

**LANA`I PLANNING COMMISSION
REGULAR MEETING
MARCH 18, 2009**

Approved 04-15-09

A. CALL TO ORDER

The regular meeting of the Lana`i Planning Commission was called to order by Chair Sally Kaye at approximately 6:05 p.m., Wednesday, March 18, 2009, in the Lana`i High & Elementary School Cafeteria, Lana`i City, Hawaii.

Ms. Sally Kaye: . . . the March 18, 2009 Lana`i Planning Commission meeting to order. Let the record show that we have quorum with Commissioners de Jetley, Castillo, Zigmund, Ruidas, Kaye, Mano, Rabaino, and Gamulo; and I think Darlene might be here but a little late.

First on our agenda tonight is approval of the minutes from February meeting. I sent around some corrections. Bev sent around some corrections. So at this time I'll entertain a motion.

B. APPROVAL OF THE MINUTES OF THE FEBRUARY 18, 2009 MEETING

Ms. Beverly Zigmund: I will entertain a motion to approve the minutes of February 18, 2009 as amended.

Ms. Kaye: You will make a motion.

Ms. Zigmund: Yes. Is that what I said?

Mr. Matthew Mano: You will entertain a motion. That's all right.

Ms. Kaye: Do I have a second?

Ms. Leticia Castillo: I second the motion.

Ms. Kaye: Okay. Any discussions? Any additional corrections or additions?

Mr. Mano: Nope.

Ms. Kaye: Okay, all in favor?

Commission Members: "Aye."

Ms. Kaye: Okay, motion carries.

It was moved by Commissioner Beverly Zigmond, seconded by Commissioner Leticia Castillo, then unanimously

VOTED: To approve the February 18, 2009 meeting minutes with amendments.

(Assenting: Commissioners S. Ruidas, A. de Jetley, L. Castillo, B. Zigmond, M. Mano, G. Rabaino, D. Gamulo

Excuse: Commissioner D. Endrina)

C. Discussion on the processing of Community Plan Amendment, State Land Use District Boundary Amendment, and Change in Zoning requests prior to the completion of the Lanai Community Plan Update.

a. The Commission may accept public testimony on this item.

b. The Commission may take action on this item.

Ms. Kaye: Next on our agenda – yeah – the second thing on our agenda is a discussion on processing requests for Community Plan Amendments, District Boundary Amendments and Changes in Zoning prior to the completion of the Lana`i Community Plan. I should probably at this point add that I went through the book and there are two other – and Joe, you might tell me if there’s a third or a fourth – Conditional Use Permits under Section 19.40, and Project District processing under 19.45 would also fall under those requests that would come to us that ultimately go to County Council. Now let me be really clear that this agenda item is simply a means to elicit community input as has been suggested many times in the past few months to explore community sentiment. Everyone needs to understand that it is not up to the various Planning Commissions to grant or deny such requests. This is up to County Council. Our job, with a few exceptions, is advisory, when these requests are made. Our role is to hear from the public, discuss and then send over recommendations on whether to approve or not; and whether to add conditions to a recommendation to approve. With that said I would like to first take public testimony and follow that up with commission discussion, following which we may take action but are not required to. So anyone who would want to testify on this item, this would be the time to do it. So first is Pat Reilly.

Mr. Fairfax “Pat” Reilly: When you say “this item,” you’re talking about the –

Ms. Kaye: Item C.

Mr. Reilly: Item C.

Ms. Kaye: Yes.

Mr. Reilly: Okay. I don't have anything written. My name is Fairfax Reilly. 468 Ahakea Street. I hate to be unclear. The reason for – your prior statements about taking what to the Council? As far as I'm concerned – I'll just make my statement. Lana`i is under so much pressure to do so many things that to me, unless the community has an opportunity to look at the overall Long Range Community Planning process and getting engaged in that very quickly – and I would hope that the Planning Department would be able to tell you tonight when that process will start – I mean, what date they intend to start our Lana`i Community Plan. To do anything prior to that to me does not make sense. I think the Community Plan process has to come first. The community has to be engaged with it, along with the Corporation and any other people, so that we have a model to follow in the next 10 to 15 years. That's my testimony. Thank you very much!

Ms. Kaye: Okay, Commissioners, questions for Pat? Okay, next is Ron McOmber.

Mr. Ron McOmber: My name is Ron McOmber, and I'm a resident of Lana`i. I sit on the GPAC and we're waiting patiently for the Community Plan. Any of this stuff that you're looking at, especially in the Miki Basin thing, needs to wait until the Community Plan so that we can have input from the community. There's things that affect the community out in that area and all areas on this island. And I strongly recommend that you do not go forward with any District Boundary Amendments or anything else at this time until we can see that. We need to get the County off their "okele" and we need to move forward with our Community Plan. It's really important. So I emphasize the same thing Pat said. We need – this community has to have an input. And we have to be able to ask the Company what their plans are. We're not getting answers from them when they come up here and just throw a District Boundary Amendments out here. They're not talking to us. They're not talking to us about anything on this island right now. They're shutting our pool down. They're shutting the theater down. We need to have communication with this Company. And the only way we can do that is through the community process, the Community Plan process. Thank you very much!

Ms. Kaye: Commissioners, any questions for Ron? Thank you Ron. Anyone else wants to speak to this issue?

Mr. Steve Bumar: Steve Bumar, General Manager, Senior Vice-President, Castle & Cooke. I'd like to refer to page #2 of the 1998 Community Plan, Section A, "The Lana`i Community Plan, one of nine community plans of Maui County reflects current and anticipated conditions in the Lana`i region, and advances planning goals, objectives, policies and implementation considerations to guide decision making in the region through the year 2010." And I'd like to correct a comment that was just made – Lana`i theater, Castle & Cooke did not close the theater.

Ms. Kaye: Thank you Steve. Anyone else would like to testify? Any questions for Mr. Bumbar before he runs away? Steve?

Mr. Gerald Rabaino: Steve, just for clarification, when you said it wasn't close, is it my understanding that Tom Burke is taking over the theater?

Mr. Bumbar: Tom Bud is the owner and operator of the new gymnasium over there.

Ms. Zigmond: I think you mean Tom Burke.

Mr. Bumbar: Or Tom Burke – sorry – and for clarification, the theater is vacant. The tenant failed to fulfill their obligations for over seven months and withdrew from continuing the lease. So currently we're looking around the community to see if anybody wants to run and operate a movie theater.

Ms. Kaye: Thank you. Anyone else have anything to offer on this? Okay, Commissioners, any thoughts? We have several times heard from various people to hear from the community on this issue, and we have now accommodated that request tonight. So at this point I would wonder if there's any discussion on the part of the Commissioners.

Ms. Zigmond: Madame Chair, I think typically we listen to what the community has to say on any given item, and weight it thoughtfully. I'm thinking that we should just proceed with the unfinished business.

Ms. Kaye: Gerry?

Mr. Rabaino: The boundary part – where's my notes – according to the unilateral agreement on July 18, 2000, signed by President Garrett C. Cormany.

Ms. Kaye: Gerry, excuse me one second. We're talking about just the general – if the Commission has any response to the community's request to –

Mr. Rabaino: . . . (Inaudible). . .

Ms. Kaye: Right. So if you're going to the second item on the agenda, we're not there yet. Okay?

Mr. Rabaino: Okay, I stand corrected.

Ms. Kaye: I think that probably we can safely say that we hear the community's concern about the impending Community Plan process and we'll take that under advisement with any permit request that comes forward. Would that be acceptable? Okay.

D. UNFINISHED BUSINESS

- 1. CASTLE & COOKE RESORTS, LLC requesting a State Land Use District Boundary Amendment from State Agricultural District to State Urban District and a Change in Zoning from County Agricultural District to M-2 Heavy Industrial District for the Miki Basin Heavy Industrial area encompassing about 6 acres off of Miki Road, adjacent to the Maui Electric power site at TMK: 4-9-002: portion of 001, Miki Basin, Island of Lanai. (DBA 2008/0002) (CIZ 2008/0003) (J. Prutch) (Public hearing conducted on January 21, 2009.)**

The Commission may take action on these requests.

Ms. Kaye: Next item on the agenda is unfinished business. Castle & Cooke requesting a State Land Use District Boundary Amendment from State Ag District to State Urban District, and a Change in Zoning from County Ag to M-2 Heavy Industrial for the Miki Basin Heavy Industrial Area. This encompasses about six acres off Miki Road adjacent to the Maui Electric power site. And we had a hearing and a presentation by the Planning Department, and the applicant's consultant in January. I trust everyone on the Commission reviewed their January minutes so they're up to speed on what the concerns were. And we received in our packet a response. The Planning Department very kindly sent out a very concise list of questions that were culled from those minutes, and we received a response from the applicant. So Joe Prutch – I don't know if you – Prutch, sorry – whether you want to take this now?

Mr. Joseph Prutch: That's pretty much my presentation, so you did it for me. I'd like to also add too that I do have the complete application which I believe I sent to you as a pdf. But if you wanted to pass this around, I did bring my copy if you need it. I'll leave it up there.

Ms. Zigmond: Do you have the appendices Joe?

Mr. Prutch: They're all in here, yes, so I can pass this around too if you want.

Ms. Zigmond: They are.

Mr. Prutch: And to let you know, Mich and I think two or three people from, representatives from Castle & Cooke are here to help answer any questions you have. And I think with that, I'll just – you know what the concerns were from last time on that list. I think there's 22 of them listed here. The applicant did respond to all 22 in their little document here. I think I'll leave it up to you guys if you have questions about any of their responses, either

I can answer or they can answer.

Ms. Kaye: Okay, I would just note that the project assessment report that we got in January was missing every other page, and everyone should have gotten a full set by email from the Planning Department for review. That was in the packet as well. So it is a more complete document than you were originally given, so I hope that's been reviewed. If you don't want to take the lead on this, then I would ask the consultants to probably – there will questions on this, if you want to just make yourself available. Okay? And we could probably just go through it.

Ms. Zigmond: Madame Chair, may I start? Okay, I have a lot of questions. I'm going to start with table #1. I'm just curious, the first little block talks about potential purchases/purchasers and it says the Gas Company, and elsewhere Mich you say Hawaiian Tel. So, is it the Gas Company or Hawaiian Tel?

Mr. Mich Hirano: Mich Hirano with Munekiyo & Hiraga. The original list included Hawaiian Tel as well as the Gas Company. From that list, the Hawaiian Tel as you know is in – has declared bankruptcy. Whether they were able to lease other lands or purchase other lands were questionable. But those were just possibilities of potential businesses and companies that would relocate or need industrial zoned land. And the Gas Company had expressed interest to the Company at one time so they were included.

Ms. Kaye: I wondered about that even last time in January because I thought Hawaiian Tel was one of the few utilities that already owned their building.

Mr. Hirano: In town?

Ms. Kaye: Yeah.

Mr. Hirano: It's quite possible.

Ms. Kaye: You don't know.

Mr. Hirano: But I don't know whether they owned the building.

Ms. Kaye: Okay. So the Gas Company, you don't know how much.

Mr. Hirano: How much land?

Ms. Kaye: Yeah.

Mr. Hirano: I think it was up to about a half acre or something like that.

Ms. Kaye: Something like that. Okay.

Mr. Rabaino: Mich – Commissioner Rabaino – you said that Hawaiian Tel, they own that land there, but they want to expand right? Because I remember I had a conversation two years ago with one of the employees that that area that they're located close to the union hall that there's a small piece of land and they would like to expand. But because I can share this much with you because the union was trying to buy that land too, but they only lease it. So, you know, they was waiting for the community plan to take effect. But since you have this thing, it say Gas Company, and you said they're looking at half an acre, is that going to be added land for them at a different location versus the location that they're at right now?

Mr. Hirano: I think they would relocate to this location. So it would be in place of where they are now.

Mr. Rabaino: Okay, I'm – is that going to be a land swap? The half acre that they're going to purchase and the current land that they're at, is that going to be exchanged down the line?

Mr. Hirano: I don't believe discussions were based on that bases. It was a purchase or an interest in the land.

Mr. Rabaino: Okay so that's the part where – I know I'm jumping a little bit ahead – but the six acres that you added to the current Miki District down there, is that part of that relocation process of that six land in order to open to other businesses?

Mr. Hirano: Yes, I think as we responded to the comments, the plan would be to subdivide the property and develop the property, the full 20 acres. And that's why the application was to add the six acres into the District Boundary Amendment and the Change in Zoning so that the full 20 acres that's identified in the Community Plan could be developed. And then the 10 acres would be available for fee simple lands.

Mr. Rabaino: So I'm just referring to the six added acres yeah. So the Gas Company is the one looking for property so they can put their little business and gas tanks for refilling propane and everything. That would be one, and then the telephone, Hawaiian Tel. It says private small businesses, for example, what is the other extension of the private four businesses? Because you've already got two that you've already designated – Hawaiian Tel and Gas Company. The other four is –? Do you have any tenants that show interest?

Mr. Hirano: Not at this point. I mean, when we were at the Commission last meeting, it was expressed by one of the Commissioners that there was a need for more industrial land and that there were individuals within Lana`i who were operating businesses that may relocate

or needed to perhaps relocate because the areas in which they were operating were not properly zoned. So what the Company has done is indicated that the lots that will be available, the minimum size for heavy industrial lands is 10,000 square feet. So that's the minimum size lot. The 10 acres will be put up for sale, fee simple, and whomever is interested and purchase it will come forward and the property will be developed based on the individual requirements of the purchases. So if they needed a 10,000 square foot lot, the Company would consider selling the 10,000 square foot lot, subdivided. If some other person needed a two acre or a five acre that would be the size that it could be subdivided to.

Mr. Rabaino: Okay. Lets say you sell two acres to a vendor that needs storage space, so that's where you make the modification within that six acre that you're proposing in this booklet?

Mr. Hirano: It will be 10 acres that will be available because the full 20-acres will be developed and subdivided. So 10 acres will be available for sale. So it will be within that 10 acre parcel.

Mr. Rabaino: Okay. Thank you.

Ms. Kaye: Bev?

Ms. Zigmond: Mich, has anybody been knocking at the door saying they are interested?

Mr. Hirano: Not – there hasn't been a lot of people coming to say that they're interested.

Ms. Zigmond: Has there been anybody recently?

Mr. Hirano: I don't think so.

Ms. Zigmond: Curious. Okay, one other question. It's kind of jumping ahead, but –

Ms. Kaye: Why don't we take through the book, one at a time, and then we can – that might be a more efficient to go about it. I know, and this is a question for Gerry and Stan, you both evidence some concern about the soil sampling in the minutes in January. And a response was provided at #4. Do you have any observations or thoughts on the response that was provided on soil sampling at #4?

Mr. Prutch: Sally, do you want me to just kind of go through each number and just rattle off what the comment was you made and then see if anybody has any questions of that one, and we'll just go through them one at a time? Is that what you want to do?

Ms. Darlene Endrina: I just want to go back a moment. When Bev asked if there had been any interest from the community, how much of the community really is aware that this is happening? Have they been approached? Have they been sent letters?

Mr. Hirano: No, I believe they haven't.

Ms. Endrina: Okay, so that's probably why there's no interest then because they don't really know yet.

Ms. Kaye: Go ahead.

Mr. Prutch: So, is everybody satisfied with the first one, that the potential of table one? Shall we move on to #2? #2 simply said you wanted somebody from Castle & Cooke to be here to answer questions, and maybe Mich can introduce the three people I believe that are here. I'll let him do that.

Ms. Kaye: Actually, I count seven.

Mr. Hirano: Clay Rumbaoa is the engineer from Castle & Cooke; John Stubbart who is the manager of Lana`i Water Company and he was at the meeting in January; Steve Bumbar is the Senior Vice President of Castle & Cooke, and he's here today; and Ralph Masuda is a former Castle & Cooke Vice President in Development and he is joining us today as well because Mr. Masuda has a lot of history with respect to the Company and the entitlements and the applications before you. Mike Schocket is Vice-President, and Gary is also here.

Mr. Prutch: Okay, I don't believe there's -. I mean, I guess as questions come up, those people are here if you need a specific question of somebody. #3 was you were asking for information on grading of swale towards the lower area of the property. They provided a response and I don't think there was no appendix with this one. It just required a response. You want me to read this as we go along or do you just want to – I'll bring up the subject and then questions if you have questions? Because you all know what their responses are.

Mr. Ruidas: . . . (Inaudible) . . .

Mr. Prutch: Yeah, for the public. Okay. So for #3 their response was the necessary drainage improvements, whether it be swales, ditches, etc., will be utilized to redirect sheet flow around proposed improvements. Detailed site grading, drainage and other infrastructure improvement plans will be submitted to the County of Maui during the subdivision phases of the project. Any questions on #3?

Mr. Rabaino: Regarding the swales yeah, is it going to be aligned to the current drainage

of the existing – where the pineapple fields have what we call ditches – is that going to be sloped into those where the water is diverted to Miki Basin? Ruidas, can you help me on this? That swale?

Mr. Hirano: According to the County Code requirements, any development will have to retain any increase in drainage on site. So there will be drainage basins built within the 10 acre parcel or the 20 acre parcel that will capture the increase in storm water run-off. And to the best of, I guess, the terrain, the natural drainage will try to be kept in terms of developing the property in light with the existing topography and maintaining, you know, the natural drainage as much as possible. But any increase, there will be drainage improvements as well on the property.

Mr. Rabaino: Okay, that's fine. My concern is because I want to know if the thing is going to be – whether it's going to be covered versus open.

Mr. Hirano: The requirements would probably be covered drainage.

Mr. Rabaino: Yeah, you know when the thing is –? Let's say they're covered right, and then you have that main pineapple drainage ditch that's going to drain into there and directed to another area.

Mr. Ralph Masuda: Ralph Masuda, consultant with Castle & Cooke. Subdivision ordinance now calls for that any water generated from you subdivision would have to be kept on site. You can't drain that water off site. You've got to take it on site. So it can be underground chambers or it can be above ground sedimentation basins.

Mr. Stanley Ruidas: So is this going to run into the natural catchment right now or are you going to make your own?

Mr. Masuda: Like I say, anything that's generated on site would have to be kept on site. You know what I'm saying? In other words in that 20 acres you can not throw that water outside of that 20 acres. You would have to keep it on site.

Mr. Ruidas: What I'm looking at is water that runs into the basin from the top.

Mr. Masuda: Water that runs through the basin will have to continue through – through the basin on site.

Ms. Kaye: Does that answer the questions that you had in January, Gerry and Stan, on this issue?

Mr. Prutch: Okay, question #4, your comment was you wanted to know about where the

dig locations were and the depths for soil contamination studies from the environmental site assessment. Their response is on page three, #4, is the Bureau Veritas performed the Phase I Environmental Site Assessment, per ASTM – it's the American Society for Testing and Materials – E1527-5 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment process. Based on their reconnaissance, interviews of residents, historical document reviews, the findings and conclusions, the report stated, quotations, this assessment has revealed no evidence of recognized environmental conditions, as defined by ASTM in connection with the subject property. Therefore in conclusion, no soil samples were taken. And they have a letter and attachment A from Bureau Veritas which goes into a little more detail of that, but that's the summary of it.

Ms. Zigmond: You know, I'm sure that with a name like Veratis, that they probably do a good job. I remember at the January meeting, three people, I think it was Ron, Stan and Gerry, said that soil testing was needed and I'm still puzzled why they wouldn't do soil testing. I mean, I read the letter, but given the past use of that land, I'm surprised that no soil testing was done. Stan, do you have anything on that? Because you were one of those that was concerned about that.

Mr. Ruidas: Yeah, what we were asking for was deep soil testing because that area was used for storage of chemicals back in the plantation days. So we just wanted know what the status of that.

Mr. Prutch: I mean, the only thing I can refer to obviously is this letter. This is the only thing I have from the experts that did the Phase I. And their definition, the only thing I found in here was they recognized environmental conditions defined as the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substance or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property. When these are identified, additional investigation is typically recommended. And then it goes on to conclude that these were not found. So I mean this is their study, their word. This is the experts that did the study.

Ms. Zigmond: But they're looking for petroleum stuff not chemicals. And we had chemicals there. I don't think that's satisfactory.

Mr. Prutch: Okay.

Mr. Ruidas: Matt, do you remember that time?

Mr. Mano: I worked for Dole Company in the early 70's. A lot of that area was connected with a lot of storage of BDT's, Benlat – these are all chemicals that Dole Company use.

What we had up here was an emulsion plant that use to have fertilizers, BDT and so on. There's a lot of things that were stored in certain areas that was covered up when Dole folded. So according to your guys assessment here, all it says is petroleum.

Mr. Prutch: It did go on to conclude, if I might add, that it does conclude at the bottom, it did say that because industrial development is planned at the subject property, that these findings are not considered to be an REC. It says however, if the subject property is ever redeveloped for residential use in the future, then they suggest testing the soil for agricultural chemicals. I don't know if that helps. I mean, they're also referring to the use of the land as an industrial site rather than a residential site. That's just what I have here.

Mr. Rabaino: Okay, what you're saying is currently – even though we know the history of that little area for the few of us that sits on this Commission and that we knew what was happening during the Dole Era – what we're looking if they did a soil testing, as Matt said there were three or four different chemicals stored at various locations. We know it's going to be a heavy industrial area. The question is before the thing is even have its foundation set put and for future projects, what is current there? Because you don't want to move into something and by discovery and then it's halt. You know, we don't want to do it the second time around. Because when they built the, currently the pastry shop that is sitting where the bus stop is, we know that was an emulsion plant where chemicals were mixed. So they didn't build right on top of the property itself. They built away from it where the current pastry shop is. Because we're moving down there, it looks like a virgin land sort of speak. Okay you start from scratch. The only construction there is the pipe line, currently. No drainage. It's a natural drainage of the ditch. What we're questioning is when they use the term soil sample – blink, blink, blink – we're looking at because we know that Dole uses chemicals. That's the bottom line. As Matt pointed out there were three or four. Anybody can do the surface. We want to know what's in there on the ground before any construction begins as a safety. Because you don't want to bring up something and there's an old storage bin that's been sitting here from the war time or before.

Ms. Kaye: Is it not possible that if any of this acreage was found to be needed and sold that individual buyers would request this?

Mr. Hirano: As a general rule, you know, banks also sometimes require Phase One Environmental Assessments. A Phase One Environmental Assessment was done here, so, you know, I think they met that requirement and there was no indication from that assessment that further investigation was necessary. I mean that's the conclusion of the environmental assessment that was carried out.

Ms. Kaye: Commissioners, any more questions?

Mr. Prutch: To get back – okay, question #5 from your board was you wanted a copy of

Figure 6 from the civil engineer report. That is included as Exhibit B in your packet. I don't know if there's any questions from that, but I'll let you guys go to that. I don't remember what your concern on this one was. I think you couldn't read the other one that was included so you wanted a more clearer picture of the site.

Mr. Ruidas: Actually, there wasn't a picture provided. You didn't have a site plan provided.

Mr. Prutch: Okay.

Mr. Ruidas: That's what this was about.

Mr. Prutch: Okay. Yeah, I think we passed them around or something like that. #6, the comment was Miki Road is a private road or has State ownership to the power plant. Their response was that Miki Road is a private road. See the Land Court Consolidation 170, Map 5, attached as Exhibit C, so you do have that. It shows the survey easement for Miki Road to the Maui Electric Company power plant site. The Lana`i Planning Commission also had a question on the Miki Road alignment relative to the airport boundary. Although the tax map key shows the airport parcel extending over Miki Road, the Land Court Consolidation 170, Map No. 6, which is Exhibit D in the report, shows that the airport boundary ending to the west of Miki Road easement, and not extending over it. This map is a subdivision survey of the airport parcel as recorded in the Land Court Registry Bureau of Conveyances. Any questions on that one?

Mr. Ruidas: I think that was my question again. I sure hope it doesn't go into the airport district because that's what I heard. And I'm coming again to that road, I think, I thought I was talking to you in January Mich – do you know what's under that road that's right there right now? What kind of infrastructure is in there?

Mr. Hirano: Miki Road? Is that Miki Road, Commissioner Ruidas? What infrastructure is Miki Road?

Mr. Masuda: The only thing they have right now is water lines.

Mr. Ruidas: I thought you was retired Ralph. No, actually, what's in the road? What's the makeup of the road right now? What's under the black top?

Mr. Masuda: I think it's basically it's oil and gravel.

Mr. Ruidas: And you've got cut stone under there?

Mr. Masuda: And what?

Mr. Ruidas: Cut stone?

Mr. Masuda: Cut stone – yeah.

Mr. Ruidas: On two sides?

Mr. Masuda: Yeah.

Mr. Ruidas: Okay, I drive that road every day when I go to work, probably more than anyone in here. That road is very dangerous. Even if you're winding it up, it's dangerous. If anyone bangs one of those electrical poles, those utility poles, that's the main lines going to the city and that will be kind of a bad thing.

Mr. Masuda: You know, once it goes through the subdivision process, you're going to have to meet County standards for that road. And although it's a private road, it still needs to meet County standards.

Mr. Ruidas: Okay, the only thing, I guess in January, no one was answering the questions that we had. But, I thought that ran into the airport property. I know, according to this, it's 1994, and this is the latest updated map?

Mr. Masuda: That's the official Land Court Map.

Mr. Ruidas: Official. Okay.

Mr. Masuda: If you look at your Community Plan Map also, it shows Miki Road – I mean, airport property not crossing Miki Road. The only part you're going to find the airport property crossing Miki Road is in the Airport Master Plan and also the TMK map. But the TMK map is not an official map.

Mr. Ruidas: Okay, I was wondering about that because there's that letter from the DOT.

Mr. Masuda: That's the one from I think Highways or Airports Division said that it crosses, but it doesn't.

Mr. Ruidas: Okay.

Mr. Masuda: Okay. The thing that may cross Miki Road is the safety zone area, but not the airport boundary.

Mr. Ruidas: Okay. So the road is going to be – you plan to widen it and fix it and –

Mr. Masuda: It all depends on what the subdivision requirements are.

Mr. Ruidas: Okay.

Ms. Kaye: I'm sorry, could you expand on that a little bit? It depends on what?

Mr. Masuda: What the subdivision requirements are going to be. They may say 44 feet pavement, 44 feet right-of-way, 56 feet right-of-way – it depends on what the County requires.

Ms. Kaye: Thank you.

Ms. Zigmond: Ralph, I have a question for you on that please. I'm looking at that letter from Department of Transportation, Airports Division, and it doesn't click with something that you just said. This letter says Castle & Cooke is aware that a portion of Miki Road is within the Lana`i Airport boundary.

Mr. Masuda: It doesn't because let me tell you. The map 5 and 6 – the Land Court Maps 5 and 6 – those were the results of the subdivision of the airport property. That's the result of a subdivision of the airport property.

Ms. Kaye: Ralph, I'm sorry – I see maps 5 and 6 – okay thank you.

Mr. Masuda: Land Court Consolidation 170, map 5 and map 6, those are the result of the Land Court – Exhibit D.

Ms. Zigmond: It just amazes me.

Mr. Masuda: Now, the Airports Division – the Airports Division, they have this Land Court Maps also, however, the TMK map show the property crossing Miki Road. Okay, TMK map is not the official map. That's why when you buy a property, you've got to insist that they do the survey again. I ran into that problem on Maui with my property. Instead of three points in the back, they only showed two. So the points never matched up, so we wondered why. So we pulled the subdivision map and it showed the third point and that's how it matched up. The TMK map was not accurate. It's never accurate. The tax map key map you would have to do your own survey, and the Land Court Map is the official map for Lana`i. Lana`i is all Land Court Maps anyway.

Mr. Ruidas: Ralph, what is that safety zone you mentioned earlier?

Mr. Masuda: The safety zone tells you that you can build only so high or stuff like that, but it's not part of the airport property. It kind of stretches beyond the airport property.

However, you've got to realize that the Community Plan calls for any extension of the runway to be the other way, not towards the City. So there's no way – I don't know if the Community Plan will change – but they can not extend the runway, without amending the Community Plan, towards the City. It would have to go the other way.

Mr. Ruidas: Thanks.

Mr. Rabaino: Ralph, you know Miki Road, it says private, yeah. How far is Miki Road going all the way through?

Mr. Masuda: Miki Road is private all the way until it hits Kaupili Road. Kaupili Road comes from below the airport. And that's another thing, you look at the map that are talking, they show Kaupili Road crossing the airport property. It doesn't make sense. On the lower side, it crosses the airport property.

Mr. Rabaino: Okay, but, Ralph, the current Miki Road where MECo is right now, okay, how far is that road that goes continuing all the way down to meet the Manele Road?

Mr. Masuda: Until it hits Kaupili Road.

Mr. Rabaino: (*Changed tapes*) Kaupili Road is further down right? I'm talking about the loop.

Mr. Masuda: Kaupili Road come all the way around until it hits Manele Road.

Mr. Rabaino: So the whole Miki Road is private and that's Company road?

Mr. Masuda: That's right.

Mr. Rabaino: Okay.

Mr. Ruidas: So Mich, the area from that road to the beacon – you familiar with FAA site?

Mr. Masuda: Yeah.

Mr. Ruidas: That area is Castle & Cooke?

Mr. Masuda: What site you talking about?

Mr. Ruidas: From that Kaupili Road all the way to – below the airport – all the way to that FAA site where you have that capsule up there.

Mr. Masuda: That's all Castle & Cooke land. The only thing that's – Kaupili Road, the County is saying it's not their road, but the tax map says County. However, the State is not saying it's government road either. It's the same thing as Keomoku Road. Nobody wants to claim that road, but it's a government road. But what government, you know?

Mr. Ruidas: Yeah, because I was wondering about that because the airport claim it's theirs. Because they've got signs all over the place no trespassing here – Castle & Cooke.

Mr. Prutch: Okay, we are on question no. 7. This one was the Maui County fire standards for fire flow and pressure for the light-industrial districts was your comment. Their response was that the County of Maui fire standards for light-industrial areas is 2,000 gallons per minute, two-hour duration and 250 feet for fire hydrant spacing. Or for heavy industrial area for Miki Basin, standards are 2,500 gallons per minute, for two-hours, 250-feet for fire hydrant spacing. And they've included Exhibit D which is the fire standards of Maui County.

Mr. Ruidas: I think we need John for this.

Mr. Prutch: Yeah, I believe that day we were talking about water and pressure and all that stuff.

Mr. Ruidas: Yeah.

Mr. Prutch: I'll let John come up for this.

Mr. Ruidas: Before John starts, I asked you for a letter from the County Fire Department – remember that? That's what I asked you to write down. Has there been a letter from them?

Mr. Prutch: No, I didn't receive a letter from –. No, what I wrote down in my comment letter was Maui County fire standards for fire flow. That was the comment I heard.

Mr. Ruidas: I think you should look in the minutes.

Mr. Prutch: So you're requesting a letter from Fire on the fire flow issue?

Mr. Ruidas: I wanted to see what they say.

Mr. Prutch: Okay.

Mr. Ruidas: Okay.

Mr. John Stubbart: John Stubbart. I'm Director of Utilities, Castle & Cooke.

Mr. Ruidas: Okay John I see this since this is my question. This is fire hydrant – fire flow. Two hours sustained at 2,500 gallons per minute. Okay, right now, does Miki Basin have a water flow right now?

Mr. Stubbart: Yes.

Mr. Ruidas: When did it turn on?

Mr. Stubbart: This afternoon.

Mr. Ruidas: Okay. So in the last two months since you've been here, how many times has the water gone off?

Mr. Stubbart: Several times. I don't have the exact number, but several.

Mr. Ruidas: More than five?

Mr. Stubbart: At least.

Mr. Ruidas: More than seven.

Mr. Stubbart: Don't know.

Mr. Ruidas: And what is the longest frequency?

Mr. Stubbart: Longest frequency was I'll go on to say it was about two to five days.

Mr. Ruidas: So you say you're going to put high pressure PRV's.

Mr. Stubbart: We're going to put pressure reducing valves at the –

Mr. Ruidas: Yeah, put PRV's out there.

Mr. Stubbart: Yeah.

Mr. Ruidas: I just wanted to let you guys know, every time the water goes out, there's a chance that Maui Electric has a fire, and the power plant is going to burn down, and this island is shut down. It's going to be shut down for more than a week. You think you can sleep like that if the thing when off?

Mr. Stubbart: No.

Mr. Ruidas: Okay. So my recommendation would be to change the pipes. And is that a plan that you're going to do or just go with pressure values?

Mr. Stubbart: We are doing both. We are installing the PRV's and we are replacing a section of the pipe that is no longer serviceable so that we can have two systems, two ways to feed the Miki Basin.

Mr. Ruidas: Okay, I hope it works because Maui Electric is going to put in – they're thinking about putting in a water tank because of insufficient water. And that's what the Department of Water Works or something in Maui recommended.

Mr. Stubbart: I'm not aware of that.

Mr. Ruidas: Yeah, that was the last letter from January.

Mr. Stubbart: Sounds like the airport installation. It sounds like it.

Mr. Ruidas: And that's it? You're going to change the pipes and put PRV's in?

Mr. Stubbart: Yeah.

Mr. Ruidas: But not the whole length of pipe? Not the whole extent?

Mr. Stubbart: We're starting with the section that is inoperable right now.

Mr. Ruidas: Okay.

Mr. Stubbart: And then work our way back to the system as most expeditiously as we have funds and identifying those hot spots.

Mr. Ruidas: Okay, how much funding do you have for this project?

Mr. Stubbart: For the PRV station?

Mr. Ruidas: Yeah, I mean for the whole – like, for a year – what's the annual? You got enough money to change all of that?

Mr. Stubbart: Not all the pipes. No. It's incremental. There's – I want to say about \$100,000 a year for pipe replacement. The PRV's are about \$180,000. And then we're tackling these places that just haven't been attended to. We've also put in some zoning valves. So we've just dropped a valve in by the airport so we can keep the airport running. We're going to drop in some more zone valves so that we can work on areas without

disruptions of service to other areas.

Mr. Ruidas: Okay, and how many miles is it from Hii down? It's eight miles or so?

Mr. Stubbart: I don't have that number from that length across. I don't think it's eight miles. I don't have that number.

Mr. Ruidas: Okay, thank you.

Ms. Zigmond: I have a question John. You had said you were going to be incrementally replacing the pipes. Is that specifically the pipe that the Department of Water had put as a condition for – their recommendation for a condition of approval? Because in January you said you weren't going to do it.

Mr. Stubbart: No, we're going to do the – we're doing the PRV station.

Ms. Zigmond: Yeah, I know, but that's not replacing.

Mr. Stubbart: But we are also moving forward with replacement of sections of pipes. Yes.

Ms. Zigmond: The specific section that they addressed?

Mr. Stubbart: The pipes that's our – one of our priority areas is that pipe feeding down to Miki Basin.

Ms. Zigmond: So what caused the change of heart from January till now? Because you were adamant.

Mr. Stubbart: Funds available and –. Funds available and more knowledge. And I would say that we aren't going to just start at one end and go replace all the pipe. We're focusing on the areas that aren't just functional, and work our way through the system. So I don't know how else to answer that, just other than more knowledge and funds available to do this.

Ms. Zigmond: Well, it's really great that there's funds with all the layoffs and everything else happening here.

Ms. Kaye: Don't go away John, I have a question for you.

Mr. Bumbar: I just want to update you on with all the things that have been going on with the economy and everything else. As we've stated in several meetings, over at the County meeting with different officials, water is a precious commodity, and when John talks about

funds being available, he's talking about if we replace the entire line. This way we've assured everybody that the Water Department has no layoffs. There's no layoffs that will happen in the Water Department. And we have an excess of a million dollars dedicated to the water system this year, and that has not been reduced. What John's talking about in January, our budget didn't get finalized until February 7th. And we went through, and the Company realizes, we realized, that without water nothing can happen. So that's why it's a major priority for us. So the line from the Hii Tank down has been replaced. That's all new lines. So the area that John's talking about was a section that continued straight through to Miki Basin, which was not in operation. That is a priority to get a second access of water to the Miki Basin area which is a concern of ours just as much as it is yours, and even more so because without the electricity what good does it do for anybody? And we've also installed a new shut off valve down by the airport that allows us to keep the loop going if we have additional breaks with the line that causes us the problems around the back side of the airport because of the age, and what we've finding is and that's why we chose to put the pressure reducing valves in was the pressure was way too high on those pipes. You can buy the most expensive pipes you want and with that kind of pressures you're still going to have problems. So that's where one of the steps was is that we went and we dedicated funds to take care of these issues because we know that this a priority.

Mr. Stubbart: I agree.

Ms. Kaye: The Planning Department added as a condition that the ten inch water line serving the Palawai Basin be replaced pure and simple. So incremental and in phases I think is probably an incomplete approach to satisfy that condition. I think a little more of a time line – well, it's an incomplete response to that condition.

Mr. Hirano: The condition read "shall be replaced with special requirements for PVC as found in the water system standards, or shall be replaced to the satisfaction of the Department of Water Supply." The Company has been meeting with the Department of Water Supply to look at the replacements, what sections need to be replaced.

Ms. Kaye: Are they here tonight?

Mr. Hirano: No.

Ms. Kaye: Okay, thank you. Is there any other questions on this item? Okay.

Mr. Prutch: Let's see, I think, we're on #8, archaeological report – provide location of Miki Town and location of their camp. Their response was based on consultation with – am I pronouncing this right – Kepa Maly, Executive Director of Lana`i Heritage and Cultural Center, and his consultation with Albert Morita. The approximate location of Miki Camp is described as follows: the Miki Road from the Highway continues past the existing MECo

plant and goes up the hill. Along that road, there are the remnants of an old paved road, cutting westerly. That road is the one indicated on the map by a former Miki Camp residents, as going into the Miki Camp. That's the response.

Mr. Ruidas: I guess that was mines also. Did that in any way go into the parcels that we're talking about?

Mr. Hirano: We don't think it goes in. But can I ask Kepa? We've been consulting with Kepa Maly and Kepa is here tonight, so perhaps –

Mr. Ruidas: Yeah. Bring him up.

Mr. Hirano: Do you mind coming Kepa and just explaining that because –?

Ms. Kaye: I think the question that was proposed in January was do you know where Miki Camp was? It was just a simple question. If Kepa can definitively answer that, fine. Otherwise, we'll go with what we have.

Mr. Hirano: I think it was kind of vague of where it was. We were having difficulty and that's why we quoted it instead of trying to locate it.

Mr. Masuda: And besides that, our consultant, Hal Hammack, from Cultural Surveys Hawaii, and also SHPD, they didn't have anything on Miki Camp. But I know that Tamo Mitsunaga was one of the last ones to leave Miki Camp before he moved up here. You know, but it's very hard to find an old timer now to tell you exactly where it was.

Mr. Ruidas: Okay. I was just asking where it was. I think I wanted to go back to my other question since these were my set of questions. Ralph, you said that drainage – is the drainage going to be kept cleaned as far as maintaining it – it will be maintained the way it's suppose to be instead of how it is right now?

Mr. Masuda: Like I said whatever runoff is generated on site upon development will have to be kept on site – underground storage, preparation and everything else, or a drainage basin on the top. Whatever is passing through now, would have to pass through. So that can be through an underground drainage pipes and stuffs like that.

Mr. Ruidas: Yeah, I was just wondering about the pass through part – the pass in and the pass through – if it's going to – where it ends up if that's going to be maintained or just left as it is right now and not maintained and every thing just blocks up all the way back up?

Mr. Masuda: Well I would think that maintenance would be a requirement you know. You just can't let everything back up and get filled in. I think maintenance would be a

requirement. Right now it would have to be Castle & Cooke's responsibility to maintain. It's not going to be a County facility. It's going to be a private facility.

Mr. Ruidas: Okay thanks. I was just wondering about that because through the years it's been neglected.

Mr. Masuda: Right.

Ms. Kaye: I'm sorry, a follow up to that please. I don't have a clear picture in my head. I don't work out there, but I have a general idea of what he's talking about. Just for clarity for the sake of the Commission, Stan, are you saying that water runs past this parcel so that – I understand Ralph's point that everything that's generated onsite has to stay onsite – you're concerned with something that begins offsite and passes through and then is at the other end. So if there were a number of users out there, how would they enforce that? How would they make sure that it was maintained as you're – since it hasn't been done so far? And MECo is out there right now.

Mr. Masuda: Well, it's just going to be an O&M type of responsibility for the Company.

Ms. Kaye: I'm sorry?

Mr. Masuda: Operation and Maintenance. I mean, it's got to be spelled out, and if the Company is responsible for maintaining it, then it's going to have to be budgeted and everything else.

Ms. Kaye: Is that an issue for MECo now? Is there's something that you would have being done out there that's not being done?

Mr. Ruidas: Where the lumber yard is, right before that, the water follows the road, Miki Road, all the way, and it just fills right on the road, and then it may find its way to the ditch. And then on the back side, you've got a ditch that's over grown with grass and the water cannot really flow, it just spreads out, and then the whole area gets flooded because this is –

Mr. Masuda: Is this part of the 20-acres area?

Mr. Ruidas: Yeah. It's the back part of that lumbar yard. That ditch flows right through. That's why they call it Miki Basin because it's real low so everything just collects right there. Instead of, you know, letting everyone find out later, that's why I say, prepare and plan for it now so you don't get flooded out and that would be an issue later.

Mr. Masuda: I mean, County subdivision requirements require drainage improvements also,

you know, so, and these are requirements that have to be met for a subdivision to happen.

Ms. Kaye: But only on that 20-acre parcel. That's why I was trying to clarify because some of the concerns he has is offsite.

Mr. Masuda: That's right.

Ms. Kaye: So are you satisfied with those answers Stan? Okay, so back to – Bev I think you wanted to ask something maybe about Miki?

Ms. Zigmond: It's concerning the archaeological report. Since we have such a large attendance of Castle & Cooke here tonight, I just wanted to reiterate that in the January meeting, it was agreed up that if this project does go through that a monitor will be on site. Correct?

Mr. Hirano: Yes.

Ms. Kaye: I think we take that up if an when we get to the point of discussing conditions.

Mr. Prutch: Yeah, I guess when we get to the recommendation report, I remember that was condition #9 that we had discussions about, so we'll get there when we get to the recommendations. Item #9 was an estimated time that Castle & Cooke will relocate to the 10 acre parcel. They've listed a time frame here – so for planning and engineering activities, they're thinking a time line of six to 12 months. For the large lot subdivision, 12 to 18 months. For two-lot subdivision, 12 to 18 months. Construction, eight to 16 months. Relocation and sell of lots, six months to ongoing. The subdivision process will initially involve the large lot subdivision of the 20 acres from the larger lot. And subdividing the 20 acres into two 10-acre lots. One of the 10 acre lots will be for fee sales, and further subdivided in various lot sizes in accordance with fire specifications with the smallest lot size of 10,000 square feet. These lots will be made available to the public and sold in fee simple at the market price current at the time of sale. The other 10-acre lot will be used by Castle & Cooke Resorts.

Ms. Zigmond: I have a question regarding the table of activities. Are these activities concurrent or are they sequential?

Mr. Hirano: There is a bit of over lap in terms of the sequence where in terms of the planning and –

Mr. Clay Rumbaoa: Hi, my name is Clay Rumbaoa, Castle & Cooke. These items on the table are sequential, not concurrent.

Ms. Zigmond: So, we're talking like a few years from beginning to end?

Mr. Rumbaoa: Potentially yes.

Ms. Zigmond: Because if they are sequential, then when you add them up, it would –?

Mr. Rumbaoa: Correct.

Ms. Kaye: So, Castle & Cooke facilities just the 10-acre usage would not happen until the end of all of this. Is that correct?

Mr. Rumbaoa: That would be correct.

Ms. Kaye: And you mentioned that the smallest, and that's in the County Code, is 10,000 square feet. What could be the largest?

Mr. Rumbaoa: The full 10-acres for sale.

Ms. Kaye: For one person –

Mr. Rumbaoa: Right. Yes.

Ms. Kaye: – could buy the entire ten? Okay. And is there any consolidation? I didn't see any consolidation step in here and there is a previously zoned 13.9 acre lot and you're now requesting more zoning for six acres. Would you consolidate that? Would there be a consolidating process you would have to go through?

Mr. Rumbaoa: That would be correct.

Ms. Kaye: Okay. Would you want to put that in here then and tell us when that might happen and how long that would take?

Mr. Rumbaoa: It would occur after the planning engineering, and it would probably take about six to 12 months after planning and during.

Ms. Kaye: And just out of curiosity, how do you determine which 10-acres you get to keep?

Mr. Rumbaoa: It's up to Castle & Cooke. It's up to us. It's up to us and/or if there are potential interested parties, you know, we would discuss it with them and see, you know, what portions they would like to have.

Ms. Kaye: I guess I'm very visual. I see if I had 20 acre and 50% of it – you're not just

going to draw – or are you going to just draw a line down the center and say this is mines and this is for sale, or is it going to be mixed?

Mr. Rumbaoa: It's going to be –. It will be developed in the planning stage. It will probably be all one large parcel together instead of broken up into several pieces with intermingled parcels. But that's part of the planning and engineering that we would go through.

Ms. Zigmond: Clay, can you just give a best case, worse case scenario as far as time is concerned?

Mr. Rumbaoa: The best case here would be about four years, I guess, if you add the lower range of the time frame and the worst case would be about six or seven years.

Ms. Kaye: And that includes the consolidation you just added in?

Mr. Rumbaoa: Yes. Yes.

Mr. Dwight Gamulo: Is there any maximum time that you're going to hold the 10-acres of fee simple for sale?

Mr. Rumbaoa: No, we have it here ongoing so –

Mr. Gamulo: As long as there's lots available, they will never be taken back?

Mr. Rumbaoa: No, it's part of the requirements.

Mr. Gamulo: Okay. Thank you.

Mr. Rumbaoa: 50% is available for sale.

Ms. Kaye: Are you contemplating any kind of buy back provision?

Mr. Rumbaoa: We haven't discussed that. We don't know.

Ms. Kaye: Thank you. Commissioners, any more questions? Hold on.

Mr. Ruidas: Fleet suppose to move down there – laundry and I forgot the other ones – but on the fleet side, you going to have a gas boy down there?

Mr. Rumbaoa: Fueling facilities?

Mr. Ruidas: Yeah.

Mr. Rumbaoa: Possibly, yes.

Mr. Ruidas: Okay.

Ms. Zigmond: For the laundry facilities is that going to be for the employees to go get their uniforms?

Mr. Rumbaoa: Possibly. I mean, we'd have to plan all that out, so that's possible.

Ms. Zigmond: That's far piece for them to have to go to get their uniforms.

Ms. Kaye: Commissioners, anything else on this one?

Mr. Prutch: Okay, comment #10 was explain why all 20-acres was not processed at one time? Their response was that at the time of initial zoning application, the proposed use of the site did not warrant a parcel larger than what was processed.

Ms. Kaye: Well, I have a question on that one. It hasn't been put to the proposed use since the time it has been zoned. So your answer would imply that there was some sort of plan for what the original acreage would be used for, and yet nothing has happened. So it does beg the question of why more zoning would be requested?

Mr. Bumbar: We are asking for the additional zoning or rezoning of this to comply with the Community Plan that gives us 20 acres. By obtaining the 20-acres, we are required to put half of it up for sale, fee simple. To answer the previous question, would you draw a line down the center? Probably. By offering 10-acres for fee simple sale allows other people to have their own business, have their own entrepreneurship, do their own things, can we have a legal transfer station for Solid Waste. These are all the things that are entitled for use in this property with the zoning. We cannot put things up for sale until we get the additional rezoning.

Ms. Kaye: Excuse me one second. That was a condition of the former rezoning. When you had the 13.9 acres, you were required to offer 50% of that for sale back in 2000. That was condition #1.

Mr. Bumbar: Not to my knowledge. I'll let Ralph answer that.

Ms. Zigmond: It's Exhibit B in here. It's Exhibit B.

Ms. Kaye: Well actually let's just calm down.

Mr. Masuda: The 50% was for the entire 20 acres.

Ms. Kaye: No, no. The ordinance –

Mr. Masuda: That's right. 50% in the Community Plan document is for –

Ms. Kaye: Let's not mix apples and oranges here. We were provided the ordinances by the Planning Department. Ordinance 2894 and Ordinance 2895 had as the first condition that 50% of the acreage – this was conditional zoning by the way – be offered fee simple. It has not been done. And actually your information, the materials you've provided us quite clearly makes the case that there was no need. There has not been a need to do that on the former parcel. The Community Plan is something different. It is not the ordinance.

Mr. Hirano: The ordinance –

Ms. Kaye: Are we taking a moment here or are we moving on? I believe the point was made. You guys want to add more to your response?

Ms. Kaye: Gerry, if you have a question, go ahead.

Mr. Rabaino: In spite of that, that you just mentioned earlier, I have this documentation that says in April 16, 1991, Document No. A89-649.

Ms. Kaye: Gerry, I'm sorry, could you identify what you're reading from please?

Mr. Rabaino: I'm reading an agreement to convey.

Ms. Kaye: That was provided in the January meeting. We're not –

Mr. Rabaino: We're not going to discuss this?

Ms. Kaye: Yes we are. We are definitely going to discuss it, but I'm not sure that it's –

Mr. Rabaino: Well, we're talking about land size.

Ms. Kaye: I'm sorry?

Mr. Rabaino: Acreage yeah?

Ms. Kaye: Right.

Mr. Rabaino: Well, I'm going to read – Where Lana`i Resort Partners, as a petitioner in the said docket, make available to the State at no cost on a fee simple basis of 25-acres of land on Lana`i. Of these 25-acres, 10-acres shall be in the vicinity of Lana`i City, and 15-

acres maybe located at another site both agreeable to OSP. Okay and if you look at page #2 in the third paragraph, it says, whereas, pursuant to the condition #1, Lana`i Resort Partners and OSP have identified and agreed, and the Department of Land and Natural Resources concur, 15-acres of parcel of land which have been identified as proposed industrial parcel. Okay, and it goes on, and in all the following pages what was suppose to be spelled out. And this was signed by Vice-President – where's my notes?

Ms. Kaye: Well, I guess we're leaping ahead. So let's just make a note to go back. We're leaping ahead to #14 at this point, and –

Mr. Prutch: #20.

Ms. Kaye: Pardon?

Mr. Prutch: #20.

Ms. Kaye: #20 as well, absolutely. Gerry, do you have a specific question relative to that document that you were just reading from?

Mr. Rabaino: Well, yeah, because it says 25-acres, okay. According to this, this is almost like contradictory in a certain way or maybe modified. Because 20-acres, yeah, is already been, according to this, this document of 1991, it says they have 25-acres and 10-acres. So if I going add that up, that's almost like 30 acres. But over here, you have 20.

Ms. Kaye: Gerry, this parcel, the 14-acres they had zoned in 2000, and the six they're requesting additional zoning for, is not –

Mr. Rabaino: – attached to this?

Ms. Kaye: No. No, that – I'm not going to put words into your mouth – but that is a 10-acre commercial property and a 15-acre light industrial. This is a request for heavy industrial, so that's all I'm going to say. Ralph? So we have a response to that, and as Joe pointed out, that's #14 and #20. And did you want to speak to that at all? Or you're just going to leave it with the response that you've provided in this document?

Mr. Masuda: I think that condition basically deals with the 13.9 acres. However, the subdivision that would take place, the 10-acres and 10-acres, should fulfill that condition also.

Ms. Kaye: No, no, those are separate parcels.

Mr. Masuda: No, no, no. We're talking about the same parcel of land.

Ms. Kaye: No we're not.

Mr. Masuda: The 20 acre parcel in the Community Plan.

Ms. Kaye: No, Ralph.

Mr. Masuda: It's entitled in the Community Plan.

Ms. Kaye: Ralph, we're asking about – maybe Ralph hasn't seen this. Gerry, could you show him a copy of what all the Commissioners received at the January meeting? The 1994 agreement to convey. I believe it was one of the conditions at the original Land Use.

Mr. Masuda: What 1994? That's the 10 and 15 acre.

Ms. Kaye: Exactly. I thought that was what you were going to address.

Mr. Masuda: No. No.

Ms. Kaye: You're not.

Mr. Masuda: The 10 and 15 acres is actually not the same as –

Ms. Kaye: We understand that.

Mr. Masuda: Okay.

Ms. Kaye: We understand that.

Mr. Masuda: Now, the 10 and 15 acres – the 15 acres land, and I think we had included stuff in our response on the hand scribble note from the DLNR Maui Land Agent about where that 15 acres should be. But 15 acres was selected by the State and it's right next to the airport.

Ms. Kaye: We understand that. But, I think one of the questions I had is – in the packets that the consultants provided – what's relied on is a letter that's pretty old and a hand written question from someone at six months. And so there's just a discrepancy.

Mr. Masuda: I mean, you know, I think if you look at we included in the packet on our responses, you see a response from the Company to the same person that hand scribbled the note on.

Ms. Kaye: So why would he be saying after the fact?

Mr. Masuda: I don't know.

Ms. Kaye: Okay, I'm going to just make a suggestion at this point that I'd really like to request the Planning Department to make a formal inquiry into the status of these parcels. As Stan pointed out at the last Planning Commission meeting, we are a Planning Commission, and doing things piece meal is starting to get more and more uncomfortable.

Mr. Masuda: It's not piece meal to us.

Ms. Kaye: Well it is to us.

Mr. Masuda: No, you've got documentation in here –

Ms. Kaye: And it's contradictory.

Mr. Masuda: – to the same guy Daniel Ornellas. Right?

Ms. Kaye: It's contradictory, Ralph.

Mr. Masuda: No, it's not.

Ms. Kaye: Okay, clear it up for us.

Mr. Masuda: What's the contradictory? What's the problem? Does anyone else see that there is a difference between?

Ms. Zigmond: Well, I read that letter, and the letter just was excepting a location. I have no indication that it was actually transferred. And in question #23 –

Mr. Masuda: It was not transferred. The lands have not been transferred officially to the State.

Ms. Kaye: Why?

Mr. Masuda: Because they never did the subdivision. If the State does the subdivision, they come back to us with the County approval, then we will record it. That's the deal.

Ms. Kaye: So you're saying that these State agencies have been sitting on it for 15 years?

Mr. Masuda: That's right.

Ms. Kaye: And yet we have a notation in the Planning Department's packet to us from

someone saying we still have to get this land. It's very possible that the disarray is with the State agencies, but we need to know that after a formal inquiry by the Planning Department I'm afraid.

Mr. Masuda: But they did ask for comments.

Ms. Kaye: And that's what we're dealing with – was a comment that we still need to –

Mr. Masuda: But the hand scribble stuff, is it from Daniel Ornellas or is it from somebody else hand scribbling that note on? You don't know. I guess you would ask the Planning Department to find out.

Ms. Kaye: Right. I think we will do that.

Mr. Hirano: I would just like to add Chair Kaye that 15 acres, I think the response was in response to the question that was posed about the 15-acres. And what is the status of the 15 and 10 acres, which we provided documentation on with respect to supporting letters that have been countersigned by the Department of Land and Natural Resources as to what process was under an agreement between Castle & Cooke and the Department of Land and Natural Resources on how those two parcels, the 10 and the 15 acres, that are part of that 1994 agreement were going to be conveyed. But they don't really have anything to do with the Miki Basin site.

Ms. Kaye: Actually they do, but we'll get to that in a second.

Mr. Hirano: Okay. Maybe – can we talk about that now?

Ms. Kaye: Can we what?

Mr. Hirano: Talk about that now – the connection because I don't know what connection they have with the Miki Basin site.

Ms. Kaye: Well, it's going to come up on #16. So, why don't we just not leap ahead and continue on with our numbers. We were at #10 – explain why all 20-acres was not processed, and the response is the site didn't warrant a larger parcel. So we're now on #11.

Mr. Prutch: Okay, #11, I think this may have been answered as well. It was explain the need for six acres when the 14 acres have not be utilized. I believe we've heard response from that, or do you want me to read what was the response from their document? Read it? Okay. During the years Castle & Cooke Resorts has expanded its operations such that the current facilities located in town are no longer sufficient to meet the needs of its day to

day operation, nor are they compatible with the adjacent residential community. Refer to question #1 for the proposed area breakdown of the 20-acre site.

Ms. Kaye: Commissioners, questions on this one? Okay, I think #12 and #13 are pretty self explanatory, nothing has been leased or sold and no lots have been offered for sale.

Mr. Prutch: Yes. #14 was the comment on the DLNR letter. I think we just discussed that.

Ms. Kaye: Excuse me, I have a comment on #13 – an observation actually. When you look at the ordinance for the first zoning, the 13-acres, it was given pursuant to 19.510.050 which is conditional zoning. And there's a provision under that Section C that says the conditions to be imposed must have been preformed prior to Council action on the re-zoning amendment or be enforceable by the County so as to ensure performance after Council action. The condition shall be fulfilled within the time limitation set by the Council, or if no time limitation is set within a maximum of five years from the day the ordinance is in effect. Now I think we've established to everyone's satisfaction that the condition on the first original zoning in 2000 has not been done. And we're now four years past the time limit set by the statues. And I would note further that under F, failure to fulfill any conditions on zone change within a specified time limitations may be grounds for the enactment of ordinances to restore the zoning to the previous zoning district or initiate a claim on the bond which I don't think applies in this case. So I wonder if anyone wants to speak to the notion that you are way past the time limitation set for complying with the conditional zoning that was put on the first parcel. (*Changed cassette tapes.*) I'm reading from Chapter 19, Maui County Zoning ordinances. That was the observations I had to nos. 12 and 13.

Ms. Zigmond: Madame Chair would it behoove us to take a five minute break to let them take a look at that?

Ms. Kaye: I'm not seeing any indications that additional response is going to come.

Ms. Zigmond: Would you like to read it and maybe respond to it?

Mr. Hirano: To what?

Ms. Zigmond: To what Sally just read and what has happened – why nothing has happened since 2000.

Ms. Kaye: No, I'm saying that's not going to happen so let's just keep going. Okay, we've actually already discussed #14, and the differences in responses from the agency. Are there any additional questions from the Commissioners on that? Okay, we can, I think, towards the end of the meeting, we can talk a little more detail about the inquiry to be made that we're asking the Planning Department to do. So the next one is the time frame,

moving forward, and that was answered. Okay, now, #16, water usage. Anybody have any questions on that? Do you want to read it?

Mr. Prutch: #16, water usage, how much now and projection at build out was your comment and question. Their response is the total potable usage for Castle & Cooke, existing facilities – laundry, water utility, vehicle and fleet maintenance – identified for relocation is approximately 25,175 gallons per day. The Department of Water Supply in their comment letter dated August 8, 2008, indicated that Lana`i Water Advisory Committee's allocation for potable usage for light industrial build out is 90,000 gallons per day. Based on this allocation approximately 64,000 gallons per day would be available for the future uses. It is noted that DWS also indicates that based on County standards, projected water use at build out would be approximately 120,000 gallons per day. That's their response.

Ms. Kaye: Commissioners? Okay, well, it's unfortunate that an error has been made. I'm holding in my hand the appendix. This is the Water Use Allocation from the 1997 – as you know, we're in the process of redoing the Water Use and Development Plan. The trick for me is the use of light-industrial. This is not light-industrial. What in fact the water and development plan currently accommodates is the 10 acre and the 15 acre that's part of a 1994 agreement to convey. In fact, this plan, as it's currently stand doesn't have any consideration for allocation for heavy industrial use. So to be consistent with the water use and development plan, this can not be relied upon and it's unfortunate. I think the County made a mistake when they put in that .90, they were looking at the light industrial and the commercial, and not realizing this was another additional use of heavy industrial. Okay, so I did a little math and it turns out that according to the projections that you've put forward, 25,175 gallons per day for the 10-acres that Castle & Cooke would retain, works out to be 10 million gallons plus change a year. And then according to County standards of 6,000 gallons per acre for heavy industrial, the other 10-acres would be 60,000 gallons per day or 21.9 million gallons per year. So this is a big chunk of water, and unfortunately because of the error made, that has just been carried over forward by the – from the County's letter, there isn't anything in the water plan currently. So I think that needs to go back to the Water Department and the Lana`i Water Advisory Committee to accommodate those projections. Any further comments?

Mr. Ruidas: Clay, I guess you can answer it. This is all potable water so that's going to be treated as potable? You're going to have any non-potable water available?

Mr. Rumbaoa: No, it's potable water.

Mr. Ruidas: Currently the laundry facility uses potable water?

Mr. Rumbaoa: Yes.

Mr. Ruidas: Okay.

Ms. Kaye: Gerry?

Mr. Rabaino: My questions is regarding the laundry. The existing laundry right now, is that going to be replaced with the six acres proposal for a laundry on that area? Is it going to be an updated laundry facility at the Miki Basin versus the current laundry that we have?

Mr. Rumbaoa: Yes, the plan is to relocate the existing laundry into this area, of the Miki Basin area.

Mr. Rabaino: Okay, so what is the water breakdown versus this laundry to the future laundry that's going to be there?

Mr. Rumbaoa: The way we estimate it, it would be similar.

Mr. Rabaino: Similar?

Mr. Rumbaoa: Similar amounts of usage. Until we go in and do the actual design and engineering, all we can go by right now is what we're actually using.

Ms. Kaye: Any other questions? Okay, #17.

Mr. Prutch: #17, your question comment was how will the fee simple lots be offered? And what sizes and what prices? I think we discussed the what the sizing – it depends on the use, minimum 10,000. What price was whatever market price is at the time. And how will they be offered?

Ms. Zigmond: That hasn't been answered.

Mr. Prutch: I don't see a response so that might be something we can ask.

Ms. Kaye: I actually would like to get some guidance on how market price would be determined? What process would be used to determine that?

Mr. Rumbaoa: The way we foresee it at this point in time is for Lana`i since there aren't any parcels to go by, we would look at the neighbor islands, possibly Maui island, and we would incorporate the costs for subdivision and look at the cost for construction, and down here is big picture in terms of the total cost and we'll determine the prices based on those factors.

Ms. Kaye: Do you foresee limiting the sales to Lana`i residents and businesses?

Mr. Rumbaoa: It would be open to all – to the general public – to Lana`i residents or whomever.

Ms. Kaye: Okay, and that is contrary to the Community Plan as it is currently – you do know that?

Mr. Rumbaoa: How is it contrary?

Ms. Kaye: The Community Plan, I think, specifically references that small business opportunities that evolves from this should be directed to local residents.

Mr. Rumbaoa: It will be. I mean, it doesn't preclude Lana`i small business having the opportunity. It will be.

Ms. Kaye: Thank you.

Ms. Zigmond: Okay, would you speak to how they will be offered? Is it going to be a lottery? First come, first serve. Who has the best essay.

Mr. Rumbaoa: At this point in time, we don't know. But as we do get closer, we'll devise a plan and I can't speak to the details of that at this point.

Mr. Gamulo: Do you have any idea about what kind of restrictions, types of businesses, or any covenants that you're going to put on a property?

Mr. Rumbaoa: It will have to meet actually the zoning, the heavy industrial. In terms on covenants, again, I can't answer that. I don't know.

Mr. Rabaino: Back in 1998, you guys had the stipulation at one time, I guess, what Beverly them is trying to perceive here. First was Lana`i residents, which Castle & Cooke employees; secondly, would be Lana`i residents that is not employees; thirdly, would be Lana`i residents who resides on the island; and #4, would be open to outsiders, outside of Lana`i. That was the formula that was used when we had Lalakoa II, III; and Olopua Woods became where it was rent to own, that was a flop because everybody –. Then it was all by lottery after that. I think that's what they're pertaining to when you're going to do those land sales – like small businesses would be first, which is community residents, and then would it be open to residents that want to start their business versus existing residents that has business?

Mr. Rumbaoa: I'm sure that's something that we could follow as a model. And we certainly would want the local residents of Lana`i to participate and be entrepreneurs and all types of businesses there, so obviously we would like that, and, you know, we can lean towards

that action to have the lands for sale.

Ms. Kaye: Okay, that's #17. Anymore questions on that? Okay, I think the Land Use Commission letter that we had in the Planning Department's packet that specifically asked the need to urbanize this six area parcel at this time be addressed. As far as I can see it has been answered by the needs that Castle & Cooke has, but not necessarily any information on what the community needs in addition to that. Is that just what you have at this time? Okay, any questions on that one? Okay, infrastructure, I think John handled what their intentions are in that vein. And Gerry, now we're back to your #20, your 1994 agreement to convey that 10-acre commercial and that 15-acre light industrial which we will make further inquiry on. And let's see – and #21 – go ahead.

Mr. Prutch: Yeah, I don't think we discussed this one. #21 was a comment that if Castle & Cooke lots within Lana`i City are relocated to this industrial area, describe what will happen to the now vacant lots within Lana`i City. Their comment response was at this time, CCR has several options for the anticipated vacant area. CCR is in the process of evaluating these options and when it is determined exactly what will replace the current facilities, CCR will be more than happy to share those plans with the community at that time.

Ms. Kaye: Questions Commissioners? Any comments? Questions?

Mr. Rabaino: I just wanted to – under Mayor Lingle, I was appointed as one of the Commissioners with Bob Hera, Roland Kaopuiki, myself, I forget the other Commissioners, but my memory serves me well that that area, that existing area, was suppose to be in the direction of a mall, a shopping mall or shopping center.

Ms. Kaye: Gerry, can you clarify what area you're talking about?

Mr. Rabaino: Where the fleet maintenance and mechanic shop, Mabu Shop, is located, right across Lana`i City Service. So that was what I remembered distinctively that, that was going to be a mall for walking pedestrians, as a shopping area, and while the take the current facility out of the city. I just wanted to share that with you – at that time, that was when the Commissioner at that year, said that it would turn into a mall. So I don't know if you still going to be still standing with that, or that's your direction has changed.

Ms. Kaye: What year was this Gerry? How long ago?

Ms. Castillo: That was when these townhouses were being built.

Ms. Kaye: So give me a ball park year.

Ms. Castillo: About late '90's.

Ms. Kaye: Late '90's. Okay, that's –

Ms. Castillo: Late '80's, I mean. Late '80's.

Ms. Kaye: I'm sorry. So this is almost 20-years later?

Mr. Rabaino: Yeah, around there.

Ms. Castillo: That was one of the original plans.

Mr. Rabaino: From, I believe, it was 1980 all the way up to 1991.

Ms. Castillo: 1988 or something like that.

Ms. Kaye: That doesn't convey a sense of urgency does it?

Ms. Castillo: Because that was one of the original plans that the Company had.

Ms. Kaye: Really?

Ms. Castillo: Yes.

Ms. Kaye: Okay, since you discussed this back then, do you know – since you brought up this particular piece and I understand there's more parcels at issue – are there any brown field issues on that parcel?

Mr. Rabaino: I believe last year, where the buses are parked, they "dugged" out one of those old gas tanks, and they had the soils sent to Honolulu and redone and refilled. So that's one area that they found that they weren't aware gas tanks there.

Ms. Kaye: Okay, thank you Gerry. Any questions Commissioners? Okay, that brings us to the last one which was simply – I think I posed this one because I went through my Community Plan – I could not, for the life of me find, any verbiage that said 20 acres was the required portion. It's funny because the answer put me back at the map and I can't find it on the map. I saw on page #63, but it's not on the map.

Mr. Prutch: Yes, page #63.

Ms. Kaye: Unless I don't have the right map.

Mr. Prutch: I didn't see it on the map either. I found it on page #63 as well.

Ms. Kaye: Thank you. I thought I was losing my mind.

Mr. Prutch: Section C, Number C.

Ms. Kaye: Okay, at this point, I think, we should take – Commissioners, if you have nothing additional at this moment, we should take some public testimony. So we'll open it up for public hearing. I don't know if you folks signed again or if you just want to come up and tell us who you are and speak.

Mr. Reilly: Thank you very much for the opportunity. Fairfax Reilly, 468 Ahakea Street. I'd recommend a site visitation. There's been a lot of discussion. If you're going to make a decision, somebody ought to go down there and walk around it and see what Stanley – Commissioner Ruidas is talking about in drainage. You noticed my last comment, I think we're all on the same side of the table is the fact of the need for heavy industrial area. The devil is in the details. And my immediate reaction is to deny this application until the Community Plan is in place. And the longer I hear tonight about it how long it's going to take to develop it, maybe the next Community Plan will be up for review at that point. I'd request the Planning Department at least provide the Planning Commission with some dates as to when the Community Plan process would begin. You are making a land use classification which, in my opinion, is a fairly high standard. You are taking the role of the Land Use Commission in dealing with this application. And therefore, close attention – and you have been making close attention – to details – really important to me.

I agree the comment about the Conditional Zoning. That has always been problematic as to exactly – there doesn't seem to be much authority or teeth in the Conditional Zoning Ordinance – although it's written, but as what's pointed out, things get drifting. And I'm sure it has to do with finances, and that's one of the startling things for me is, is this project based on some future proposal that hopefully this economy is going to return and that housing industry may return? That's a reasonable plan. I don't know how much money is available as you've heard tonight to really invest in this project.

I did hear some comments about fire and anecdotally fighting a fuel fire down in that area – my understanding is that the local fire department does really not have full capability of fighting a fuel fire for a very long period of time. If there's not water pressure down there, they can use their pumper truck up to the point. If they're using foam, that means they would have to call up the airport fire department, and even at that point, you would need water pressure. So I grew up in Pittsburgh and I used to work in a steel mill, and better have your stuff together – when it hits the fan, you better have all your safety and fire precautions available as anybody who has worked in heavy industry ever knows. So I am concerned about the water.

There was mitigations and conditions regarding the chemical, and as Mr. Masuda pointed

out, this is not just a housing facility or light industrial. You're talking heavy industrial and those persons that would purchase for fee simple, or even Castle & Cooke, would have the right to use chemicals down there. And so the preparation of infrastructure and the storage of those chemicals and the retention in case of a spill would be some conditions I would want to see on that. And you've already addressed the commercial and light industrial issue, and I think that needs to be pursued. And that's it. You know, if you decide to approve this application, I think the devil is in the details in terms of the conditions. And you would have, to me, after listening to this discussion tonight, a fairly extensive list of conditions that would have to be applied to. Thank you very much.

Ms. Kaye: Pat, thank you. Commissioners, any questions for Pat? So Pat, I'm getting this is quite a list here. You're giving us a cafeteria plan. First your recommendation would be to deny it. Second, then we wouldn't need a site visit or conditions, correct? But these are the conditions you would suggest we consider – the areas in which we would consider conditions?

Mr. Reilly: Yes. And you've already raised additional ones this evening.

Ms. Kaye: Okay. Thank you.

Mr. Reilly: And this is my opinion. You may decide to go ahead with the application, and so I'm trying to cover my bases if you decide to go ahead. There should be some conditions. Thank you.

Ms. Kaye: Just to let you I talked to Clayton Yoshida last week about something else, and he referenced May as being when we will have a Long Range Planner here to talk about the Community Plan. So, two more months. Thank you Pat. Any other testimony?

Mr. McOmbler: Ron McOmbler. I didn't bring a recorder to recap everything that went on over here. If for no other reason they did not keep their part of the 2000 agreement on that first 13-acres or whatever it was – they didn't do the water line that puts MECo at risk. It puts everybody else at risk out there. Ralph said something that really – if you had to contain that water on that property and I assume it's the same thing that happened with this last subdivision or these homes that were put right across from the service station, in the park, where they had to put underground. Are they going to have to do that out there you think? Okay, if they do that, that means – and if anybody watched what that project going on – they've got huge holes in the ground and they put all of these culverts underground to retain all the water on that property. That's 20-acres folks. That's a hell of a lot more than what they built in those apartment houses. And if they do that, they're almost going to have to put roads and everything else in so the water can be funneled to those areas. They just can't do it out in the middle of the dirt area. I can not imagine Castle & Cooke at this time, and we watched how they've trashed this community and taken everything away

from us. How possibly they could do this in the next 20-years? I mean, this is amazing.

The Community Plan has to address this folks. It has to address this – the 10-acres, the 15-acres – it has to address it. We have to know what the Company is going to do and what their time schedule is and how they're going to sell those properties. And to just randomly give them a permit to do this and not knowing. Because remember the first meeting we had, they already dictated who they thought should be out there in that area. And I didn't hear one resident in this town was given the idea that they would have a chance. So if you put conditions on it – I don't see what conditions you can put on it, other than say how come you didn't do your original conditions on the first 13-plus acres? They didn't do it now, and this is 2009 folks. That's nine years. They need to do that water. I don't care what you say, they've got to have that water out there and they're going to have fire hydrants out there, they're going to have to redo that line. I can not see Castle & Cooke doing that. So I would deny it just on the idea that the community hasn't seen this. Only you folks have seen it and the ones that come over here. The Community Plan has to address this. I urge you please to do that. Turn it down for no other reason than that – for that reason. Thank you very much.

Ms. Kaye: Thank you Ron. Questions for Ron, Commissioners? Okay, is there anyone else who would like to speak to the application at this time? Okay, public testimony is closed. I'm just going to – we're going to take a five minute break – but I want to just take off of something that Ron said. The action, when we come back, after whatever more discussion you want to have, involves the following choices: we can deny the application. Sorry. That's exactly what I wanted to clarify. We're not in a position of approving or denying. We're in a position of recommending to County Council that it be denied, or approved, or approved with conditions. Having said that, we're going to take a five minute break and we'll be back.

(The Lana`i Planning Commission meeting recessed at approximately 8:00 p.m., and reconvened at approximately 8:10 p.m..)

Ms. Kaye: Okay we're back. Any additional comments? Questions on the part of the Commissioners?

Ms. Castillo: Madame Chair, I was just thinking, and burning up my mind and thinking about what the Company is trying to do. They're talking about developing, developing, developing. How can they expect people to buy any of these parcels that they're talking about to sell, if the people the island doesn't have work. Why can they not think about developing something where people can have something to work here so they can buy wanted to – to be selling? Maybe that's a food for thought because, you know, if on the island, we have only – most of our people on the island are agriculture based people. It use to be pineapple worker before. And I believe that if the Company can help these

people that can get this land – wasted land that we have to create something agriculturally, maybe there is something to do. And they can sell their (inaudible) that they're talking about to sell to the people on the island. Otherwise you don't have anybody that's residing on this island to be able to buy the land because they don't have any place to work.

Ms. Kaye: Well I think that very point was made by the Land Use Commission in the letter submitted asking for justification for additional zoning that was sent over in the packet. And it reminds me, somebody on the way to the meeting tonight had asked me a question and this is another one that has nothing to do with this, but there was suppose to be 100 acre ag park. And I'm not aware of whether that happened or where it's suppose to be. So I'll throw that out there – that was also a condition at one time that seemed to –

Ms. Castillo: If I can remember when I was a Planning Commissioner way back when the two hotels first came in, their original plan for that – across my property was to relocate the gas station and build this as a shopping mall. That was the original plan that they had. Whatever original plans that the Company had before, maybe it's good if they have 50% of those plan that had presented to the community at that time, had been done.

Ms. Kaye: Alberta?

Ms. de Jetley: You know Madame Chair I'm looking at this and what Castle & Cooke was saying is we're looking at a four to six year time table to get this heavy industrial park set up and going. Coming back to Lana`i from 1986 forward, we had a chance to have 100 acre subdivision, agricultural subdivision. What happened? We were an agriculturally based community. The land was available. What happened? Nobody applied. Nobody came forward. The State was going to subdivide the property, but the conditions that they had on the properties that needed such that people couldn't apply for it because you had to be an experienced farmer. Where I am in my ag operation, there's 58 acres built at the Lana`i Master Farm Gardens, which was available to Lana`i residents. They could down there and they could start farms. There's only three of us out there. I've been down there for six years, and it's been a really tough six years. You can't just take some acreage and turn it over to people and say here go farm this. It takes a lot of time and a lot of effort to get a farm going. So it's really not that simple.

I'm looking at this heavy industrial park. There was a suggestion that maybe we should go out and look at the Miki Basin area. Most of us know what's down at Miki Basin. Instead of making a site visit to Miki Basin, we should be making a site visit around our community to see how many parcels in this town that are zoned residential that are being used for other things that should not be done in a residential area. There's construction equipment. There's building materials. There's car repair places. We talked about the Gas Pro – the gas company going out there. You see their operation down here, right in town? It's

terrible. They need to have a location. You talk about businesses needing a place to go and who will go out there.

I have 56 small businesses that advertise in my newspapers. Of that 56 businesses, there will probably be 10 or 12 that would be able to go into this industrial center. But it's going to take us four to six years. I mean, I would really, really like to see it not just for next week, or next month or next year, but what will our community be like in five or six years? What facilities will we need five or six years from now, and start planning towards that future? We can't sit around and wait for the Lana`i Community Plan. It's coming. But to delay projects like this for six months or another year or another 18 months because we don't know when staff will be able to get around to coming to Lana`i to have our Community Plan meeting. I don't think that's conscionable. We should approve this permit application subject to conditions and let them at least get started with it. Six years is a long, long time. We need to get moving.

Mr. Rabaino: Madame Chair? Commissioner Rabaino. Over the years I've seen a lot of management in the upper areas changed. And being this is my second time on the Planning Commission, I would like to set conditions. Number one –

Ms. Kaye: . . . (Inaudible. Did not speak into the microphone). . .

Mr. Rabaino: Well, as a proposal of my view. This is my view as a Commissioner. We got to move forward for this community to have growth, #1. The population is growing. I see other people coming in, but, you know, we've got to move forward. And there's a lot of justification where a lot of vendors here that need storage space. Gas Pro is definitely is going to need one and other areas. So, you know, my whole thing is we should move forward and make a move and have the community aware of what's going on.

Ms. Kaye: I would just like to respond to both of those that we are an advisory group that, as I said initially, is to take applications, hear from the public, and then advise, based on the evidence that we had presented to us. So I'm unwilling to base a decision on speculative numbers of people. They're not here. They're not talking to it. This has been on the books for eight years, and it has not been used – the original zoning. So I'm uncomfortable with us using that as an excuse to sort of dodge what facts have not been placed on the table. Okay, I just think we need to keep that in mind.

Mr. Ruidas: I think you answered –. You asked about the agriculture – 100 acres. Okay, that's probably adjacent to the parcel we're in question about.

Ms. de Jetley: . . . (Inaudible. Did not speak into the microphone) . . .

Mr. Ruidas: Where was it?

Ms. de Jetley: The 100 acres was in the bend of the road where the solar farm is, coming back towards Miki Basin. Coming back toward the power plant.

Mr. Ruidas: Well, it was in that area?

Ms. de Jetley: Yes.

Mr. Ruidas: Because my brother was involved in that. He died. Okay, as far as getting an area for gardening, the lots below the old power plant, that's all full. And you have to know someone to get even a small, maybe like 50 feet by 100 feet of gardening space because you got all the chickens down there because they don't want the chickens in the city. Now in order to get where you are, I asked before, and minimum acreage was probably about an acre. I didn't need an acre. And for a farmer to get a grant or a loan, a business loan, he would have to be a full-time farmer, like you were saying. You can not be a part-time or just thinking about it just to get a loan. So I think that's the problem in getting people to farm. So that would be the answer for that one.

As far as my opinion on this, I don't know, I think we should move forward, but how do we move forward with conditions that we're going to make? That's going to be a lot. And if we deny it – or if we don't agree on it, is that going to reflect on us being the bad ones as far as the Company putting leverage on laying off more people. That would be my comment.

Ms. Kaye: I don't know how to respond to that, except that I would assume that would not be the case. We're not playing black mail here, I would hope.

Ms. Zigmond: I would like to make a motion that our recommendation to the County Council is to deny this because the timing is just not appropriate.

Ms. Kaye: Okay, there's a motion on the floor. Is there a second? Is there a second? Okay, the motion dies for want of a second.

Ms. de Jetley: Madame Chair? I move that we recommend to the Maui County Council that we approve this application with conditions.

Ms. Kaye: I don't think we can vote on that until we know what the conditions are. And I will just reiterate again for everyone's sake, I now see the wisdom of having a Lana`i Planning Commissioner as a representative on the Water Use & Development. Their water usage is not accounted for in the Water Use & Development Plan. I've been trying to think of a condition. It needs to go back to the Water Use and I'm sorry, Department of Water Supply and the Lana`i Water Advisory Committee so that this is properly handled and accommodated.

Ms. de Jetley: I have a question then Madame Chair. Can we just – because we're not a elected body, we're appointed, can we just move this on to the Maui County Council and let them deal with it, because then it will be open to public testimony at that point, won't it?

Ms. Kaye: You could move to make no recommendation, but I'm not sure that that's where everybody's at at this point. Letty?

Ms. Castillo: Madame Chair, I've been hearing from the community that we do need to have the Community Plan before we go forward. So I'd like to see the Community Plan before we do anything or decide anything.

Ms. Kaye: Well, would you like to try the motion?

Ms. Castillo: I would just like to make a motion to have the Community Plan before us before we make our recommendation to the County Council.

Ms. Kaye: Actually, we have an active Community Plan in front of us. The issue is that the provisions for almost the life of this Community Plan weren't fulfilled. And so the testimony we heard was just wait for the next one then to make sure that it will be compliant with that. And I'm guessing that was the intent. I don't know. Was that the intent?

Ms. Zigmond: Okay, I'm going to make another motion that we recommend to defer because we don't have information – some of the information is incorrect and I'd like a site visit because I haven't been there.

Ms. Kaye: We've got a motion. There's a motion on floor to defer. Is there a second to that motion?

Ms. Endrina: I second the motion.

Ms. Kaye: Discussion?

Ms. de Jetley: I think by deferring this, we will just keep compounding what has been happening to our community. We can't get anything going because everything is always tabled and left behind. You know, we have that land down by the airport – the 15-acres – nothing has ever happened to that. Why? Because it's stuck somewhere. We need to start thinking long term for this community.

Ms. Kaye: I believe that was an intent of the last Community Plan, Alberta, when 20-acres were identified and nothing has been done.

Ms. de Jetley: Well, staff, do you think we're going to see the Community Plan inside of six

months?

Ms. Kaye: I don't think that's the point. It's not the planning of the Community Plan. It's that the use has not been established. The Land Use Commission pointed that out. There are currently 13.9 acres zoned heavy industrial that has not be used. The Land Use Commission's comment that there is no justification for an additional six – I don't think in my mind, I'm not voting – has been adequately addressed. It's a matter of timing. It's not that anyone thinks this is a bad idea. But it just might not be the right time to add an additional six acres because there has been very little justification for it that suits the community needs and that's what's in the Community Plan.

Mr. Gamulo: Okay if we're going to defer (changed tapes), till when and under what conditions are we going to take it up again?

Ms. Kaye: Well I know the next couple of months are pretty – I would say July would be the earliest they could come back, but the Commission is going to have to decide what additionally it wants to hear.

Ms. Zigmond: I'd like the site visit. I'd like to get some water numbers in there. I'd like to – I guess I'd like some more information also on how the process is going to happen.

Ms. Kaye: I'm sorry, what process, Bev?

Ms. Zigmond: Sorry, how the lots are going to be offered.

Ms. Kaye: Okay.

Ms. Zigmond: And I guess I'll start with that.

Ms. Kaye: There is something since we are at this point – I wasn't sure if we'd get there – the project assessment report that was produced continues to rely on data that was prospective to 2005. We're now at 2009. So clearly it's very old data. So the comment – I don't know who made it tonight – that our population is growing is, I think, erroneous. It's not. And I think our visitor population is down. And be that as it may, to have a project assessment report that projects forward as if it was written in 2002 or 2003, I think needs to be changed. I think more accurate figures needs to be provided.

Mr. Prutch: So far, if I may, before you vote on the motion to defer, sounds like so far we have three issues or three comments that you want elaborated if this motion is excepted. One of them was the water numbers for heavy industrial usage. I believe that calculation only shows light industrial uses, so you wanted to try to create some kind of heavy industrial water numbers calculations to go by. The second one was –

Ms. Kaye: Actually, no, we have the calculations. It's not the numbers. I mean, I just used the County standards of 6,000 per acre. It's that the plan, the Water Use & Development Plan, doesn't accommodate water for heavy industrial at all. They didn't contemplate this project, so somehow, and I'm too new of a member on that Committee to know how it works. But somebody, somehow the applicant has to go and contact the Department of Water Supply and the LWAC and come to an agreement on whether the current infrastructure system will accommodate that additional usage.

Mr. Prutch: Okay, and then the second comment is how the lots will be offered, and the third one was the projections in the PAR be updated and be more current.

Ms. Kaye: Right, and I'm going to – since we're going to defer this, we'll just, in a related vein, try to dovetail the inquires that we're going to ask the Planning Department to make which is to make inquiry to the Land Use Commission on the status – and I can give you this afterwards Joe – the 10-acre commercial and 15-acre light-industrial at the airport. What is the status of that? And I would like the Planning Department to provide a report on whether the first zoning that was granted is in fact in violation because the condition was not performed pursuant to the County Code regulations that I read before.

Ms. Zigmond: And Joe, a site visit too.

Ms. Kaye: Commissioners, anything?

Ms. Zigmond: Madame Chair, while we're waiting – you know, when we were talking about the conditions for the Conditional Zoning of 2000, actually condition #2 is that water use for this project shall be consistent with Water Use & Development Plan for Lana`i, and so that backs up what you're talking about.

Mr. Ruidas: Joe, can you follow up on that letter I asked you about? For that Fire Department?

Mr. Prutch: Yes. And what exactly are the particulars for that? You wanted to know if they agree with the fire flow calculations in their document?

Mr. Ruidas: Just a letter asking them what was their opinion on the current or the revised system, water system.

Ms. Kaye: Okay, anything we'd like to add to that?

Ms. Zigmond: Did you get the site visit Joe?

Mr. Prutch: Yes. I got the site visit on here.

Ms. Kaye: I would recommend that this be indefinitely deferred until you –. I mean, you can work it out with the applicant when you have the reports that we've asked for and let's get it all done at one time and not, you know – I don't want – I would not like to see the applicant to go through the trouble of coming back again in two to three months and you don't have the information that we're asking for from the Planning Department side, which are the two. So you folks work that out is what I'm saying.

Mr. Prutch: And of course, you understand, I mean, they would have to renote this if we continue to a date uncertain. So maybe if we did to that date in July, like you mentioned –.

Ms. Kaye: You think you can pull that off?

Mr. Prutch: Our portion of it, well, if I can get the DLNR and the Fire Department to respond, who knows.

Ms. Kaye: Well.

Mr. Prutch: James has an explanation for us.

Mr. James Giroux: Thank you. My suggestion to the Planning Department was if the Commission gives a date certain that on the agenda – because the agenda is going to be posted, you know, just about six days prior to the meeting – that on the agenda it would clearly state whether or not the Department had succeeded in collecting that data. So the public, as well as the applicant, will be aware whether or not there would actually be a hearing on that date. On that return date, if the agenda read continued hearing on agenda item, and then it's clearly stated that they have not gotten that information, then all parties would be informed that there would not be a further evidentiary hearing on that date.

Ms. Kaye: So we're not meeting unnecessarily?

Mr. Giroux: Yeah.

Ms. Kaye: Okay. That sounds like a solution.

Mr. Giroux: The question from Joe was if that meeting doesn't happen? Then at that meeting, a date certain would again be stated on the record, and then you can deal with it again in the same manner.

Ms. Kaye: Okay.

Mr. Prutch: And it sounds like you were requesting July?

Ms. Kaye: No, I was just saying that I know the next several months – and the days of staying till 10 or 11, I think, are as onerous to you as they are to us, at night. So I've been working with Clayton to try and keep our agendas under control. And so he and I have talked about it at least three months out – April, May and June. We didn't get to July.

Mr. Prutch: Okay. And I think part of it is going to be me trying to contact those agencies and get a response, which obviously you know as sometimes not easy. In fact, I'm sure I'd rather just – I'm sorry – when this was routed to the agencies, it probably went to Fire I'm sure and they didn't comment. So we don't have to give something specific to them, and hopefully they will comment this time. Fire Department doesn't comment very often, but maybe they will. And also we need to ask these guys, you know, are they going to be able to get what you're asking of them by July as well. I'm thinking their answer would yes, but we probably should make sure that they're okay with that. And I guess use the date of July as the deferral date. That's four months. It should be plenty of time for both parties to get their acts together and to get their things back to you. If your schedule is booked until then, maybe we just stick with the July date.

Ms. Kaye: That sounds acceptable. Commissioners, do you have any problems with that? Okay. Mr. Bumbar, you want to –?

Mr. Bumbar: 60 days is plenty time for us.

Ms. Kaye: We don't have room on the agenda.

Mr. Bumbar: We're just saying, 60-days will be plenty of time.

Ms. Kaye: Great. Okay, thank you very much. Okay, so we have a motion and a second, and now it looks like we've settled the details. So do we have any further discussion? Okay, all in favor? Opposed? One opposition from Commissioner de Jetley.

It was moved by Commissioner Beverly Zigmond, seconded by Commissioner Darlene Endrina, then

VOTED: To defer the project, and requested additional information, as discussed, to be brought to the Commission, including a site visit to Miki Basin

(Assenting: Commissioners S. Ruidas, D. Gamulo, B. Zigmond, M. Mano, L. Castillo, G. Rabaino, and D. Endrina

Dissenting: Commissioner A. de Jetley)

E. COMMUNICATIONS

1. Report from the Department of Corporation Counsel on the Lana`i Planning Commission's options in response to non-compliance with SMA Permit conditions.

Ms. Kaye: Okay, next on our agenda is Communications. It's a report from Department of Corporation Counsel on the Lana`i Planning Commission's options in response to non-compliance with SMA Permit conditions.

Mr. Prutch: He's coming. I'm moving.

Mr. Giroux: Thank you Chair. I think this was an extension from the last time we commented on trying to move the rules forward as far as what we had noticed as far as appeared to be a gap in the enforcement section of the Lana`i Planning Commission Rules. In light of that, we would have to look at the 205A as far as what are our ability to, I guess, do enforcement would be. And if you look at 205A-32 and 205A-33.

Ms. Kaye: For the newer Commissioners, could you identify what section you're reading from, that would be great.

Mr. Giroux: This is from the Hawaii Revised Statutes, 205A; and that's basically the empowering statute that gives the County the ability to enforce the Coastal Zone Management Area laws. In 205A-32, under penalties, there is a section that says that if any person violates the provisions of part two or three of that chapter, they would liable for a civil fine, not to exceed \$100,000 or for the cost of returning the affected environment or ecology within the coastal management area to the condition existing before the violation. And B, in addition to any other penalties, any person who is violating an provision of part two or part three shall be liable for a civil fine not to exceed \$10,000 a day, for each day in which such violation persists. There's also a section C that says any civil fine or other penalty provided under this section may be imposed by the Circuit Court or maybe imposed by the Department after an opportunity for a hearing under Chapter 91. Imposition of a civil fine shall not be prerequisite to any civil fine or other injunctive relief ordered by the Circuit Court.

And under 205A-33 is Injunctions, and it explains what an agency can do in order to stop anything that would be in violation of 205A. I guess the fine – I guess the fine cutting that needs to happen is that if you look at part two or three, you'll see in 205A it's basically stating that no development shall be done without a permit. So you're looking at issues of when people actually do something without a permit, and what their actions have done has jeopardize the coast line.

Within our rules, we also have stated that you have to do an assessment and you have to follow all of the procedures of our rules. So, in the light that our rules have a missing section out it, in order to enforce a condition, we would have to find that the 205A has been violated. I think lacking the enforcement part of our rules, it makes it a little difficult for the County to move forward on enforcement if it's just a violation of a condition. The violation of the condition would have to be such that, that condition actually jeopardizes maybe a coastal resource or maybe, you know, it would damage a beach head – something to that effect. If that type of damage is so foreseeable because of a violation of 205A, the County would probably, in light of that there's a lack of rules, would probably would have to use the injunction remedy which basically would mean you'd go to Circuit Court, the Director would call upon the Corporation Counsel to go into Court with an injunction to a petition to enjoin whoever is committing that violation of 205A, and our litigators would present to a Judge what the violator is doing in order to prevent that type damage in the coastal resources.

The, I guess, the lesser measure or the fines as seen in 205A-32, Section C, even though the Commission does not have rules, it does allow the Director himself to issue an NOV and to have a hearing himself under Chapter 91. What we've done –

Ms. Kaye: I'm sorry, issue a what?

Mr. Giroux: A notice of violation – and we call that the NOV – the notice of violation, which the allege violator could appeal to the Director, and the Director under 205A could actually hold his own hearing in accordance to Chapter 91. And then after that hearing, they could issue or they could have the fine imposed. And if he followed that method, the injunctive relief would not – you know, you could do both – one, the other, or both. I guess the problem in that is the Director himself has to come up with rules on how to conduct such a hearing. So it would be a very – lacking the rules, you would try to follow the bare minimum of what's called due process – allowing a person notice, giving them a chance to present their case, allowing them to cross examine or question any evidence that which could be used against them, and a right to make their case in front of the hearings officer or to the Director. So when we have rules, it kind of takes that guessing game about what is the minimum due process because that minimum due process is very minimum as far as what the allege violator has to expect as far as what's going to happen at that hearing. So right now we are in the process of looking at the Maui Commission Rules and trying to fashion the Lana`i Planning Commission Rules as closely as possible because we have been able to use, you know, those rules quite effectively and getting violators to either to clean up their violation or to impose fines. And most of the violators we found have, even if they pushed it to the point where the Commission has been ready to hear their case, there's usually a settlement as far as an agreement about what the dollar amount is and what corrective action would be. So in that aspect, to get back to the original question of, you know, how would we deal with a violation of condition, we would probably use that same methodology.

Ms. Kaye: When Michael was here last month, he mentioned something about working on language for an order to show cause. Has that been something you've abandoned at this point or are you still pursuing that?

Mr. Giroux: No, no. Absolutely not. Yeah, looking at the Moloka`i Planning – I mean, Kauai Planning versus Morgan, it was clear that the Planning Commissions do have the power, the implied power, to review a permit where a condition has not been met. And that would be the order to show cause. And Moloka`i did have a procedure. And what we've doing is we're looking at incorporating that procedure into your rules. As far as right now, Maui and Moloka`i do not have an order to show cause clause in their rules, so we're actually trying to bring everybody up to speed, and you'll probably be on the leading edge of that. It's kind of one of the hard or difficult tasks of having three Planning Commissions. Because each Planning Commission on its own has kind of gone forward in different directions that it seen to be necessary on its own unique island issues. And so trying to get consistency amongst the three is pretty difficult. And so, you know, sometimes Moloka`i gets something that Lana`i and Maui don't have. Sometimes Maui has something that Moloka`i and Lana`i don't have. But we try to push forward if we see these issues, we try to bring them up and, you know, bring it to the Commission. Because rule making is – it's really difficult. You know, I think a lot of people get the impression that Corporation Counsel is responsible for rule making, but we're actually not. It's the Commission and the staff are really the generators of the rule making. We facilitate that and we try to make sure that we get an overall scope of what's going on to try to make sure that the direction you are going, you are going to get where you're think are going. So it does take some time. It's a work in progress in order to finalize these types of rules. So I did do a draft that went through our initial screening. It came back. There was a lot of suggestions and directives as far as what, you know, our people wanted to see within the rules. So we're kind of like on take two I would say. So we are moving diligently forward. We see this as something that really needs to be done, and we are kind of trying to pull the other Planning Commission along with you guys together to get some consistency within the rules.

Ms. Kaye: Thank you James. Any questions?

Mr. Gamulo: You have an estimate on how long to put the rules in place?

Mr. Giroux: I would hate to do that because then I'd start looking like the Planning Department – just kidding guys. Just kidding. All I can tell you is we are working diligently on them and it is on the forefront of our things to do.

Ms. Kaye: Okay, any other questions Commissioners? Next on our agenda is the open Lana`i applications report.

2. **Commission Chair's request to compose thank you letters to water workshop presenters.**

F. DIRECTOR'S REPORT

1. **Open Lana`i Applications Report.**

Mr. Joseph Alueta: Okay, any questions? Or you want me to just go down and tell you what I know about them? Okay, the first three is the one you were dealing with. I think you're – the first two you're pretty much familiar with. The third one is just an EAC for the Lana`i Wind Farm which is an Environmental Assessment Comments, meaning that the Department is a commenting agency. Again, for the Lana`i Housing Project, the Department is a commenting agency. My understanding of it, it's a total of 115 acres – 73 acres will be for affordable housing, and 42-acres is going to be use for the expansion of the DOE school. The new Lana`i Senior Center – that's for CTB, Country Town Business review. Erin is here and we did have a – there was a meeting today. Some of you may have aware of that. It was at the Senior Center. Again the Lana`i Recording Studio – that is currently out for comments. I believe I talked it the last time. It's basically the renovation and conversion of a, I want to say, a garage at the time. It's like a – from the photos – it's a dilapidated structure that's being converted into a studio. The Lana`i Recycling Center – it comes to you – it's on Twelfth Street. We drove by it today. Again, the Planner, Joe Prutch, and that is coming before you for next month. Is that correct Joe? Yes, hopefully. The consolidation – I talked about that last time. There's two projects there. You see the RM Towill twice, and that's for the Lana`i Land Court Consolidation of 170, and that's basically to create an easement, about an 10,000 square foot easement for some roadways. The Palms at Manele – that's a landscaping plan. My understanding is that they're proposing kind of like an underground parking garage. And so we're currently working out how to handle the landscape. A lot of it is the parking – it's going to be a parking structure. There's some landscaping review, and how we handle the landscape requirement. And my understanding is the comments regarding the – for the flexible design standards should have done, and that should have come off the list. Okay?

Ms. Kaye: Thank you Joe. Any questions? I'm sorry, I apologize, I leaped over the second communication item. And that was – we have one more water workshop that I'm aware of and that's Kepa for next month, and it's time to, I think, write thank you letters. We had a superb group of presenters over several month period. And I just wanted to run this by the Commission. If I have your permission, I'll compose a letter and work with Joe to get the names and addresses. I've already contacted a few of them, as I happened to run into Lani at the PUC meeting that was here last week, and got her supervisor that I would cc on it. So that everybody is, you know, appropriately thanked for their hard work. So if that's okay

with everyone, I will pursue that, and I will send you around just a draft letter. I might try to do one letter that, you know, has somebody's name and then one specific – you know, thank you for participating, what you did was great – and make that personal.

2. Agenda items for the April 15, 2009 meeting.

- a. Special Accessory Use Permit for Lanai Recycling (J. Prutch)**
- b. Water Workshop No. 6 - Kapa Maly**
- c. Orientation Workshop No. 1**

Ms. Kaye: Okay, so we're really up to the agenda items for April 15th. That's the Lana`i Recycling that Joe just mentioned. Water workshop – Kapa asked to be deferred this month because he wasn't ready. He has a power point he's putting together. And our orientation workshop #1. I know we don't have any new members. So another thought I had was to work with Clayton to – yeah, am I correct, you've all sat through the orientation? I think there's some areas I've seen where our knowledge base is weak, and that's on entitlements, and subdivision, and you know the kind of language, we really don't have a clear grasp of how that process works. And I thought I would ask him to try to focus on that rather than the –. So if there's anything else someone wants to know about, has fuzzy notions of what it means, feel free to communicate it to Clayton.

Ms. Zigmond: Madame Chair?

Ms. Kaye: Yes?

Ms. Zigmond: Just a comment – and Leilani I don't know if this would be for you or not. But personally all the handouts that come every April, if they haven't changed, I don't have any storage. I don't know if we all need them. I mean, I don't need them. So I don't know if everybody else wants them because they're the same year after year – the sunshine law and “da-da-dah.”

Mr. Alueta: And given the budget crunch, if you have extra and you want to return it, we can use that for our other commissioners and stuff like that. So we will recycle them.

Ms. Kaye: So you're required to give us new stuff is what you're saying?

Mr. Alueta: Yeah, but then if you have extra and you want them back, I have no problem taking back. I'm sure James would appreciate it also. That's less copying for his staff also.

G. NEXT REGULAR MEETING DATE: April 15, 2009

H. ADJOURNMENT

Ms. Kaye: Okay, anything else for this evening. Okay, we're adjourned. Thank you everybody.

There being no further discussion brought forward to the Commission, the meeting was adjourned at approximately 8:57 p.m.

Respectfully transmitted by,

LEILANI A. RAMORAN-QUEMADO
Secretary to Boards and Commissions I

RECORD OF ATTENDANCE

PRESENT:

Sally Kaye, Chair
Stanley Ruidas, Vice-Chair
Dwight Gamulo
Beverly Zigmond
Alberta de Jetley
Matthew Mano
Gerry Rabaino
Leticia Castillo
Darlene Endrina (from 6:15 p.m.)

OTHERS:

Joseph Alueta, Administrative Planning Officer
Joseph Prutch, Staff Planner
Erin Wade, Staff Planner
James Giroux, Deputy, Corporation Counsel