

**LANA`I PLANNING COMMISSION
REGULAR MEETING
OCTOBER 21, 2009**

APPROVED 11-18-09

A. CALL TO ORDER

The regular meeting of the Lana`i Planning Commission was called to order by Chair Sally Kaye at approximately 6:02 p.m., Wednesday, October 21, 2009, in the Old Lana`i Senior Center, Lana`i City, Hawaii.

B. APPROVAL OF THE SEPTEMBER 16, 2009 MEETING MINUTES

Ms. Sally Kaye: Okay, I`m going to call the October 21st, 2009 Lana`i Planning Commission meeting to order. Let the record show that we have quorum with Commissioners Rabaino, Ruidas, Kaye, Mano, Gamulo and de Jetley; and Letty was here. I don`t know where she escaped to, but she will be back. And I understand Bev will be joining us. So, first on our agenda tonight is approval of the September 16th meeting minutes. Both Bev and I sent around corrections, so I`ll entertain a motion at this time.

Ms. Alberta de Jetley: I move to approve the minutes with the corrections that were submitted by the Chair and Bev Zigmund.

Mr. Gerald Rabaino: I second the motion.

Ms. Kaye: Okay, motion has been made and seconded. Any discussion? Any additional corrections? Okay, all in favor?

Planning Commissioners: "Aye."

Ms. Kaye: Okay, motion passes.

**It was moved by Commissioner Alberta de Jetley, seconded by
Commissioners Gerald Rabaino, then unanimously**

**VOTED: to approve the September 16, 2009 Lana`i Planning
Commission meeting minutes with the corrections as
submitted.**

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

- 1. MR. JEFFREY S. HUNT, AICP, Planning Director transmitting Council Resolution No. 09-53 referring to the Lanai, Maui, and Molokai Planning Commissions and the Hana Advisory Committee a Draft Bill Pertaining to Rural Districts. The Bill creates RU-2, RU-5, and RU-10 district categories. (RFC 2009/0206) (J. Alueta)**

- a. **Public Hearing**
- b. **Action**

Ms. Kaye: Next we have on our agenda, I think, Joe Alueta is going to be speaking for the Planning Department on a Council Resolution No. 09-53, referring to the various Commission, a draft Bill pertaining to rural districts. Joe?

Mr. Joseph Alueta: Good evening Commissioners. My name is Joe Alueta. I'm your Administrative Planning Officer. I handle most of your ordinance changes as well as comments from resolutions. As you know changes to Title 19 need to be reviewed by the three Planning Commissions before they can be amended or adopted by the County Council. There's two methodologies in which we adopt for changes to an ordinance to Title 19. One needs to be Director initiated or from our side initiating it, or it can be initiated by the County Council. Today you have two Bills before you that have been initiated by the County Council so I just want to make that clear that they're not Department initiated. And whenever you have these Bills, we get them and we have a time line to get them back, as well as, with our comments, and so it's kind of more of a damage control.

The first Bill that you have before you, again, as indicated is Resolution 09-53, which is regarding to the rural district and it creates rural standards – it would establish rural standards for an RU-2, RU-5, and RU-10 which would be 2, 10, and 5 acres. I want to be clear that there is no proposal to zone any land in Maui County to one of these zoning designations. It is just an attempt, I guess, as a precursor to establish these zoning categories and maybe in the future that they would be used if the community plans so desire to have them. The only thing, as I outlined in the memo report that was sent to you is that, you know, there's some pros and cons. Because it's a resolution and they have a committee report, I do not know what the discussion was, nor was there much direction or reason given for the proposal by the County Council. So I don't know what the –. I can only guess as to my –. There has been pressure in the past by the developers as well as the real estate agents who have done on Maui, in particular, and on Molokai, they've done these two acres ag lots or even now with the ag subdivisions where it's kind of like a fake farm and they're really gentleman estates. And so due to financing – as you all know there's a slight financial crisis, people – there's a small slight financial crisis going on currently and banking institutions who have loaned money are now questioning when someone comes in for financing. And when they see that it's a farm dwelling and you're suppose to be doing a farm and there's really not a farm going on, and they see that restriction tied to the deed, they get a little nervous and some people have had some problems in their refinancing. And so, this is what was testified by the real estate agents of Maui, on Maui. And so they want to be able to call a spade a spade. These people came in for an ag farm dwelling, but in reality, they're not farming. They're really just using it as a single-family home, and they want to come in and they want to have the ability to re-zone their two acre ag lot into what is considered to be a residential use which would be

a rural district. So it's kind of – I probably use this phrase too much is that the tail wagging the dog, and that's one of our concerns here with this is that one, low density residential uses is really urban sprawl. It's a sprawl because you're creating these large residential lots and you stretch out the infrastructure to service these residential lots. And at the same time, you have another down fall, potential problem is that if you go ahead and re-designate some these existing agriculture lots in the future, it's that you may have some people who are doing ag. Agriculture is a permitted use in the rural district, however, you are not protected under the right to farm because it's just another use. So those who have farms may not be protected under the nuisances of farming from their neighbors. I mean, we constantly get complaints from residential areas that abut agricultural areas about farming as a nuisance activity. However, you know, if you're in an agricultural district and you're doing farming they have every right to do farming. And again, it is sitting throughout many of our general plan and community plans to support agriculture and to continue to have it as a viable means.

On the surface, again, this is not re-zoning anything. It doesn't have any immediate impact, and so, therefore, the Department is not opposed to and we support, you know, having the new designation. However, that designation should be where are these lands are designated to this new standard? It should be driven by the community plan process. Okay? And it should not be driven by where you already have chopped up some ag lots that are small or gentleman estates. But there should be really a good comprehensive look during the community plan process. It doesn't make sense to have a rural buffer here between your urban core and your agricultural districts. For that reason, regardless of whether or not the lands have already been chopped up into a small lot, and that's why it's very hard. We're hoping that both, the CAC's, or the Community Plan boards, when they do meet, will be able to look at very impartially and make a decision whether or not they should have these or want to designate any future lands to these larger rural lots. But as a whole, we think they should be used sparingly, and so we want it to be community based process to determine it.

Ms. Kaye: Commissioners?

Ms. Beverly Zigmond: Madame Chair? Joe, I have a comment and a couple of questions please. Just curious if the Department received this on June 26th, and why is it that we just got this now? Long delay, yeah?

Mr. Alueta: Their resolution?

Ms. Zigmond: Yes.

Mr. Alueta: Because we send it out – I'm sorry – we send it out for agency comments, but also given the schedule of the Planning Commission. I don't set the agendas. I prepare

and give them to Mr. Yoshida and he balances your schedule, and as best as we can, for all three Commissions. So last week I went to Molokai.

Ms. Zigmond: And pray tell what did they do?

Mr. Alueta: Molokai said fine, except for Molokai.

Ms. Zigmond: And Maui?

Mr. Alueta: Maui approved it, except they only supported RU-2 and they felt that RU-5 and 10 was too much and that's more of an ag issue. That they feel that ag is sort of viable at a five and ten-acre lot size, so they did not want to see that be established. So they said fine with the two-acres potentially, but, you know, again with that concept – with the caveat that was put out by the Planning Department which was if you do use it, use it sparingly and be careful how you use it because it is still a two acre rural. And then – yeah – that's pretty much it.

Ms. Zigmond: Thank you. One more question. Typically the Department puts some recommendations or some conditions or something and this one seems to be absent from anything. Any reason?

Mr. Alueta: We don't have – like I say, we support it in the sense that because it doesn't do anything, it's hard to make a recommendation. When you're just adding a standard, you're not really re-zoning anything. And given the fact that we don't have much to look at. I mean, it was just establishing a standards for two, five and ten acre rural, and we don't have anything designated as rural for two, five and ten. We have RU-.5 and RU-1 currently, in the County rural. And in the Community Plans, we have RU-.5 and RU-1. So at this point, it's not applicable, but is there somewhere in the future when the community plans get updated, they could look at it and they could say well I think this area, you know, of either rural or ag, should be designated as RU-2, 5 or 10.

Ms. Kaye: Commissioners?

Ms. de Jetley: Yes Joe, under this, on accessory uses, you have the keeping of live stock hogs, poultry, fowls and game birds. What kind of comments did you receive on Maui on that? That would be a permitted accessory use?

Mr. Alueta: It's already a permitted use out right. There is no amendments to that. That is existing language.

Ms. de Jetley: So none of the other Commissions had problems with this in a rural residential rural neighborhood?

Mr. Alueta: No. They were only focused on the standards of lot sizes. They did not discuss the existing language within the rural districts and the existing permitted uses. Those are already law. I mean, those are already allowed.

Ms. de Jetley: Alright.

Ms. Kaye: Commissioners? Okay, one of my questions is why now? If you're relying so much on the community plan processes to determine whether there's a need for this, isn't this a little cart before the horse?

Mr. Alueta: Yeah, as I like to say, the tail wagging the dog.

Ms. Kaye: That's what you meant?

Mr. Alueta: Normally, it's the community plan – the language – there's some type of need within the community plan that wants that. During the general plan process and Island Plan on Maui, they re-established what we call urban growth boundaries. I'm sure that was beat into a lot of people's mind concept. Well there was an another concept that was added on too called rural growth boundaries. So I think part of that is that. But again, I can only speculate because given the fact the pressures from the real estate industry is powerful and so they have in the past pushed to have, again, existing agricultural lots or the establishing of a new rural district.

Ms. Kaye: Yeah, you're sort of interchanging here – you did that once or twice now – ag with rural. And I understand that rural districts permit ag activities.

Mr. Alueta: Correct.

Ms. Kaye: And that's not going to change. This is only going to enlarge. So right now if I had a rural ½ acre lot and wanted to do more ag, how would I enlarge that? Would I just buy and another lot and not be able to consolidate it?

Mr. Alueta: No, you could consolidate it. Just because you're RU-5 or RU-1, you can have a larger lot. I have RU-.5. I own rural ½ acre, but my lot is 3.8 acres, so it doesn't matter.

Ms. Kaye: Okay, then I'm very confused. Why would do this at all?

Mr. Alueta: Again, I didn't get much information from the Council, but I can only surmise is that these lots correspond with existing ag subdivisions, and that you would potentially have the ability to re-designate either during the community plan process and during the change in zoning process and district boundary amendment from say ag to an RU-2. So if you have an ag lot subdivision that's all two-acre lots – right – you could re-designate it RU-2

so you would not have the lots resubdividable, but you would remove the provision of requiring that any structure or dwelling be accessory to a farm activity. Do you see what I'm saying? And that requirement – because if you're in ag district you're supposed to be farming, but we have many people who have bought in the ag district and, you know, said they're going to farm, got a building permit that said I'm going to farm and here's my farm plan but may not be doing it now. And I've alluded to earlier some bankers are now questioning when someone comes in for a re-fi or tries to buy a house that's in the agricultural district and they see that requirement that, hey, this is supposed to be accessory to a farm. They start to get a little nervous, or ask more questions, I should say.

Ms. Kaye: Okay. Commissioners, any other questions before we take public testimony? Okay, we're now open. Leilani, did we get some folks signed up? First on the list is Pat Reilly. Okay, sorry. And Mr. McOmber, did you? Nope. Okay. Anyone else want to testify to this particular resolution? Okay Commissioners, public testimony is closed. What's your pleasure?

Ms. de Jetley: Madame Chair, since we don't have any land that's designated rural on Lana`i, could we just send this out with no action?

Ms. Kaye: Well, we could do that of course. It seems to me, though, more prudent to make a comment like Moloka`i did which would be except for Lana`i because we haven't gone through –. I'm sorry my preference would be that we don't send any positive comments about this at all because I think the process is backwards. I think Maui limited it to two-acres wisely, and we can do whatever your pleasure is. But to say nothing I think just punts.

Ms. Zigmond: Madame Chair, just for the record, the community plan says we do have some rural. But anyway, whatever we do, could we just suggest that they change the wording to reflect daycare centers instead of childcare centers?

Ms. Kaye: I think I know what Commissioner Zigmond is talking about. No. 5 under 19.29.030 you have an inconsistency in your language. And I know it's existing, but I think we went through this before and made the recommendation where it appeared before and that is you enumerate all the daycare activities that could occur that are permitted and then you say, comma, and other like facilities located in dwelling units used for childcare services. So that's a very broad number of uses permitted and then you identify the facilities where they're permitted as childcare. So we just – I think we brought that up before and we probably will continue as it shows up.

Mr. Alueta: Yeah, and again, like I said, I'm not the – as you know I don't approve these. It goes through Corporation Counsel and the final authority is the Council. And so during the deliberations they often will decide how they want it worded and once they adopt it,

that's how they chose to adopt it. Because again I remember coming up when we came in for the County rural. We tried to get some amendments done, and some of those amendments got through and some of them did not.

Ms. Kaye: Well, I have the same observations, just for the record, on 19.29.040, under (e).

Mr. Alueta: (e), okay, we will incorporate that in your – if that's the wish of the board, we can put that as your comments.

Ms. Kaye: Any objections to that observation in the existing language going over from us? Okay. Now we're back to what do we want to send over as our comments? We're not in a position, I don't believe tonight, of saying yes, saying no, saying yes with conditions. We're just commenting because we don't have –

Mr. James Giroux: Chair, can I just comment?

Ms. Kaye: Sure.

Mr. Giroux: Actually, you can recommend approval or recommend denial of it. Depending how the outcome comes out of the Commissions, it affects how the Council has to vote to adopt it. If the Commissions come out not approving or making changes that the Council doesn't adopt then it triggers a super majority and procedural issues like that, so we'd like to see some clean action coming out of the Commission, just as a voice that – so later on it doesn't become a legal issue, oh, did they approve it, did they not approve it? I'd hate to see our office have to get involved in that. It's self preserving.

Ms. de Jetley: So Madame Chair, if we just said that we approve it, except for Lana`i, the same way Moloka`i did, would that work?

Ms. Kaye: It depends. Yeah, we need to see if we have more discussion on whether we should approve it at all, whether we should have exceptions for us, whether we just send it back that the timing is wrong. There's all kinds of options. Gerry?

Mr. Rabaino: I would suggest that because we don't have anything like this on Lana`i yet, that we should just propose that in the future that we will comment something like this.

Ms. Kaye: Gerry, before you go there, I'm sorry, we do have rural. We have a chunk of rural land zoned. It's in the community plan if anyone brought their's tonight – I brought mine – down at Kaumalapau and there are a bunch of kuleana along the Keomoku coast that are zoned rural. And I don't know the size of those lots, but whatever we do here tonight would have an impact. We just don't have much.

Mr. Rabaino: Yeah, but that's years away from now considering that this is basically updating their –

Ms. Kaye: No, it's not years away from now. If this would be passed by County Council, then it would impact –. Say for example, you thought it was a great idea to have 10-acre rural lots and County Council approved it, that would immediately have an impact on the rural lands we have zoned here.

Mr. Alueta: And at the same time – Madame Chair, if I may – besides having that immediate impact, someone could come in and during your community plan process, you have rural lands but you want them to be larger acres, you can make that recommendation during the community that you want to see, it's okay to have rural, but we want to see larger acres being designated. Or someone has rural land community plan and they know that if they came in for a zoning to rural that they'd be opposed by the community if they tried to do half acre lots but it maybe more palatable if they said well, you know what, how about if I come in for RU-10, and if I did 10-acre lots, the community may find that more palatable. And so I think that's one of the things that you need to consider. Like I say, there's good and bad to the Bill. The Bill itself is just setting the standards. It's how you apply it in the future.

Ms. Kaye: One of my concerns is as I read over this and read the existing language is I thought as a State we were really trying to get away from gentleman estates from big pieces of land being bought up and not maximized for ag purposes or any kind of small farm purposes. And it seems to me this is a step in that direction. This would provide an opportunity to buy huge chunks of lands and literally sit on them and not really have to do much with it. And I'm not sure that's the best usage – the land that we have left, by the way.

Ms. Zigmond: Madame Chair, I would suggest that we send the message to the Council that we are not recommending approval of this and that this matter should be addressed in the community plans.

Ms. Kaye: I'm sorry, was that a motion or just a suggestion for discussion?

Ms. Zigmond: I am making a motion that the Commission does not approve this resolution and that this matter should be addressed in the community plans.

Mr. Rabaino: I would agree to that too.

Ms. Kaye: Is that a second?

Mr. Rabaino: If she's going in that line of thought.

Ms. Kaye: Is that a second?

Mr. Rabaino: Yeah.

Ms. Kaye: Okay. So we have a motion and a second. Any further discussion? Okay, all in favor?

Planning Commissioners: "Aye."

Ms. Kaye: Opposed?

Ms. de Jetley: Nay.

Ms. Kaye: Okay, we have one opposition. Motion carries.

It was moved by Commissioners Beverly Zigmond, seconded by Commissioners Gerald Rabaino, then

VOTED: to recommend denial of the resolution, and that matter be addressed in the community plan.

(Assenting: Commissioners Stanley Ruidas, Dwight Gamulo, Beverly Zigmond, Matthew Mano, Gerald Rabaino, Leticia Castillo

Dissenting: Commissioners Alberta de Jetley)

2. MR. JEFFREY S. HUNT, AICP, Planning Director transmitting Council Resolution No. 09-60 containing:

1) A draft bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.08 MAUI COUNTY CODE, RELATING TO RESIDENTIAL DISTRICTS."

The purpose of the draft bill is to permit affordable accessory dwelling units on lots of 6,000 square feet or more in residential districts.

2) A draft bill entitled "A BILL FOR AND ORDINANCE AMENDING CHAPTER 19.35 RELATING TO ACCESSORY DWELLINGS."

The purposes of the draft bill are to: (1) permit affordable accessory dwelling units on lots of 6,000-7,499 square feet; (ii) increase the maximum gross square footage of accessory

dwelling units; and (iii) require that accessory dwelling units built on lots of 6,000-7,499 square feet remain affordable. (RFC 2009/0215) (J. Alueta)

- a. Public Hearing**
- b. Action**

Mr. Alueta: Okay, thank you. The next resolution that was sent down to us deals with the residential district as well as the accessory dwellings. Just to give you a background on this a little bit is that – if you go through the staff memo report that was sent out to you, you can see the long history of the accessory or second dwelling, and often referred to ohana districts, and the purpose and intent of that. And the primary motivator, I guess, behind it back in the day, was to provide for separate dwelling structure for family members, and also for, theoretically, affordable rental and affordable housing and another form of housing. But it was hopefully to be somewhat more affordable than what's currently on the market. As you know, that whole concept has morphed. We now even allow bed and breakfasts to be located in these accessory dwellings. And now the resolution coming down is to try to provide for what they call an affordable dwelling. And that's to add a new definition as a permitted use within the residential district, and to allow and to expand where accessory dwellings can be. Currently accessory dwellings are limited to lots that are 7,500 square feet and greater within the residential, rural, and interim districts. And, but, they want to now allow for down to lots between 6,000 and 7,499, so based on our calculations we're able to – we're only given our information on zoning – on Maui, it would impact approximately, on Maui alone, 2,800 lots would be eligible.

Ms. Kaye: And you brought maps as you said you would?

Mr. Alueta: Yeah.

Ms. Zigmond: Joe, excuse me, how did you say you all arrived to that figure?

Mr. Alueta: Again, this is just to give you a sample of how they would be on Maui.

Ms. Kaye: Could I interrupt? I'm so sorry. Is there any way – is there a map that could be floated around among the public so they know what we're looking at?

Mr. Alueta: Yes. There's a bunch here. There's some maps up here if you want extra copies for the people. Again, I apologize because on Lana`i there is no quote-quote master zoning map so it's difficult for us to use GIS. We're currently building that data base so we'll be able to do it, but given the size of Lana`i and most of you have an idea where you have lots that are 6,000 and between 7,499. And you also probably have a better idea that a lot of the lots here, at least from my observation in town, are smaller than 6,000 square

feet so they would not qualify. The premise of moving down to the lot size and allowing for a 500 square foot accessory dwelling and also increasing, correspondingly, all the existing lots that would allow for accessory dwellings, increasing their size by 100 square feet. Again, the premise is to try to provide for affordable housing which we feel is a noble goal no matter what. Even in these tough economic times and housing crisis, housing still doesn't pencil for many people. They still can't afford it, and so rental is still their best option. And so these would provide for additional rentals on them if someone, existing lot owners or property owners could build an accessory dwelling. Not only to provide for housing for their family, as indicated, but also for as a mean to provide a semi-affordable unit to the local people who live on the island.

The Council is proposing to, as we analyze it, the Council is proposing to create a new definition called affordable accessory dwelling as defined in 19.35. First off, if you look on exhibit 1, of the resolution, and if you flip through it, you'll see exhibit A, and that's actually the amendment of the resolution so you can see where they're adding (h) to Title 19.08. If you turn the page, then you'll see exhibit B, and these are the amendments that are being proposed by the County Council for 19.35 which is accessory dwelling requirements. So first off is that you see where they're adding the lot land area, lot sizes, so it's expanded to 6,000 square feet lots to 7,499. And then correspondingly adding a 100 square feet to the other sizes. Then when you turn to page 2 of exhibit B you get into the meat of the language. One is 19.35.025, which is minimum lot coverage and floor area ratio. As some of you recall we've already come through with amendments or proposed amendments to the residential district. So first of all we don't think that you should have a development standard in the accessory dwelling section. We don't think that's an appropriate location. It should be located within each zoning district, so within the residential district or whatever. So if you want to have that type of limitation, it should be within each zoning category, not in a section that talks only about accessory dwellings. Because one it creates conflicts within the two sides because there's a development standard in the residential district, a development standard in the apartment district, and a development standard in the rural district, and this would conflict with all of those. We agree that there should be some type of limitation, and our proposal at the time was to create a lot coverage of 40% which we are currently in the process of transmitting to Council. So when I go back to our recommendation, one is our recommendation is just to eliminate this or recommend that if they want to create a standard, it should be placed – it should be within each individual zoning category.

Ms. Kaye: Can I ask you a question while we're here?

Mr. Alueta: Yes.

Ms. Kaye: Because that's one of the biggies that I had. I went back and I looked. We actually did this in July.

Mr. Alueta: Yes.

Ms. Kaye: And you gave us a nice little chart, and actually what you sent us this time said the Department did not propose a floor area ratio be included in that Bill. The Commission concurred with the Department. We did no discussion of floor ratio in July. We did the lot, as you're saying, 40%. Now if you look at the comparison chart that you gave us back in July, the decrease from what is existing to what is proposed is almost a 1,000 feet less just for 6,000 square feet lots, okay? And you have increasing decreases in available space. So when we had this in July, the idea was to limit the amount of a lot size that could be built out into a mega house. And I feel a little bit had right now because now you're coming back two months later and saying, oh by the way, we're going to limit the major house, but we're going to give up to 25% of the rest of the lot for an accessory dwelling. Which actually if you add them together, it comes to 65% of the lot that would be an accessory dwelling plus the 40%. So I'm very confused which language you're telling us.

Mr. Alueta: Okay. The Bill you saw in July with the 40%, that was the Department's proposal, and at that time, we were in discussions with Mike Molina, who is the proposer of this, and we had not solidified a number, but we had gone forward with the 40%. We didn't know what Mike was going to do with his Bill, but we had recommend that they consider something. And when we went through and drafted our 19.08 Bill, the Department or the Director decided that he did not want to have –

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

Mr. Alueta: Yes the one in July. The Director did not want to have an FAR. He just wanted to deal with lot coverage. Lot coverage is how much area you can build on lot less land. FAR, a floor area ratio, deals with how much floor area space you can have relative to your lot. Meaning that if you had a – even though you had a 5,000 square foot lot and you could only build on – if you had a lot coverage, you could only have a lot coverage – and it was 50% lot coverage – you could build on 2,500 square feet. But that means –. But you still can do two-stories. So you could theoretically have a 5,000 square foot home on a 5,000 square foot lot because there is no floor area. So we didn't want to get into regulating that. We felt lot coverage and we went with a lot coverage of 40%.

Ms. Kaye: And I believe with no discussion we concurred. We didn't discuss that.

Mr. Alueta: Of the FAR?

Ms. Kaye: No, of the lot coverage. I don't believe – I looked at the minutes from then, and I didn't see any discussion at all on footage.

Mr. Alueta: Lot coverage is all we're talking about. The floor area ratio was not in the Bill.

We did not propose any floor area ratio.

Ms. Kaye: Right.

Mr. Alueta: But during the presentation – I thought during the presentation, I made it clear that it was discussed and it was in the staff report that it was discussed during the staff comments that they wanted to have an FAR. But the Department at this time chose not to do an FAR proposal.

Ms. Kaye: Right. And you're not proposing it with this either, correct?

Mr. Alueta: Again, I'm not the proposal.

Ms. Kaye: Right. Let me rephrase. That's not included in this current Bill.

Mr. Alueta: The current Bill, right, is. The current Bill is one, it wants to reduce the lot coverage down to 25%.

Ms. Kaye: Right, but not floor area.

Mr. Alueta: And they're also proposing a FAR, floor area ratio.

Ms. Kaye: Okay, so we're – okay.

Mr. Alueta: And that's where they differentiate. And to correct you, it does not mean it's just for accessory dwellings. This would be for the entire lot. You can't separate that out. You don't add the two. So what they're saying is – and again this is why it's confusing and troublesome is that I'm not sure what they're talking about here because basically they're trying to say that they want to put a lot coverage of 25% which would contradict what we're proposing in the future, and that's why we're in support of that, but also we think it's in the wrong district because apartment district has a different lot coverage, rural district – because this accessory dwelling, this 19.35, if you look at the applicability of all the districts, there's multiple districts, not just residential district. It applies to the apartment district, like the rural district. And so you create conflicts and we're trying to avoid that. And so we feel if you want to create this type of special regulations then you should set it up in each individual zoning category, in the development standards for the individual zoning categories because that's the most appropriate location. Again, for simplicity sake and also for just to reduce the amount of conflicts out there. And that's why we disagree with that, just primarily on the location, but also on the methodology because again we're proposing a 40%. This Commission may have different ideas. You may have other ideas, but we don't –

Ms. Kaye: Okay, so clarify for me please. When you were recommending 40% that would include any accessory dwelling as well.

Mr. Alueta: That is correct.

Ms. Kaye: Okay, that's what I was –

Mr. Alueta: Lot coverage is lot coverage. It doesn't matter what you do. If you put a shed – anything with a roof is counted toward lot coverage – so that's what it means. So if you have a garage, that counts towards your lot coverage. If you have an open patio, that's fine. That doesn't count. And lot coverage is already defined in the Code – 19.04 – it already tells you what is counted and what is not counted in lot coverage. So we don't want to create new standards or new anything, and again that's why we're not sure. Lot coverage is defined, so they want to change it. But again, it's in – because this section covers multiple districts, it creates conflicts with the existing development standards in the other zoning categories. And so we want to avoid, and so we recommend, at this point in time, to recommend that it not be included. Our recommendation is to not include it, to take it all out all together. However, as it was discussed on Maui, Maui Planning Commission said they may feel that it should be deleted or a recommendation that they modify it in all of the districts. It's up to you whether you agree. If you don't agree with the 40% and you think this is a better methodology, then you should specify which districts you want it. Is there any other questions on that section before –? Okay.

And then going onto to 19.35.110. This is accessory dwellings. And then it goes on and describes the affordable accessory dwellings, where they're located on the lots that are 6,000 square feet, down to 6,000 square feet, and limits where they should be. Okay, one of the issues that we have is they have (b), deed restrictions. Deed restrictions to what? And my Director pointed out – he's better in English than I am – he felt there needs to be a verb there. You want to put a deed restriction on the lot, on the property or whatever. And they're setting out what the deed restriction should be. We just feel they should be clarified.

Then they have this whole (c), rental rates. Monthly rates shall be set by Department of Housing and Human Concerns, and then they also –. In the first section they talk about individuals between the very low and gap income groups. I provided you with a chart that I downloaded from the County website. First, the very low is anyone below 50% of the median income. And gap income is up to 160% of the median income. If you look at the rental charts that housing uses, they only go up to 140% of the median income. So already you have a confusion there, that one, it doesn't go up that high. Secondly, when you look at the rental charts, and there's specific ones for Lanai or there's some funky calculus calculation that you do. But basically on Maui, if you're in the very low, they could charge you for a two-bedroom cottage, like say in Kahului or something, they could charge you up

to \$880. But if you were in the 140% bracket, they could charge you \$2,600. So where's the, one, is, if this is suppose to be for affordability, you're going – you're pretty much – the way they set the standard for what is called affordable, it seems to open it up to almost everyone. Secondly, the rental rates that would be in the higher end, is basically above market already of what rental is. And thirdly, if I had an accessory dwelling and I had a choice, do I rent it somebody who's in the 50% and below median income and charge \$880, or do I hold out for the guy who's in the 140% bracket and charge him \$2,000 or whatever the market would be. So there's no real incentive to really rent to the very low income. And so, we feel that this gap or this range, should be tighten up a little bit. Hana Advisory Committee felt the same way and they recommended dropping it too. But every Commission is going to have their opinion on what – but at this rate –.

Ms. Kaye: I'm sorry, dropping what?

Mr. Alueta: Dropping the upper level, and not including gap, to moving it down.

Ms. Kaye: Did they suggest a range, an upper limit?

Mr. Alueta: I do. I think it was up to 100%. I don't have my notes from Hana right now, but they did recommend bringing it down.

Ms. Zigmond: Joe, a question on these tables, the income limits for rental units for each island, under the number of person, one person, two person, it has a decimal point number, what is that .7, .8, .9? What is that?

Mr. Alueta: I'm not –. I can't –. I don't know exactly what that means. You mean on the median where it says one person .7?

Ms. Zigmond: Okay, I'll give you a chance to answer another question then. What did Moloka`i do? Did they review this already?

Mr. Alueta: Yes, and they said not on Moloka`i. That's pretty much their standard answer, but besides deferral, that's their standard answer. But, again, we're pointing out from a Department standpoint, if the intent is to have affordable rental or for to rent to your family members, the issues that are going to come is why should I rent a low income person? Secondly, as pointed out by Moloka`i is enforcement. And this has been pointed out by our inspectors too? Are we going to go out and check to see who is blood relative because you can rent it to blood relative and they say yeah, I'm related. Or is everyone who rents is going to have to get certified which is probably the case. But because as pointed out by our attorneys, you're in Title 19. It's doesn't say anything about housing doing the certification. You know, so maybe there should be some language in there. But from a Planning Department standpoint, we assumed – and I guess assumes always ends up with

a problem as we all know – that housing would because they're referenced here. It's their table. But our Corporation Counsel wisely pointed out that this is in Title 19, so theoretically it's us. It's the Planning Department. We have to go and enforce it and check, so that's an issue that we again have.

Ms. Zigmond: I had a whole lot of questions on that. I mean, is your income your income from whatever source, whether it be the sale of illegal drugs, welfare, wages, you know, honorably or dishonorably. I mean it doesn't matter right? So it's that enforcement issue. And then the other thing is what if I happen to get a windfall raise, is my rent going to automatically going to go up? I don't understand how this is going to be done. (*Changed cassette tapes*)

Mr. Alueta: And again that's the dilemma for the department. More work for them, but, you know, what is a standard. And I guess we just wanted our comments because we need more clarity from our standpoint. And we can only point out the concerns to back the County Council and how they take it up, and that it's going to be difficult to enforce or at least if you do adopt something. Because we think it's a noble cause to try to provide for affordable rentals but we have concerns. And we're just pointing out our concerns to the Commission, and these are the same concerns we're going to point to the Council when we go up there.

Ms. Kaye: Can I just ask as a hypothetical situation? If I had a property large enough and I built an accessory dwelling and this was in effect, and I rented it to my son, his income wouldn't be relevant?

Mr. Alueta: That is correct.

Ms. Kaye: Okay. And I would like to point out that they way you define relationships is very western. It's not the traditional Hawaiian ohana concept. That would be a comment I would hope others would concur with. So my son dies, and his live-in girlfriend is there and she's making too much money, do I have to kick her out and my grand kids?

Mr. Alueta: Again, those are great questions, we don't know the answer and that's the kind of stuff that we feel needs to be defined in some fashion if they're going to restrict it.

Ms. Kaye: Okay. Now here's another question. You suggested it and I think probably everybody here would concur that it's too high. If it's above market, it's absurd. So if you did limit the amount of income that a person could have, and it goes on as a deed restriction, I failed to see any incentives for a property owner whose property has now been devalued to the extent that he's limited and restricted. He or she is limited or restricted to what he or she can do with that accessory dwelling. There's no tax incentive. You know, I'm taking this and I'm saying okay I'm not going to rent for market, I'm going to rent it to

a low income person and I'm going to get less rent, but I'm not going to get a tax break, I'm not going to get any payment in exchange for the property right I've just given up.

Mr. Alueta: Good question but I as I explained this on Moloka`i and on Maui is that you currently, if you had a lot between 6,000 and 7,499, you currently do not have a legal entitlement to do an accessory dwelling. What the County is doing is saying we are willing to give you that legal entitlement to build an accessory dwelling and to rent it or to have it for your family members, but in exchange we're going to restrict that use of that accessory dwelling to one, purely family members, or to establish some type of social need, which is the lower income.

Ms. Kaye: Well that's fine, but you were only talking about the ones that are substandard by this definition which is 6,000 square feet.

Mr. Alueta: Correct. Correct.

Ms. Kaye: But the same restriction applies in 100 foot increments for lot sizes going up which now could have an accessory –

Mr. Alueta: No they do not.

Ms. Kaye: So if I have a lot size that's 10,000 square feet, and I build an accessory –

Mr. Alueta: There is no restriction.

Ms. Kaye: I don't get a deed restriction. I'm sorry, I missed that. Thank you.

Mr. Alueta: Currently, accessory dwellings are only allowed on 7,500 square feet and greater. You come in, as long as you – building permit, you meet the setbacks, you're allowed to do it. And, again, maybe the intent, and that's one of the comments that the Planning Department has is that maybe the intent way back when was to limit it to family and as an affordable unit. Maybe they should look at that again is that if they're going to establish a restriction, figure out some magic method to regulate the 6,000 to 7,499 sized lots. Maybe they should consider it for all new and future building of accessory dwellings regardless of the lot size. And I think that's something that we want to give them, the Council – that's the Department's comments for food for thought. But again, implementation – the devils in the detail – how do we implement it so it does remain true to its intent and purpose?

Ms. Kaye: Okay, Commissioners, any questions? I think at this point, what we're going to do tonight is make a record so that our minutes reflect all of our concerns.

Ms. de Jetley: Madame Chair? I don't like this resolution because of the density. The traffic on Maui is already really, really bad especially in the Wailuku-Kahului neighborhoods. So if they allowed this resolution to go through, they're actually really increasing the density. It's just impossible. Where will people park? Every building will have two tenants so that's two more cars. There's nothing in here that says anything about them parking off-street. So it really increases the density of the neighborhoods, and I just don't think it should be done.

Mr. Alueta: If I may Madame Chair. That is our last concern. That's why we passed the map out, to show you where, on Maui at least, where it would be. So on your maps it would be the darker red on the color ones and the black and white. And a lot of these lots that are smaller, that are less 7,500 square feet, a lot of them are in your older neighborhoods. Or if they were developed recently, they knew the requirements that no accessory dwelling would be constructed so the infrastructure to support that density may or may not be there. So we're not just talking about roadways, we're talking – because in the older neighborhoods, it would be a roadway issue. But in the newer subdivision it would be more of did they put in enough sewer capacity? Did they put enough water capacity? Did they put in for their lines? So that's an issue that we have. Parking is always an issue, and the Code requires that you have, for ohana dwellings or accessory dwellings, you have one more parking stall onsite. So it's two for the main dwelling and one for the accessory dwelling, for onsite parking. So that's the issue.

Mr. Rabaino: I agree with Alberta, yeah, because when I was reading this thing and I read it about three times, you get Article 19.35.50, one accessory building, riding around Lana`i City; and then when you go to 19.35.70, off-street parking; and 19.35.80, driveway; and when you look at a lot of the homes over here, there's extra cars. So where I live, there's not enough parking. Everybody is on the off-street parking which causes some inconvenience.

Ms. Zigmond: Joe, I have a question please. Exhibit 10 is a public facilities clearance form.

Mr. Alueta: That is correct.

Ms. Zigmond: I'm assuming like somebody has to do some sort of an inspection or something. My question is who pays for that?

Mr. Alueta: This is filled out by – this is a Public Works Department. And I've asked them whether or not they actually have ever denied an accessory dwelling on anybody and they said yes. And it's mostly on the roadway width that they catch people. However, the issue that we had when we pointed out was that comprehensively – I mean, individual basis, you can look at this, there's a County sewer, there's a County waterline, there's a County drainage roadway, but comprehensively, again, on Maui alone, you're adding 2,800 lots

that can potentially do that. And in Lahaina, if you look at the Lahaina section, there's 811 lots in Lahaina. And if you look at where they're all congregated, they're all up above Lahainaluna, and they all would come down that Lahainaluna Road down to the highway. And so, we feel that the County Council, if they want to do this, they should understand that there's a comprehensive – look at it comprehensively and look at the potential cumulative impacts that this could have. You know, again, we just want to give food for thought to the Council as well as this board, this Commission, to decide like, you know, these are our comments, these are what we're pointing out as planners. We're not sure whether you concur with that same concern and also whether or not the Council, you know, the overriding need or desire to provide additional housing stock outweighs the concerns that we have and the Commissions concerns.

Ms. Kaye: Was there any consideration given, do you know, to a property owner – now that I understand it only applies to the lowest lot size – the ability to refinance or to mortgage the property with this deed restriction? That's just a general question. Do you know if there was any thought to that whether there be a negative impact at all?

Mr. Alueta: Again, it's an entitlement that doesn't exist. I cannot imagine that it would be – if you looked at like for like, meaning if you looked at one house that had an accessory dwelling and one house that had an accessory dwelling with a deed restriction, obviously from an appraisal, you would think that the one with no deed restriction would have an added value. However, if you looked at a house that had the ability to do a property, that had the ability to build an accessory dwelling with a deed restriction as opposed to a property that had no ability to build an accessory dwelling, you would think that the one with the ability to build an accessory dwelling that had the potential for income would be worth more. So you have to compare apples to apples. And so that's how I think they would look at it. Yes, if you're looking at one without a deed restriction and one without. But if you're looking at it the other way, whether the lot has the potential to build an accessory dwelling –

Ms. Kaye: But that only occurs once. After that, then you're going to have properties with deed restrictions, period, because it will have been built. And then I either comply with it or I leave it vacant because I'd be subject to fine if I rented it someone who had too much income, I would assume.

Mr. Alueta: Yes, depending on how they're doing this. I mean, again, there could be this – how Bills start out and how they end up, I've found changes dramatically and so there maybe just – we're going to allow accessory dwellings and there's not going to be anything about affordability or deed restrictions. It's just all they're going to do is adopt something that allows for more smaller lots to building an accessory dwelling.

Ms. Kaye: Okay, Commissioners, any other comments or questions at this time? Maybe

we can take some –? Okay, Dwight?

Mr. Dwight Gamulo: I might a problem here. Shall I talk to Corporate Counsel?

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

Mr. Gamulo: Yeah, if we're going to vote on the recommendation.

Ms. Kaye: We have to have public testimony and more discussion so if you have a question for – on this now?

Mr. Gamulo: Yeah.

Ms. Kaye: Go ahead.

Mr. Gamulo: Do I have a problem? Because of the lot size I own?

Mr. James Giroux: . . . (Inaudible. Did not speak into the microphone.) . . .

Mr. Gamulo: Okay. Thank you.

Ms. Kaye: Okay, Commissioners?

Ms. de Jetley: One of my concerns about this is by approving this resolution for the smaller – allowing smaller accessory units on smaller lots, we are really creating substandard housing in older neighborhoods that will become very, very congested. And I think that it's maybe the County's way of trying to push for more affordable housing onto the private sector. If you look at the courts here in Lana`i City, when it first came up, I really didn't like the idea of having that low cost housing unit right smack dabbed there on the street, but it's a beautiful facility. It creates a very, very nice modern accommodations. It's wonderfully landscaped. We should be moving toward affordable housing in apartment complexes rather than pushing more houses, more small, tiny, tiny – 600 feet is nothing – more, tiny small dwellings into older neighborhoods. We need to be looking towards the future rather than moving backwards and creating little substandard neighborhoods. I really feel that this should not be allowed at all.

Ms. Kaye: Okay Commissioners, can we open it up for public testimony at this point? We have the list up here. I'm not sure if there's another one, so we'll just have a show of hands. Okay, Pat, I think Kay had her hand up first.

Mr. Fairfax Reilly: Yes thank you. Just in the discussion, what I learned in the discussion is that this has to the addition here on exhibit B just adds the 6,000 to 7,499 to the current

Bill, according to current law. Now as far as I'm concerned on Lana`i at Olopuia, I have a 6,000 square foot lot, and on Ahakea Street, I think all the way down to the cul-de-sac, they're all 6,000 square feet, so I'm thinking holy smokes. I mean people are extending their houses. They're not building separate dwellings, so, to me, that would be pretty tight. But I can understand the need for housing for families. I mean, people in this State, Lana`i and Maui County, are desperate for affordable housing. That's why we have this County affordable housing project proposed next to the Hawaiian Homelands which I think is an excellent project. And I would tend to recommend that, not for Lana`i, that the issue of affordable housing should come out in the community plan process. And one other issue, I wasn't clear in the back page where it puts all the restrictions. Are those restrictions only limited to the 6,000 to 7,499 or do they now go to all classifications of land listed?

And the last thing that Mr. Alueta brought up.

Ms. Kaye: I'm sorry, Pat, could you just identify for the Commissioner what page you're on so we know.

Mr. Reilly: Page 2 or exhibit B. All those restrictions that you were talking about – the deed restrictions and that – do they apply only to the 6,000 to 7,499 category or to the remainder? And I'm going to let Mr. Alueta answer that one.

Ms. Kaye: No, he did. He clarified that is, in fact, the case.

Mr. Reilly: And last he mentioned something about bed and breakfast, that at some point that these facilities were being used for TAT or bed and breakfast. And maybe I misheard him, but that kind of woke me up right away. But thank you. But I would say not for Lana`i at the moment.

Ms. Kaye: Okay, Pat. Thank you Pat. Any questions for Pat, Commissioners? Okay, Kay.

Ms. Linda Kay Okamoto: Kay Okamoto. Just in listening to the discussion, I have not read the whole thing. I had heard about it. I would say that you should not pick it apart. You should just turn it down flatly. I agree with Pat. If you look at the block going this way, most of those lots are over 6,000. They're around 6,000 to 6,500. You add another house to each one of those. In many cases it would take the place of a garage, so you've got more cars. Okay, you can park on the property, but then what do you have? Tents. People put their tents because they can't have a regular garage with the accessory dwelling. I think it's just a very bad – for all three things. The idea of the affordable housing. It's impossible to regulate. If I own that little house, I'm going to ask a guy for his tax returns? I can't do that. So you get a guy who says yeah I'm affordable. You let him and then gee Sally, you get fined because he really isn't affordable. Don't make homeowners into having to enforce that kind of stuff. I think it's just a bad plan all the way around. And I don't think we should

say, just for Lana`i. It's just a bad plan. I think you ought to turn it down completely.

Ms. Kaye: Thank you Kay. Commissioners, any questions for Kay? Okay, anyone else want to speak on this subject? Okay, public testimony is closed. Okay, Commissioners, any additional questions for Joe? Any thoughts on how to proceed with this?

Ms. de Jetley: Madame Chair, I'd like to move that we reject this resolution and deny it.

Ms. Kaye: Well, we're not denying it. I think we have to say we would – our comment would be that –

Mr. Alueta: You can recommend denial. I mean, recommend that Council –

Ms. Kaye: Council deny it?

Mr. Alueta: Council file the motion. File the resolution. Just so you have some discussion points, we do have a recommendation at the back of page 4 of the memo report. Again, you can go and make your own recommendations. Those are just our comments to you.

Ms. Kaye: Okay, I wondered about that. I think Alberta's motion is on the floor. If we get a second, then we can do some discussion of yours. Is that satisfactory? Okay, do I have a second?

Mr. Rabaino: Second.

Ms. Kaye: Okay, we have three seconds. Now, we've got six conditions here, and Joe, if I can just ask you – I'm not voting – assuming that we have a vote to file this, what's the value of getting comment on these six conditions that the department has recommended?

Mr. Alueta: Again, we just wanted –. That's our recommendations to you and that you support those comments from the Department.

Ms. Kaye: But you're recommending approval.

Mr. Alueta: Yes, but I think we're also recommending that the Council consider and analyze, you know, very carefully what they're doing. Because, again, we support the concept of trying to provide for affordable housing. And you've got to understand my boss' position of walking with the political system is that you don't want to insult any Council members. You want to be able to work with them, and we have to work with them. And so we want to be able to say, hey, we like your idea, it just needs a lot of tweaking. We don't want to just say no, we don't like them.

Ms. Kaye: Well, perhaps we send a stronger message if we say we think this is so bad and then you can negotiate.

Mr. Alueta: And that's again, that's your prerogative.

Ms. Kaye: Okay, Commissioners? Alberta's got a motion on the floor. We have a second. Any further discussion? Okay, so the motion on the floor is to recommend filing. Okay, all in favor?

Planning Commissioners: "Aye."

Ms. Kaye: Any opposed? Okay, unanimous. Thank you.

Mr. Alueta: Thank you.

It was moved by Commissioners Alberta de Jetley, seconded by Commissioner Gerald Rabaino, then unanimously

VOTED: to recommend to the County Council that the Resolution be filed.

Ms. Kaye: Now the next item on our agenda is the school and people, I think, are waiting specifically to talk about that, so if there's no objections, we'll just move right into that. Okay, I've been asked for a five minute break, so we'll be back in five minutes.

(The Lana`i Planning Commission recessed at approximately 7:10 p.m., and reconvened at approximately 7:17 p.m.)

D. UNFINISHED BUSINESS

- 1. MR. GERALD PARK, Planning Consultant for the STATE DEPARTMENT OF EDUCATION requesting comments on the Draft Environmental Assessment (EA) prepared for the Lanai High and Elementary School Master Plan. (J. Prutch) (Draft EAs were circulated with the September 16, 2009 agenda packet. Members, please bring your copy to the meeting.)**

The Commission may provide its comments on the Draft EA.

Ms. Kaye: Next on the agenda is Mr. Gerald Park, Planning Consultant for the State Department of Education (DOE,) seeking comments on the Draft EIS – I'm sorry Draft

Environmental Assessment. We received this draft environmental assessment last month, and due to the length of the assessment document and the fact that we had like three days to look at it, we deferred it to this month and we were assured by Mr. Prutch our planner that our comments would not be too late. So tonight we're going to get a small presentation and then ask questions and then we'll take public comments. Mr. Park.

Mr. Joseph Prutch: Thank you Sally. Yes, that about sums it perfectly. Yes, we've got Christopher Parker here from CDS. He's representing DOE on this project. He's going to give you maybe a 10 minute spill on the project and then he'll be available to answer any questions. When you guys get ready, if you have comments to make, make them as a group. I will jot them down, and then my job tomorrow is to type them all up nicely, send them to Chris and Gerald so that they have official written comments that they need to respond to in the Final EA. I'll pass it over to Chris.

Mr. Christopher Parker: Thank you very much. So I'll quickly go over where we're at right now in the project and then talk about the ultimate site plan, and talk about how the project will be phased, and some of the over writing issues regarding neighboring plans such as affordable housing project, and DHHL and how we're working with them with some of the infrastructure issues.

So just a brief overview of the design team. And by the way, I put a map of the ultimate site plan on each table so in case it's hard see the presentation, you can at least look at the ultimate site plan and see what the whole full build out of Lana`i High and Elementary School would look like. So, this project started over five years ago when the land was donated to the Maui County, and the Maui County, in turn, donated to the Department of Education a total 50 acres. 42 of it is part of the major land donation from Castle & Cooke in Lana`i, and then the other eight acres is from the County of Maui land which is actually shared by the State of Hawaii where the softball field currently exists.

So what we're planning – what we're trying to do is we're master planning the whole property. So the draft environmental assessment, the public comment period ended on the 8th of this month, October, but it was already stated we're still collecting comments from the Lana`i Planning Commission and we'll include them into the final environmental assessment. And we're also working on an environmental site assessment as well which we'd have to do a phase two on the 50 acres as well. And as soon as we collect all of this information, finalize all of these different tasks, then we'll have a final master plan done hopefully by April 2010.

So this is the image of the site plan overlaid with the actual site to kind of give you an idea of the scale of the project. And so we held a planning charrette in 2004 here in Lana`i City, and these were some of the guiding principles for the master plan. The community, the DOE, wanted a master plan, a school that was welcoming and inviting, separated the

grades and developmental levels, provided open space and really have this school to be a place to come together and be a focal point for the community, and also blend into the existing character of Lana`i City.

So to take a closer look at how the master plan is being organized by use. This is Fifth Street and then this is Fraser Avenue on this side. So in the existing site, in the existing school, we're going to have the high school which is blue. And then yellow is middle school, and so you can see there's yellow areas here. So the high school and middle school are going to be in this area over here. Orange is the general use area such as the cafeteria – the gym, I'm sorry – and the cafeteria and then the library. The library, as soon as we have a major central administration center here which would be the library, administration, student center, and cafeteria here, the library will become a County library instead of a shared library between the school and the County. And down over here would be the elementary school. They'll have their own play areas down here, as well as the high school and middle school.

Ms. Kaye: I'm sorry, can I just ask you to clarify? What did you say about the library? What will it become?

Mr. Parker: Well it's the Maui – it's the County library.

Ms. Kaye: State library.

Mr. Parker: State library.

Ms. Kaye: Yeah, so what will this be? Just a school library?

Mr. Parker: Yes.

Ms. Kaye: Okay.

Ms. de Jetley: How can you say that the school library is going to be the school library when they're downsizing services to the Department of Education, and they're also downsizing services to the public library system? I mean, the Hana public school library was on the verge of being closed which is just ridiculous, and for this plan to even consider doing a separate facility now seem really inappropriate considering the State's financial state.

Mr. Parker: Okay, well, alright this is –

Ms. Zigmond: Sorry, I guess, maybe that comment went pass me. What's going to happen to the public library?

Mr. Parker: It will be a public library. It won't change. It's just as the school expands, there would be another public library specifically for the school. This is going to be a P-20 campus, serving people from pre-school all the way up through Maui Community College and above, so this is going to be a life long dream campus, and so –

Ms. Zigmond: So there will be two libraries?

Mr. Parker: Correct. In this plan, right.

Ms. Kaye: And that's ideal. I don't think anybody would object to having two libraries, and I also think, you haven't addressed yet the phases.

Mr. Parker: Right.

Ms. Kaye: The library is not going to be built this year. It's not going to necessarily be constructed in a period of economic stress.

Mr. Parker: Right. This is a master plan of what the community and the school ideally would like in this – on this donated 50 acres – 50-plus acres. And we're looking into the future, 25 plus years, but the reality of these different phases and buildings coming about would depend on funding from DOE, as well as enrollment rates as well. So on the east side of the campus, we would like to have, or propose, athletic facilities such as baseball and a softball which is over here on the edge; a track and soccer field; a possible auditorium site; and I can go back real quick. It's hard to see, but what we provided here was an actual – was also a place for Maui Community College in this top corner here and a pre-school site. Both of these projects will not be funded by the DOE, but we're providing a site for it to be done by Maui Community College and also by a private entity to build a pre-school. And so there would be shared use and there's instances where this has happened before in other schools as well.

And so down here would be an auditorium site. And right now in the master plan, we're not planning for an auditorium site, but we'll provide one in case there is a need for an auditorium site and the community would like it and the community needs it. We have an area for an auditorium site. There's also a small athletic area where you have gyms – I'm sorry, a locker, shower, weight room, as well as a visiting boys and girls dormitory for visiting schools to come out. Instead of trying to find a hotel room, they can have a place where they can just stay overnight and then have sports and other kind of events in this facility as well. The boys and girls dormitory is here.

And then also a relocated city and county park which will include courts and a playground, and faculty housing at the very end of the site. Typically, Department of Education doesn't have faculty housing or any kind of residential on their site, but it was, in the 2004 charrette,

it was a real strong effort, or real strong support, by the principal as well as the school and the community that in order to attract teachers, they'll need to have some sort of housing on this site for that need. Right now we're in talks with the Maui County affordable housing to work their way in order to have these faculty housing integrated into the community which will be an ideal way. It's supported by the school, as well as the DOE. But we're still in the talks, and until that happens, we're going to plan for faculty housing on the site.

And so for landscaping, we wanted to ensure is that we provide, or we propose planting that's drought tolerant and that's relevant to climatic region of Lana`i City, that are non-toxic and thornless. Here's some quick photos of the type of plants we propose. And some of the smaller canopy trees and the grasses and the shrubs. And so for grading and drainage, what we wanted to do is ensure that all of the rain water would be dealt with on site and we wouldn't be imposing on any of the neighboring sites. And so what we've done is we've created a grading so that the water would slope down from east to west, down into the lowest corner of the southwest region. And we would create sediment basins where the water would just kind of sit and then kind of absorb into the ground and go down into the water table, and not cause any major erosion.

And so for wastewater, since there's a gravity system up in this area, what we have to do is we have to have wastewater treatment pump stations. They're basically like 30 feet. They're underground. They don't have any smell or anything like that. What they'll simply do is pump. There's one here and one up here. I'm sorry. One down by the faculty housing and one by the relocated Maui County parks courts and then near the elementary school. And so what would happen is as the project gets developed, the sewage would come up to these points and then come back into the system. Right now this is a proposal. What we plan to do. Of course, when each phase comes about, we're going to talk to Maui County whoever to make sure there's enough capacity to handle the waste.

And so let's talk about the phasing. In order to reduce the cost of infrastructure on this very large site, we're developing the phasing from east to west. So in this area, it will be the first phase, second, third, fourth and fifth. There's a total of five total phases. But within each phase, there are sub-phases based off of cost because the DOE wants to maintain the costs of each phase to within \$10 million. But at the same time we want to make sure that each phase as its developed makes sense in the total scheme of managing a school and making sure that we keep developmental areas together and not separate it across the campus.

So this is the first phase. The first phase would be the development of the six classroom building, which right now, we're working on. And then once that phase is developed, then the existing classrooms, where those classroom will move to would be reassigned or renovated. And then down to the south of the six classroom building there would be new PE facilities of courts and a playground. This is going to be the temporary location of the

Maui County parks courts which is right next to Fifth Street, so it's going to move down here because we're going to, in the next phase, provide parking for the new administration and the new student center. And so, as part of this phase, we would do the infrastructure and the site grading for the whole area and just provide stub outs so the construction can take place without re-disturbing the land again.

Ms. de Jetley: Is Fifth Street going to become the school's main entrance then?

Mr. Parker: There will be multiple entrances on Fifth Street. I would say the majority of the entrances would be on Fifth Street, so yes.

Ms. de Jetley: So Fraser Avenue would not be the school's entrance?

Mr. Parker: It would be the main entrance still for the high school and middle school. And then in the next phase, in the phase 2B, would be the new library and the new cafeteria with a new custodial center. And then the existing campus, the portables would be removed here. And the administration building, part of it, would be used for Maui Community College. And then the cafeteria would be for food services for teaching. So this is a character view of phase one and two with the administration center here, six classroom building here, and the existing gym here.

And so the elementary school, we're proposed to build a full elementary school with parks and a covered play court area. And this would cover special ed preschool as well as, then kindergarten up to six grade – 6th or 5th grade depending on how the management of the school will be at that time. And so once the elementary school is developed, then the portables would be demolished and the old elementary classrooms would be reassigned as middle school and high school classrooms. And to integrate the campus to a larger pedestrian path system, on the upper campus, we'd provide major pathways, pedestrian spines for the students. And there's currently existing a Hawaiian garden here so we wanted to keep that as is since they have separate plans for that. So we're working around that to enhancing this garden.

And so in the phase 4B would be the development of the lower athletic complex. We'll be doing the grading for the preschool and the auditorium site, but we won't be building any. For the preschool, that will be done by a private entity. And the auditorium, if the funding and the need is definitely existing, then that would be located there. So we have a softball field, baseball field and temporary practice fields where the track and soccer field will be located. So this is the track and soccer field in phase 4C. And then phase 5A would be the development of faculty housing and the demolish of the existing faculty cottages for Maui Community College to put their new building there.

So there's a couple planning variables that we're working with. We had a discussion with

the Maui County regarding their affordable housing development and also the Department of Hawaiian Home Lands future development and we're open to discussion with them to coordinate sewage infrastructure and water infrastructure. So we're going to be talking with them eventually because the Department of Hawaiian Home Lands is developing a regional plan. And through each phase, since this is such a large project, and spanning so many year, after each phase, we're going to continue those talks and ensure that this infrastructure can be – the infrastructure would be minimized and bought together as much as possible. So that's pretty much of the overview of the master plan. If you have any comments for the draft EA, please put them in writing so we can include them into the final environmental assessment.

Ms. Kaye: Can I just ask you a procedural question? What happens to this document now? Where does it go?

Mr. Parker: The document, right now, we'll collect all of the comments. Gerald is formulating a response to each of those questions, and then we're going to revise the environmental assessment document, and then put it at – well it will be finalized after that. And then it would go through it's 30-day challenge period.

Ms. Zigmond: Madame Chair? This is a really ambitious and much needed project. I have a couple of questions though. In reading through this – where are we here – on page 26, the aquifer classification system, table 4, the last line says that the water vulnerability to contamination is high. Could you please speak to that?

Mr. Parker: Sorry, what page was that on again?

Ms. Zigmond: Page 26, table 4. I'd like to know how that's determined and what that means and how that is going to be addressed.

Mr. Parker: I'm not sure of how to answer that question. If you could write that as a question and comment, and Gerald and our teams would be more than happy to answer it for you.

Ms. de Jetley: I have some questions. What happens to the existing school cafeteria?

Mr. Parker: What the idea is right now is to convert it – propose to convert it into sort of like a culinary educational classroom for the students, as well as a multipurpose meeting area for various functions.

Ms. de Jetley: I have some more, but I'll defer. I'll wait.

Mr. Rabaino: You said there will be two different entrances - Fraser and Fifth Street?

Looking at Fifth Street the way it is currently, you going to have enough parking for the students and faculty on the property? Because Fifth Street right now when you're cruising around the city on a school, and look at where the kids park their car, that road is just shrinking. So on the campus itself, when you're doing your phases, you're going to have ample parking for the future growth of as this development moves forward?

Mr. Parker: Yes. Right now we did a parking count and the parking total meets Maui County parking standards. And each parking is allocated with each elementary school based off of those standards as well.

Mr. Rabaino: So in other words, if you have group of students coming with two cars per family, is that enough parking on the premises itself? Or is it going to be a controlled thing? Because the reason why I'm bringing it up is when I go visit my nieces in Kapolei, the cars that goes there in Kapolei, going to their high school, they don't have enough parking. So when they do park on off road, on the outside boundary like Fifth Street for example, you have extra cars there, you know what I mean? And then they're not allowed to park where the football field is where it has ample parking. So it this – my question is will you have enough parking as these phases go through and the school enrollment picks up?

Mr. Parker: That's a good question. We can look at that.

Ms. de Jetley: I have another question. Since this plan was done some time ago, are these buildings going to be green?

Mr. Parker: Yes. Yes. Absolutely.

Ms. de Jetley: How?

Mr. Parker: We're proposing to – what we want to do as part of – also to meet with the Department of Education or the State's statutes for making sure that all buildings, new construction, leadership and energy and environmental design silver certification. We're proposing landscaping that would work in the climate so it wouldn't need as much water. They're drought resistant and so it reduces the amount of water demand. On top of that, we propose and sort of recommend that all the buildings would use low flow water fixtures as well as water-less urinals, if possible. So, yes, we're very much thinking about that in terms of the development of the master plan (*Changed cassette tapes*).

Ms. Zigmond: Madame Chair? I have two questions please on page 45, the summary of potential environmental impact. It says that because of its former agricultural use, chemicals and pesticides may be present in the soil. So what happens if it's found that there are pesticides? How is that addressed?

Mr. Parker: Well, we'll find out when the phase two, environmental site assessment is complete. Right now we're being very precautionary and making sure that we're doing everything right. What would happen is depending on the amount of contaminated soil we would or could find, or we would find, and the location of it would dictate, you know, certain mitigation plan. You know, what would the cost be to remove the soil to ensure that the new soil is clean? Or where we would have to, like, pad it with a concrete and put something on it, you know, to make sure that kids don't dig or people don't dig up the dirt. So we're only concerned about one specific area. And if worst comes to worse, we'll just cut that out of the whole master plan when we get the property.

Ms. Zigmond: Okay, and then the second question on the same page. Design and construction money has not been appropriated for subsequent phases, subsequent other than phase one. In worse case scenario there is no money, what happens then?

Mr. Parker: Well funding is based off of one, actual – each phase is dependent on funding from the State as well as enrollment. And so if enrollment stays doesn't change – you know it doesn't go higher then there wouldn't be a need to go into the next phase. But ultimately with all this new development we forecast, you know, in the 25-horizon years that – if development does happen and goes that high, then we have a plan in set to go forward and to take care of the community needs.

Ms. Zigmond: Because it seems that this was done before the economic situation got so bad, and it just seems like maybe the projections were a little bit unrealistic.

Ms. Kaye: Can you clarify for me what you just said? You seem to be hinging this growth and expansion of the school on increased development on island, as opposed to or to the exclusion of increased population but no further development.

Mr. Parker: Sorry, I meant population growth. Sorry.

Ms. Kaye: Okay. Alright. Thank you. Okay, while I have the floor. Can you address water? Not now necessarily, but my comment would be that you reference that you would have to use water to keep the dust down, but you don't quantify it. And there is no acknowledgment of how much water the school complex on a daily basis uses now as opposed to what a fully built out expanded area would be, and I think that probably should be in your plans somewhere.

Mr. Parker: Okay.

Ms. Kaye: Gerry?

Mr. Rabaino: Mines regarding landscaping for two main reasons. Are you going to use the

plants on Lana`i? And the ones that's not on Lana`i are you going to be barging it in?

Mr. Parker: It's kind of too early to say where it's coming from. The landscape plan and the landscape plants we propose is just a proposal. I think when each phase comes about then we can look at that question and ask, you know, where are they coming from and where it should come from?

Mr. Rabaino: Okay, I think one of the main concern is when we barge plants in from Honolulu, down Manele Terraces they have – when they brought in the grass and sodded out in the homes down there, there's an infection of worms – you know grass worms that never did exist on Lana`i. The other one when they barged in from Big Island, got frogs. Lana`i never did have frogs. Now we have big gigantic toads down there. My main concern is if they're going to import plants, you need to agriculturally check them because we don't want an coqui frogs coming here. So those are my two concerns because right now Lana`i never did have frogs. So when you going down there and you see frogs hopping around with the tourists going wow, and dead frogs on the road. The other one is the grass coming out of Honolulu. Is anything in Honolulu being agriculturally checked at the barge before it leaves the island and come to Lana`i or any other island? Those are the two main concerns.

Ms. Kaye: Thank you Gerry. If I could point out on page 37, under infrastructure portable water, I would make a comment that you might want to contact the Lana`i Water Company because I believe that some of this information is incorrect. Lana`i Water Company is a wholly owned subsidiary of Castle & Cooke, number one. And I don't think you've got necessarily the wells, so you might want to clarify that with them so your information is accurate.

Mr. Parker: Okay.

Ms. Kaye: Commissioners, if there's no other questions –

Ms. Zigmond: No, I have one other comment.

Ms. de Jetley: I have one too.

Ms. Zigmond: It's on water. Realizing that the amount of construction that's going to occur needs a lot of water and I understand that's for dust control, but I would really hope that the water used for dust control and construction is non-potable water.

Ms. de Jetley: I have another comment relevant to what Gerry was talking about. There's been an infestation of fire ants now on Maui. So the last thing we need on this island is fire ants so every shipment of plant material coming onto Lana`i for this project has to be

inspected because that would be just killer for us if got fire ants. And I have one more question about the athletic playing fields. Are these fields going to be available to the different organizations that are in existence today because Dole Park is very, very heavily used and we need more athletic fields. So are those athletic fields going to be available for after school activities for other organizations?

Mr. Parker: I'm not sure. We really didn't discuss that, but I can take that question back to the Department of Education and Gerald Park and the principal, and we'll get an answer for that.

Mr. Rabaino: Alberta, Hulopoe has fire ants already.

Ms. de Jetley: How come it's not been reported in the papers or anywhere?

Mr. Stanley Ruidas: Hello? You said there's going to be onsite drainage. That's over – is it above ground or below ground like a leech fill?

Mr. Parker: It's going to –. What we want to do is we want to collect the rain water on our site and have it just kind of percolate down naturally.

Mr. Ruidas: But is it going to be open where people can swim inside?

Mr. Parker: No. So I guess it will be underground.

Mr. Ruidas: Okay. Next one is on the LEED Silver, does that qualify for Federal monies?

Mr. Parker: No it doesn't.

Mr. Ruidas: Any State monies?

Mr. Parker: No it doesn't.

Mr. Ruidas: No. Just the status?

Mr. Parker: Yeah. The State – I think the State's position is LEED Silver or to what is affordable or what can be afforded.

Mr. Ruidas: Okay. Thanks.

Ms. Leticia Castillo: You said about building teacher's housing within the campus. Are those houses going to be single dwelling or apartment type of housing? Because we have professionals in there that's going to be needing their own private.

Mr. Parker: Right. Well we propose in this plan here there's 26 one or two bedroom town homes, and then there's 10 two to three bedrooms single family homes, so there would be a wide variety of housing options for the faculty.

Ms. Kaye: Okay, any objections if we take some public testimony now? People who have been waiting. And we don't have a sign up list, so a show of hands if anyone wants to. Okay. Pierce?

Mr. Pierce Myers: Madame Chair, Commissioners, thanks very much for the opportunity. History is that some of us in this room has been working on this for 17 years or so, and response to the questions about is it real? 17 years ago when we started the door was shut on us. The Department said, and the Board of Education said, no way, no how. And our dogged determination has gotten us to this point today. The Board is onboard with us. The Department of Education is with us. Legislature has supported us. Money is on the Governor's desk now to fund our phase one. Tough economic times to expect the Governor to release those funds, probably won't happen, but we have to wait for the economy to come back around again and we'll continue pursuing it. Whether or not 25 years from now it will look the way we've planned is still an open question. Likely not. But we need the plan in place, we need the books there, so we have something to follow when the funds are released.

When we started 17 years ago, what we started seeing happening on our campus was pretty wide open space. Right now the existing campus minus the ball field is about 10-acres. On that 10-acres we had much open land. We had a lot of places for our kids to play. A lot of place to put gardens. Slowly from the early 90's up until 2000, we added more portables as our enrollment went up. Now there's very little open space on the campus. Part of the plan that Chris presented was as we build out we start removing portables from our existing campus to open us back up again. That's a key driver for us, and doing that thoughtfully so we can use what's left there optimally and efficiently and not put huge money into reconverting some of those classes is part of the plan also.

I wanted to make sure that I had the opportunity to ask any questions you might have of me about our plans. I'm not as expert on the EA piece of it, but I can speak to the campus planning and the use of facilities.

Ms. Kaye: James I'm not sure if this is inappropriate. If you're finished testifying then the Commissioners are able to ask you questions. Is that the point?

Mr. Myers: I'm finished testifying.

Ms. Kaye: So Commissioners – thank you Pierce – any questions for Pierce?

Ms. Castillo: In correction of what Pierce has said, I had been a school advisor counselor in the past where we have been asking from the Department all those years that I've been a school advisor counselor, and the Legislature have appropriated some funds for the design and after 20 years – he said 17 years – but it's more than that.

Ms. Kaye: Letty, do you have a question for Pierce?

Ms. Castillo: Yeah.

Ms. Kaye: Do you have a question for Pierce?

Ms. Castillo: It's good that they went through with this thing. Thank you Pierce for continuing this.

Mr. Myers: You're welcome.

Ms. Kaye: Questions, Commissioners, for Pierce?

Mr. Gamulo: What is the projected finished time it's going to be finished and what do you – you don't really know I suppose – but what – the plans as they look right now are what is the population of the school is going to be?

Mr. Myers: We're looking at – the population of the school today is about 535 students. We're looking at this, facility wise, the buildings and classrooms supporting the 535 that we have now. It won't take us in the 700 or 800 student range to fill this facility. This facility right now as it's here could be filled with our present student population. In terms of date for the build out, it's so dependent on variables that we don't have control over that it's impossible to project. We're tossed around 25 years maybe, but it's depending on money being available and the economy.

Ms. Kaye: Well, then I have question. Because I understood that from what Chris said that the subsequent phases would dependent on needs and I'm hearing you say right now that the need is already here. We don't need increase population, school population, to realize the full utility of this expansion is that correct?

Mr. Myers: Every time we go back to the Legislature asking for money, we're going to have to justify the need. The questions that are going to be asked of us are what is your enrollment, what kind of facility are you asking for, why are you asking for those, justify the need educationally knowing that there are other needs out there Statewide.

Ms. Kaye: Well, that doesn't answer my question. If I understand you to say that if we had some – we won the lottery and we could build this, and it would take us, as I understood,

from reading this plan, 18-months, you could fill these facilities.

Mr. Myers: That's correct.

Ms. Kaye: Okay. So when you go to the Legislature, if you can't show increased enrollment, then where are you? What kind of leverage do you have?

Mr. Myers: We've gotten this far in the plan without being able to show increased enrollment.

Ms. Kaye: But that took 17 years. I mean could we make the argument that it's been so substandard for so long that it's our turn.

Mr. Myers: That is our point. And the phase one is to address chemistry labs, science labs that we have needed for so long. And that same applies to the rest of the build out.

Ms. Kaye: Okay. Thank you.

Mr. Rabaino: Mine one is what would be the starting date if you had the money?

Mr. Myers: Originally we were looking at construction happening right now and a year ago when the economy changed that set everything back.

Mr. Rabaino: One or two years set back?

Mr. Myers: Minimal.

Ms. Kaye: Okay. Thank you Pierce.

Ms. de Jetley: I have one.

Ms. Kaye: I'm sorry.

Ms. de Jetley: I have one more question. I really don't like the idea of the faculty housing. Is there not a move now to move faculty into the community so that they're not living in a gold fish bowl at school?

Mr. Myers: Yeah, my goal is not to have the faculty sequestered in one place on campus, and to have them interspersed in the community. We've had conversations with the County for the new subdivision that's going there, and the Department of Education about the department buying either homes there or parcels and building homes on those for teachers. I'm not a fan of having them here. We needed to include it just to make sure that

the teacher's housing is accounted for somewhere if we can't do it somewhere else.

Ms. de Jetley: Then I have one other comment. Did you noticed this building when you came into it? It was painted today. A group of people – 50 people came up and they painted this whole building even though this building is going to be demolished. Would you be open to having those buildings at the school painted if you could get a group from Four Seasons who were interested in doing that?

Mr. Myers: Yes. And our campus was painted just six or seven years ago, so the paint is in pretty good shape still. But I watched them paint this from my office today and I had the same concerns that you have.

Ms. de Jetley: Well what I'm looking at is if your faculty housing looks terrible.

Mr. Myers: There's a bid out for painting our faculty housing right now.

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

Mr. Myers: Yes.

Ms. Kaye: Okay, any other questions on the EA for Pierce? Okay, thank you Pierce.

Mr. Myers: Thank you.

Ms. de Jetley: Madame Chair? On this EA, on page 20, number 2, geology, you have coral sand beaches are found at Pohakuloa which is on Maui and not on Lana`i. Did anybody else pick that up?

Ms. Kaye: I noticed Hulopoe was spelled wrong. You got that Chris?

Mr. Parker: Yes.

Ms. Kaye: Okay. Next testifier.

Mr. Reilly: Thank you. Pat Reilly. As Commissioner Castillo said, and Pierce Myers said, it's been a long time in coming so the 30 years I've been here, we've been kicking it around. This is a miracle and the reason it's a miracle is that the County, the State and Castle & Cooke worked together to get this land deed for a school. I mean, that is a miracle in of itself. That those entities and through the help of Riki Hokama, through Mele Carroll, Kalani English, Department of Education, members of Castle & Cooke, the administration, all worked together collaboratively to actually –. This is not just any more a vision, it is a land plan. This goes into the community plan as a land map. This is a

miracle.

Secondly, and I hope to impassion you, and you guys know who attended this school and sent children to this school, that we always felt like second class citizens. This is a vision. We knew and I worked on this committee – I tell you that – I worked on this committee. What we tried to create is a vision that all the parents, the students, the children can look at this as the possibility of having a high quality educational complex on the island of Lana`i for them. There are not very many P-20 schools in the State on one campus. In fact, there may be none. This may be the only P-20 single campus facility in the State of Hawaii, and maybe unique in the United States. We were thinking about how to take children from preschool all the way through their educational process in public institution, free, to college, all in one place. And to allow children who have the capability and ability to start college while they're in highschool. So please, see this for what it is as a long term vision, but it's a vision like a diamond we hold out to the community. And it's no us, it's all of us together. The whole community has to hold that vision in their mind and work like hell because as exactly as the issue you raised, it will be very difficult. We must lobby continuously to make this vision happen. And I'll be dead by the time this ever appears but please this is a miracle. Thank you.

Ms. Kaye: Thank you Pat. Any questions for Pat? Okay, anyone else who would like to testify from the audience? John?

Mr. John Ornellas: My name is John Ornellas. I'm a member of our expansion – school expansion. Now Alberta mentioned about other sport's teams using the facilities. Now we are in discussion now that the DOE and their infinite wisdom want to fence our school in, and of course, now our school is not fence so there's going to be a debate. But if you look at no. 1, welcoming and inviting. So if the community – if this school and our vision for their school is to welcome everybody then that should happen. Pop Warner can go play down there if they wanted or a baseball team wanted to go down and play down there.

Go back to the County – where it shows the County housing. Alright, this is the new subdivision that the County is planning. They're going to be selling and renting both single family and multi-family homes. This place where the housing is, we're now leaning towards this subdivision. Now, Gerry, your road, okay, we have entrances through here, but if you noticed, this is the Ninth Street road and there's a road that's going to go around and it's going to meet up with the by-pass road which may or may not be in this place because it use to be up here, now it's down here. But this will be another entrance. So if people wanted to come Lalakoa, they could come this way into the school. And we've got plenty of parking spaces because we've even allotted parking spaces for the auditorium, so the auditorium is way down the road, but there are parking there.

Another thing, the teacher's cottages, at our last meeting we were talking about using those

teacher's cottages by moving them down here to the sport's complex and then turn them into dormitories. So instead of demolishing them and building new ones, we just move them down there and have them renovated. And so the incoming teams do not have to go live in the kindergarten or in the gym. You know, so that they have a place to go and they can also practice and do their things down there.

The Fifth Street play area right now, the basketball courts, the tennis courts, that is County land, but as you know, it's maintained by the school. So what's going to happen is we're going to demolish that and then we're going to move it down to Fifth Street, basically right across the street from the single family homes that the County is proposing to build. But in the interim, before we get down to here, we're going to build this here and then again, people who want to play tennis, other than students would be able to come here and play. So they'll have access to it until these new courts are made.

Ms. Kaye: That was very helpful John. Thank you. Any questions for John?

Mr. Rabaino: John?

Ms. de Jetley: John?

Mr. Rabaino: Fifth Street.

Mr. Ornellas: Yes?

Mr. Rabaino: Okay, I know you pointed out about the by-pass and the other roadway.

Mr. Ornellas: Right.

Mr. Rabaino: My concern is currently while the construction is going on, Fifth Street, the kids usually park off the school campus and being that there's a subdivision right across, where you live, a lot of kids going run back and forth so traffic and off-parking from the school is going to narrow the road.

Mr. Ornellas: Okay. Now you've got to expand your mind. The only thing that we have money for now that the Governor still has to give to us is for the six classrooms. So as far as dump trucks and all that other stuff that's going to be coming in will be coming in through the regular way, coming in off of Fraser, because they're going to have to go down. Or they may come up from behind off of Ninth Street and climb up the hill, but we're not to that point yet. But this is going to take years to get done. I mean, you know, Pierce even said that this money might not come for another year or two because it's probably going to lapse and we're going to have to go back and fight for it. And then once that's done, then the other phase will then start to take over. But you're talking years and years between

phases. And it's important that we start working on our administration building and also our elementary school.

Pat brought this up with the P-20. We are the only school in the United States that has put the P-20 to a plan, to a master plan. We are the only ones. They've talked about doing this over on Oahu, but nobody has actually took the time and incorporate it into a master plan. And this will be a great place because MCC will be on campus. We will move our preschool down to off of Fifth Street. We can expand it. More kids can go to it. And also, like Pat said, this is a vision and it is a miracle that we've gotten this far. Thank you.

Ms. de Jetley: John, since you were on the planning, you were involved in this whole committee thing, how did you all decide on separating the library? Because we don't even have funds for a school librarian now.

Mr. Ornellas: Right.

Ms. de Jetley: So how did you come up with the idea of having a totally separate facility? Because I think what it will do is it will dilute all of our library services.

Mr. Ornellas: No. They're two separate.

Ms. de Jetley: But we don't even have funding now for a school librarian.

Mr. Ornellas: You're talking today. This library is not going to be built for – could not be built for probably about another six to eight years now.

Ms. de Jetley: If we have money.

Mr. Ornellas: Alberta, you need to be more of an optimist. Okay? The economy is turning around, we will get money, we will get money for our six classrooms, and we will start building towards our vision. But the school needs its own library. The librarian has told us that. You know? And let the County, or the State, have its own library. Let them maintain it. We're just worried about our kids. Because right now, you go to the library, how many computers are available? In our new library, there will be plenty of computers that the kids can sit down and do their work.

So, I got a little bit upset when you guys started talking about the water. Okay? You guys can go after Castle & Cooke and beat up Castle & Cooke over the use of water. Do not beat up our kids over the use of water. This is our school, our kids go there. They deserve – have a right to the water. So to start, you know, putting up road blocks and start asking about the water, no, you make sure the water is correct. You make sure the numbers are correct, but you don't bring this in front of the people saying well we don't know if we have

enough water.

Ms. Kaye: John, no one said that. I'm sorry, I have to stop you right there.

Mr. Ornellas: Well, I'm just getting upset because you guys are talking about the water for our school.

Ms. Kaye: John!

Mr. Ornellas: This should not be an issue.

Ms. Kaye: John! John, please.

Mr. Ornellas: This should not be an issue.

Ms. Kaye: John, there are no numbers in here. As you just pointed out, every other EA plan I've ever read addresses it. I said it would be a stronger plan if they had numbers. I'm not questioning numbers. I'm suggesting they should be in here which you just agreed with. That's all.

Mr. Ornellas: Alright. I'm done venting.

Ms. Kaye: Any other questions for John, Commissioners?

Mr. Ornellas: I love you all!

Ms. Kaye: Thank you John. Anyone else would like to testify? No? Public testimony is then closed. Commissioners, have we exhausted our comments for Mr. Parker. Mr. Prutch would you like add anything?

Mr. Prutch: Let's see, I don't want to add anything. I just want to go through and highlight what I heard from you guys so that you guys can decide that as your comments to the body, instead of each individual that made the comments. I'll just kind of go through them quickly. This is what I wrote down. There was a comment about page 26, table 4, on how the aquifer classification is going to be addressed, or have them address it further in the final. Second one was the Fifth Street parking. Address the ample parking during all phases of construction. Third, will the building be green? It sounds like the applicant has asked that, so I may strike that one. But if you want, I can leave it in as, will the building be built green and if so, how so? And let them elaborate it a little bit on that. The fourth one was page 45, summary of environmental impacts. Cleaning the soil or chemicals in the soil. And you wanted to know how they're going to address that if chemicals are found. And another thing on page 45 was the money for all phases. Answer the question that

what happens if money runs out or if money can't be got for future phases. Fifth was water. To keep dust down, how much would be used? And basically at build out, how much water would the facility use? So you wanted numbers on that. Landscaping - where will plants come from? If plants do come from off island or imported, you asked that they should be ag checked and screened. Next one, page 37, infrastructure, potable water – oh, you wanted them to contact Lana`i Water Company for accurate information from whatever is on page 37. Another one for water – dust control – you wanted that to be non-potable. The athletic play fields, you wanted to make sure or have them elaborate a little more on whether those would be available for organizations or public use. It sounds like from what we heard that may be true, but this is your request for them to put in writing. And the last two - two left. One is on site drainage. You wanted to know above below ground, where, how collected. And the last one was on page 20, there was a misspelling in the geology section. So that's what I have that I heard from you. If there's anything more or less, let me know and this is what I will type up to send to Gerald and Chris tomorrow.

Ms. Kaye: If we come across something that we just omitted, can we send that to you by email and you can include it, like a typo or misspelling or something like that? Or do you not care about that at this point?

Mr. Parker: . . .(Inaudible. Did not speak into the microphone). . .

Ms. Kaye: But you have to find them first.

Mr. Parker: . . .(Inaudible. Did not speak into the microphone.) . . .

Ms. Kaye: Okay. If we found them and they're still in here, should we just email you?

Mr. Parker: . . . (Inaudible. Did not speak into the microphone.) . . .

Ms. Kaye: Okay. Thank you. Commissioners, anything else to add to this? I think we're finished with this agenda item. I don't believe it requires any further action on our part.

Mr. Prutch: You guys accept those – what I've listed off as your comments as a Commission.

Ms. Kaye: I'm seeing affirmative from the Commissioners. Now would be the chance to add anything additional.

Mr. Rabaino: Let's build it already.

Mr. Prutch: I will get those out. Well, I'll get them typed up tomorrow.

Ms. Kaye: And I would trust that everyone who has testified here tonight and the people who have worked for so many years on this plan would take the support of the Planning Commission back with them and hope that in the future when opportunities to lobby our governmental bodies for support, let the Planning Commission know if there's some way that we, as individuals, or as a body can support you, we'd be pleased to do so.

E. DIRECTOR'S REPORT

- 1. Open Lana`i Applications Report.**
- 2. 2009 Hawaii Congress of Planning Officials Conference - September 23-25, 2009, Oahu**
- 3. Status of the Filling of the LPC Vacancy**
- 4 Proposed 2010 Meeting Dates**
- 5. Agenda items for the November 18, 2009 meeting**

Ms. Kaye: Okay, we only have a few things left under Director's report. We can just go right through them. Joe?

Mr. Alueta: Any questions?

Ms. Kaye: Yeah, I think we have a couple of questions on the open projects report. And this is yours – I'm glad Mr. Prutch is here. What is this Lana`i airport?

Mr. Alueta: He told me it's sitting on his desk, and he hasn't done anything with it.

Ms. Kaye: In other words, you're not able to answer this.

Mr. Prutch: Yes, I don't know yet. All I know is I saw it in my in box. I looked at it, and I put it aside in the to do file.

Ms. Kaye: Well we don't know. In fact, I don't recall if I –. Yeah, we don't have anything for the first time in very, very long time. I see nothing that's listed for our agenda next month. So assuming we meet, and assuming we have an agenda – Clayton just didn't put anything on here – could one of you two be responsible in case, Joe, you don't come? One of you tell us, or be able to answer that question. Whoever comes, to answer that question. You've said that before.

Mr. Alueta: He knows, so he knows to get it to me or Clayton. But most likely we're going to have – I have about five Bills for business district that I'm trying to get scheduled, so we'll see whether we get those on.

Ms. Kaye: In which case, you'll be the one?

Mr. Alueta: Correct.

Ms. Kaye: And you'll bring us back this information?

Mr. Alueta: Correct.

Ms. Kaye: Thank you.

Mr. Alueta: And I believe it's the new international airport located on Lana`i. Anyway, for all those Chinese students. I don't know. But we'll find out the exact reason is.

Ms. Kaye: Go ahead Bev.

Ms. Zigmond: Lana`i Senior Center variance, BVAV, is? The fourth item.

Ms. Kaye: What does BVAV mean? Is that Board of Variance and Appeals?

Mr. Alueta: Yes. Board of Variance and Appeals.

Ms. Kaye: What are they applying for? Variance for what?

Mr. Alueta: No. 4. I'm sorry. I believe that they're trying to get -. I think it's height. One of it could be height. But I'm going to find out more information. But I thought that question came up, and it was answered earlier. But we'll find out. I think that's the reason it hasn't been scheduled.

Ms. Kaye: This is the first time I've seen the BVAV on this.

Ms. de Jetley: Joe, I have a question. Joe, is that because one side is going to be one-story and the other side is going to be two-story?

Mr. Alueta: That could be it.

Ms. Kaye: I bet it would be because it's over 30 feet.

Mr. Alueta: If it's over 30-feet, then definitely.

Ms. Kaye: Then they'll definitely need a variance.

Mr. Alueta: That would be the height. Yes.

Ms. Kaye: Any additional questions on other items on the open projects? Did we get –? No. Okay, anybody? No. Okay, next on the agenda is the conference. And I'm assuming at this point, if our attendees would either have something to say or not.

Ms. de Jetley: The Green Building Tour was fabulous. It was really, really was exciting because one of the projects that I really like was the military housing. They're slowing going through and they're rebuilding all of the military housing so that it's LEEDS, and they're air-conditioned. They've got solar panels. They've got net metering on them. They're fabulous. Beautifully, beautifully done.

Ms. Kaye: Stan?

Mr. Ruidas: Yeah, that was the best part of the conference I think – the workshop – so you guys didn't miss much. It was interesting the way, like, on the Fearer Hall, the LEED silver – that's what I was asking the kind – and how they design that whole building with the whole big bicycle storage area. Yeah, as far as green energy, Aliimanu was the best. Harley Davidson was pretty cool too. And that's it.

Ms. Kaye: I have to say that Maui County did the best Planning Conference ever. It would've been hard act to follow regardless if you tried to do it this year. Okay, that covers that. Next is the status of the filing of the vacancy on our Commission.

Mr. Alueta: I'm sorry, I wasn't briefed on that before I left. But I was told – Alberta said it was filled according to the Maui News.

Mr. Matthew Mano: It was on Akaku.

Mr. Alueta: It was on Akaku? Okay.

Ms. Kaye: He's with us tonight. So do you have any idea when you're going to join us up here? Okay. Good news. Now the list of proposed 2010 meeting dates. That's just informational. And agenda items for the November 18th meeting, but there's nothing there. So I guess that's your five bills Joe?

Mr. Alueta: Yeah, I've got to look if I can meet the deadline. I'm not sure yet if I can. But also I'd look at the schedule – back to your schedule – make sure you guys don't have any conflicts so we can – we'd like to reserve spots as early as possible for meeting locations.

Ms. Kaye: Can I just ask? Are we going to try each time to come here, if we can? I think that was pleasure of the Commissioners that this is our first choice to meet. I didn't check. I don't have very many meetings left, so I don't have to check.

Mr. Alueta: Leilani, do you need – like I said if you don't have any objections – if we don't hear any objections, we're going to post this. Okay.

Ms. Kaye: Yeah, anybody have any issues with that?

Mr. Alueta: No objections?

Ms. Zigmond: I'm assuming it's the third Wednesday of the month.

Mr. Alueta: Yes.

Ms. Kaye: It's the same. James, just one last question before we close here. John Ornellas had a question. Did he get to speak to you about it? Okay. He actually e-mailed a question about some things that are going on down at Shipwreck and I didn't know how that was our business or why it needed to come up tonight, so I will try to clarify that and see if –. I'll have him communicate directly with Clayton perhaps.

Mr. Giroux: Yeah, or if we are going to discuss that a meeting, it should probably come as a communication item.

Ms. Kaye: Right, and that's what I'm going to encourage him to do. So I should tell him he should be sending it Clayton? Or Leilani?

Mr. Alueta: If he wants it to be on, he should send it to the Planning Director.

Ms. Kaye: Okay.

Mr. Alueta: And then Clayton will be in touch with you, Madame Chair, to discuss what the item is, whether or not it's even pertinent to the Commission.

Ms. Kaye: Perfect. Thank you. Okay.

Ms. Castillo: . . . (Inaudible. Did not speak into a microphone.) . . .

Ms. Kaye: I'm sorry, Letty, go on the mic please.

Ms. Castillo: That Leilani had – regarding the –

Ms. Kaye: And your question is?

Ms. Castillo: . . . (Inaudible. Did not speak into a microphone.) . . .

Ms. Kaye: This is not the agenda. This is not Lana`i Planning Commission business. Okay? So that answers your question. Yes, I can talk to you about it after. Any other issues for tonight? Anybody knows if they have a conflict next month? Okay, we're adjourned. Thank you everybody.

F. NEXT REGULAR MEETING DATE: November 18, 2009

G. ADJOURNMENT

There being no further discussion brought forward to the Commission, the meeting was adjourned at approximately 8:27 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 Zigmund
Matthew Mano
Alberta de Jetley
Leticia Castillo
Gerald Rabaino

OTHERS:

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