the shops roll up door from the side facing Home Pumehana to the eastern side of the building. That is number four.

Mr. Chaikin: Corp. Counsel wants to chime in on this.

Mr. Hopper: Just a note, that's an important condition. Its says construction is in accordance with those plans, so they can't change their plans unless we put that reference in there. I think you said with the exception of the door change. I just want the commission to realize that when they say with accordance with the plans, it means that. So it's hard for them, they can't be flexible after that. So it's an important change if you want them to relocate the door and they're o.k. with that.

Mr. Chaikin: Commissioners is there anything that you didn't hear Nancy say that you thought should have been in there?

Ms. Buchanan: The ridge vents and ceiling vents or whatever?

Ms. McPherson: What is that?

Ms. Buchanan: He had mentioned about putting in ridge vents for, they're in the plans, o.k. We did the hours of operation for noise between 7 and 3? Where we get that?

Ms. McPherson: I don't have that in the conditions yet. If you would like we could add a condition that states and Rowena can you please verify with the Deputy Director? What we say the hours of vehicle operations or the hours of equipment operations?

Ms. Buchanan: Main thing not 6:00 in the morning.

Ms. McPherson: I think the concern that was expressed was with starting up riding mowers and that sort of thing, even if the noise is mitigated inside the shop area saws can go pretty far. But I think the main concern would be the maintenance equipment.

Mr. Chaikin: I think to a certain extent we have to have faith in the Parks Department that they're going to have enough common sense not to be blasting big noise devices very early in the morning.

Ms. Buchanan: But they no more common sense to hammer outside here when we having one meeting, o.k.?

Ms. McPherson: I think they're doing that purposely.

Ms. Buchanan: And chain sawing everything else when we trying to have one meeting over here so talk about common sense. But there is no mention, what I don't want to fall off into the black hole of long range planning it's for them to aggressively pursue or investigate an easement possibility to the back parcel of that land. So how can I fix that? To say that we going tell long range planning to me is like tossing that into one black hole for ever and ever. So I would be satisfied if the department had at least shown me a letter, even if it takes two to three years or four years or what ever that it is actively pursuing the possibility of obtaining an easement to the back parcel of that property. The reason for that is to relieve traffic congestion which was brought up by residents in the area and also for another access for safety purposes because I've seen our fire truck, our ambulance and two fire trucks congest that thing going in and out of there where nobody can move. Another access area would be great. That would also, you can basically separate half of your lot that way if you had a back easement. So I just want somebody to stay on it and I don't want to put long range planning in charge of that. That's why I'm hoping that it would be a condition of this project,

I don't even want to leave it as a recommendation because I don't want it to fall off the radar. I want somebody whether it's its gotta be parks because it's parks property that we going actively pursue that easement into that back parcel. At least our letter to the Planning Department or whoever it is whose in control of obtaining land entitlement and easement that you guys going be at least doing that. You can come see me for money for (inaudible)

Ms. McPherson: Commissioner Buchanan I think the challenge with that would be finding a nexus between the impacts caused by this project and the need for that access. There may be some traffic issues but would need you to pretty clearly state why this project is triggering...

Ms. Buchanan: Because we no have parking as it is and at some point in time that back area will have to accommodate parking. You cannot park on the road, on the street. If you're going to flood in the swell, if you're going to at some point put permanent parking into the area now that you parking on the grass, in order to have 911 fix on additional parking, you cannot fill in that swell unless you going mitigate huge drainage problems for the future. So at some point in time you going need to have access to that back parcel and you might as well do it now.

Ms. McPherson: I understand but is the need caused by the vehicles that are going to be parked in association with the maintenance facility?

Ms. Buchanan: The EA calls for 14 workers plus vehicles during those hours and you just said that one problem had come when people are getting off of work and children are trying to play baseball or soccer or whatever they going be doing. There is a congestion problem there. We over look it. We're over looking it now. We over looking that we need parking because we need this maintenance building more than we need parking right now, we understand that. But all I saying is that we need to plan and we need to start, somebody needs to start acquiring at easement for that back parcel. It makes sense. We know you going need more parking, period.

Mr. Higuchi: My comments on that, you know this would be like a new project and there's a process for that with a council's appropriations committee. When we look at projects we look at it county wide, department wide and also for Molokai parks. That's kind of gotta stand in line and fall within that frame work and just to add it as a condition for this I think is really wrong. It'll kill the project. If it's a problem we'll look at it, there might be solutions if we can get the land but just putting a road there is not going to solve the problem. You need to add parking and if there's enough room for parking we got the money to buy it, if we got the money to develop it, that's a lot of things we have to look at. I don't think that you should add it as a condition for this project.

Mr. Chaikin: All right, thank you. It's a difficult situation, one thing when we have conditions and we put conditions on these projects we really have to relate them some how to the environmental impacts because it deals with the coastal zone so if there's some way that we can some how substantiate that, this will some how mitigate some environmental concern than justifiably we can

add it to it. But I think Commissioner Buchanan what you had suggested is that we use language like that they actively pursue which is not binding language, it's recommending language. So if we just recommend to them to do that as oppose to them as a condition than we can move forward with this and we'll be in the same spot we would if we made it a condition because it's not even binding because we're using non-binding language in the condition. Does that make sense?

Ms. McPherson: I can offer some thing. As part of the Molokai Community Plan update which is going to start one of these days soon, we are going to be looking at infrastructure, public facilities, etc., etc. and trying to identify all of the issues for all of those aspects of life on Molokai. So I just want you to know that I'm noting down all of these issues, I'm working with long range probably more than Clayton would want me to in the next year or two for, to make sure that all of the issues and concerns and long standing problems on this island are addressed in that community plan and that we are actually working on implementation in accordination with the Parks Department and Public Works and etc., etc. It's going to be a much stronger effort than has ever happened before. You have my personal guarantee on that. So I just like you to know I'm going to make sure, as long as I'm still around anyway, that this gets in there and it is programmed into CIP, however that's going to play out and that money is attached to it so that whatever is needed to alleviate those issues with the Regional Park access parking, emergency vehicles etc., is addressed in the community plan.

Mr. Chaikin: Thank you Nancy, you are a real asset to this community. So thank you for that. Commissioner's do you have anything else that you want to bring up before we go to the decision making?

Ms. Buchanan: No but that's going be one recommendation than?

Mr. Chaikin: I think we should recommend it.

Ms. Buchanan: Do one easement as well as walkways and pathways at some point and time. It's just a recommendation, is that o.k.?

Mr. Chaikin: That's fine. So I think we need to move to decision making process so and in order to that we need a motion from one of the commissioner's that we accept the conclusions of findings of facts and the conclusions of law and all of the recommendations as stated on the record by Nancy. So we're going to need some sort of a motion to that effect and than we can vote on it and see how it goes. Let Corp. Counsel, let's do this correctly, let's have Corp. Counsel just let us know what the motion should sound like so we don't end up being way off.

Mr. Hopper: It's really appropriate for me to suggest how a motion would sound like but I'm going to try it anyway. You need to, if you do approve, adopt the staff report presented by the Planning Department as your findings of fact as well as the conclusions of law and conditions as stated by the Planning Department. If that's your desire. I would want you to be clear on what conditions you

are approving and make sure you know that. But those are basically the three things, adopt the findings, adopt the conclusions and since those findings and conclusions recommend approval subject to conditions, if that's the action you would like to take than that would be the proper way to phrase such a motion.

Ms. McPherson: I would just like to add that it would be the staff report as amended.

Mr. Chaikin: Anybody want to take a stab at this?

MOTION: I MOVE THAT WE ADOPT THE STAFF REPORT AS AMENDED, FINDINGS OF FACT, CONCLUSIONS OF LAW, THE RECOMMENDATIONS AND THE ADD ON'S THE CHANGES TO THE STAFF REPORT, AMENDMENT AND I WOULD ALSO LIKE TO ADD ON THAT THEY WOULD INITIATE OR TRY TO PURSUE THAT BACK EASEMENT.

MOVED: COMMISSIONER LYNN DECOITE

Mr. Chaikin: Is that a recommendation to pursue, that's actually not part of the actual permit.

Ms. DeCoite: It's not on the actual permit but for them to pursue it, I'm making that recommendation for them to pursue the easement.

Mr. Chaikin: Let me just ask Corp. Counsel if that motion clearly reflected what we had just discussed and what Nancy put on the record.

Mr. Hopper: To clarify this is to adopt the staff report as amended as your findings of fact and the conclusions of law and conditions as stated by the planning department as amended because there were two that you spoke about as well as a recommendation on the easement issue which would not be a condition but a recommendation coming from the commission.

Ms. DeCoite: For the record, correct.

Mr. Hopper: Thank you.

SECOND: COMMISSIONER LORI BUCHANAN

Mr. Chaikin: Any discussion on this?

Ms. Buchanan: Discussion is to add one more recommendation for walkways and pathways.

Mr. Chaikin: I'm sorry say that again.

Ms. Buchanan: To add one more recommendation for installing walkways and pathways at some point and time. It's a recommendation.

Mr. Chaikin: O.K. Any one else with discussion? Well you can make a recommendation, it's not binding, it's just a recommendation. You can recommend anything you want.

Mr. Feeter: I would like to recommend that this building be, electrical supply be by solar.

Mr. Chaikin: O.K. so we have two potential additions to the motion. Well let's see, there's two additional items that we wanted to add on. So if we're going to make that part of the motion we have to have a second on those two items that we just wanted to add. Is that correct?

Ms. DeCoite: I get no problem adding that to the motion.

Ms. Buchanan: We are in discussion. So it would be up to her to amend her motion to add the two recommendations.

MOTION AMENDMENT: I WOULD LIKE TO ADD ON RECOMMENDATIONS FOR WALKWAYS AND PATHWAYS AND ALSO THE ELECTRICAL SUPPLY FOR THE BUILDING BE SUPPLIED BY SOLAR.

MOVED: COMMISSIONER LYNN DECOITE

SECOND: COMMISSIONER LORI BUCHANAN

Mr. Chaikin: Any further discussion?

Ms. Pescaia: I just want to make a comment that photo voltaic system is part of the recommendation number 10, it's already mentioned. It says where appropriate conservation measures shall be incorporated into the project including, not limited to, blah, blah, blah, photo voltaic systems.

Ms. McPherson: Where feasible. That does not preclude retrofitting as well.

Mr. Chaikin: I think that's o.k. if we're redundant on a recommendation.

MOTION UNANIMOUSLY APPROVED.

Mr. Chaikin: Thank you commissioners. Thank all of you the consultants, people from the Parks Department that have been very patient for this very difficult process. Thanks to Commissioner Buchanan, it really went a lot smoother than it could have if we had to go through the whole zoning and land use change process. Thank you.

Commissioners I know we're all getting a little bit tired here but let's see if we can jam through some of this stuff on our agenda so we don't have to defer everything here. Let's just take a look.

F. COMMUNICATIONS

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

MR. LLOYD INOUE submitting a Special Management Area Assessment for the Hayaku Gas-N-Go Repair and Remodel Project at 53 Ala Malama Street, TMK: 5-3-002:011, Kaunakakai, Island of Maui. (SMX 2008/0226) (CTB 2008/0007) (SM5 2008/0266). The request for exemption involves repairs to broken windows, replacement of steel roll up doors with wood and T-11 siding, change of use of mechanic's bay to convenience store. Repair and replacement with no change of footprint, exterior repairs and remodeling less than 50% of total area of front and side elevations. (N. McPherson)

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

Mr. Chaikin: Nancy can you give us a brief run down on what this is and than we'll move this to decision making.

Ms. McPherson: At this point in the day I'm thinking that, I'm sorry, one second.

Ms. Buchanan: Chair Chaikin are you on communications item one?

Mr. Chaikin: that's what I was looking at.

Ms. Buchanan: I think most of us are ready to vote on this so if you wanted to have public testimony and a vote I think we can sew this up in less than five minutes.

Mr. Chaikin: Thank you Commissioner Buchanan for that. Is there anybody in the public that want to testify on this item? We're on communications F-1. This is an after-the-fact permit, they're asking us to concur with the planning department for some improvements they're making at Hayaku Gas-n-Go. Just some minor stuff that they're doing.

Ms. McPherson: Can I give you the 30 second run down on this? O.K. it was all bust up, right, Kalama's. Then Lloyd, they went ahead and put up signs and they tried to fix them yeah but they

haven't gotten building permits. They also need SMA. What I did was I asked them, they put a container and I said please move the container off the TMK, please take the signs down, then we're only doing the SMA exemption for the repairs. It's in the BC-T also. So the problem there is they made some changes that were not following the design guidelines for Kaunakakai business country town. But the thing is for the elevation it's less than 50% it's 46% of the area of that elevation which means that we can basically, I can approve it and it doesn't have to go to Urban Design Review Board. If it's more than 50% than it has to go to Urban Design Review. So what I told them is if they want to do signs and you want to do the container and all that other stuff, we'll do that under another permit so you can finish fixing the building, replacing the broken glass and all that kind stuff. But they already go broken into, somebody tried to break in because it was just dry wall. You know Lloyd, he's just like, you know and he didn't even come today. But what we're doing is just for the repairs. They're going to be coming back for any additional stuff that they need, other permits.

Mr. Chaikin: Do we have any motion for this agenda item?

Ms. Caparida: O.K. I know about that place and I don't think they should go into anything because they're just trying fix the place before it falls all the way down. So Nancy you're doing a good job Nancy. So I thought I'd just come up and vouch for that because I know he is the contractor.

Mr. Chaikin: O.K. thank you for that. Commissioner's any motion on that?

MOTION: I MOVE THAT THE PLANNING COMMISSION ACCEPTS THIS REQUEST AND CONCUR WITH THE PLANNING DEPARTMENT.

MOVED: COMMISSIONER BILL FEETER

SECOND: COMMISSIONER LYNN DECOITE

MOTION UNANIMOUSLY APPROVED

Mr. Chaikin: Thank you Commissioners. We're on a roll here.

2. MR. JOHN L. SAKAGUCHI, AICP, Senior Planner of WILSON OKAMOTO CORPORATION on behalf of the STATE DEPARTMENT OF TRANSPORTATION AIRPORTS DIVISION requesting comments in the pre-Environmental Assessment (EA) consultation process for the Molokai Airport Aircraft Rescue and Firefighting Station Improvements project at TMK: 5-2-004:008, 082, 083, Hoolehua, Island of Molokai. (N. McPherson)

The Commission may offer comments on the proposed project relative to the development of the draft EA.

Mr. Chaikin: Nancy this next thing on our agenda is I guess they're going to do some kind of EA for an improvement project up at the airport for the fire department. Can you speak to this issue?

Ms. McPherson: I'm going to let Clayton talk about this because I don't, I didn't ask that this be put on the agenda.

Mr. Chaikin: O.K.

Mr. Yoshida: Mr. Chairman and members of the commission we did receive a letter from the consultant for the State Department of Transportation, Airports Division stating that they are in their draft EA, pre-assessment consultation step and they are soliciting comments, any comments you may have on the proposed Molokai Airport aircraft and rescue fire fighter station improvements. They would appreciate receiving your comments by October 13, 2008. So this is just a pre draft EA assessment consultation.

Mr. Chaikin: So does that mean we're going to be a consulted party on this?

Mr. Yoshida: I believe that they're looking at this body as one of the entities that they're consulting with.

Mr. Chaikin: Well that's what we're hoping for in the last project. Clayton, I have a question on this. I guess I'm a little confused because up at the airport at the fire department they are in the final stages, they have just completed a major improvement project and they're just on the very final stages of completion and now I see this coming, they want to start all over again, can you speak to that?

Mr. Yoshida: We're just transmitting what we received. Essentially from the, it goes through the project location and description as to.

Mr. Chaikin: O.K. so you're not aware of that. It's about at 1200 square foot building that has just nearing completion and there is some issues with this. When I look at the building that they built one thing, the United States has all these rules and regulations and one of them deals with addressing the handicap. I look at this fire fighting building and its got big ramps on it for wheel chairs. It just seems so out of place that the fire station you gotta have, at the airport you gotta have all these stuff for wheel chairs. It just seems so out of place. But anyway what they're asking for is for us to comment on this by the 8th if there's anything that we want to comment. How do we accomplish that, do we just tell you and you're going to comment to them or?

Mr. Yoshida: Well if the board has comments that they would like sent to the consultant for DOT airports.

Mr. Chaikin: So I can tell you what my comments are right now?

Mr. Yoshida: It's the same like the La'au draft EIS. It'll be comments from the board.

Mr. Chaikin: Right from all of us. We don't really know and they're just asking us in advance and saying hey we're getting ready to start on this whatever EA process and do you have any comments before we even get going on this. I think that's where we're at. Nancy do you have something to say?

Ms. McPherson: Well if you have comments that you're ready to give right now, again it would be really helpful if they were in writing. You could also e-mail them but what we need to do is put them all together and we need you to approve them as a body.

Mr. Chaikin: Excuse me we can just right here, right now if anybody has any suggestions, blurt them out and we can approve those suggestions.

Ms. McPherson: Because you'll have a chance to comment again on the draft Ea.

Mr. Chaikin: This is just the very get go. Commissioner Buchanan, Commissioner Feeter, go ahead.

Mr. Feeter: Well I can think of one myself if they ask Carl Brito, number one what is the new building and report back.

Mr. Chaikin: Well I was told that the new building was for the fire fighters, it's kind of like a dormitory, hang out day time place to be while they're at work waiting for the next fire I guess. Part of the problematic part of this whole thing is that the reason they need that building and they need that dormitory is cause they bring people in from off island to staff that. So they gotta have a place to house them over night. That to me just seems inappropriate, they should really try to find people here on the island to employ rather than try to fly their workers back and forth and have a place for them to live and all of that.

Ms. Buchanan: I found it difficult to reply not having the actual draft EA. So while they gave us a nice project summary, there was no EA attached to this and I am not going to download x amount of papers so my request would be to be provided with a hard copy of the EA. Since you're bringing up stupid stuff, the stupid stuff of this whole thing is I wanted to know if the building was built before July 30 of 1987 or not. Because the permits for this as you already pointed out, there's not enough needed operational space that would promote personal safety and more alert and ready individuals. So they want space to sleep and what ever, you know that's the, but in 1987 they

already knew that it was inadequate so why did they build it is my question. So they built something that was not up to code than.

Mr. Chaikin: Right. Just for clarification there is no EA yet. That's why they're sending us this letter. They're saying that they're going to get going on this whole EA process and before they get started they want to know if we have any concerns so they can stick them in to their EA. This is the very early stages and they're just sculpting. So if we have any concerns or recommendations now would be the time to put those forward.

Ms. McPherson: If there's information that you would like to see provided in the draft document you can ask for that now and they'll start working on it.

Mr. Chaikin: I took a look at this thing and I blurted out my concerns. My concerns was, one of them was that if some how they can be exempted by the whole ramp issue where they gotta have the whole handicap stuff on the fire station I think that would make a whole lot of sense. The other thing about addressing the issues of hiring local workers rather than bringing them in from off island and having to house them.

Ms. DeCoite: Question. I notice you guys talking about housing and stuff I thought they just took one whole housing unit down there? So that's what they like the permit for?

Mr. Chaikin: That's what I'm questioning because they just built a brand new facility, spanking new, they're just putting the last brushes of paint on the thing and now they're talking about building a brand new one and they haven't even finished the old one that's brand new yet. So that's the problem. What they want to do is they want to move the whole station to a new location so but then why did they even build this other building. I just don't understand.

Ms. Pescaia: I think it was a temporary emergency fix because of FAA violations. I think they kind of rushed the building, that portable building. It was built as a portable so that they could move it or sell it or give it to somebody else afterwards. So I think they put up this building real quick and they're taking this long drawn out part, it's going to take them forever to do this, build the permanent cement facility, you know how long taking us to build this fire station. They're going to build a whole new fire station that's bigger and better and in the meantime they have this building to house and eventually that other building is going to leave.

Mr. Chaikin: Thank you Vice-Chair. Is there anybody else have any comments of concerns that they want to pass on before the EA is done? Seeing none can we make a motion so we can forward these on behalf of the commission.

Ms. McPherson: Either that or I can draft something and bring it back to the next meeting and you can approve it than. How much faith do you have in me?

Mr. Chaikin: It's o.k. with me. All right we're going to basically defer this item.

Ms. McPherson: If you have any additional ones that come to mind we can add them, you can e-mail them to me.

Mr. Hopper: Remember only E-mail Nancy, don't e-mail each other.

Mr. Chaikin: O.K. so we're going to defer this and then do we have a, what's the date that we have to get back to them on that?

Ms. McPherson: October 13.

Mr. Chaikin: We have an October 8 meeting so we can deal with it then. Thank you Commissioners.

ITEM DEFERRED.

G. CHAIRPERSON'S REPORT

1. Wrap up on the 2008 Hawaii Congress of Planning Officials conference.

Mr. Chaikin: Let's try and go very briefly through this agenda as possible.

Ms. McPherson: I think these folks are leaving 545pm on Pacific Wings.

Mr. Chaikin: So we got a couple more minutes. Moving on G-1, this is a wrap up of the Hawaii Congress of Planning Officials conference. Some of us had the privilege of attending that conference and I don't know if any of the commissioner's attended that thing if they had anything that they thought was particularly interesting or something that kind of struck them, I know six out of 9 of us attended that. When you look at these things it's really the, these kinds of messages that we bring back to our community that makes the whole thing worth it. Did you guy's, is there anything that struck you as being particularly interesting? I tell you what, I had the opportunity of knowing that I was going to ask you that so let me just go first. Then you guy's can think if there was anything that happened to come up. I attended the energy portion. I was interested in sustainability and the energy, alternative energy portion. I looked at that and one thing that was particularly interesting was that they had this one presentation where we went to all the different islands and all of the different places on all of the different islands that were best suited for different types of alternative energies. Looking at Molokai, one thing that struck me as being interesting was that when you look at alternative energies and you look at the ocean there's three different ways to capture that energy. Either the current, or the waves or what they call the under water wave action. When you look at the maps of all the different islands, Molokai stands out by far. There's no other

place in the State of Hawaii that has the type of potential energy sources as this island. That place happens to be La'au Point. Off of the tip of La'au Point there's enormous energy out there and I thought that was interesting and I actually did make copies of that map so I can go ahead and distribute that to you guys and you guys can have a look. Also in here is another thing with the whole wind thing. These are the wind maps and they'll be followed by the wave energy maps. But the wind maps were kind of interesting when you look at Molokai. Molokai is not super well suited for wind, at least in terms of the other places on the islands where they put these wind farms. They normally put the wind farms in the most extreme windy places. Molokai does have a few places that look like they're colored in the same places where they put the other wind farms and they're mainly out on the Kamalo ridges out there. But there does seem to be some kind of potential along the cliffs of Hoolehua, some how maybe capturing the acceleration of the wind as it comes over those sea cliffs. But that's my two cents. Did anybody else want to add anything that they might have gotten from this conference?

Ms. Pescaia: I just wanted to share real quick that over the courses of three days people kept referring back to Molokai, our different effort in the community, our land management practices, our fishponds, our community involvement, people kept referring back to Molokai so I just wanted to let our community know that you guys are doing a great job. We are doing a great job and it was kind of, probably the most outstanding and ironic thing for me was that the theme of the conference was E'Ola Pono and it was about best practices, malamaing our oceans, our water supply, our water shed, our land, planning smart and planning for seven generations. It was ironic that we were hosted at the Grand Wailea with seven swimming pools, they use water for decorations, have fountains and water falls and it was so spread out and it didn't seem like we had enough examples of the theory being put into practice. But as the discussions took place we, the Molokai Planning Commissioners had a lot of examples to put forth. When they were discussing their ideas and all these things that we're supposed to be doing, we're like oh, yeah, just like so and so, just like Uncle Mac and Mo'omomi, just like the mana'e people, just like Halawa, or whatever we kept having a lot experiences and examples to refer to personally and so I think, I don't know if I gained a whole lot. I gained a lot of information but I definitely feel like we contributed to them what we do here. So I just wanted to say that I'm very proud of this community and we might have really long meetings and might seem like you know, so much work, but we are making progress, we're setting the bar and I just want to say to this community I'm very proud of you. Thank you.

Mr. Chaikin: Thank you Vice-Chair. Anybody else want to make a comment of anything. O.K. Commissioner Feeter.

Mr. Feeter: Well I wanted to thank the community and thank the Planning Department and the County of Maui for their ingenuity, it was very refreshing and scary. 2015, no more oil. So we better get on the dip stick and really get serious and the sustain ability was the message and it was very sobering. Thank you.

Mr. Chaikin: Anybody else.

Mr. Kalipi: I'd just like to say it was good time, good information, good motivation speakers. One of the things that I looked at was the alternative energy and I had a chance to go on the mobile tour just like my fellow commissioner's, different mobile tours. I'm still challenged by it's great alternative energy, it's just that we need to be more proactive how the alternative energies are these wind farms or even the solar systems or the solar farms are coming out. How it can come back to the consumer. I don't want to wait 10 to 20 more years down the road. It needs to happen and it needs to be a bottom push up or something needs to happen that it's going to affect our pocket books on Molokai. Anywhere in the community. Because it went from big business A to big business B and for those who were there from Tina A to Tina B. I just like to continue to pursue how it's going to reach you and I. Thank you.

Mr. Chaikin: Thank you, anything else? Let me just follow up on something that Commissioner Kalipi said, he was talking about inspirational speakers because I think that is important. I think that's one of the reasons for me that I go to these conferences in the hope of finding some sort of inspiration or motivation to bring back here, give us a little bit of extra energy to try and get some things done and to make a difference. I think that all of you guys at the county did an outstanding job, you started with no budget and just a vision of what you wanted this thing to turn out to be and I think you did an outstanding job and I applaud your efforts.

Let's continue to move on with our Chairperson's Report.

2. Improvements to the Planning Commission's and Planning Department's service to the community including a discussion on the start time for the MoPC meetings. (DEFERRED)
3. Discussion on jet ski regulations and writing a letter to the State Department of Land and Natural Resources concerning the use of jet skis in the waters surrounding Molokai. (DEFERRED)

Mr. Chaikin: Commissioner Buchanan you were going to make some kind of letter at one meeting and then subsequent to that we had another meeting and I had talked to the boating enforcements regulating officer and talked to Keif Apo who is the local enforcement officer and I got copies of the Hawaii Revised Statutes and the Administrative Rules and reading those things you come to the conclusion that it's very difficult to determine whether or not you can or cannot ride jet skis. They have language in there like thrill craft may operate but when you talk to the enforcement officers they'll say it's absolutely prohibited but when you ask them what rules in your administrative rules specifically give you that authority they have a very difficult time pinpointing exactly to what it is. What I was recommending is that at least if we're going to do a letter that we include in that letter for them to do some kind of a clarifying rule amendment that will make it exactly, very clear as far

as what the rule is. That's my suggestion that if we are going to send a letter and now I read in the newspaper that they're actually some people that actually have gotten fined or have gotten charged with the violation of operating a thrill craft who are actually challenging the thing. So I think that's what we want. We would like to have this thing clarified and I would like to see this commission potentially write a letter and include what I just said.

Ms. McPherson: One thing I would like to add is that there's a lot of language in the Molokai Community Plan that you could site as policy that you would like the Department of Land and Natural Resources to consider in revising their rules if that's what they're going to do. So that would not be taking a position one way or the other. I think Mikes advice if it involves SMA you have to careful of that. But I think as your role in the Molokai Planning Commission you are quite within your rights to site language that's already been adopted in the Molokai Community Plan such as discourage thrill craft or jet skis, I think it specifically says jet skis, protect resources from over use and commercial use exploitation. That sort of thing. If you'd like I can try and find or you can read it yourselves and you might want to throw a couple of those in there too.

Mr. Chaikin: What I'm thinking it's more along the line, we don't have authority in this issue. The authority rest with DLNR and what ever process for administrative rule change. So what I would like to see happen is for us to just encourage them to move forward towards a clarifying rule amendment and during that process that's going to be a public process where people on both sides can come and say what ever they want to say and than they're going to make a decision and they're going to make the rules and we don't necessarily have to pick a position we can just say hey you guys gotta get this thing figured out and than when the time comes to do that process we as a commission can figure out whether or not we want to take a position or what we want to do.

Ms. McPherson: Actually if the Planning Department is asked for comment we can go ahead and submit those comments. So they don't have to come from you they could come from the department. As far and the community plan language.

Ms. Buchanan: We already have a position. That position is the community plan. The community plan is our bible and we have to go according to the community plan which already has a position. So it's not for us to take a position because the position is already taken. So we have to follow the community plan.

Mr. Chaikin: So what do you think we should do at this point?

Ms. Buchanan: This body, I think we have to defer this for now because they gotta catch one plane. But we have to make rule making and yeah public wants to have testimony on this issue so.

Mr. Chaikin: We'll take public testimony at this time.

Ms. Caparida: I talked with our game wardens here and I talked to one on Maui and he said, I said bruddah you sound bored. Remember I'm paying for this telephone call. So he said to me no aunty, Tavares is coming over tomorrow and I will tell her about you. You not doing your job, get out if you don't want your job. Anyway, I got in touch with Lori Tielen and I said to her I'm going to Honolulu Saturday, Sunday, Monday, all the way to October 3 and she has to pick a date when she can meet me for lunch. So she said what did I want to speak to her about and I said jet skis. I said you guys bought it up and you guys said it's illegal but why is it going around and nobody has an explanation? Now they want to challenge. So I like challenge you now. The thing I said to her is that it's our ice box and that is our freezer. We live off the fish, there's no recreation. Your recreation days are over. You have a trail following you. What you going feed 'em in a couple of years? We not going be here. Everything we do is for your future, your children's future and your children's children. So no futt around with us. There was almost 75 guys that came to the meeting. My nephew is a very good fisherman but he was trained by my Dad, him and my brother and he saying to me aunty sign this paper. I said what is that paper? Oh, aunty he said this is for jet ski, for find them one place where they can do their things, designation. I said the fish ain't got no designation, they own the ocean. I said you get a nerve to tell me that. I said your papa train you that that is for bring food on the table for your family. So, I ain't signing that paper. He said well aunty we going have one meeting and I said I see you at the meeting. For me, family or no family, what ever is good for them is good for everybody. So that's why I feel they trying to cut out everything from us to eat because of recreation. I said bruddah when you had your first baby that was your recreation, now keep it. Thank you.

Mr. Chaikin: That's good to hear that you're actually going to talk to her because it is important. The rules that they have right now, when you read them it could leave you to the conclusion that you absolutely can use jet skis that they are legal in and around the waters of these islands. Other than where they're designated, certain areas are prohibited. But the rest of the area, when you read the rules it almost leads you to believe that you can use them. So if the thought is that we shouldn't be using them you need to point that out to her to make that clear so they can go and change the rules.

Ms. Buchanan: It's too late in the day we're gonna have to let it rest. But it's an exclusion of law that's the issue. You get confused when you read all of that. But it's an exclusion of the law that makes it prohibited action in the waters of Lanai, Kahoolawe and Molokai.

Mr. Chaikin: I agree with what you said but from the State perspective, when you look at all the rest of the island besides us and all the rest, it looks like it's very clear that you can use them. But DLNR is saying you absolutely can't use them.

Ms. Buchanan: But our community plan says no.

Mr. Chaikin: But if we actually want to do something about that then we might have to take action on this. So we'll go ahead and defer that. I'll keep it on the agenda and we can figure out if we want to write them a letter or we want to let it slide.

4. Discussion on improvements to the Molokai Integrated Solid Waste Facility.

Mr. Chaikin: Clayton if they want to be on the next agenda you can quarter back that.

5. West End water delivery issues. (DEFERRED)
6. Molokai SMA maps and Molokai zoning maps. (DEFERRED)

H. DIRECTOR'S REPORT

1. Pending Molokai Applications
2. Closed Molokai Applications
3. New County Website
4. Agenda Items for the October 8 meeting

Mr. Yoshida: Thank you Mr. Chairman. Very quickly we have submitted our list of pending and closed Molokai applications. If there are any questions?

Mr. Feeter: The Molokai Veteran's Caring for Veteran's are anxiously waiting for the permit so I would like to put that as soon as we can on the agenda.

Mr. Yoshida: I guess Nancy can.

Ms. McPherson: The status, it's going to, we're having a meeting on Maui to discuss the zoning issues with the department. But we think we've resolved it. So once we've resolved the consistency again, it's the land use and zoning consistency in the SMA, we can bring it to the commission. So we're very close.

Mr. Feeter: Was that within 30 days?

Ms. McPherson: Yes.

Mr. Feeter: The monies already appropriated federally and that land is free and clear. So the bunker guys are very, very anxious.

Ms. McPherson: Yes I know and I'm getting regular calls.

Mr. Williams: With regards to that list we see the same thing at every meeting. It really doesn't have a status, we don't know what to tell people where they are in the process. Wouldn't it be kind of nice to have a schedule when something is done on it, where we're at on it so we don't continue to look at the same piece of paper? One if we can get some kind of update to tell us where exactly in the process that thing is. Surely we have a way, Nancy must have a way to coordinate where she's at with each one of them. Common sense can tell me we could be presented with something like that so we know exactly in the process each and every one of them are. Not every week, but every time I'm at a meeting I had the same piece of paper, it tells me exactly only that they're in review. It doesn't tell me what the status is. That's what I'm asking, if we could address that in the future.

Mr. Yoshida: We would probably have to design a new type of report. I think basically the purpose originally was they wanted to know which applications were pending and which applications had been acted on recently. That's why we produced the open and closed Molokai applications report. But if they wanted to know about status then we got to work on designing a new type of report.

Mr. McPherson: We have a KIVA system that we're not fully implementing. It should be tracking the project at every stage of review and it's not being used that way now. I think that's going to be a long term process to try to get that working. So we would basically have to do a report by hand and that's going to take a lot of time. I also have, I don't know I'm up to 60-70 projects now, I've lost count frankly. So that would take a lot of time to report on every single one of those. The goal ultimately is to have everything being tracked in KIVA where you can see at what stage of review it's at and how longer it's going to take.

Mr. Williams: That's not a good answer to me. I'm approached almost every week by someone that's in some form of status in the SMA and I don't know if that's something I should be giving out. When you check in I get the same thing every time. Mr. Feeter's just asked if we can push one of them up in front of the other and I think that's kind of a little big unfair too. Some of these have been on here since 2006. We got a problem we need to know what the heck it is so we can deal with it, get it dealt with and, I can see moving guys forward above the others if there's some particular reason to do that, but randomly just saying we're going to move the vet center up because we like them. I just need some kind of answer. I think it's inappropriate not to deal with some kind of status at some point.

Mr. Chaikin: I think technology is something that's very under utilized. She said there is a system and that's what the system is supposed to be for, they have the system, they're not using it. So the real question is what does it take to get to the point where we are not to the point where we're actually using that system. I don't know the answer for that. But one of the things that we had talked about in the past is having the IT guy come here and we can ask them specifically what it would take. I don't know the answer to that question. Let's continue to visit that because you have a legitimate concern there and every week I have on my agenda ways we can improve this process.

So let's just continue to think about that and brain storm different approaches so we can move this to the next level, I guess.

Mr. Yoshida: Since your last meeting the new county website went on line on August 29, so check that out. Maybe we can discuss that at a future meeting.

Agenda items for the next meeting of October 8, if we can get a representative from Water here I guess we can bring Joe back to talk about the administrative enforcement resolution and I believe we have several SMA assessments. I guess I have to check with Kamehameha Environmental people if they can do their workshop.

Mr. Chaikin: Commissioner's do you have anything else that you'd like to see on the next agenda or future agendas? Hearing none, Clayton maybe we should discuss the meetings for the rest of the year. Because I know we have two meetings in October, November we have two meetings, the second meeting is the day before Thanksgiving. I don't know if the commissioner's, the day before Thanksgiving might not be in the planning and I don't know if we want to move that meeting, cancel the meeting or what the best approach to do. Commissioner's do you have any thoughts on having the meeting? That's the meeting the day before Thanksgiving. Do we have any comment on that?

Ms. Buchanan: I would like to move it if we could. Move it a little bit earlier in the week? Maybe a day earlier or something like that would be nicer.

Mr. Chaikin: I think the whole key to this is Nancy. Because Nancy has a whole bunch of projects on her plate and we as a commission want to do everything we can to move those projects forward. We want to be part of the solution and not part of the problem. So if we cancel the meeting and all of a sudden everyone gets pushed back a couple of weeks as we can't do what we're supposed to be doing then that's not good. The real issue is whether or not Nancy is going to have projects for us on that date, if she is, then we should try to reschedule that and keep the process moving forward. So Nancy is that something you think you're going to have, this is the day before Thanksgiving, we're thinking of moving that meeting. Would it be beneficial to you for us to move that meeting to another date to accommodate moving project forward that are on your desk?

Ms. McPherson: Yeah I think we should keep having meetings but realistically the bottle neck is there's only one staff planner working on the items, for the most part, except for the ones that Joe does that come to this commission. That's the bottle neck. So, you know I mean, actually frankly when a meeting is cancelled that gives me more time to try and work on getting stuff ready to bring to your meetings. So from where I sit, you know, it's almost easier to get a break otherwise I'm trying to rush the simply projects so that we will have something to, for you on the agenda. So it's a really difficult situation.

Mr. Chaikin: O.K. we heard Nancy say that she basically enjoys the break to be able to catch up. Commissioner's do you have any feelings of Lori saying maybe we should move the meeting? But is there any other feelings one way or the other, what we should do with that day before Thanksgiving meeting?

Mr. Feeter: It's November 26 on our schedule and I don't have a calendar in front of me. Thanksgiving typically is the 25?

Ms. Buchanan: This year it's on the 27, it's on the Thursday. It's on the last Thursday of the month which fall son November 27. So the meeting is the day before.

Mr. Chaikin: So commissioner's what do you folks think? You folks want to cancel the meeting in its entirety or you guys want to move it?

Mr. Feeter: Move it. Is that on a Thursday Lori?

Mr. Chaikin: We got two move it and what do you guys want to do? I haven't heard any to cancel it.

Mr. Feeter: We can meet the Wednesday before it or the Tuesday before would be my guess.

Mr. Chaikin: Let's just figure it out if we want to move it or not.

Mr. Kalipi: I'm pretty open.

Ms. Pescaia: What's the meeting date after December 10?

Mr. Chaikin: It's going to be January.

Ms. Pescaia: Well we have one meeting in November, we only had one in September, we have one in November, one in December. We might get backed up.

Mr. Chaikin: So what I'm hearing is that I didn't hear anybody saying they want to cancel the meeting and I've heard from three of you that want to maybe move the meeting. So let's decide the date to move the meeting to.

Ms. Buchanan: Tuesday, November 25.

Mr. Chaikin: Clayton does it seem it can be doable for you guys?

Mr. Yoshida: I believe the 25 is a regular schedule date of the Maui Planning Commission.

Ms. Buchanan: How about Monday the 24?

Mr. Yoshida: We can look at the facility availability.

Mr. Chaikin: O.K., good. So we have a potential date and that's Monday the 24th. We're going to get a report back at the next meeting whether or not that's a feasible date for us.

I. NEXT REGULAR MEETING DATE: October 8, 2008

J. ADJOURNMENT

Mr. Chaikin: I want to thank everybody for coming. Thank you for your patience, the commissioner's, thank you for sticking it out and I look forward to seeing you at the next meeting.

There being no further business before the Molokai Planning Commission the meeting was adjourned at 5:00 p.m.

Respectfully submitted,

NINA-LEHUA KAWANO
Clerk-Typist III

RECORD OF ATTENDANCE

COMMISSIONER'S PRESENT:

1. S. CHAIKIN, CHAIRMAN
2. M. PESCAIA, VICE-CHAIR
3. B. FEETER
4. L.. DECOITE
5. L. BUCHANAN
6. S. NAPOLEON
7. D. WILLIAMS
8. J. KALIPI

ABSENT:

1. T. WAROS

STAFF:

1. C. YOSHIDA, PLANNING DEPARTMENT
2. J. ALUETA, PLANNING DEPARTMENT
3. N. MCPHERSON, PLANNING DEPARTMENT
4. M. HOPPER, CORPORATION COUNSEL