

**LANA`I PLANNING COMMISSION  
MINUTES – REGULAR MEETING  
SEPTEMBER 19, 2007**

**Approved 10-17-07**

**A. CALL TO ORDER**

The regular meeting of the Lana`i Planning Commission was called to order by Chairman Reynold "Butch" Gima at approximately 6:00 p.m., Wednesday, September 19, 2007, in the Old Lana`i Senior Center, 309 Seventh Avenue, Lana`i City, Lana`i.

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

Mr. Reynold Gima: Okay, good evening everyone. I'd like to call to order the September 19, 2007 meeting of the Lana`i Planning Commission. Let the record show we have quorum with Commissioners Zigmond, Gamulo, de Jetley, Kaye, Endrina, Mano and Gima present. Let's see, before we go to unfinished business, do we not have minutes? Okay. Thank you.

**B. UNFINISHED BUSINESS**

1. **MR. JEFFREY S. HUNT, AICP, Planning Director, transmitting the 2030 Countywide Policy Plan (Plan) to the Maui Planning Commission pursuant to the provisions of Chapter 2.80B of the Maui County Code. The Maui Planning Commission may review and provide recommendations on Section IV (Goals, Objectives, & Policies) of the Plan, which was revised to reflect the recommendations of the Maui, Molokai and Lana`i General Plan Advisory Committees. Emphasis will be placed on the revised Natural Environment and Local Culture Sections. (Plan was mailed previously. Commissioners: Please bring your copy. To view Section IV, (Goals, Objectives, & Policies) see Maui County website at: [http://www.co.maui.hi.us/departments/Planning/pdf/Full\\_Directors\\_Report.pdf](http://www.co.maui.hi.us/departments/Planning/pdf/Full_Directors_Report.pdf)) (The first public hearing was conducted by the Lanai Planning Commission on September 5, 2007)**

- a. **Public Testimony**
- b. **Action**

**The Commission may take action on these sections.**

Mr. Gima: So for tonight, between now and seven o'clock, we'll be continuing the review of the GPAC recommendations, and at seven o'clock, we will have a public hearing. So at this time, I will turn this over to John.

Mr. John Summers: Thank you Mr. Chairman, members of the Commission. We will be moving forward in the same style that we did at the last meeting. We will be addressing the Natural Environment section this evening, as well as the Cultural section. I want to thank you again for tonight's meeting. We'll try to move forward efficiently. We kind of got the hang of it at the last meeting, so we'll continue in that vain. Simone Bosco will be facilitating and helping the Commission move forward with tonight's work. Thank you very much. We have Kathleen Aoki also here assisting us tonight from Long Range Division.

Ms. Simone Bosco: Thank you John. Welcome Commissioners. Before we go forward, I want to remind the Commission that we're going to work till seven and hopefully we can return back to this item later if we can't get through the sections. The sections we'll be covering again are Natural Environment and Local Culture. And I want to before going into the actual work, very briefly, go over the proposed schedule. At the last meeting the Commission had asked staff to come to back with a proposed order for the remaining sections – for the review of the remaining sections of the draft Countywide Policy Plan. And I've distributed a memo dated September 10<sup>th</sup> wherein we proposed the revised order. And if you take a look at it, on page two, we're recommending Natural Environment and Local Culture for this meeting. And then there are one, two, three, four, five, six remaining meetings. And if you'd like to look take a fast look at that, we want try and get your approval of this schedule so we can give the public and the Commissions adequate notice on what sections they should be preparing for at each meeting.

Ms. Beverly Zigmond: Excuse me? I am not following where this is. Was it in the packet that we got sent last week?

Ms. Bosco: This is a handout for today, and it's on the very top of your pack, and it's dated September 10<sup>th</sup> – subject, Planning Commission review of the Countywide Policy Plan. And on page two, we proposed a slightly revised order. It's not too different from the original order. And the rationale for the change is we felt that some of these topics built upon each other, and also, were mostly closely related to each other so we tried to couple certain topics together. For example, Physical Infrastructure is very closely related to Parks and Public Facilities, so those two are on the same date. And the other topics kind of build upon each other as you move along. So if I could ask the Commission if they can just take a fast look and agree with this, we can proceed accordingly. The next meeting, we would be covering Land Use and Housing. The second meeting in October, we would cover Transportation Options and Local Economy. And the first meeting in November, we would cover Strive for Good Governance and if there are any sections that we hadn't finished, we would cover it at that meeting. We'd play catch up at that meeting. And then the second meeting in November, we would review the Vision section and the Core Values and Principals for the plan. And at the final meeting, the December meeting, we'd like to present our strategy for – not our strategy – but how we're going to be presenting Chapter 5 of the Plan which addresses implementation. And if there's any other unfinished sections, we can complete it at that last meeting.

Ms. Zigmond: Sorry. I know I've had a really day and I'm a little bit confused which is not unusual. But it says for September meeting #1 that we're doing Natural Environment and Local Culture, and this is our second meeting?

Ms. Bosco: This is – no, this is the first meeting in –

Ms. Zigmond: This is the second meeting in September.

Ms. Bosco: That's true, I'm sorry. I'm sorry, Lana`i is slightly off course than the other Commissions. I'm sorry. This is the second meeting in September. You're absolutely right. And so, I'm sorry. And in this case, this meeting we're covering Natural Environment

and Local Culture, and then the order would follow for October and so forth. So it would stay in the same order according to the Lana`i Planning Commission regularly scheduled meetings.

Ms. Zigmond: Okay.

Ms. Sally Kaye: I'm sorry, that leaves then, if I'm following you correctly, the November meeting #2, is actually the first December meeting, so we will have two meetings in December. Correct?

Ms. Bosco: We will – yes – we will need to. Yes. Absolutely, we're not going short-change this Commission if you need those meetings. Yeah.

Mr. James Elliott: I just wonder if there's another alternative that we couldn't pick one date, one future date, and do two subjects the same time and then get back on the same schedule with Maui. And then that way we don't have add another.

Ms. Bosco: In other words, add a special meeting? Is that what you're saying?

Mr. Elliott: No.

Ms. Bosco: Oh.

Mr. Elliott: In one meeting, do two of the subjects you have laid out and then get caught up.

Ms. Zigmond: Jim the only thing on that is what if we have other business to attend to? We'll be here all night.

Mr. Elliott: Well we wouldn't have other business if we pick the earlier date one. I mean, the earlier meeting of the month which is not a regularly scheduled meeting.

Ms. Zigmond: How do you know we won't have other business?

Mr. Elliott: Just that normally they bring –. Like tonight, they're bringing the issues –. Because our normal scheduled meeting is normally the third Wednesday. And the other thing that's a little troubling to me is under this plan if you added two meetings in December, now you're talking about Thanksgiving and Christmas all really mixed in together in the same time frame. Anyway, I throw it out as a suggestion. It seems to me it would be a doable thing that we could two subjects on one night, preferably earlier on in the –.

Ms. Bosco: Two meetings.

Mr. Elliott: Well, I meant four. Two meetings in one.

Ms. Bosco: What I'd like to strive towards with this Commission is – and you were very

efficient at the last meeting so I think it's doable – is if we are very efficient in one night, that we move into the following meeting topics. And so, staff would be prepared if we have time to move into the next, you know, the very next topic which ever is next in order. So every agenda may show four sections – we may not get through four – we may just get through two, but because we're required to agenda this, we may want to be prepared to be very efficient. And you know in case we are, we'll be able to move into the next section.

Mr. Elliott: Can I just make a specific suggestion? The November 1<sup>st</sup> meeting, Strive for Good Governance and – but we would not be doing that, we would still be back on Diversify Transportation Options according to your schedule – I'm just talking about Lana`i. I'm just suggesting why not on the November 1<sup>st</sup> meeting, put together Diversified Transportation Options, Strengthen Local Economy, Strive Governance and Unfinished Business, and put that in just one night, and that way we would be caught up with everybody else.

Ms. Bosco: We could strive for that. Absolutely. I see that. Thank you.

Ms. Kaye: I would just like to throw in a thought that I think it's nice that we're behind because we have the benefit of the – last time I saw that time again, you said this is what Maui said, and this is what Moloka`i said, and I think that's helpful.

Ms. Bosco: Okay, so what I heard was we will strive to do three topics in the November – that one meeting that's noted for the first meeting in November – and that would catch you up – if you can do that. Are there any other concerns or questions before we move into our work? Do you want to take a vote on this or do you feel it's necessary?

Mr. Gima: I don't think there needs to be a vote.

Ms. Bosco: Okay.

Mr. Gima: I mean, to piggy back off of what Jim said, Planning Department just should prepare – although you have two items per meeting – prepare for three. If we get three done, that's great. If we get two done, well, we're still doing okay. The main thing that I said at the outset, we need to know which topics, and the community needs to know which topics are going to be discussed so we can all be prepared. We don't want to be surprised. So if you can set us up for three next time, then I think we'll be okay.

Ms. Bosco: Fair enough. Thank you. Okay then we're going to move into the Natural Environment section. And I believe you did not want me to read the policy statements, right? But what I would like to ask is if the Commission is okay with this, that we focus on one statement at a time. It seems easier to just – I mean, if anybody has any suggestions or concerns or amendments that they'd like to propose – that we take it one at a time – I think it's a little more easier to follow the text, if that okay? If you'd like to do it the way you did before, that's fine too. It's just a suggestion.

Mr. Gima: And are you suggesting that we vote on it one objective or policy at a time?

Ms. Bosco: No.

Mr. Gima: Or like how we did it at the last meeting?

Ms. Bosco: Like we did at the last meeting. However, we would take the changes and the amendments one at a time, and then at the end of the section, we would take a vote.

Mr. Gima: Okay. All right.

Ms. Bosco: So then goal A. If I can direct everyone to goal A, and if anybody has a recommendation for that – Kathleen is here to record your changes or comments.

Ms. Zigmond: I was looking at the original wordings, and the word ecology was in there, and then it was taken out, it looks like under Director's recommendations. I personally think that ecology needs to be in there because it's not quite the same as environment and I think to have that word in there is sort of like encompassing more.

Ms. Bosco: The word only ecology, or are you suggesting both words, native ecology?

Ms. Zigmond: Both words, like in the original – not the original – but the recommendations from Maui and Moloka`i and Lana`i that native ecology be included in there as well as natural environment. In this case, it's open spaces.

Ms. Bosco: Thank you. So it would be Maui County's native ecology, coma, natural environment and distinctive open spaces, et cetera. Thank you. Any other comments? Okay, next statement, objective A-1.

Ms. Zigmond: This is not a comment, but a question. On the big pages that have the revisions and comments, over on the staff column, there are numbers on some of them and I wasn't able to place them with anything.

Ms. Bosco: On the big matrix?

Ms. Zigmond: Yes.

Ms. Bosco: Are you talking about –?

Ms. Zigmond: Yes. Yes. I says review the revisions and comments.

Ms. Bosco: Let me come over.

Ms. Zigmond: Like those. They're all throughout. I don't know what they mean.

Ms. Bosco: I'm sorry. What Commissioner Zigmond is referring to is in the very first review of the matrix. There appears to be numbers under the staff column. I'm not sure what that is and I don't think you need to worry about them. But this is the very first review and I would recommend that the Commission actually use the second review matrix because it's

the voting record. This was just the very first cut, and it gathered comments and suggestions from the GPACs. And then we later went back and took votes on every single statement, and that second round has the voting record. So, but, this is useful when you're studying anyways. But, I don't think the numbers mean anything.

Ms. Zigmond: We just another question over here then. These pages – thank you – that were from the binder – are they the same as what we're getting in our packets?

Ms. Bosco: . . . (Inaudible) . . .

Ms. Zigmond: Okay.

Ms. Bosco: Yes they are. Okay, anything else? Objective A-1? Okay, policy A-1-a.

Ms. Kaye: I have a question – invasive species as defined by whom from what point in time?

Ms. Bosco: Good question. I would not be able to tell you exactly who defines that term. It is – it's a commonly used term. It's used throughout the natural resource management program. So I'd have to look into that.

Ms. Kaye: So would we be able to assume, then, that when we get around our own Lana`i Community Plan, we can address that?

Ms. Bosco: Absolutely.

Ms. Kaye: At that point?

Ms. Bosco: Absolutely. Anything else. Okay, A-1-b. If you have no comments, A-1-c.

Ms. Kaye: I have the same comment – restore and protect the forest to what? At what level and what point in time?

Ms. Bosco: It's left very broad because further on down the line you'll be able to establish programs to address how much you're going protect forests. Many of these policy statements are purposely left broad. Okay, if no other comments, we'll move on to A-1-d. Okay, if no comments, A-1-e.

Ms. Kaye: Okay, I have an English language related problem – protect undeveloped beaches, dunes and coastal eco-systems and restore natural shoreline process where possible. If you leave where possible at the end of the sentence, it applies to everything. It seems to me, maybe what the intent was to say, protect . . . blah-blah-blah . . . and where possible to restore natural shoreline processes.

Ms. Bosco: It could be reordered that way. We had the other Commissions strike as where possible.

Ms. Kaye: Pardon?

Ms. Bosco: The other Commissions, actually, when they reviewed this, they strike where possible.

Ms. Kaye: They took it out. I saw that. Right.

Ms. Bosco: We could reword it in either way.

Ms. Kaye: Right. So it is suppose to apply to them?

Ms. Bosco: Yes, it suppose to apply. The intent was suppose to apply to everything.

Ms. Kaye: Then I –

Ms. Bosco: Like undeveloped –

Ms. Kaye: Okay, I would suggest striking it as well.

Ms. Bosco: Okay. Thank you.

Ms. Kaye: And I did have another question. In an earlier version, it had acquire and protect. Was acquire deleted because that's not a County?

Ms. Bosco: No. That's an excellent point though, but the reason it was struck is because staff felt acquiring land is more actually of an implementing action. And when you acquire sometimes you're still aiming to protect. So we felt that by making the statement broad and saying protect, you could decide how to protect later and one of them would be acquiring. Okay, any other comments? Okay, Kathleen is asking if the statement is correct – "protect undeveloped beaches, dunes, and coastal ecosystems and restore natural shoreline processes." Okay, and moving on, A-1-f.

Ms. Kaye: I would suggest changing "its" to "their."

Ms. Bosco: Exactly. Thank you. Any other comments?

Ms. Kaye: Yeah, I'm sorry. It might be a little less cumbersome to say protect the natural state and integrity of unique terrain and geological features from alterations.

Ms. Bosco: That's right. Protect –

Ms. Kaye: Then you get rid of the "their" problem.

Ms. Bosco: Let me repeat that – protect unique – can you repeat that?

Ms. Kaye: Protect the natural state and integrity of unique terrain and geological features from alterations.

Ms. Bosco: I think one comment staff would point out about changing this last policy is by taking out the word compromises, we may – well, how can I say this? – it may be better to leave in the word compromises because what we're seeking to do is not degrade certain features and certain unique terrain. So, I don't know, just a thought.

Mr. Summers: Thank you Mr. Chairman. One could read the policy statement as revised as being fairly extreme in the sense that turning a rock could be construed to be a form of alteration. By including the last portion of that sentence, it would allow, for instance, maybe a path to go through an area, or a, simple improvements that may not effect the natural state or the whole integrity of the feature. So the question is whether you want that last piece – that compromises it natural state and integrity – included.

Ms. Alberta de Jetley: I disagree. I think we should leave out compromise because by whose standards? What standards are we talking about when you say compromise?

Mr. Summers: Right. Those types of standards would have to be operational in an ordinance or in a more specific plan, like a Community Plan document. So you'd have to define what that means.

Ms. de Jetley: I like it the way Sally – Commissioner Kaye – suggested.

Ms. Bosco: Okay, I'm trying to think about that statement before we move further – because before we vote on it, I hope we're all understanding what it could mean. There could be situations where you do need to alter certain natural terrains. For example, there could be significant erosion on shorelines and you could want to do a beach nourishment project or you may want to actually influence the way natural processes are working. And if this policy is applied it could hinder something like that from happening which it's a man generated alteration, but it is defined to bring back and restore a certain, you know, certain features, natural feature. So it's just a thought.

Ms. Kaye: I would agree with you if you didn't have the word unique in there. You have unique in there and you completely eliminate any possibility that someone is turning over any old rock. So I don't see the issue, but –

Ms. Bosco: Okay. "Protect the natural state and integrity of terrain and geological features from alterations." Okay, Kathleen?

Mr. Elliott: . . . (Inaudible) . . .

Ms. Bosco: You want unique? I'm sorry. Thank you. Sorry. Okay, if there's no other discussion on this, we'll move to A-1-g.

Ms. de Jetley: Did you want us to vote on sections as we go now that we've finished this first part? Because we're going on to the next goal right?

Ms. Bosco: Right now, we're still in the same section, A-1-g, and after that, we'll take a vote on the entire section.



Ms. de Jetley: Okay.

Ms. Bosco: So any comments on A-1-g?

Mr. Gima: If not, I'll entertain a motion to approve goal A, objective A-1 and the accompanying policies with amendments.

Ms. de Jetley: I move to accept A-1 to A-1-g with amendments.

Mr. Lawrence Endrina: Second.

Mr. Gima: Okay, it's been moved and seconded that we approve goal A, objective A-1 and accompanying policies with amendments. Any discussion? Hearing none, all in favor say aye.

Commission Members: "Aye."

Ms. Bosco: Can we have a show of hands please? (*Hands raised.*) Unanimous. Thank you.

**It was moved by Commissioner Alberta de Jetley, seconded by Commissioner Lawrence Endrina, then unanimously**

**VOTED: To approve the goal A, objective A-1 with supporting policies with amendments.**

Mr. Gima: Motion is carried.

Ms. Bosco: Okay, objective A-2.

Ms. Kaye: I would suggest we think about flipping restore – say restore and protect – and adding in the zone at the end of water quality.

Ms. Bosco: And A-2 is improve the quality –

Ms. Kaye: I'm sorry.

Ms. Bosco: Okay, we'll wait. You were talking about the next policy then? Okay.

Ms. Zigmond: I didn't see anywhere where anybody addressed issues such as GMO's and recycling, and to me, it kind of goes in the natural environment. Would that – I would think the whole County would want to do something in those areas but –

Ms. Bosco: Yes, we have recycling addressed elsewhere. I believe it's Public Facilities or Infrastructure – I can't recall which section – but it's later. GMO's – I'm not sure that's addressed. If you would like to make suggestion that we research that to see where else it's addressed, we can. Okay. If there's no comments, we'll move to A-2-a.

Commissioner Kaye.

Ms. Kaye: I'm sorry, that's the one I was going to suggest we think about saying restore and then protect near shore reef environments and water quality in this zone – because water quality hanging out there could be ambiguous.

Ms. Bosco: In this zone?

Ms. Kaye: Yeah. Protect and restore near shore reef environments and water quality in this zone.

Ms. Bosco: I'm just trying to understand when you say "this zone," what zone are you referring to?

Ms. Kaye: Well, water quality within the near reef.

Ms. Bosco: I see. Okay. Any other comments? If none, we'll move to A-2-e which is the second policy down. And this is proposed to be an implementing action, so it would be taken out potentially.

Mr. Gima: I just had a big question mark on my notes. I didn't understand this whole policy.

Ms. Bosco: The statement? Okay. This policy is designed to actually maintain natural drainage ways and encourage keeping drainage ways and storm water corridors in their natural state instead of hardening them – and how can I say this? – grass swales and keeping drainage –. I mean, right now, the County is actually hardening a lot of drainage ways and it's just not a good practice, I don't think. And this policy is designed to try and encourage the natural – using the natural terrain and preserving it for drainage systems and so forth. You want to add to that John? No.

Mr. Gima: Okay, thank you.

Ms. Bosco: Okay, and so again, this is proposed to be taken out as an implementing action. However, if the Commission wants to think about keeping it as a policy and letting us know if it should be retained as a policy – that would be a good thing for us to know now. It's very specific. It's more of like a management practice so that's why it's scope to be taken out. If not, moving to A-2-b. Here we've kept the portion of the statement which should be retained as a policy, and removed the portion of the statement that is more of an implementing action. And what's to remain is "protect the County's marine resources and wildlife." And then there's some examples of how that would happen. Okay, A-2-b.

Mr. Gima: I just had notes that wouldn't this be State and/or Federal jurisdiction?

Ms. Bosco: It could be. It could be both actually. It could be a County, State or Federal. However, we want to make sure that the County is supporting the protection of County's

marine resources and wildlife, so we got it in here.

Mr. Gima: Then maybe we should change the wording to “support the State and Federal governments’ effort to protect the County.” Because if you say protect the County, then they’re – then the County has to protect the marine resources and wildlife.

Ms. Bosco: We could even go further and strike the word “county’s.” If we broaden the statement to say protect marine resources and wildlife, it provides direction at all levels – at all jurisdictional levels. Right now we have many County programs designed to protect marine resources, actually, and we don’t want to forget about that. For example, our CZM program is designed to do that. So, if we did strike the word County, it would be very broad and it would give a message to all policy makers and all levels of government.

Ms. Kaye: Would it solve the problem to simply say protect marine resources and wildlife within the County?

Ms. Bosco: We can do that too.

Mr. Gima: Like the last meeting, I would like to see language in there that indicates that the State and the Fed’s – I mean, that’s their primary responsibility.

Ms. Bosco: Okay, if that’s the case, then we could rephrase it to include the County – “to support the County, the State and the Federal government efforts to protect the County’s marines –” or “to protect marine resources and wildlife within the County.” How’s that?

Mr. Gima: I can live with that.

Ms. Bosco: Thank you. Any other comments? If not, we’ll move to the next statement which doesn’t have a number. What this is –

Ms. Kaye: Yeah, I’m sorry, I wanted to sort of throw a slot in here. There’s no question that there’s government agencies that are tasked with doing this, but there is no reason why in our Community Plan, leading up to the Community Plan, before or after the Community Plan, we couldn’t as a community, for example, put together a set of proposed rules, go to DLNR and ask them to set rules for those areas that they control. So, I hate to leave the impression that we’re throwing off our own shoulders when there is a role, especially on an island like Lana`i, that’s wholly owned, and the State controls so little of it. The Park Council is having a meeting tomorrow night on this very subject if anybody is interested in going. So that’s just a thought.

Ms. Bosco: Thank you. And just another side thought on this last policy, keep in mind that there are other organizations and also people from the public that do do a lot to try and protect these resources. And I know the statement here doesn’t preclude them from being able to do that, but if you did broaden it, you would be speaking to encouraging all kinds of groups and organizations to protect resources.

Mr. Summers: Thank you Mr. Chairman, if I could add a little bit more. This is was really

a tactically decision that was made early on in the GPAC review process – sort of a philosophical decision – because we have these State, County, Federal responsibility issues that crop up with infrastructure systems, education, economic issues, and ultimately a decision at the GPAC level, anyways, was made that we would approach it and form the policy so that it would be the voice of the community. It's the community's desire that this happens regardless of who the actor is – the responsible actor for implementation. Whether it's a non-profit organization or a County organization or a State organization. So it is an issue that's going to crop up throughout the document. Currently, we've left it broad so that we can, for instance, if it's a State issue, it gives the County ammunition to lobby the State to effectuate change.

Ms. Bosco: The next statement here – adopt the design review policies and programs – came from an original policy, and that policy somehow got collapsed into several other policies. And this is – the piece of it that remains and it is clearly an implementing action – design review policies and programs are things that happen in special districts or in community plans. So we're proposing that this be taken out if there no objection? The next policy statement A-2-c. Any suggestions? If none, we move to A-2-d, the last policy statement. And that is, again, an implementing action, utilizing land conservation tools to ensure the permanence of valued open spaces. And we feel that this should be a program that could be designed to be an entire conservation program. But, again, if the Commission would like to retain that as a policy statement in the Countywide Policy Plan we can re-scope it as a policy. Okay, if there's no other comments.

Mr. Gima: Okay, I'll entertain a motion to approve objective A-2 and accompanying policies with amendments.

Ms. Kaye: What would be the protocol if I want to vote against just one?

Ms. Bosco: Good question. I would recommend that we exclude that just one. If there's a lot of discussion on one, we could take a vote excluding that one.

Ms. Kaye: Okay.

Ms. Bosco: That would be better.

Ms. Kaye: I move that we approve objective A-2, with the exception of A-2-b, through A-3-k. No. Sorry. A-2-d.

Ms. Bosco: So excluding A-2-b from the objective and the supporting policy statements.

Mr. Endrina: I second.

Mr. Gima: Okay, it's been moved by Commissioner Kaye, seconded by Commissioner Endrina that we approve objective A-2 and accompanying policies A-2-a, A-2-e, A-2-c, and A-2-d. Any discussion? Hearing none, all in favor please raise your right hand.

Commission Members: *(Hands raised.)*

Ms. Bosco: It's unanimous. Thank you.

Mr. Gima: Motion is carried.

Ms. Bosco: Did we get a second on that motion?

Mr. Gima: Yeah.

Ms. Bosco: Who was that seconder?

Mr. Gima: Commissioner Endrina.

Ms. Bosco: Okay. Thank you.

**It was moved by Commissioner Sally Kaye, seconded by Commissioner Lawrence Endrina, then unanimously**

**VOTED: To approve objective A-2 and supporting policies, except A-2-b policy.**

Ms. Zigmond: I'm just curious what's going to happen to A-2-b?

Ms. Bosco: Okay, we're going to come back to it now. Okay, A-2-b is revised – amended to read “support the County, the State and the Federal government's efforts to protect the County's marine resources and wildlife.”

Mr. Endrina: I just feel the A-2-b – I think the original one, being everything else, is broad – to keep it that way.

Ms. Zigmond: I have to agree with Butch on that except I would say to protect the marine resources and wildlife within the County.

Ms. Bosco: Thank you. Any further discussion?

Ms. de Jetley: You need to delete wildlife because a lot of it is invasive – like wild boars, the access deer – they're all environmental problems, so we shouldn't protect them. They need to be either eradicated or managed. So I would go with “protect the County's marine resources” and leave it at that, but delete wildlife, because we have no natural wildlife.

Ms. Bosco: Would it help to include or revise that word to be natural resources since resources are something that support life? Typically it's defined as any kind of natural part of the world that supports life? Or is useful to other life.

Ms. de Jetley: No because the other natural resources will be botanical resources. And I think the other things have already covered that. But wildlife, we should delete.

Ms. Bosco: Okay, any further discussion about that?

Mr. Gima: The original language had to do with just marine resources and marine wildlife – or was it all wildlife?

Ms. Bosco: It was intended to include the animal world on earth – I mean not on earth, I'm sorry, on land.

Mr. Gima: All. Okay.

Mr. Ethan Bogar: . . . (Inaudible) . . .

Mr. Gima: Okay, you want to pick up the mic?

Mr. Bogar: . . . (Inaudible) . . .

Mr. Gima: We need you on record – on the microphone please. Please state your name and then give testimony.

Mr. Bogar: Hi, I'm Ethan Bogar. There are some native species that live along the Hale – up there – you know outside the deer and the invasive species, which they'll eat most of the vegetation along the watershed. That was the only thing that I saw. That may be just to consider looking into those species.

Mr. Gima: Okay, I withdraw my comments earlier since this is not specific just to marine resources and wildlife.

Ms. Bosco: And another term that was just suggested is the term native species.

Ms. de Jetley: That was what I was going to suggest – that we change it to “protect marine resources and native species within the County of Maui.”

Ms. Bosco: Thank you.

Mr. Gima: Any discussion on Alberta's recommendation?

Mr. Dwight Gamulo: Yeah, what's native? Anything that escapes in the wild could be called a native. You might want to – anything – if you want to –. Well, what about this? How about support the protection of the County's marine resources and wildlife? Support the protection and/or management – how's that? Because you're not trying to put in here to eradicate – maybe it's what you want, but apparently other people don't want you put in here, eradicate sheep and deer, right? So, managing them is a way of dealing with them. . . .(Inaudible. Changing of tapes) . . . have to define the word – it could be either endemic or indigenous – yeah – indigenous or endemic instead of native. But then, you know, if you say manage, then you're covering the non-endemic or non-indigenous.

Ms. Bosco: Staff wants to point out that the next objective statement does address

management. So if you wanted to void restating it, you could – I mean, it's addressed later in the document. So, also, keep in mind protecting resources and native species would include management – natural resource management is an entire field of in itself, but we can certainly keep that word, but it is addressed in the next objective.

Mr. Gima: Okay, so what we have on the table here?

Ms. Bosco: Okay, the statement now reads “support the protection and management of the County's marine resources” and did you want the word endemic or indigenous?

Mr. Gamulo: Well, endemic and indigenous are two different things – either both of them or neither one.

Ms. Bosco: How about both of them since they're different?

Mr. Gamulo: Okay.

Ms. Bosco: Endemic and indigenous species. D-I-G – indigenous – there you go. How does that statement read for everyone now?

Ms. Kaye: I would reiterate what was said earlier that it should not be the County's as if they own it, but those resources within the County.

Ms. Bosco: Okay, thank you. So, management of marine resources and endemic and indigenous species within the County. Actually I would say put a comma after resources and strike and. There's too many and's there. Anything else?

Mr. Gamulo: Yeah, the word species, maybe you want to change it back to wildlife. No?

Ms. Bosco: Okay, the comment was do we want to change the word species back, and Commissioner de Jetley is recommending retaining species as a word.

Mr. Gamulo: I give up.

Mr. Gima: Unless there's any objections to the wording there, I'll entertain a motion to approve policy A-2-b.

Ms. Kaye: So move.

Ms. de Jetley: Second.

Mr. Gima: Okay, it's been moved by Commissioner Kaye, seconded by Commissioner de Jetley that we approve policy A-2-b. Any discussion? Any further discussion? Hearing none, all in favor, please raise your right hand.

Commission Members: *(Hands raised.)*

Ms. Bosco: Unanimous. Thank you.

Mr. Gima: Okay.

**It was moved by Commissioner Sally Kaye, seconded by Commissioner Alberta de Jetley, the unanimously**

**VOTED: To approve policy A-2-b as amended.**

Ms. Bosco: Just to keep an eye on the clock – we have 10 minutes till seven – so we can try and finish this if we can.

Mr. Gima: I was going to suggest that we break here, and then get prepared so we can start at seven.

Ms. Bosco: That's fine, if you prefer that.

Mr. Gima: Any objections to that from the Commissioners? Okay, so after the public hearing, we'll pick up on objective A-3.

Ms. Bosco: Thank you.

*(The Lana`i Planning Commission recessed at 6:52 p.m., and reconvened at 6:59 p.m.)*

**C. PUBLIC HEARINGS (Action to be taken after each public hearing. To begin no earlier than 7 p.m.)**

- 1. MR. RALPH MASUDA, Vice-President of Planning and Zoning of CASTLE & COOKE RESORTS, LLC requesting an amendment to the Special Management Area Use Permit and Project District Phase 2 Approvals for a 5-year time extension on the period to complete construction of the Manele Residential and Multi-Family Development at TMK: 4-9-017: 001, 002, 003, 004, 005, and 4-9-002: 049, Manele, Island of Lanai. (95/SM1-015) (95/PH2-001) (P. Fasi) (A time extension was previously granted by the Lanai Planning Commission in 2003) (Previously discussed at the March 21, 2007 meeting.)**

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

Mr. Gima: We're back in order. We're getting ready for the public hearing. This is regarding Castle & Cooke Resorts, LLC requesting an amendment to the Special Management Area Use Permit and Project District Phase 2 approvals for a 5-year time extension on the period to complete construction of the Manele Residential and Multi-family development. Time extension was previously granted by the Planning Commission



in 2003, and this was previously discussed at the March 21, 2007 meeting. And they are here to provide their compliance report. At this time, I'll turn this over to Paul Fasi.

Mr. Paul Fasi: Thank you Chairman. This issue was first brought up on March 21, 2007. And at that meeting, the Commission had some questions on conditions #3, 7, 9, 10, 12 and 14 on the compliance report. The applicant has resubmitted new findings on these in more detail and hopefully they'll meet with your approval. The Planning Department also requested that they address the balance of the remaining conditions just so that we may address everything all at one time. I could go over each condition if you wish. The conditions that are in question – #7, 9, 10, 12 and 14. The applicant is here and they can go into in more detail that what is written and documented here.

Mr. Gima: What's the pleasure of the Commission? Do you want Paul to go one by one or are you satisfied with what's presented in writing? Okay. I had one question. Did the Department have a summary or recommendation? Because this came out and there was like no cover sheet or cover letter that usually accompanies something like this.

Mr. Fasi: No I didn't want to. I wanted the Commission to review it first before I gave any kind of recommendation. Based on what was submitted here, the Department would give an approval on this compliance report, and we feel it adequately addresses all of the issues here. So I didn't want to issue an approval and then come to Lana`i and there be some other issues and then have to retract that approval. So I wanted the Commission to have a look at it before we gave written approval.

Mr. Gima: Okay, any questions for the Planning Department on the compliance report? Bev?

Ms. Zigmond: What are our options on voting? Would it be same as – I mean – would it be approved, approved with conditions – that kind of thing?

Mr. Fasi: No. You're basically just reviewing the compliance report. You're not making a decision on whether to approve or not.

Ms. Zigmond: Okay.

Mr. Fasi: You would make a comment on the conditions to bring it up to your standards or to answer any questions that you may have – or you want, you know – in more detail, and then the Planning Department would make that recommendation.

Ms. Zigmond: And then "bum-bye" we'll vote? Later on we'll vote at another time?

Mr. Fasi: No, this is basically a compliance report. It's not a permit approval.

Ms. Zigmond: Right I understand this is a compliance report, but I know this was asked for a five-year extension. And I'm saying, like, what if we thought maybe five-years –

Mr. Fasi: On the extension, yes. I'm sorry, I thought you were talking about the compliance

report itself.

Ms. Zigmond: Okay.

Mr. Fasi: No, on the extension, yes Ma'am, you are correct.

Ms. Kaye: Mr. Chairman, maybe we could just proceed the way we've been all night, and assume that everyone has read the material and if they questions, we can just go down the line and ask them of Mr. Masuda and clarify some things that anyone thinks need clarification from there.

Mr. Gima: If there are no further questions for Paul, then we'll open up to questions to the applicant. Larry?

Mr. Endrina: I have one. One condition #7, the public access – I don't see anything in there that says there's a continuous maintenance on the access.

Mr. Fasi: I will have the applicant address the maintenance of the access. Is this something you want included as a condition – the maintenance of the access?

Mr. Endrina: Well, that was one of the questions because the access wasn't maintained. So now it's maintained, but is there a regular maintenance scheduled for that five-year period?

Mr. Fasi: I'm going to forward your question to the applicant.

Mr. Ralph Masuda: Before I get started – before I answer your question, Larry, I'd like to introduce some of the people that will be involved in the discussion of the conditions as the questions arise. So, for water I have Joe Kaakua, who is our Director of Utilities for Lana`i. And our legal counsel back there, Gary Yokoyama. On the drainage issues, I have Clay Rumbaoa. On the development side, we have Jon Shimizu and myself, and Jarvis Chun from our Maui Office.

Basically, Larry, on your question about maintenance, we do have – we have entered into a – well, we have a unilateral agreement basically talking about the two public access. And in that, basically, it's – well we've got to maintain it because it's ours. It's a public access, but the ownership belongs to us. So we would continuously maintain it, and it's an SMA condition, Project District Phase 2 condition, so it will always be there.

Mr. Endrina: How long before or who actually monitors the access then? I guess, is there somebody that actually goes maybe once every year or once every six months that actually look at the access?

Mr. Masuda: At the condition of it?

Mr. Endrina: Yeah. Especially for the trail that goes down.

Mr. Masuda: We have a – let's see – if that under facilities, Angel? That's Angel's department that basically would be doing the trail maintenance and taking care of the parking lot.

Mr. Gima: Bev.

Ms. Zigmond: I have a question on item #15, and this might just be semantical, but I'd like to ask it anyway. On the response it says CCR will comply. Does that mean it's not being done now?

Mr. Masuda: No, it's always been –. Basically, once we put it in, it's always been in compliance. It's regularly maintained.

Ms. Zigmond: Okay, because other places it says, you know, CCR has and will continue, so I was just curious. Okay, thank you. On #16, that the applicant shall continue to submit quarterly monitoring reports.

Mr. Masuda: That's right.

Ms. Zigmond: And then under the response, it said that the most recent monitoring report was done in the fourth quarter of 2006, and that doesn't seem like quarterly to me.

Mr. Masuda: The latest one that we just got was the first quarter of 2007, and that's from our consultant. And that's the 60<sup>th</sup> quarterly report that he has done for this area, so he started back in – almost 1989. So it's 60 reports on water quality, and then I think there's like 56 reports on the coral and the fishes in that area also.

Ms. Zigmond: The numbers are staggering, in deed, but I was just curious if it was suppose to be quarterly and they're not being done quarterly?

Mr. Masuda: They are.

Ms. Zigmond: They are?

Mr. Masuda: They are.

Ms. Zigmond: Okay.

Mr. Masuda: But it's a matter of compiling all of the data and putting that thing to, you know.

Mr. Gima: While Bev is reading that. Ralph, would you summerize those quarterly reports and tell us about the water quality of Hulopo`e Bay.

Mr. Masuda: Well, the water quality of Hulopo`e Bay changes with the, you know, rain and the run-off that goes in there. However, basically, the summary points out that, with the golf course, the water quality has not really changed because he does have control

stations outside of the area. The farthest one is down by Awehi gulch. And comparing that, there's also a comparison of the control and the area that he is studying. And he's found that in many cases the area that's fronting Hulopo'e Bay is cleaner than Awehi because Awehi does not have the grass of the golf course to filter the water. Because it's just a gulch that runs down straight into the ocean at Awehi. But basically the summary is the same every quarter except for one quarter, and that was when the golf course was being constructed.

Mr. Gima: Thank you.

Ms. Kaye: I wanted to ask also about #16. I've been told that the Park Council does not receive these reports, and I personally check in the Library and they do not have them.

Mr. Masuda: Well, I don't know because I sign all of the letters, and they are addressed to the Library and the Park Council.

Ms. Kaye: Well they're not there.

Mr. Gima: Ralph, will you take the responsibility of finding out?

Mr. Masuda: Sure.

Mr. Gima: About the beach Park Council and the Library? Thank you. Jim.

Mr. Masuda: You know, this is my last letter that went out September 11, 2007, and the cc goes to the Hulopo'e Beach Park Council Chairperson – I don't know who that is – and Department of Health, and the County of Maui Planning Department, Lana`ian for Sensible Growth, Lana`i Public Library, DLNR, Department of Public Works, Land Use Commission.

Ms. Kaye: Well, I think pursuant to one of the MOA's that the Chairperson of the Council is suppose to change periodically – the Beach Park Council – so maybe –

Mr. Masuda: Well, maybe then what we'll do is make sure that who ever staffs the Park Council from the Company gets the report to give to the Park Council members.

Mr. Elliott: Ralph, can you elaborate a little? Are we going to another point? On #14, could you elaborate a little bit more on that? I'm reading that to understand that you have the ability to produce more water, non-potable water, but as development occurs but you haven't gotten to that point yet. Can you just elaborate on that for me?

Mr. Masuda: Jim, you have to remember that this condition goes back to 1995. And since that time we've developed well #14, which was added to the system for non-potable water. But to talk more about it, I would like to defer to Joe Kaakua on the water issues.

Mr. Joe Kaakua: I'm sorry, what was your question?

Mr. Elliott: Actually I just wanted more a clarification about your – the response to #14. Can you just – as far as the – it's the ability to prove – to provide irrigation water for the

golf course. The part that I was looking at is that it says it's planned for a capacity of 400,000 gallons a day. As additional development occurs, it will be expanded. That last paragraph, I was wondering –.

Mr. Kaakua: That's the Manele Wastewater Treatment Plant.

Mr. Elliott: Exactly, right.

Mr. Kaalua: The Manele Wastewater Treatment Plant will be expanded when we need to expand on it based on development and growth.

Mr. Elliott: Okay, that's just what I was reading it to say. And so you have that capability and you can do that?

Mr. Kaalua: Yes. When it's the right time.

Mr. Gima: Okay, Sally?

Ms. Kaye: I wonder if it would possible to link some of this together, in terms of water – so don't go away. My understanding is that 50% – no, what's the percentage? Let me pose it as a question. What the percentage of development left to be done for which you are seeking an extension?

Mr. Masuda: I would say maybe 65% – about 65% would need to be done.

Ms. Kaye: Is left to be done?

Mr. Masuda: Yes.

Ms. Kaye: Okay. And in the next five years with an extension, if you go to build up, how much more non-potable water would you need for the purpose of irrigation?

Mr. Kaalua: To full build-out, we will need additional sources. We will need additional sources of potable and non-potable.

Ms. Kaye: So well #14 then isn't solving – isn't going to answer –?

Mr. Kaalua: Not to full build-out.

Ms. Kaye: Okay, how will you schedule these? How will you discover these new sources of water to occur within the next five-years?

Mr. Kaalua: The schedule would be tied to development. When we need it, we will schedule new sources to come on line.

Ms. Kaye: So you've already –

Mr. Kaalua: So we'll look at alternate sources.

Ms. Kaye: You've already dug the wells? You just don't have them on-line? Is that what I'm understanding?

Mr. Kaalua: No.

Ms. Kaye: No?

Mr. Kaalua: No. We have some wells that are drilled that are not being used for various reasons. We haven't identified the sources yet.

Mr. Gima: Okay, any other questions from the Commissioners before we go to public hearing? Okay, thank you – Sally's got one more.

Ms. Kaye: I'm sorry, just one more. On #17, the applicant shall preserve the colony and submit a mitigation plan. And your response indicated that the – DLNR indicated that there's not going to be a need for mitigation. Correct? Am I understanding what we've got in front of us so far? And so my question is, preservation isn't the same as mitigation so is the Company taking steps that are designed to preserve?

Mr. Masuda: I think on the Canavalia, the only thing that DLNR had stated in the letter was they have reviewed the mitigation plan. The mitigation plan at that time was – we were – would not impact the Canavalia plan because of the location of that plan. It was located in the Kapihaa Archeological Preserve. And basically, the idea was to leave it alone and to have it go it by itself.

Ms. Kaye: Thank you. I wasn't sure if that was two things you had to do or just one. I understand now. Thank you.

Mr. Gima: On a bright note, under #23, I'm happy to see at the bottom of page #7 that Castle & Cooke is going to develop a soil stabilization measure above the Manele Project District because in the previous hearing, I think, Clay, you had mentioned that you had no knowledge that being done. And I remember that RM Towill had recommended that, so I'm glad it's on record that that's what the Company is going to do. Thank you. Okay, so at this time, no further questions from the Commissioners, we'll go to public hearing. We have five people testifying. First is Winnie Basques, followed by Lorraine. So would you please state your name. I beg your pardon?

Ms. Winnie Basques: . . . (Inaudible) . . .

Mr. Gima: Okay, same for Lorraine – you thought it was just a sign in? Okay. Perennial testifier Ron McOmber.

Mr. Ron McOmber: My name is Ron McOmber – resident of Lana`i – also President for Lana`ians for Sensible Growth. We have talked before about the real concern of having the MOA in your hand because a lot of this stuff we're talking about – that we're so

concerned about the Company has not fulfilled and there is no MOA and they're dodging it. But as far as these conditions are concerned, I went down to the access area for the two parking areas and it looked like a major parking lot, except for one thing – one of the parking area still has a boat parked in it. Now if one of us went down there – I was there two weeks ago and the boat was still there. It's not there and Ralph shaking his head "no," well then that's good – it's gone. Those access areas have to be put in and it has to be maintained. I would argue that when you give them their extension, that you do not give them a five-year extension. I'm sincere about this because these things can deteriorate.

And the issue of the water quality report – if you did get it – you wouldn't be able to understand it. When we first got our first report, we went to the University of Hawaii, Marine Biology Department which Dr. Brock is closely affiliated with. They would not answer our questions. They would not define what was in that paperwork. And believe me, it's two pieces that are about this thick – two reports. I just got mine about two weeks ago or so. Lana`ians for Sensible Growth gets one. The Library should get one – everyone that's involved. But when you get it, you're going to have someone decipher it. Because I sent mine to California, to UCLA, and I've been sending it every six months. But Ralph says it has no impact on the Bay is not the truth. What we're hearing from Marine Biologist is that Bay is deteriorating. And if dove in that place, snorkel in that place, you know that the (inaudible) is increased – it's really bad – and a development has a lot to do with that – all up and down the shoreline. It is not the same Bay it was before the development. It was a bad place to put that hotel in the first place, but you can't help that.

I am concerned about the water drainage plan for that area. Ever since RM Towill has been pulled off this island, we have not had our updates on the Master Plan. Even though I understand it has been submitted to the County, the common courtesy would be to tell the community like RM Towill is doing in the first run. We still haven't heard about the Master Plan for Lana`i City – which has nothing to do with this of course – but just to show you that we need to keep on them and keep them honest. So, I would suggest – strongly suggest – that you do not give them a five-year extension. Make it two years at the very most, and that way we can watch this develop. If there's a lot of fences that have to kept down there. There's always changing situations, so we need to keep on top of that. The people that went down and looked at those parking lots in those conditions after that last meeting – what was in March or whatever – they just shook their head. Even the Company people shook their head in amazement that they hadn't done anything. So from LSG's standpoint, I still would like to see the MOA no matter what the County says, no matter what the Company says. You need to be informed of what this Company has made a commitment to this community. Thank you very much.

Mr. Gima: Okay, any questions or comments to Ron?

Ms. Kaye: Ron, I'm sorry, I can't let you go. You said specifically you have information. #16 says it shall mitigate and restore any impacts to Class AA waters, and the reports, according to the Company, say that's being done. You're saying that you've gone somewhere else that say it's not being done?

Mr. McOmber: It's deteriorating. It's not the same double-A water it was when we started the development. And by those reports – by Brock's reports – that is what they are telling us. That's what Marine Biologist at UCLA are telling us.

Ms. Kaye: Do you have that information with you?

Mr. McOmber: No. I wasn't expecting to have that in dispute, but there are people who wrote letters to the County from the West Coast and they've never had a response back to the County telling that this is deteriorated. Are you letting me go?

Ms. Kaye: I'm sort of wondering what to do about this. There's a report, and I know one exists in the library. It's just not all of them are there. I don't know what happened to the other ones. And if indecipherable, well, maybe we can find a way to make it a little more easy to read. But you said something fairly serious here, and I think if you want to follow up on that, that would be a good thing – bring in some –.

Mr. McOmber: I've done the follow-up and it seems like it falls on deaf ears because the person that did the report and got back to me on the phone said he sent a letter to the County, to the Planning Director at that time and never got a response from the County – not even a hello, I got it, I didn't get it. And what more can we do if you take it to that agency and nobody says anything? So, I don't know. I can go back and give you a report from day one, and you can look at it, and take the reports and have some independent body shake them down, and they'll tell you the same thing. I understand the quality of the water is not the same.

Mr. Gima: Ron, would you be willing to have your contacts on the West Coast address a letter to the Lana`i Planning Commission?

Mr. McOmber: Absolutely.

Mr. Gima: Okay. Thank you.

Mr. Masuda: Can I make a statement on the report?

Mr. Gima: Sure.

Mr. Masuda: We send a copy of the reports to the Department of Health Clean Water Branch. They're in charge of the classification of the waters around the islands. And a Class -AA water are still Class-AA water around Lana`i. And the only comments that we ever got back from them was that to continue doing the reports because it helps them to put conditions on other areas within the State to do the same type of reports. The data that we collect and the amount of data that's provided in these reports are helpful to the Clean Water Branch.

Mr. Gima: Thank you. Okay, last call Ron. We've got two more testifiers.

Mr. McOmber: I'd just like to respond to that. And you know it, and everybody that lives



on this island, know that their friends come back to Lana`i and go in Hulopo`e Bay and dive and swim know that water is not the same water it was prior to development. And it maybe (inaudible). It may only be that type of situation, but there are other forces. But that Bay is not the same Class-A, double-A water that we knew in the late 70's and th early '80's. I can tell you that right now. And anybody who has ever come back to Lana`i and went out there and swam – ask Judge Dean how clean the water is folks – no matter what they say.

Mr. Gima: Okay, Ron, so we'll look forward to the report to the Planning Commission from your contacts. And although item #16 refers to just Class-A waters, I know there's a lot of residents here that also look at the degradation of the reef. Unfortunately, I don't think that's covered in condition #16. Okay, next testifier, Ethan Bogar.

Mr. Bogar: . . . (Inaudible) . . .

Mr. Gima: You were signing in too. Okay. Next is our infamous former Commissioner Pat Reilly.

Mr. Pat Reilly: My name is Pat Reilly. I'm testifying as a resident. I am a member of Lana`ians for Sensible Growth. I'm on GPAC. What else am I on? Anyhow, I'm testifying as an individual. First, I respect you guys. And you can see as go through this process, as the permits come up, and as you discuss all these issues, it's in the project specific conditions that you hold the developer accountable for maintaining all the things you're striving for in the General Plan and the Community Plan. I don't have it front of me – I kind of remember it – the Project Specific conditions, as I recall, were quite complete and complex. I think the issue for the Commissioners is the accountability and the monitoring of those conditions. Personally, I'm not sure by shortening the length of the extension, whether you gain anything on accountability. It seems to me there needs to be maybe some interim feedback in the course of the permit. And you are dependent on other people providing you with information. So, that was always my struggle is, yes, we can put these conditions in. How do you monitor them? What regular process will come back to you to determine if they're being conducted properly? So, I would – and as the years go by, there maybe some new conditions that might be appropriate. As you know, 1985 is different than 2007. And so we've had that experience of having this project and it's been an economic benefit to the community. But there's all these other factors that you're trying to balance. So that was the only thing that I reflect on is that five years – I don't have any problem personally with the five-years, but I would think you would want some interim feedback along the way. Thank you.

Mr. Gima: Thank you Pat. Any questions or comments for Pat? Last call on public testimony. Okay, Winnie.

Ms. Basques: Good evening and thank you for coming here tonight and address you folks. My concern after I heard Ron – Ron was saying about the beach – I hate to say it, it's "kapulu." It's dirty. The water is dirty – plain and simple – dirty. You see all this suntan lotion, all this perfume going over there, all of them of them laying down on the sand and they go in the water. You can see all that oil on the water – the top of the water. And I

hate to say it, it's "kapulu." We were brought up to be a native Hawaiian, to take care of our "aina." But when we have "malahini's" come inside, putting on their lotion, putting on everything – "a'ole" people – stop that now because I ain't going down to that beach for take my grandchildren down there to swim. No way. I don't know how you folks are going to do this – you folks have to protect the beach as well as the land.

And talking about drainage – I'm with the Manele Drainage Task Force. Jon can verify for that because I'm been with him for a long time. You talk about drainage – the water goes right down into the ocean and you see all that "lepo." The fishes over there is not good anymore. The environment smells. I hate to say it, this is ridiculous. Something has to be done right away because that's where sickness comes inside. And when you have sickness, you're talking about health. And when the Board of Health comes in and take a look at that – people wake up – there's going to be some kind of a problem there. And it's really a big problem when somebody has to go to the hospital. To have this bacteria in here, I wouldn't want to take my children or my grandchildren down there. It's a nice beach. I was here for 45-years – the changes – too much changes – for who? Not for us people – for the "malahini's" who coming in. Why? They like this kind life – the easy life – but to us, it's our culture and our heritage. We born and raise in this islands and now it's going where ever. I hate to say this, but please do something about it now before it gets worse. Mahalo.

Mr. Gima: Okay, thank you Winnie. Any questions or comments for Winnie? If there are no other testifiers, I will close the public hearing. I have one question for the applicant. Because we don't have any other documents that came with this, Ralph can you comment and using the Exhibit D map, the five-year extension is for what area in the Project District?

Mr. Masuda: Basically it covers all of the kind of light-blue colored ones on the map – are projects that are – Exhibit – what Exhibit are you looking at Butch? - D?

Mr. Gima: Exhibit D that's attached to the compliance report. It has red lines and rectangles.

Mr. Masuda: That's the drainage – that's the one that shows you all of the drainage basins?

Mr. Gima: Yes. Paul. Paul. Paul – let the applicant answer this please.

Mr. Masuda: The SMA and Phase 2 Project District approvals cover everything – basically it covers for 166 lots and 54 multi-family projects and it stretches from the – all the colored things that you see on here – all the colored – the lots that are colored in here.

Mr. Gima: There are three shades of gray on our Exhibit D.

Mr. Masuda: That's right, and that's the total Project District Phase 2 and SMA approval that was given. That's for a total of 166 lots and 54 multi-family except for the Palms. The Palms was never approved for in 1995. The Palms had to go through it's own District Boundary Amendment from rural to urban, and get its own Phase 2 and Project District

SMA approval. So it covered the Terraces – the Fairway Terraces and the Terraces at Manele, and all of the house lots that you see. What you see –

Mr. Gima: So –

Mr. Masuda: When you're looking at the colors, don't get confused. It just tells you where we are in the development. Basically, except for the Palms at Manele, the SMA approval and the Project District Phase 2 approval covers all of the colored area that you see. . . (Inaudible. Changing of tapes) . . .

Mr. Gima: Hold on. Hold on. That's why I asked earlier Paul. I'm really disappointed because it's just like we got this and it's like plopped in our packet, and it basically required me to look back in all of my previous documents to see what we were possibly approving. And, you know, there wasn't a summary of what happened in the last six months that got us to where we are right now. So that's why I'm having to try and remember from six months ago what we discussed back then. I mean, we had the documents in front of us then, but there's no summary. This Exhibit D is not clear on what the extension will cover. I mean, Ralph, you're fumbling right now trying to explain to us what we're looking at here. I tell you what, let's take a five minute break – you guys get your act together and then we'll come back.

*(The Lana`i Planning Commission recessed at 7:43 p.m. and reconvened at 7:47 p.m.)*

Mr. Gima: Okay, we're back in order. Ralph, you've got the floor.

Mr. Masuda: I think the confusion lies in the colors that we provided on this map here. And basically the SMA was not – was more for the subdivisions and not for the house that was to be built on that. Okay? As each lot gets develop, that owner would have to go through to the County of Maui for grading permits and everything else. What you see on here, except, as I mentioned, except for the Palms, is what we're in for an extension for. What you see as completed basically we've met the SMA and the Project District Phase 2 approvals. This is just for the remainder of the lots.

Mr. Gima: Okay, any questions from the Commissioners? Sally?

Ms. Kaye: I'm confused. What are you – if it's just for lots, what is you do? You get a five-year extension and then what happens? What steps do you take?

Mr. Masuda: If I get the extension?

Ms. Kaye: Yes.

Mr. Masuda: Then we'll develop the lots.

Ms. Kaye: But you develop them –?

Mr. Masuda: We're still in the subdivision and everything that –

Ms. Kaye: Up to the point of putting it on the market for someone to buy?

Mr. Masuda: That's right.

Ms. Kaye: So you have to do the infrastructure, the electric, the water, and all of that?

Mr. Masuda: That's right.

Ms. Kaye: So sorry. Do you have a process and plans? You're going to do –?

Mr. Masuda: That's right.

Ms. Kaye: Maybe you could tell us how you're going to go forward then.

Mr. Masuda: If you look on the boxes on the left side, you have current subdivisions M-5, M-6, M-7, M-8, M-9 and M-10. What we're working on right now is M5 and that's the first subdivision that's coming down Mauna Lei Drive on the left side. That's M5. The stuff that you see in the light-blue are subdivisions that have been completed. That's –

Mr. Gima: We don't have light blue.

Mr. Masuda: It's this light-blue or light-gray. The Terraces – all of that is complete. All of the subdivision is complete on that. The ones that we're working on right now is M-5. The Palms is something separate. It's not included in this SMA and this Project District Phase 2. The Palms was a project that went alone – Project District –. It went into District Boundary Amendment because it was rural. It had to be changed from rural to urban, and then SMA and Project District Phase 2 and 3. So the Palms is not part of the extension request.

Mr. Gima: So the extension request covers the darkest future development areas, correct?

Mr. Masuda: Well, yes, technically, yes. But however, the original SMA and the Project District was for 166 lots.

Mr. Gima: The darker areas exceed that 166 figure?

Mr. Masuda: No.

Mr. Gima: It's inclusive?

Mr. Masuda: Yes.

Mr. Gima: Okay.

Ms. Kaye: So you're working on M-5. That doesn't answer the question – what's next?

Mr. Masuda: Next would be M-6.

Ms. Kaye: And you said you're going to knock them off. And once you get those done, then you move to the black, future development?

Mr. Masuda: That's right. Or it can be done concurrently depending on how the market goes.

Ms. Kaye: Okay, so, what I'm hearing from Butch and now from you is there isn't much difference between under development and future development.

Mr. Masuda: No.

Ms. Kaye: It's all the same.

Mr. Masuda: Yeah.

Ms. Kaye: Okay.

Mr. Gima: Any other comments, questions from the Commissioners? Okay, a procedural question to you, Paul – normally when we get these requests, the Planning Department makes its recommendations and then we're presented with, I think, four options – I think that's what you had asked early on Bev. Would you summarize the Planning Department's recommendations, any comments about the two types of the standards and our four options please?

Mr. Fasi: Well the Planning Department recommends approval with a five-year time extension. There has been no substantial changes in what their replies were in the standard conditions. So, the Planning Department would recommend an approval on the five-year time extensions and you have the options of shortening that if you wish. The Commission has the options to approve, or disapprove with the conditions, to defer or deny.

Mr. Gima: Everyone clear on the options? Any further discussions on the request for a five-year time extension? Dwight.

Mr. Gamulo: Yeah I have a question. I want to ask the County Planning Department – last year at one of the Maui County Planning meetings, a discussion by the Director and some of the members at the Council – that Commission. They were talking about change in process for doing testing for projects. What I'm thinking about here is specifically is the way that somebody is – a company or person – is chosen and then paid to do technical work for – maybe an investigation or testing. In this case, specifically the guy who does the water quality reports for Hulopo'e is – what's his name? Brock – he's been doing it since 1989 I guess. Now, in that meeting the Director was discussing the possibility of changing the procedure for a tester or a technical advisor. Does anybody know anything about changing that procedure because the way it's done now a lot of time the applicant picks the person that's going to do the testing and pays him. Some people found this sort

of a conflict of interest which I think is important. And there seems to be some discussion now about the quality of the water at Hulopo`e. So, I guess, we have an answer maybe to my question?

Mr. Joseph Alueta: Good evening. My name is Joe Alueta. I'm the Administrative Planning Officer for the Planning Department. What you're referring to was the – we were thinking about – what were going to do with the Environmental Assessment (EA) process. When an EA is triggered for any project, traditionally what happens is an applicant will hire a consultant to do the environmental assessment. This consultant would most likely also do the SMA application at the same time, and that's all (inaudible) prior to application being submitted. There was talk at one time where if an EA is required, the fees or the funding of that EA would come from the County, and we would go out and go through and RFP process and hire a consultant, and they would essentially be paid for by the County. And then the County would be reimbursed by the applicant during the project. It was believed to be, as you said, a lot cleaner. It reduces a conflict of interest. And hopefully, I guess you could say, gotten EA's that may have looked at alternatives more seriously than the applicant's hired consultant. As some of you have reviewed an environmental assessment, you often will have your primary objective or what the project is, as well as alternatives and whether or not they have impacts. And sadly to say that went nowhere. There was no change in process. The Council did not move on anything like that.

How it relates to the water quality issue – it doesn't in the sense that the condition of who the water – that there be a water quality study and who pays for it, I guess, was designed within the way the condition was established. It obviously wasn't a condition where – there was a possibility that the applicant pay a secondary party who would then contact a third party to do the water consultant. Then you might have it, but that's not how – I believe the conditions worded this time. So that's how it kinds of relates. So it might be something you want to think for the future if it comes about in another project where you want to establish condition where you want a report done, but not necessarily directly by the – hired by the consultant – I mean the applicant itself.

Mr. Gamulo: So you're saying at the present time there's no way of getting any other – any other consultant to do any kind of testing on the water quality?

Mr. Alueta: I think in –. No, not at this time to tell you the truth. I think the problem, the issue, with the way it is now – the difference between the water quality study and environmental assessment – is that with the water quality study, it's being submitted to an approving agency such as the Department of Health who has the ultimate authority and who obviously does not have a conflict there. Where with an EA, the proposals that are within that EA that are presented to the Commission might be a conflict.

Ms. de Jetley: I just had a thought. On #16, since there was some question as whether or not the report was available to the public and Commissioner Kaye was not able to find it in the Library, would it be possible to have the report posted at a website on the internet so that the general public had full access to the full report. And also to have the report summarized in layman's language so it would be understandable. If Ron McOmber testified that they had to go to an expert to have the report interpreted for them. So if it

could be summarize – put into layman’s language so anyone who wanted to read a summary could read it and understand it. And then also have the full report available on a Company website so it would be fully accessible to the general public. Could you comment Ralph?

Mr. Masuda: I think that if you all read the report and you reach the summary at the end, or in the beginning of the report, you’ll be able to understand it. But as far as posting it on a Company website, I cannot make that decision. I don’t know if – do we have a website? Do we –? Only on Real Estates. Can we post something like on Real Estate’s website?

Ms. de Jetley: Okay.

Mr. Masuda: I think that basically, though, if you guys get a chance to read the –. Now, where’s the letter that –. Is it just sent to you Butch on the Lana`i Planning Commission? Okay, it doesn’t go to the Lana`i Planning Commission. It goes to the Land Use Commission, but we can make it available to the Lana`i Planning Commission.

Ms. de Jetley: No, I want it available to whoever is interested in reading it can have access to it.

Mr. Masuda: That’s why we have it at the Lana`i Public Library.

Ms. de Jetley: But, it’s not there.

Mr. Masuda: Well I don’t know that because I sign every letter and every post it that goes out it says Lana`i Public Library – on every one of these quarterly reports.

Ms. Kaye: On the March 21<sup>st</sup> meeting of 2006 I believe, you stated on the record that, “all the reports are in the Library.” I checked and there was one report in the Library and it was from – it was two or three quarters old. So I really wasn’t trying to give you a hard time so much as to say they’re not keeping them. They’re not there.

Mr. Masuda: Well, I don’t know how else to get it there. I mean, we can have our employee carry it there and have it stamped in. However, I trust the US mail and you know, basically, that’s how it’s done.

Mr. Gima: Well, in interest in time, instead of going back and forth, we can either – Alberta can either add a condition or you can go on the record and say what you’re going to take responsibility of doing that’s going to ensure access to all residents.

Mr. Masuda: Well I cannot commit the Company to have a special website for this.

Mr. Gima: I’m not suggesting that you have to do the website – just ensuring that you’re going to take the responsibility to ensure that there is going to be access for the residents of Lana`i.

Mr. Masuda: Okay, we’ll take that responsibility to have maybe two or three copies

available at the Lana`i Public Library, for each quarter, beginning this quarter or the second quarter in 2007.

Mr. Gima: But that's already established requirement.

Mr. Masuda: No, it's not a requirement.

Mr. Gima: It's not?

Mr. Masuda: No.

Mr. Gima: Okay.

Mr. Masuda: No, this is something that we took on ourselves.

Mr. Gima: Okay, I stand corrected.

Ms. de Jetley: I had another question that I wanted to ask. If you have a 166 lots obviously it will depend on the market whether or not you can sell a 166 lots spread out over the next five years.

Mr. Masuda: That's right.

Ms. de Jetley: All of this is under – is owned by Mr. Murdock – in its entirety – this whole project?

Mr. Masuda: Well the land right now.

Ms. de Jetley: So the whole project is banked rolled and –

Mr. Masuda: Castle & Cooke.

Ms. de Jetley: Under Castle & Cooke, which he owns in its entirety, right? He owns Castle & Cooke.

Mr. Masuda: Yes.

Ms. de Jetley: If Castle & Cooke were sold, what would happen to this plan then?

Mr. Masuda: Well the SMA conditions and the Project District conditions will still run with the land. And all of the Memorandum of Agreements – I mean, the Unilateral Agreements that we file and have recorded in land court and the Bureau of Conveyances would still stand.

Ms. de Jetley: Could we have as one of the conditions that you come back to us every two years – like every 18 months? Like approve your five-year extension and have you come back for a review every year and a half – every 18 months?



Mr. Masuda: We can file another compliance report within 18 months of the approval. Sure.

Mr. Gima: Any comments County on that procedural matter? Bev?

Ms. Zigmond: I'm just thinking about local control and keeping local control. And I'm not really comfortable with the five years.

Mr. Gima: Any suggestions?

Ms. Zigmond: To reduce it to two or three years.

Mr. Gima: Any comments Alberta? Would you still want the 18 months if it goes down to two or three years extension?

Ms. de Jetley: I would suggest doing three years with a review at a year and half – half way through the project.

Mr. Masuda: Why not three years and every 18 months a compliance report would be fine.

Ms. Kaye: I don't think that getting a compliance report like this even on an annual basis goes – addresses the issue of water. And I don't see a problem with a five-year extension but I would like to figure out a way to tie it so that perhaps every 12 months you'd have to address how many lots have been sold, how much additional water was required and what you're doing to find it or provide it? I don't know. I throw that out to see if anyone else wants to refine that idea.

Mr. Endrina: I don't mind the five-year extension, but a yearly report to us or a yearly update of what's being done – I think that suffices for me.

Ms. de Jetley: I would go with that idea too that we go five-years – a yearly compliance report. And then I have another question – you said each lot needs separate grading permits?

Mr. Masuda: That's right.

Ms. de Jetley: So do you have a Master Plan, like, to address drainage for each section as you develop them then? So if you're not doing – if you're not grading three or four lots at a time, but you're doing it individually, what happens to your drainage plans?

Mr. Masuda: Well the drainage plan doesn't really change because all of the drainage is directed to the drainage ways as approved. And basically I can have Clay Rumbaoa tell you – give you an update on our drainage improvements for the Project District.

Mr. Gima: Did you mean drainage for individual lots or drainage for the entire Project District because there is a Master Drainage Plan for the entire project district.

Ms. de Jetley: No, what he said was every lot will need separate grading permits. So every time anybody goes in to grade, they're going to have follow this Master Grading Plan. Is that how that works?

Mr. Masuda: The way the County handles it now is when you grade your lot whatever run off that's created by the grading of your lot will have to be kept on that lot. So you have underground chambers and everything else that has to run into play. You just cannot let that guy just run down to the next lot, or the next lot, and stop this whole bad effect on that. So whatever – when you grade your lot, run off would have to be kept on your lot – created by the grading. And it doesn't mean –. Whenever you cut of fill more than 50 cubic yards in the SMA, you're going to be required to go through the SMA process.

Ms. Zigmond: Based on the fact that we have not been able to talk about the MOA or know anything about it, I'm still not comfortable doing five years.

Mr. Gima: Okay, so right now we got on the table for discussion Bev's recommendation or condition of two to three year extension with 18 months compliance report, and then we've got Larry's on the table, five-year extension with one year compliance reports. Comments?

Ms. de Jetley: Mr. Chair, if we put it into a motion, we could vote and see where we all stood.

Mr. Gima: Motion on what specifically?

Ms. de Jetley: Whether or not we're going to go five-year, with one year review or Bev can make the motion to go three years with one year reviews, 18-month reviews. But if we put it into a motion, we could move on and put it to a vote and see where we all stand because it would either pass or fail and then we can go back to the discussions.

Mr. Gima: I think procedurally – correct me if I'm wrong Corporation Counsel – you can make a motion to add a condition to the existing conditions.

Ms. de Jetley: No what I'm saying is that we can make a motion to move to extend the project for five-years with one year compliance reviews. If it gets a second, then we can move on and we vote on it. If it doesn't pass, then we can introduce a new motion to see what we're going to do.

Mr. Michael Hopper: I would also note that if you want the amendment to be subject to the original conditions as well, that would be something in the motion as well. So it could be along the lines of a five-year project extension subject to the original conditions as well as the following additional condition or conditions and then go with your annual or however often you want a compliance report done.

Mr. Gima: Did that answer your question Alberta? Okay, Sally?

Ms. Kaye: Do we have to take action tonight since there seems to be – could we defer it for the next meeting?

Ms. de Jetley: Sally, it's really pointless. We have our staff here. We have Castle & Cooke's people here. I think as a courtesy to them, they need to know one way or another rather than us deferring it again because we have all of this other stuffs coming up. We can't keep pushing it back and pushing it back. You know, we need to move forward, so I really would like to see if we can get a vote on this.

Mr. Gima: Jim.

Mr. Elliott: I would just like to agree with Alberta's last comment. And I think the other part of it is I want to speak on Sally's suggestion also and that is the five-year approval with the additional compliance. And I say that because I think one of the things that we don't want to do is get in the way of, you know, things happening on the island either. And I think there's a process that's in place and I think we're in a position. I think with this recommendation of an additional compliance condition would keep everybody up to speed and yet be able to move forward with what's going on the island. So I'm speaking for what Alberta and Sally both just said.

Mr. Gima: Sally, any reasons for your inclination to defer?

Ms. Kaye: Because we have so much on the agenda tonight and I want to be very careful that whatever additional condition is thought out. For example if a five-year extension is given with one-year compliance of existing conditions plus an additional one that would require the Company to tell how many lots have been developed and what sources of water – there has to be a trigger. There has to be some way to say, well, we didn't get enough information to allow to go forward. I just don't know how procedural that works. If they just talk to us every year, and there's no ability to say, well, that's not in compliance, then where are we?

Mr. Alueta: That's why I'm standing up – because that's what I need to know – at least staff planner, Mr. Fasi, would need to know is what do you mean by a compliance report? Our traditional compliance report is they submit the compliance report, we review it relative to the conditions – if they're still in compliance with the conditions or making a good faith effort to comply with the conditions, we approve the report. It's very typical for that of an SMA or Project District approvals. To give a five-year extension with a condition that says you've got to provide an annual compliance report but you want to review it, that means you gave them a one-year extension. Okay, so, if you want to give them – that's why I want to make sure what you want. If you want a five-year extension and you're going to get an annual review – an annual compliance report with the update of how many lots they sold, how many lots they have left, and how much water is use – that's not a problem and you'll get. It won't be a meeting per say. It will be presented by the Planning Department as here it is. If they want to show up – great – it's even easier. But, there won't be an official action per say. It would just be a point of information to the Commission and this is it. That's how I would traditionally take what your condition means, so I just want to make sure that's what you want.

Mr. Gima: Thank you Joe. That having been said, any comments from those of you who made recommendations?

Ms. Zigmond: Mr. Chair, I have a question regarding what Joe just said. I'm not sure I'm understanding. If we do five-years with the yearly compliance report, if something isn't quite cosher with the compliance, what recourse do we have?

Mr. Alueta: You wouldn't, but the Department would. If the Department felt they were not compliance with a condition, we would cite them on it as being in violation.

Ms. Zigmond: But if we had different opinions of that? I'm just trying to keep control here on Lana`i and it doesn't seem like we have that and that's why I don't like that.

Mr. Alueta: I'll defer to my Corporation Counsel on this as to whether or not if you were reviewing it and you're approving it, the annual compliance report, what recourse you have. I'll defer to him.

Mr. Hopper: If you want to review and approve then give a one year extension. I would review annually. If you want to – because if they're going to have to come back and get your approval again per the compliance report then I would recommend to you that you do a one-year extension, or a five-year extension with compliance reports for review, or, I mean, it's your discretion. So you can have a shorter period of time. But really in substance, if you give a one-year –. If you give a five-year extension as Joe said, with one-year compliance reports subject to the review and approval of the Commission, I believe that you're essentially giving an annual extension or a one year extension. And that's within your right but I can't tell you which way to decide there.

Ms. de Jetley: I would really disagree with a one-year extension. It's not fair to any developer especially on a project of this size to work in 12 month increments. They need to be able to look at the overall big picture. So I'd be totally against a one-year extension.

Mr. Endrina: I'm still with the five-year. If the report can come up every year and if it's not complied with then cite them. That's my side.

Mr. Elliott: Is it appropriate to make a motion?

Mr. Gima: You asked me that before. I can't stop you from making a motion.

Mr. Elliott: You can't stop me. Well, I would – I don't see anybody else to talk – so I would like to make a motion that we approve a five-year extension with one year compliance reports.

Mr. Hopper: Would it be subject to the original conditions?

Mr. Elliott: And subject to the original conditions.

Ms. de Jetley: I second the motion.

Mr. Gima: Okay, it's been moved and seconded that we approve the five-year extension along with the original conditions and subject to one-year compliance reports. I'm sorry,

it was moved by Commissioner Elliott, seconded by Commissioner de Jetley. Any discussion?

Ms. Kaye: Yeah, that leaves us right where we are right now without addressing additional sources of water tied into how the development is progressing.

Mr. Gima: Jim?

Mr. Elliott: Can I just amend that statement to say that the additional condition is a water report on an annual basis. Would that do it?

Ms. Kaye: No, water report – maybe you can help us think how we want to word this – but a water report has to be tied to the development that's occurring during that period of time. They've admitted they have to find other sources of water to build out. So water report –

Mr. Elliott: There must be a way to word this – that conditional on the assurance that an appropriate water is available for the project or something in that effect. Is there any kind of wording that we could use that would accomplish that?

Mr. Alueta: If I may Mr. Chair, I'll try to attempt to try to see what your intent is and we'll work from there. And that is to give them a five-year time extension subject to renewal – which is a standard renewal clause – you want an annual report that addresses all of the original conditions as well as addressing how many houses have been built, how much water is being used and how water they have left to continue to build. And I guess at the same time, you want to know what their update is on searching for and developing these sources of water for the future developments.

Mr. Elliott: That's pretty close from my point of view. That wording works for me. Is it a problem for anybody else?

Mr. Alueta: You should move to amend your motion subject to that and –. That's all I'm going to say at this point.

Mr. Elliott: I move to amend my original motion subject to the wording as provided by Planning staff.

Ms. de Jetley: I second that.

Mr. Gima: Okay, it's been moved by Commissioner Elliott, and seconded by Commissioner de Jetley to amend Jim Elliott's original motion to reflect what Joe Alueta described. Any discussion? Okay, hearing none, we will be taking a vote on the amendment to the original motion. All in favor, raise your right hand.

Commission Members: *(Hands raised.)*

Mr. Gima: Oppose? Okay, motion to amend is carried. Now we have the original motion that has been amended that is now on the floor. Any further discussion on the original

motion with amendment? Hearing none, all in favor raise your right hands.

**It was moved by Commissioner James Elliott, seconded by Commissioner Alberta de Jetley, then**

**VOTED: To approve the motion to amend the original motion to include the wording as stated by Planning Department's staff.**

**(Assenting: Commissioner L. Endrina, M. Mano, J. Elliott, A. de Jetley, D. Gamulo, and B. Zigmond**

**Dissenting: S. Kaye)**

Commissioners Endrina, Elliott, de Jetley and Gamulo: *(Hands raised.)*

Mr. Gima: All oppose, raise your right hand.

Commissioners Mano, Kaye, Zigmond: *(Hands raised.)*

Mr. Hopper: The Chairperson have a vote. There's four votes for. If the Chairperson would vote for, that would be the fifth and you would be the tie breaking vote. So in this circumstance the Chair would generally be expected to vote.

Mr. Gima: Okay, I vote against the motion. So what are the options at this time?

**It was moved by Commissioner Elliott, seconded by Commissioner de Jetley to approve the original motion with amendments – MOTION FAILED.**

**(Assenting: Commissioners L. Endrina, J. Elliott, A. de Jetley, D. Gamulo**

**Dissenting: Commissioners R. Gima, M. Mano, B. Zigmond, S. Kaye)**

Ms. de Jetley: Well, I think it's our responsibility to come up with a motion that will work, that is acceptable to all of us, and I know we have other business on the agenda, but we also have the SMA thing on our agenda to discuss too. So my feeling is that the plan that we were working on before seven will just have to wait for another meeting because this is more important.

Mr. Gima: I feel we're kind of rushing and making things up as we go and I feel uncomfortable with that. And I don't want to push this along just so we can get to the other things on the agenda. I don't think that's the responsible thing to do. So again, we have the option of entertaining another motion, another motion with conditions, a motion to defer or a motion to deny. Is that correct?

Mr. Fasi: You can entertain another motion. You have the options to approve, approve with conditions, defer or deny.

Ms. Kaye: I would like to make a motion to defer and the reason I would like to defer is because I learned a lot of things tonight I didn't know. I didn't know the extent of what wasn't done. I didn't know the extent of what's left to be done. And I don't want to rush this. I think probably given some thought, we can come up with a motion that will be to everyone's satisfaction next month.

Mr. Fasi: The Planning Department would like to just say that based on what Alberta said earlier. There's a lot of resources that come here to Lana`i to put this meeting on, along with the Planning staff and the Long Range staff, the Current Planning, the Castle & Cooke people and I think a second deferral is basically unfair to this whole process here because of the resources and the time and energy it takes. We're talking about a five-year time extension. And I think we came close and I think that as a courtesy to the Planning Department and the applicant that some kind of decision be made tonight. You can't keep deferring this as Alberta said.

Mr. Gima: Okay, we have a motion on the floor. Any second?

Ms. Zigmond: I second.

Mr. Gima: Okay, it's been moved by Commissioner Kaye and seconded by Commissioner Zigmond that we defer this action. Any discussion? Hearing none, all in favor, raise your right hand.

Commission Members: *(Hands raised.)*

Mr. Gima: All those oppose, raise your right hand.

Commission Members: *(Hands raised.)*

Mr. Gima: So I need to vote again? Okay, I vote to defer.

**It was moved by Commissioner Sally Kaye, seconded by  
Commissioner Beverly Zigmond, then**

**VOTED: To defer the application.**

**(Assenting: Commissioners R. Gima, B. Zigmond, S. Kaye, D. Gamulo,  
M. Mano**

**Dissenting: Commissioners L. Endrina, J. Elliott, A. de Jetley)**

Mr. Gima: Okay, on to the next agenda item.

Ms. de Jetley: Wait, wait, I have a question. Now that we voted to defer this matter, how are we going to get together to discuss the questions we had? We can't meet outside of a Commission meeting. So we need to have a planning workshop where this is the only thing that we're going to hash out. We need to have a special meeting – a special workshop so that we can ask all the questions we need so the next time we meet in an

official Commission Planning Department meeting that we can come to decision.

Ms. Kaye: If I could respond to that. I don't think we need a special meeting. I think in fairness the other side of the story is what we ran into a little while ago – we didn't get full information in time to really know what we were looking at tonight. And I don't think we need to do more than just defer it until next time.

Ms. de Jetley: But won't we still have the same questions? And won't we still have the same problems of not being able to make a decision?

Mr. Hopper: I was just going to note that there's really no distinction between a workshop and an official meeting. All of your meetings are, you know, considered official meetings, whether it's a workshop or not, subject to the Sunshine Law. You can certainly have that discussion among yourselves in crafting the condition. And you can certainly, each individually go, after this meeting, and come up with conditions that you could potentially recommend for the next meeting and take time on your own. With the Sunshine Law, it does prohibit that there be discussion among yourselves before that meeting. If all you need is more time, you can just take more time, but that time would have to be spent, at least as far as deliberations are concerned, at an open meeting. That's all.

Mr. Gima: Alberta, do you feel comfortable putting this matter on our October 3<sup>rd</sup> meeting? And hopefully by that time, we will come up with conditions that we all can agree on and vote at that time?

Ms de Jetley: So you're saying we're going to defer till October 3<sup>rd</sup>?

Mr. Gima: That's our next meeting.

Ms. de Jetley: Okay, but it's going to push everything else back.

Mr. Summers: If I may?

Mr. Gima: Okay, wait. It will push everything back if we only allot x-amount of hours. We can chose to work a longer meeting like we are tonight. We don't have to stick to 7:00 p.m. to 9:00 p.m., or 7:00 p.m. to 9:30 p.m., and that is something that the Planning Department will then tell us whether they can or cannot accommodate us. Okay, John?

Mr. Summers: Okay, Mr. Chairman, we do have some other items on the agenda tonight, and one of those items at the end of our agenda is the setting of the next meeting's agenda. As we get into the next public hearing item and perhaps a few of the other items of business tonight, we may have a better feel for our needs for the next meeting based on what happens on these next agenda items. So my recommendation would be that we move forward with our agenda, and then under that item #F, discuss the next regular meeting date and perhaps start early. That might be a viable option for us.

**2. MR. JEFFREY S. HUNT, Planning Director transmitting a Bill for an Ordinance to Amend Chapter 19.29 of the Maui County Code relating to**



**Rural Districts.**

**The amendments include amendments to Section 19.29.020 regarding District standards and the addition of Section 19.29.060 allowing the planning director to adopt rules to clarify and implement this chapter.**

**The development standards for County Rural zoned lands will be the same as those established for the RU-0.5 zoned lands. The bill also reformats the chapter to include easy-to-read tables. (J. Alueta)**

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

Mr. Gima: . . . (Inaudible. Changing of tapes) hearing none, let's move on to the next public hearing item, and I'll turn this over to Joe. Sure.

Mr. Masuda: If you're going to defer, then at least give us the opportunity to find out exactly what you're deferring on. Whether it's just the time or what's to be filed – doing for the next extension or the next compliance report – or what exactly are you deferring on? Is it just one condition out of the 23 or all 23 comes up again or 24 for that matter?

Ms. Kaye: My understanding was that we were at least in agreement that the extension would include the existing and it's the one additional one that we just can't seem to –

Mr. Masuda: And that's the one that – you're talking the water and stuff?

Ms. Kaye: Yes. And –

Mr. Masuda: The annual report?

Ms. Kaye: Yes. An annual report that would show us what you've done over the past year, whether you require additional waters and if so, where you got it from?

Mr. Elliott: Yeah, I was just going to ask that perhaps we could read back what he stated in the motion and not determine that was inclusive of what we were trying to say. But were you just going to restate it again?

Mr. Alueta: . . . (Inaudible). . .

Mr. Elliott: Okay. Okay.

Mr. Gima: One last comment about – I think Paul you had mentioned something about not being fair – I take issue with that. The reason for the initial deferral was there wasn't compliance. There wasn't information. That's why it had to be deferred. And the second one, as I had mentioned before the initial break, I didn't feel this was prepared right.

Mr. Fasi: If the Commission feels that the applicant is not in compliance, it has the option

of suspending the SMA permit – simple – until they are in compliance.

Mr. Gima: Thank you Paul. Okay Joe.

Mr. Alueta: Good evening Chair Gima and the Commissioners. I see a few new faces. As I said earlier, my name is Joe Alueta. I'm the Administrative Planning Officer for the Planning Department. My role with the Department is to pretty much draft new legislation, amendments to Title 19. I also process the administrative rules for the three Commissions as well as the Department, and comment on whatever comes out of the State Legislature when they are in session.

Today, we have a pretty, hopefully, simple Bill. As I state clearly in my staff report to you, it doesn't really impact Lana`i. It doesn't impact Moloka`i either. The crocks of the matter was back in 1997, in compliance with the Community Plan and in the attempt to also get rid of some interim, we adopted what we call the Rural Ordinance – County Rural Bill. This Rural Bill establishes two categories of Rural, which is RU .5 and RU 1. It comprehensively re-zoned lands throughout the County of Maui to either one of these two classifications. It established a Chapter called 19.29, and established permissible uses and development standards. If the property was State Rural – County – excuse me, State Rural, Community Plan Rural and zone County interim, it was automatically zoned to one of those two categorizes.

The problem was prior to 1997 – or at least someone forgot to include County Rural. Prior to 1997, we had some old zoning maps, as I've indicated in my report, specifically land zoning map #5 and land zoning map #10. These were adopted – at least one of them was done prior to my birth – therefore these were on the books for quite some time. And someone forgot to notice that – on these maps, someone had colored them blue and labeled them all County Rural. And since that time, we did have County zoning County Rural, however, we never had any development standards – meaning, you have a zoning, but in the Code book when you look up Title 19, there's no way. You don't know what you can do in it. There's no development standards. There's no permissible uses listed or anything like that. So it's basically colored something or zoned something but there isn't any standards developed for it. And when there is no standards, you go to a fall back code called, one, the State, because it was also zoned State Rural which has permissible uses. But the development standards fell within the Housing Code, which is under Title 16. So many of these areas were being regulated by a housing code prior to 1997. That was occurring with all rural lands.

Once they were granted – once the 1997 comprehensive zoning went through – the majority of the lands in the County of Maui either fell within that RU .5, RU 1 and we established setback and other permissible uses, defined accessory uses, et cetera – all except for these parcels that were zoned County Rural. We did not – two reasons that it's now urgent that we correct this situation. One is that the County is the process of eliminating the Housing Code, so many of these uses would have, again, no development standards in which to regulate new construction such as single-family housing. Also, a very prominent area on Maui has had some recent developments and were developed under the Housing Code which made all of the neighbors angry, and therefore, they were

upset. And when you have a lot of people upset, they come to the County and we try to fix the problem. And thus, I'm here trying to fix the problem. As I've indicated before, there is no rule on Lana`i, so essentially you're not impacted. All I've done, with Title 19, if you look at Exhibit A of the staff report, that is the ordinance that you're reviewing tonight. Exhibit A is the ordinance you're reviewing tonight. And the only things I've done is reformat the existing code of Title 19 from a map word problem. As some of you may remember from my previous presentations on Ordinances, I don't like map word problems which explains about a train leaving Chicago heading east at 45 miles an hour, and one that's heading west from New York, where do they intersect? I decided to put it all in a table format so it's easy to read. You find out what zoning category you're in – County Rural, RU .5, RU 1 – it tells you all of your development standards. I tried to make it as simple as possible. All I did was move what was put in a lot of – half a page wordage into a table format.

I will make one correction, and that is if you look on page #2, on RU 1 – where it says – and look on the side where it says minimum yard setback and it has the setbacks. I had put down for RU 1 side 15, and rear 15. In reality, the verbiage should be 20 – 20 on both of those. And you can see why I took that out. It's basically all of page #1 – you see the brackets – all the way – it goes to the back – that's all been removed. And all that information – it's just been thrown into a table format. And then throughout the Code, we add the term County Rural to pick up these lots that we missed in the first go around in 1997.

Things that the other Commissions – this has already been to Maui and already been to Moloka`i – things that were added by the Maui Planning Commission was they wanted to make it clear on page #3, section five – on the top section of five – the first section – #5 where it talks about day care, nurseries, kindergarten, nursery schools, child care homes, day care homes and what not, we added adult day care homes. Okay? The reason because it wasn't specific enough. We have a few Commissioners that would like encourage adult day care homes in the rural districts. They felt it was okay, so we added that. Throughout the Code – if you go further down throughout – you're going to find the word children. Where ever it says children – because it sets up a standard for facilities serving six or fewer children – we changed that to clients. We're going to change that. They recommended – at least Maui's recommendation is to change that to clients. Therefore it could either be a child, a juvenile or an adult. Again, on page #4, under uses permitted with a County Special Use Permit, letter E, again, it talks about day care, nurseries, kindergarten, nursery school, children care – we added again, adult day care.

On Section 19.29.060, rule making authority, Moloka`i added between adopt and rules, they put adopt administrative rules, to be clear. That was their preference. That's what Moloka`i wanted. And that's pretty much the crocks of the Bill. Again, it impacts only Maui. We're just adding County Rural to cover the three – the two zoning maps that have actually – were old enough and had an existing County rule – zoning. And they're located in only three areas of Maui. If you know Maui, it's in Pukalani, it's in North Kihei, and it's in Maui Meadows. If you have any questions, I'll be happy to try and answer it.

Mr. Gima: Any comments, questions, from the Commissioners? Larry?

Mr. Endrina: Under your 19.29.030, the permitted uses, #1, should the RU 1 District be RU 1 Districts? I don't know if that is grammatically correct. Since you already have RU .5 Districts – up on top of the page – page #3. Sorry.

Mr. Alueta: Because it talks about RU .5. It talks about for ½ acre.

Mr. Endrina: Yeah.

Mr. Alueta: And then for – it should go down and it should say – for the one acres, it's – for the RU 1, it's one acre.

Mr. Endrina: Yeah. But shouldn't your wording be RU 1 Districts? Since you probably will have more than one.

Mr. Hopper: I wanted to be – in drafting this with Joe, I wanted to be consistent with–. Or the original language was one single family dwelling per one ½ acre in the RU .5 District, and one single family dwelling per one acre in the RU 1 District. If it referred to a certain district, it was RU 1 even though that district could be around several different areas. So in changing to districts that was done because it refers to two districts of RU .5 and County Rural as well. However, if you feel that's grammatically unsound – we don't – but if you do, then you could certainly recommend the change to districts if you feel more comfortable.

Mr. Endrina: I was just asking. No preference. I don't know if that made any difference.

Mr. Alueta: Sorry, English has always been like a second language to me. Was there any other questions?

Mr. Gima: Yeah, Joe, out of curiosity, what impact or implications for Lana`i in that there are no rural zoned lands here?

Mr. Alueta: There's no County rural zoned lands. There could be – you would have RU 0.5 and RU 1, but potentially I'm not familiar. Lana`i never had a zoning map that identified any County rural lands. So, in essence, there is no impact. And all we did was take the RU .5 standards and copied them over and applied them into the County rural zoning lands that we had. And like I said, we only got – there's only three areas of Maui that actually have County rural that are identified on these two old zoning maps.

Mr. Gima: But you're saying we may or we do have RU 0.5 and RU 1 zoned land on Lana`i?

Mr. Alueta: I'm not positive, but if you had lands that were State designated as rural, Community Plan rural, and County interim, then you were automatically zoned one of those categories – RU 0.5 or RU 1. It's more likely you're RU 0.5 because there's not that many RU 1's. But once again, that was back in 1997 and those standards for those rural districts already exists on the books.

Mr. Gima: So Ralph I see you nodding. So, the RU 0.5 are in the project districts? No?

Mr. Masuda: The rural districts in the Project District are already zoned Project District. Okay, the area that we have, RU 0.5, is down at Kaunalapau. We had a – I mean, it was in the Community Plan, and it was State rural and it was zoned interim at that time. And anything less than 15 acres became automatically zoned 0.5.

Mr. Gima: Okay, thank you. If there are no further questions by the Commissioners, I'll open it up to public hearing. Okay, Ralph.

Mr. Masuda: There's a couple things that I'd like to bring up to the Commission. Although the Department says that it doesn't affect Lana`i, you're acting on an ordinance that affects the entire County. So your input is very critical also. Not only the Moloka`i Planning Commission or the Maui Planning Commission, but also the Lana`i Planning Commission. The area that we had looked at, and is the RU 1. And you look at the standards, the minimum lots size is one acre, and the minimum yard setback front yard of 35 feet, and Joe is saying that it might be changed to 20 and 20, also side and rear.

Mr. Alueta: No the existing code is front yard 35, side 20 and rear 20. I had made a typo in the transfer over.

Mr. Masuda: The reason I bring this up is your ag district – your minimum lot size is two acres. Your set back is only 25 feet. So, you know, I don't understand why it was done that way. Maybe because it was already existing and that's why it was left that way. But to me, it doesn't sound like it's fair to have a rural lot that's front yard set back of more than an ag lot of two acres.

The other thing is there are areas where you have small rural lots – 10,000 square feet. And if that house burns down, you're going to have to meet the setback requirements in your rural district ordinance. So what I would like to suggest is that for these smaller lots that are zoned rural, that they be allowed to reconstruct that dwelling using the same setback as was originally approved for the existing dwelling that was destroyed. Rather than have this homeowner go through an entire variance request that may take him months or maybe even a year or more.

Mr. Gima: Any questions or comment for Ralph? Joe, would you like to respond?

Mr. Alueta: You can make those comment. If you agree with him, you can make those comments. We're trying to just try and do as little modification to an existing ordinance. The only changes we've done, like I said, is just to correct the County rural issue as well as do a formatting change so that the format of it –. I wasn't involved in the original drafting back in 1997, so I don't know the rationale. I understand Mr. Masuda's comments – they're very good comments. From a rationale stand point, we do have an existing, non-conforming provision in there. So it doesn't necessarily – I'm not sure how that non-conformity provision will help. I don't think it will help in the case he's identifying such as a house burning down. But you can make those comments and maybe just make them as – that the Council look at that sections for consideration. Since I really don't have that much information with regards to his comments to make any good statement, pro or con, against them.

Mr. Gima: Just for clarification again, what precipitated the amendment?

Mr. Alueta: The discovery that we had County rural zoned lands and that the standards in which they would be – that Housing is currently being regulated – like a house would be built is going to be repealed. At the same time, we have an area of Maui, as I said, we have some – Maui Meadows, where you have some pretty well to-do people and we have had several lawsuits and fights among themselves. And so the County is trying to minimize those conflicts. The reason there's a conflict is that under the Housing Code, height is measured from the finished grade. So we've had a few people come in and fill their lots then build 30 feet up. Whereas the existing – if they were subject to 19.040 – the definition of height, it would be finish – finish grade or natural grade, whichever is lower.

Mr. Gima: So with the abolishment of the Housing standards, this will take care of that?

Mr. Alueta: Correct. It will establish a standard for County Rural other than the Housing Code.

Mr. Gima: Okay. Thank you. Okay, any further questions? I'm sorry, I need to close the public hearing. All right, now we are on to taking action on this matter, and on page #3 lists our four options.

Mr. Alueta: I'm sorry, did you want me? The recommendations were to approve the – approval of the proposed Bill to the Maui County Council, recommend approval of the proposed Bill with amendments to the Maui County Council, recommend denial of the proposed Bill, or vote to defer action in order to gather more specific additional information. Whatever motion you make and if you do make one for approval, I would like if you can comment on the proposed amendments that came out of Maui. If you concur with those proposals – like I said – that's all I would have. As well as Moloka`i's proposal – if you concur with that amendment – that recommended amendment.

Mr. Gima: You're referring to the amendments that are in Exhibit A – that you shared with us, correct?

Mr. Alueta: On Exhibit A, I went through and I talked about on page #2 the correction to the side and rear yard for RU 1 – instead of being 15, it should be 20. That's a standard one that we're going to do. But on page #3 and page #4, we added the adult day care to be clear – at least Maui recommended that be added. And at the same time, we amended – crossed out children. They recommended it be changed to clients so it can go either way. Again on page #4, that same kind of amendment – adult day care. And then on 19.29.060, rule making authority, Moloka`i added – wanted to add “the director may adopt administrative rules.” Even though it says – to clarify the implementing of the chapter. That was the pretty basic amendments.

Ms. Kaye: I move that we approve – we recommend approval of the proposed Bill with the amendments to include the corrections to minimum yard setback; the clients and adult day care in #5 of Section 19.29.030; and adult care in 19.29.040; and administrative rules in 19.29.060.

Ms. Zigmond: Second.

Mr. Gima: It's been moved by Commissioner Kaye and seconded by Commissioner Zigmond that we recommend approval of the proposed Bill, along with the amendments made by the Maui and Moloka`i Planning Commissions. Any discussion? Okay, hearing none, all in favor say aye.

Commission Members: "Aye."

Mr. Gima: Oppose. Okay, motion is carried. Thank you.

**It was moved by Commissioner Sally Kaye, seconded by Commissioner Beverly Zigmond, then unanimously**

**VOTED: To recommend approval of the proposed Bill with the amendments made by the Maui and Moloka`i Planning Commissions.**

Mr. Gima: Okay, let's get back to GPAC.

Ms. de Jetley: . . . (Inaudible) . . .

Mr. Gima: We'll do that after GPAC.

Ms. de Jetley: Mr. Chair? You know under unfinished business on D - we've had that discussion on processing of SMA exemptions. It's already nine o'clock. Is there any way that we can take care of that item? And also the MOA for the Lana`ians for Sensible Growth. Because those two items had been on our agenda and pushed off at every meeting.

Mr. Gima: Well, we started the unfinished business on the GPAC so the only way to deviate from that is to amend the agenda. And at the same time, I need to remind you that the GPAC stuff is under a 120-day time limit, whereas the unfinished business in section D is not.

Ms. de Jetley: But at the last meeting we had an open application that was in the SMA zone.

Mr. Gima: Well unless there's a motion to amend the agenda, let's move on with the GPAC.

Ms. de Jetley: I move that we --. I make a motion to amend the agenda by taking care of unfinished business, item #1 and item #2.

Ms. Zigmond: Second.

Mr. Gima: Okay, it's been moved by Commissioner de Jetley, seconded by Commissioner Zigmond that we amend the agenda by first taking item D, unfinished

business, #1 and #2. Any discussion? Hearing none, all in favor, say aye. Let me take that back. All in favor, raise your right hand please?

Commission Members: *(Hands raised.)*

Mr. Gima: All oppose, raise your right hand.

Commission Members: *(Hands raised.)*

Mr. Gima: So I need to vote again. Three in favor, four oppose. So motion is not passed. We'll go back to unfinished business which is the GPAC.

**It was moved by Commissioner Alberta de Jetley, seconded by Commissioner Beverly Zigmond to amend the agenda in order to take discussion on Item D, Unfinished Business, #'s 1 and 2.**

**(Assenting: A. de Jetley, B. Zigmond, J. Elliott  
Dissenting: R. Gima, L. Endrina, M. Mano, S. Kaye, D. Gamulo)**

Ms. Bosco: Thank you Commission.

Ms. de Jetley: May I ask the Chair how long this meeting is going to go on?

Mr. Gima: I don't know. I think It depends what time they need to fly back. I think they have a 10 p.m..

Ms. de Jetley: Could we call for a five minute recess?

Mr. Gima: You want to answer that John?

Mr. Summers: Sure Mr. Chairman. We can – our flight is at 11 p.m., so we can stay roughly another hour to an hour and 15 minutes.

Mr. Gima: Okay, let's finish up Protect Natural Environment and then take a break after that. We just have one more objective.

Ms. Bosco: Okay. Thank you. We left off at objective A-3 I believe. Is that right? We took at vote?

Mr. Gima: Yes.

Ms. Bosco: I'll take discuss on the first objective of A-3 – improve the stewardship of the natural environment within Maui County. Can everybody see the screen okay? All right. Okay, any comments? Next one A-3-a – utilize ahupua`a stewardship practices as a means to better understand ecological, social and economic relationships.

Mr. Endrina: I just have a question. Who's going to explain what ahupua`a is for later



years? I mean, is there somebody that actually does that? Is it written into the code or –?

Ms. Bosco: This section?

Mr. Endrina: This section?

Ms. Bosco: Yes, we can provide for definition of what that means. As far as how it's applied, we'll – we will be outlaying different ways it is applied in the later documents – the Island Plans and the Community Plans. However, it will be up to the Community to decide what that means for themselves.

Mr. Endrina: Okay.

Ms. Bosco: Any comments? If not, A-3-h. This is re-scoped to be an implementing action, as is A-3-g. The next policy statement is A-3-b, improve coordination among government agencies, non-profit organizations, individuals and landowners. Any comments? No. A-3-e.

Ms. Kaye: I have a question – is that development only going forward?

Ms. Bosco: No, that is actually all development. And this would include developments that sometimes come back for time-extensions or any kind of amendments. We would look at all developments, existing and proposed.

Ms. Kaye: So current and future?

Ms. Bosco: Absolutely. Yeah. Okay, if no more comments on that, moving on to A-3-i. This is an implementing action relating to enforcement. Okay, A-3-c. A-3-j, another statement re-scoped to be an implementing action. A-3-d. A-3-f.

Ms. Kaye: I should've said this before. I would make the same suggestion for A-3-c, but as long as we're on A-3-f, plan and prepare for the effects of global warming.

Ms. Bosco: The effects of global warming.

Ms. Kaye: And I would say the same thing in A-3-c, human influenced emergencies and the effects of global warming.

Ms. Bosco: Thank you.

Mr. Elliott: I'm just only going to make a comment in response to the Maui GPAC recommendation and I just don't understand why that's an important part of our planning document, frankly. I mean, not to get into the debate about global warming, but I'm just not sure it's an appropriate spot for a planning document. That's just my feeling.

Ms. Bosco: The Maui GPAC comments – are you referring to the large matrix?

Mr. Elliott: On what I have in front of me, A-3-f, it looked like the Maui GPAC moved to strike the statement and I just wanted to speak in support of that myself.

Ms. Kaye: That's actually why I thought it would be good to be in the effects of because global warming is not something to be debated. It's going to happen or it's not. If it happens, there will be effects and then they can deal with it.

Ms. Zigmond: Thank you, I think that needs to be put in like that.

Ms. Bosco: Kathleen, do you have that? Hold on, let me give her a chance here. Okay, it's on A-3 – go up to 3-c – go down a little bit – A-3-c, and after human influenced emergencies and the effects of global warming – you got it. Okay.

Mr. Gima: Okay, if there are no further comments or edits, I'll entertain a motion to –

Mr. Elliott: Excuse me, I just want to use prerogative that Sally used in the last one. If we're going to – because I would like to have a separate vote on that one issue.

Ms. Bosco: A-3-f only?

Mr. Elliott: A-3-f – I would prefer, you know, that we have a separate vote on that.

Ms. Bosco: Would you like that to be a motion?

Mr. Elliott: Yes, I would like to make that a motion – that we have a separate vote on A-3-f.

Ms. Bosco: Okay.

Mr. Gima: Do I have a second?

Ms. de Jetley: I second.

Mr. Gima: Okay, it's been moved by Commissioner Elliott, seconded by Commissioner de Jetley that we vote separately on policy A-3-f.

Ms. Bosco: I do believe we need a motion to approve all the others though. That's where we are at.

Mr. Elliott: I would be happy to do that. I would like to approve it – or make a motion that we approve all –.

Mr. Gima: We have a motion on the floor.

Ms. Bosco: I'm sorry.

Mr. Gima: Any discussion? Hearing none, all in favor, raise your right hand. We're voting to separate A-3-f from the overall motion. Okay, so all in favor of Jim's motion, raise your

right hand.

Commission Members: *(Hands raised.)*

Mr. Gima: All oppose?

Commission Members: *(Hands raised.)*

Mr. Gima: Okay, motion was not carried.

**It was moved by Commissioner James Elliott, seconded by Commissioner Alberta de Jetley to vote on A-3-f separately – MOTION FAILED.**

**(Assenting: J. Elliott, A. de Jetley  
Dissenting: L. Endrina, M. Mano, S. Kaye, B. Zigmond, D. Gamulo)**

Ms. Bosco: You can also make a motion to vote on all the others except for this one.

Mr. Elliott: That's what we should have done.

Ms. Bosco: That's what you –

Mr. Elliott: I would like to make a motion that we vote on all A-3 items except for A-3-f.

Ms. Kaye: Second.

Ms. Bosco: As amended.

Mr. Gima: Okay, it's been moved by Commissioner Elliott, seconded by Commissioner Kaye that we approve objective A-3 and supporting policies A-3-a, A-3-h, A-3-g, A-3-b, A-3-e, A-3-i, A-3-c, A-3-j, A-3-b with amendments. Any discussions?

Ms. Bosco: And A-3-k.

Mr. Gima: Where's k?

Ms. Bosco: I would also add there's – I need to address there is a new policy statement up here, for everyone, and I need to read it before we – or we can exclude the last one and you can go forward. There is a new policy statement under A-3-k on the screen. So you can exclude that for a separate discussion if you like.

Mr. Gima: Yeah, that's for a separate discussion. What we have on the floor is what I cited. Okay, any discussion? Hearing none, all in favor raise your right hand.

Commission Members: *(Hands raised.)*

Mr. Gima: All oppose?

Commission Members: *(Hands raised.)*

Mr. Gima: Okay, motion is carried. So what we still have is item A-3-f and A-3-k, correct?

**It was moved by Commissioner James Elliott, seconded by Commissioner Sally Kaye, then unanimously**

**VOTED: To approve objective A-3 and supporting policies except A-3-f, A-3-k and new policy with amendments.**

Ms. Bosco: A-3-f and then there's the new policy statement below A-3-k, on the screen. It's not on your hard – it's on the screen and I'll read it. You don't have it on your hard copies because this is a proposed policy by the Long Range Division we're throwing it out to you to see if you would support the inclusion of it. It reads the welfare of the natural world and our relationship to it will be prioritized. And the other statement is plan and prepare for global warming – that it has been excluded from this discussion – formal discussion.

Mr. Gima: So we still have to deal with A-3-f, A-3-k and new, correct?

Ms. Bosco: A-3-k was included in your last vote.

Mr. Gima: It was?

Ms. Bosco: I believe it was. Yes.

Mr. Gima: No it wasn't. We didn't discuss it.

Ms. Bosco: Okay. I thought it was.

Mr. Gima: Okay Jim.

Mr. Elliott: I just want to say again I do appreciate Sally's comments about the effects. But, it just seems to me it's an issue that doesn't belong in our planning document. Nobody exactly knows the effects or anything like that. If somebody would say what are the effects? The answer would be I don't know. And I would just prefer to strike it. And the other way I looked at it is if Maui voted to strike it – well, there's only Moloka'i and us that would be putting this in there. But, in any rate, that's my position. I'll vote against it when it come up.

Ms. Zigmond: What if we say potential effects – because I can't vote to take it out – or possible? Because if it is real, it definitely belongs in the natural environment section.

Ms. Bosco: Staff would just like to make a comment about global warming. There's been some discussion on sea level rise throughout the whole Pacific, and one of the obvious

effects would be the loss of shorelines and how you mitigate for that?

Mr. Elliott: Excuse me. I think that's a good suggestion Beverly – possible effects is a good terminology. So I'll make a –

Ms. Bosco: So the amended language would include plan and prepare for the possible effects of global warming. Okay, the next statement was – I'm sorry.

Ms. de Jetley: I make a motion that we accept A-3-k as amended.

Ms. Bosco: A-3-f.

Ms. de Jetley: A-3-f as amended.

Mr. Gamulo: Second.

Mr. Gima: It's been moved by Commissioner de Jetley, seconded by Commissioner Gamulo that we approve the policy A-3-f as amended. Any discussion? Hearing none, all in favor raise your right hand.

Commission Members: *(Hands raised.)*

Mr. Gima: All oppose. Okay, motion is carried.

**It was moved by Commissioner Alberta de Jetley, seconded by  
Commissioner Dwight Gamulo, then unanimously**

**VOTED: To approve policy A-3-f as amended.**

Ms. Bosco: Thank you. A-3-k is an implementing action for each shoreline community identify and prioritize beach conservation objectives and develop action plans for their implementation. Discussion? You agree this should become something that we address in an implementing section or should it be retained as a policy is the question?

Mr. Gima: No, it looks appropriate as an implementing action.

Ms. Bosco: Okay, thank you. Any more discussion on this? If no, we can move to the next statement – the welfare of the natural world and our relationship to it would be prioritized.

Mr. Gima: What is LRD?

Ms. Bosco: That's Long Range Division. That's us, the staff.

Mr. Gima: Can you –

Ms. Bosco: Can I explain what it means?

Mr. Gima: –explain the rationale.

Ms. Bosco: It's very similar to the objective statement which is regarding stewardship. The objective statement was – let me go back here – improve the stewardship of the natural environment within Maui County. And the intent of this policy is to highlight that the state and the wellness of the environment should be a priority in our activity as a County, as government agency, as all the different groups. And it should inspire the development in the world – actually all the citizen's too – be concerned with the welfare of the natural environment, and how it's carried for. That's the intent for. But it should be a priority since we want to maintain a healthy environment. . . . (Inaudible. Changed cassette tapes.)

Ms. Kaye: So you need a motion now? I move that wording be approved as a further policy, along with A-3-k.

Ms. Zigmond: . . . (Inaudible.)

Mr. Gima: It's been moved by Commissioner Kaye, seconded by Commissioner Zigmond that we approve policy A-3-k and new. Any discussions? Hearing none, all in favor raise your right hand please.

Commission Members: *(Hands raised.)*

Ms. Bosco: Five.

Mr. Gima: All those oppose?

Commission Members: *(Hands raised.)*

Mr. Bosco: That leaves –. Can everyone raise their hands on that?

Mr. Gima: Wait, let's do this again. All in favor raise your right hand.

Commission Members: *(Hands raised.)*

Mr. Gima: All those opposed, raise your right hand.

Commission Members: *(Hands raised.)*

Mr. Gima: Okay, motion is carried.

**It was moved by Commissioner Sally Kaye, seconded by Commissioner Beverly Zigmond, then**

**VOTED: To approve policy A-3-k and new policy.**

**(Assenting: L. Endrina, S. Kaye, B. Zigmond, D. Gamulo, M. Mano**

**Dissenting: J. Elliott, A. de Jetley)**

Ms. Bosco: Thank you. Okay, next section is A-4, educate residents and visitors about stewardship and the interconnectedness of the natural environment and its people, and all the supporting policies. Any discussion?

Ms. Kaye: Yeah, I would recommend that we think about putting educated residents and visitor about good and responsible stewardship practices to follow.

Ms. Bosco: Responsible seems like a better word than good since it's much –

Ms. Kaye: The responsible stewardship practices.

Ms. Bosco: Thank you. And then add the word practices. Okay, if no more discussions, A-4-a. If no more comments on that one, A-4-b.

Ms. Kaye: I would just note that is pretty much the same thing as the new one that we just voted on.

Ms. Bosco: It's very similar, yes. A-4-c.

Ms. Kaye: Sorry, citizens, I would think maybe we want to think about residents and visitors instead of citizen.

Ms. Bosco: That is an interesting point. I'm sure that there was some thought behind changing this. It was probably residents to start with. If you looked at the matrix, can anyone tell if it was residents?

Ms. Kaye: Why?

Ms. Bosco: I believe it's because – I would say – for the exact reason why quoted both residents and visitors. If you just say residents then it excludes the visitor population. If we say visitors, it's the same thing. But there could be even other–. I guess, what would you say citizen's that are living here?

Mr. Summers: I don't know that any real thought went into the term citizens. The more common term is residents.

Ms. Bosco: Okay, let me rephrase that then. If we did say visitors then you would be including those that are visiting. Whereas right now the County citizens don't include visitors.

Ms. Kaye: Well, is there any reason to exclude visitors from knowledge of what the impacts might be assuming global warming shows up?

Ms. Bosco: I think it's a good idea to include them.

Ms. Kaye: It just doesn't seem to serve any purpose to exclude them.

Ms. Bosco: That's right. Okay. Okay, if no other comments, then A-4-c. Then that does it. I think that's the last one.

Mr. Gima: Okay, I'll entertain a motion to approve objective A-4 and accompanying policies with amendments. We have some more?

Ms. Kaye: One more. The very last line – choices and actions to reduce Maui County's climate change. Climate is always changing. I think what you want to reduce is the harmful or negative. So I would say, actions to reduce negative climate changes in Maui County.

Ms. Bosco: Thank you. Let's look at the changes here to the statement. Last A-4-c reads educate County residents and visitors about the impacts of global warming and the ability of individual choices and actions to reduce negative – negative climate change in Maui County, is that right?

Ms. Kaye: . . . (Inaudible) . . . .

Ms. Bosco: Okay, is that the proposed language? Okay, so take a look at the screen at what we have. There's a slight change to A-4 with the inclusion of responsible and of the word practices. And then we have the proposed changes to A-4-c.

Mr. Elliott: I'm sorry. I was slow in catching up with that. But I think we're going to go with the same thing. Can't we use the same words? The possible effects or possible impacts of global warming. I mean I can –

Ms. Bosco: You're referring about the impacts of global warming – you would think – you were suggesting –

Mr. Elliott: I'm just thinking it's not our County's job to be teaching everybody about global warming. I just don't understand it exactly. But, if you say the possible impacts – is that something that we know? Okay, I'm comfortable then.

Ms. Bosco: Okay.

Mr. Endrina: I'd like to make a motion to accept objective A-4 and it's policies with amendments.

Mr. Matthew Mano: I second.

Mr. Gima: Okay, it's been moved by Commissioner Endrina, seconded by Commissioner Mano that we approve objective A-4 and the accompanying policies with amendments. Any discussion? Hearing none, all in favor, raise your right hand please.

Commission Members: *(Hands raised.)*

Mr. Gima: Okay, motion is carried. Let's take a seven minute and 30 second recess.



**It was moved by Commissioner Lawrence Endrina, seconded by Commissioner Matthew Mano, then unanimously**

**VOTED: To approve objective A-4 and its supporting policies with amendments.**

Ms. Bosco: Thank you.

*(The Lana`i Planning Commission recessed at 9:38 p.m. and reconvened at 9:35 p.m.)*

Mr. Gima: Okay, we're back in order.

Ms. Bosco: Okay, thank you Commissioners. We're on to Preserve Local Culture and Traditions, and the goal statement – goal D – I'll go ahead and read the goal statement then I'll let you guys discuss each one. Maui County will protect, perpetuate and reinvigorate its cultural values and traditions to ensure that current and future generations will enjoy the benefits of their rich island heritage. Any discussions?

Mr. Gima: When you say its cultural values, you mean like, needing the County of Maui as its own culture or are you suggesting that Maui County protect and perpetuate and reinvigorate the different cultures within the County of Maui?

Ms. Bosco: Excellent point. I would tend to say it's emphasizing the blending of cultures. However, it – I'm going to ride the fence on this one because this – Hawaii and Maui County does have its unique lifestyles – its unique ways of doing things. But generally speaking this is suppose to be a multi-cultural type of policy. This is, I believe, its intent is to invigorate all cultural traditions and values.

Ms. Kaye: How about we just put in it reinvigorate its multi-cultural.

Ms. Bosco: Thank you. If there are no other comments, we'll move on.

Mr. Gima: I still feel a bit uncomfortable.

Ms. Bosco: Okay.

Mr. Gima: I mean, I think it's up to the Japanese or the Filipinos or the Hawaiians to protect, perpetuate and reinvigorate its cultural values and traditions – or the Puerto Ricans, or the Portuguese or who ever. So I'm just wondering what the thought was in terms of where Maui County come into play here?

Mr. Summers: Thank you Mr. Chair, if I may? One way to address that is to start the sentence, the cultural values and traditions within Maui County will be protected, perpetuated and reinvigorated to ensure that current future generations will enjoy the benefits of their rich island heritage.

Ms. Bosco: You need to add the word multi-cultural – multi-cultural – to that. How does that sound? Better? The multi-cultural values and traditions within Maui County will be protected, perpetuated and invigorated to ensure that current and future generations will enjoy the benefits of their rich island heritage.

Mr. Gima: I can live with that.

Ms. Bosco: Okay. Objective B-1. If no more comments, we'll move on to B-1-a.

Mr. Gima: Let me go back. I'm running across this in several of my other strategic plans that I've been working on. And as important as the Hawaiian culture is to our State and being the host culture, I would – I know I feel uncomfortable if you don't mention the other cultures that make up our County.

Ms. Bosco: Okay, this whole section is geared towards the Hawaiian culture. However, the other sections do include the other cultures. And let's take a fast look ahead and make sure I'm right here. Yes, B-3 is including other cultures and B-2-b. So this section specifically is more focused on Hawaiian culture. The others are on all the other traditions and cultures. We were looking at B-1-a. No comments, B-1-b. Please come forward – state your name.

Ms. Basques: Hi Winnie Basques. You talk about ahupua`a, Larry. I've been on the West PAC Fishery Management Council for almost eight months now. We are – the ahupua`a is the mountains – from the mountains to the ocean. That's where people use to live before. When they use to have put up the mountain, they would trade the one down the shoreline. They would trade their food and they take meat – coming down from the mountains. As well as the ocean – like the crab, the limu, or the fish – goes up to the mountain. That's what it's all about. And the "lava`ai" and "mahi`ai" is the gardener who grows vegetables. The other one is fisherman. When you talk about culture, this goes way back – back to the early 1700's and 1800's. If you look at the – when you go to the library, borrow the video, *The Reflection of Lana`i*. It says everything in there – for what it was from way back before – how do you sleep on the ocean as well as the mountain. When the Hawaiian people did not have no money. They had to gather all their food, take them to Lahaina, sell their food in order to get money to bring home food for the family, to put on the table. That is what we call Hawaiian culture. Now, the Bill just when pass – the 1848 – the ahumoku Bill just when pass. The legislature and the senators – we had to lobby and talk about it. And we had to – this was in mid-June of this year – the Bill was pass. So now, we're going, from here we're going to the ahumoku, ahupua`a and the ahukoele. This is the one that we have to go in front of the legislative to appropriate hundreds and thousands of dollars per year, for two years, to do our work. This is what we were chosen by the grace of God, to do our job. And when we do our job, we're not getting paid. It's all mana wahi. Mana wahi in Hawaiian means free. We take in strive. We do what is right for the people as well as for everybody who is around us. We think about the lives that has been here and has gone away already. But you have to look forward to the future of the children as well as the grandchildren. When you talk about the ahupua`a, the "lava`ai" and the "mahi`ai" – that way it counts. And it's very, very strong. We had over 300 people come from the Marin Islands, Guam, and of course Samoa – the

island was over 300 people. They gave up voices to the policies, to the legislatures, and the senators. When they heard about it, they was wondering why – what is going on? Why does it come out now? Nobody hear – nobody hear nothing – or maybe they don't want to hear. But it always goes back to the Kupuna. They are the ones – legacy – they the one we got taught – what to do – fishing, hunting, survival for our family. Thank you very much.

Mr. Gima: Thank you Winnie.

Ms. Bosco: Okay, I just want to note that word comes up in B-1-d, and actually else where in the plan too. B-1-b is where we left off, and if there are no comments on B-1-b, then B-1-h is next.

Ms. de Jetley: Wait, wait, hold on – B-1-b – why did the insert revitalized?

Ms. Bosco: Because – from the original language you mean?

Ms. de Jetley: Right.

Ms. Bosco: Let me take a look.

Ms. de Jetley: I think the original language is better.

Ms. Bosco: Okay, B-1-b, the original language – you're talking about the very left hand column where is says public –?

Ms. de Jetley: No, the recommendations from the different GPACs.

Ms. Bosco: Okay – foster partnerships – is that what you were referring to?

Ms. de Jetley: Foster partnerships to identify and preserve historical and cultural sites. Leave out the word revitalize.

Ms. Bosco: I know why. Because certain historic areas such as business country-town in Lahaina, so for – even Wailuku Town – preservation wasn't enough. In order to keep that town vibrant and working and not completely turn into a blighted slum, you have to actually revitalize it. You have to shoot life into it – economic life, people – you have to sort of give it a face lift. So in order to keep these places really actually from just becoming completely degraded and neglected, we inserted that word. Okay, if there are no other comments, the next statement was an implementing action – B-1-h. If no more comments on that, B-1-c, support the perpetuation of Hawaiian arts and culture. And B-1-d is promote the use of ahupua`a – forgive my pronunciation, it's not right – and moku management.

Mr. Endrina: Same thing with the explanation or the – that's it's going to be –.

Ms. Bosco: Okay, right, got it. B-1-e. What I heard is that you would like that definition to come up later and make sure it's explained and (inaudible) would need to be built. B-1-

e, encourage the use of traditional Hawaiian architecture and craftsmanship. If nothing, B-1-f, promote the correct use of the Hawaiian language.

Ms. Kaye: I'd just like to comment that correct is a loaded cannon. I really – over the last 30 years I've been watching this, people have gone back and forth on what the correct use is. I'd be really happy just to see it the use promoted and not get hung up on arguing over what's correct and find the use go down the drain as a result. That's just a comment.

Ms. Bosco: And I have also a comment. This comes up a little bit, in a similar way, in B-1-g. If you look at B-1-g, encourage the teaching of Hawaiian culture and language within the County – very similar. Pardon me? So I'm not sure if this is a redundancy that the Commission wants to look at – maybe comment on. I know one of the other Commissions changed B-1-g slightly. Let me take a look at that. I think they added the word – I can't remember – it was something to do with adding the word emersion. Promote the correct – I have to look at that.

Ms. Kaye: I would think an emersion would be an implementing action, not a policy.

Ms. Bosco: Okay, if no more comments, we can take a look at B-1-i which is an implementing action, and B-1-g.

Ms. Kaye: Could I just ask you what overlay zoning designation is? I don't understand that.

Ms. Bosco: Yeah. Absolutely. It's a planning tool whereby you designate a certain area for certain uses, certain management applications. It's not as –. It's different from zoning, but it's similar in a way that you can put a whole area and you can apply certain processes or certain –. It's a flexible way of encouraging certain land use practices or supporting or requiring certain land use practices. An example would be –

Mr. Summers: Thank you Mr. Chairman – an example would be you have an area that has a unique set of resources that differentiates it from other areas. You might idea that area and map it, and then have a special set of requirements that overlays on top of other requirements for that special area. An example would be a cultural district or a historic district.

Mr. Gima: So basically you're piggy backing a second set of zoning requirements or designations on top of the original zoning of that parcel?

Ms. Bosco: I would say standards rather than zoning.

Mr. Gima: Okay.

Ms. Bosco: A set of standards. We may take a look at a certain area, for example, and think there's a lot of cultural sites in it and want to protect it. So we apply an overlay district to protect that area somehow. That would be an example. Okay, if have no more discussion on this section we can –. B-1-g, I mentioned B-1-g, yeah.

Mr. Gima: Everyone's comfortable with the amendments on the screen and I'll entertain a motion to approve goal B, objective B-1 and accompanying polices with amendments.

Ms. Zigmond: I move that we accept objective B-1 with its accompanying polices as amended.

Ms. Bosco: And the goal statement which does has an amendment – actually that's the only amendment – the goal statement.

Mr. Gamulo: I second the motion.

Mr. Gima: Okay, it's been moved by Commissioner Zigmond and seconded by Commissioner Gamulo that we approve goal statement B, objective B-1 and accompanying polices with amendments. Any discussions? Hearing none, all in favor raise your right hand.

Commission Members: *(Hands raised.)*

Mr. Gima: Motion is carried.

**It was moved by Commissioner Beverly Zigmond, seconded by Commissioner Dwight Gamulo, then unanimously**

**VOTED: To approve goal statement B, objective B-1 and its supporting policies with amendments.**

Ms. Bosco: Okay, objective B-2, emphasize respect for natural environment, family and local culture in our island lifestyle. Any discussion? B-2-a policy.

Ms. Kaye: I would suggest you think about saying treat the Hawaiian culture as the host culture and strike "to the rest."

Ms. Bosco: Thank you. Commissioner Kaye, is that correct? Is that reading correctly?

Ms. Kaye: I'm not entirely clear on humility – why that term was selected?

Ms. Bosco: This is a subjective opinion. The Polynesian cultures and the Asian culture, and in general the Hawaiian cultures have a great deal of humility. They're more . . . (inaudible). . . they seem to be. I'm just going to say on the record a less aggressive than say western cultures. That's a generalize subjective opinion that I have, but to me, that's why the word is there – humility. If there's a better word.

Ms. Kaye: Are you trying to say to perpetuate an attitude with respect for the humility of the Hawaiian people and their practices?

Ms. Bosco: No.

Ms. Kaye: Are you telling everybody else to be humble like they are? Because that's pretty much what this sentence says.

Ms. Bosco: I think it's more the latter. Yeah. Okay, if there's nothing else on B-2-a, moving on to B-2-b. B-2-d.

Ms. Zigmond: I don't know if this is semantics or not, but are we limiting those activities – surfing, fishing and out-rigger canoe paddling – in saying something like we did in last meeting – including but not limited to or something like that?

Mr. Summers: Thank you Mr. Chair. When we use the term “such as,” it does open it up. So it should achieve the same purpose.

Ms. Bosco: Okay, B-2-c.

Ms. Kaye: I make the same recommendation – encourage the perpetuation of the host cultures, unique –.

Ms. Bosco: Thank you.

Ms. Kaye: If that's the intent.

Ms. Zigmond: But the apostrophe is after the “s” so I'm reading that it's all cultures.

Ms. Bosco: Okay. No, this is actually not the intent. The intent of B-2-c is to promote all of the multi-cultural – the unique multi-cultural. It's not just the Hawaiian culture.

Ms. Kaye: Okay, then I think that should be clarified.

Ms. Bosco: Okay.

Ms. Kaye: It should be all cultures, unique cuisines –

Ms. Bosco: How about encourage the perpetuation of the County – I hear what you're saying.

Ms. Kaye: How about just say, encourage perpetuation of the unique cuisine – I would differ with attire. Well I guess, attire, if you're doing multi-cultural that's fine – unique cuisine, attire, music, recreation, folklore of all cultures.

Ms. Bosco: Of all cultures – you mean – in the County?

Ms. Kaye: Yeah.

Ms. Bosco: Can you repeat that?

Ms. Kaye: Encourage the perpetuation of the unique cuisine, attire, music, recreation, and

folklore – either recreation has to go or recreational activities. I don't understand the difference why it's in there twice.

Ms. Bosco: That's true. Another Commission had that same comment. We can strike one of those.

Ms. Kaye: I'm okay with them.

Ms. Bosco: Strike the first one.

Ms. Kaye: I would say – yeah, I think that's right - strike recreation and put in folklore and recreational activities of all cultures.

Ms. Bosco: Folklore and recreational activities of all cultures within the County. Okay, it reads the encourage the perpetuation of the unique cuisine, attire, music, folklore and recreational activities of all cultures within the County. Thank you. Okay, B-2-e – again, this is suppose to be moved over into an implementing action. Any comments?

Mr. Gima Yes. I would prefer wording in a lot of these policies – you know promoting, encouraging different culture practices and cuisine and everything to encompass all of the ethnicity's and cultures in our County, and then add something at the end saying with special emphasis to the host culture. Because if you were to read this, you would think that the only culture we have here is Hawaiian. Lana`i is 60%, almost 60%, Filipino. And know we're going to have the Lana`i Community Plan, but like I did in another strategic plan, we are not – our task is not to deal with oppression and racial – I mean, institutional racism. And a lot of, I think, these strategic plans have that kind of flavor to it. And so, I would like to put everybody, all the different cultures, in the language and then say at the end, with special emphasis to the host culture. You know, something along those lines.

Ms. Bosco: How I'm reading what you just said is since this particular session is really focused in the Hawaiian culture, are you asking ask us to re-look at this section and try to have it include all the different ethnicities or would you like –

Mr. Gima: When I brought up this in objective B-1, you said objective B-2 would be for all the other cultures and additions. But objective B-2 is primarily Hawaiian.

Ms. Bosco: So in this next section is the section we can re-look at. And would you like to try and work on this section and come up with something that's more consistent with what you just said? Is that what you would like?

Mr. Gima: That's my preference. I don't know how the rest of the Commissioners feel.

Ms. Kaye: What would happen if you just took that B-2-c and move it down to B-3? Then it's out of the Hawaiian section because the B-2 seems to be devoted to the host culture, but B-2-c is really –. And I assume what you were going for which was culture. Now that you're corrected me, it really doesn't belong there. It would be better off down under B-3.

Mr. Summers: If I may? Thank you Mr. Chair. Likewise, B-2-a could be moved up to the previous objective which is very focused on the host culture. Perhaps we can look at moving B-2-a up to the previous objectives and then rest are focused on all cultures with the exception of the item that deals with stream flows which is intended to become an implementing action anyway.

Ms. Bosco: You know, as a suggestion, to get us through this section, what we can do is take preliminary votes which allows this Commission to come back at the next meeting, look at how we revisited this suggestion or re-tailored everything or re-organized, whichever, and then we can take a final vote on our final draft if you would like. Okay, so that's one recommendation if you wanted to look at it again. We'll take a preliminary vote on what we have and at the next meeting, we'll present the changes to you and explain what they are, and then we can take the final vote.

Mr. Gima: Okay, any other comments? Questions?

Ms. Bosco: I think we were at the vote weren't we? The preliminary vote – keep in mind.

Mr. Gima: Or just vote to defer objective B-2 and accompanying policies?

Ms. Bosco: Defer – okay. Okay, then, we'll move on to B-3. To defer – I'm sorry.

Ms. de Jetley: I move to defer item B-2 and its accompanying policies to the next meeting.

Mr. Endrina: Second.

Mr. Gima: It's been moved by Commissioner de Jetley and seconded by Commissioner Endrina that we defer objective B-2 and accompanying policies to the next meeting. Any discussion? Hearing none, all in favor, raise your right hand please.

Commission Members: *(Hands raised.)*

Mr. Gima: Okay, motion carried.

**It was moved by Commissioner Alberta de Jetley, seconded by  
Commissioner Lawrence Endrina, then unanimously**

**VOTED: To defer objective B-3 and its supporting policies to the  
next meeting.**

Ms. Bosco: Thank you. Okay, B-3, preserve for present and future generations the opportunity to know and experience the arts, culture and history of Maui County. Okay, if no comments, B-3-a. If nothing else, B-3-e. This is suppose to be an implementing action. B-4-b. B-3-f, this is also an implementing action. B-3-c. If nothing, the last one is B-3-d . . .(inaudible) . . .

Mr. Gima: Since there are no amendment, I'll entertain a motion to approve objective B-3



and accompanying polices.

Ms. Kaye: I move.

Ms. de Jetley: Second.

Mr. Gima: Okay, it's been moved by Commissioner Kaye, seconded by Commissioner de Jetley that we approve objective B-3 and accompanying policies. Any discussion? Hearing none, all in favor, raise your right hand please.

Commission Members: *(Hands raised.)*

Mr. Gima: Okay, motion is carried.

**It was moved by Commissioner Sally Kaye, seconded by Commissioner Alberta de Jetley, then unanimously**

**VOTED: To approve objective B-3 and its supporting policies as presented.**

Ms. Bosco: Thank you. Next section, objective B-4, observe the architect – sorry – preserve the historic architecture, structures, cultural sites and cultural landscapes of Maui County, and its supporting policies. Okay, B-4-e, this is an implementing action. B-4-a. B-4-f, which is an implementing action. Am I going too fast? Okay, B-4-g, another implementing action. B-4-b. B-4-c, and B-4-d.

Ms. Kaye: I would strike B-4-d in its entirety.

Ms. Bosco: Okay.

Ms. Kaye: My thinking on that is first of all win-win solution is kind of meaningless term, and the rest of the sentence sounds mutually exclusive which is kind of insulting to both sides. I don't know why it's in this section.

Ms. Bosco: Okay, I can actually explain this one because I was generator of this statement here. The reason this is in is because in many cases there could be major projects – major CIP projects, public facility projects and historic artifacts or site or burials or something that needs to be addressed – and it becomes critical try and determine where the priority lines and what is the balance of the priority. Are we going to shut down the project because there's a historic site? How are we going to mitigate? And so this policy is intended to try and come up with – why it's win-win – so we can come up with a solution that honors the historic site or whatever it is we're trying to protect, but allow for whatever project or activity is being requested that would actually benefit the community as well. One of the other Commissions just struck the word win-win and it improved the statement a lot. But that's the rationale behind this sentence – is to try and find a way to come up with solutions which not only honor the traditions and history, you know, archaeological artifacts and sites, but a wealth of progress.

Mr. Gima: Isn't there protocol and policy for this already?

Ms. Bosco: Well there are many –. We are creating the Countywide Policy, so this will be the policy. And there are already many supporting policies and community plans and so forth that would support this. But this is the very beginning. This is where it would start, and from here, there would be programs and other policies underlying it – you know what I mean – supporting it too.

Mr. Gima: So there is already protocol and policies to deal with situations like this – when there's bones at the job site?

Ms. Bosco: There is however, this is the – this is a policy that – how do I explain this? Since this is the Countywide Policy, we need to have something like this in the plan so that down the line, we can – we're trying to respect both sides of the fence. We're trying to respect that certain developments need to – how do I? – I don't know if I'm explaining this right.

Mr. Gima: But the County is not the first responder – yeah, the first responder – arbitrator, right? That's what I'm saying, there's protocol and policies.

Ms. Bosco: In many cases, the County is the first responder because the projects come to the County, we are the first responder. And as the first responder, we need to, you know, we need to decide how to mitigate or how to address, you know, a situation. Like if it's a project that comes in, the first thing we're going to do is send it to the State for a review.

Ms. Kaye: . . . (Inaudible . . . Changing of tapes) . . . . That makes it better.

Ms. Bosco: Okay, thank you.

Mr. Gima: Any other discussion on B-4-d? Is that the only amendment we have on this objective?

Ms. Bosco: I'm sorry. Thank you Kathleen. I'd like to bring your attention to the screen. There's a highlighted policy. This is not on your handout and this is because we had – it had been brought to our attention that we had overlooked a voted on policy from the Maui GPAC. And so, what we did, we researched our over-sight and we found that indeed the Maui GPAC had voted on putting this policy into their recommendation. And so in all fairness, although this is not the Director's recommendation here, we wanted to bring it up, put it up on the screen. This was a policy that the Maui GPAC wanted to include in the large matrix there that you have. And so, we wanted to make sure you saw it. If you would like to include it as a recommendation from the Lana`i Planning Commission, then please go ahead and include it. If not, then it's up to you. And how it read is – Kathleen – immediately provide and encourage laws to preserve and enhance the summit of Haleakala with no new buildings. And I think the Director's position on this is that it's much better in a Maui Island Plan actually. It's better located under the Island Plan.

Mr. Elliott: But I was going to make a comment that I don't want to see any buildings on Haleakala when I go over there.

Ms. Kaye: Well and it raises the issue of are we talking additional buildings or an existing building that burns down. Is that considered a new building and therefore it couldn't go up again. There's too much in there, and it belongs on Maui.

Ms. Bosco: Thank you.

Mr. Gamulo: What about the buildings that might be built according to traditional Hawaiian culture?

Ms. Bosco: That's a good point, and we can bring that to the attention of the project planner that will be working on the Maui Island Plan.

Ms. de Jetley: You know, I don't know if any of you have been up to Haleakala, but there are so many tourists up on the mountain every morning, that it's not realistic to expect the park service to just stay with the buildings they have because they badly, badly, badly need a new restroom facility. So I think we should strike immediately provided, and just have it as encourage laws to preserve and enhance the summit of Haleakala, and delete with no new buildings because that is just totally unrealistic.

Ms. Bosco: Okay, so these comments, again, we can bring back to the project planner. However, you still need to decide if you want to support in the Countywide Policy Plan.

Mr. Gima: I support the intent of that, but I think it belongs in the Maui Community Plan, not the Maui County.

Ms. Bosco: Right. And Alberta, those points are very well taken and they were brought up in the same discussions too, so thank you.

Mr. Endrina: I move that we accept objective B-4 and its policies with its amendments, and removing the last one – the four/five dots.

Ms. Bosco: Thank you.

Mr. Mano: Second.

Mr. Gima: Okay, it's been moved by Commissioner Endrina, seconded by Commissioner Mano that we approve objective B-4 and the accompanying policies with amendments and remove the last policy. Any discussion? Hearing none, all in favor, raise your right hand please.

Commission Members: *(Hands raised.)*

Mr. Gima: Okay, motion is carried.

**It was moved by Commissioner Lawrence Endrina, seconded by Commissioner Matthew Mano, then unanimously**

**VOTED: To approve objective B-4 and its supporting policies with amendments, and removing the last policy.**

Mr. Gima: So we are done with the GPAC portion of our agenda.

Ms. Bosco: Thank you. Awesome.

#### **D. UNFINISHED BUSINESS**

- 1. Discussion on when it would be appropriate for the Lanai Planning Commission to discuss the 1990 Memorandum of Agreement (MOA) between Lanaians for Sensible Growth and Castle & Cooke Resorts concerning development at Manele.**

**The Commission may decide on whether the matter can be discussed at a future date and select a date for the discussion. (Previously discussed at the September 5, 2007 meeting.)**

Mr. Gima: And now we can get on to unfinished business. Item #1. I'll report on this real quick. At the end – at the last meeting, Corporation Counsel recommended that I contact Lanaians for Sensible Growth and Castle & Cooke to see if the Memorandum of Agreement is a private or public document before we photocopy it for the Commissioners to view. I sent that email. I got an affirmative response from LSG to – that it's a public document, and Castle & Cooke did not agree with that. They did not feel it was appropriate because they felt that I, as – they thought I was a member of LSG so it would not be appropriate to discuss this in a Lana`i Planning Commission forum. But basically they did not answer the question about whether it's a public or private document. So I forwarded that email to James Giroux and Clayton Yoshida, and I'm awaiting their response.

Ms. Kaye: I've seen them, and they're recorded. They were filed, so I don't know how they couldn't be public documents.

Mr. Gima: Any comments/questions on #1?

Ms. Zigmond: So we're waiting for their response?

Mr. Gima: I'm waiting for Corporation Counsel's response to the emails that I got from Castle & Cooke and the attorney from Native Hawaiian Legal Corporation for LSG.

Ms. Zigmond: Okay, because this has been dragging and dragging and dragging.

Mr. Gima: But Sally is right – it is a public document because I think it was part of the Land Use Commission hearings – that it was public record. Okay, anybody from the County can

report on Item #2, discussion on the processing of SMA Exemptions?

**2. Discussion on the processing of SMA exemptions. (Previously discussed at the September 5, 2007 meeting.)**

**The Commission may look to direct staff to produce draft legislation regarding amending the current process.**

Mr. Alueta: Good evening. Three minutes? I'm the one that has to draft it so if you want me to – my understanding is that there is a potential desire to amend the Lana`i Planning Commission SMA Rules to have you review exemptions that are listed by the State as exemptions, in which the County Planning Department staff processes administratively and issues. This is something that you want similar to what Moloka`i – I did for the Moloka`i. So if that's the desire, I can go ahead and draft them. I'll I do is change it from 203 to 204 – put in the section. I will just advise you, as I told the Moloka`i Commission that it would be contrary to the Community and General Plans about stream lining the permit process. That our office – Director – has already told me that he is not in support of it because it would be in contrary. But we're going to support you as best as we can, and we'll do the draft. It's not guaranteed that the Mayor will sign it. But I can go ahead. If you want, you can tell me that's what you want me to do since apparently you've seen the Moloka`i so there's no need for me to draft something, bring it here, and then go back and then publish it. I can go ahead and once I get it drafted and then Corporation Counsel signs off on it, we can then post it to meet the notification because there's a 30-day notification requirement for a public hearing.

Ms. Zigmond: I don't think there's a potential desire because we expressed that desire several – at least the past two meetings – and we had requested that draft language be prepared for this meeting so that we could do whatever. But, let me just comment on the stream lining process - you know, I'm all for that too, but when it take away from local control, I'm not.

Ms. Kaye: Actually one of the things we've done – and this is the third meeting this has come up so I'm really glad to hear you say you'll take responsibility for this because we weren't sure how this was going to proceed – was how many exemptions have ever been filed from Lana`i? We've asked that now three times too. We don't anticipate there are many, and we don't see why this is an erroneous change so –.

Mr. Alueta: No, and I – I mean, Lana`i has probably the smallest SMA. Moloka`i, they asked for it, and we told them. You know, they wanted specific ones. From our review, we told them that's not a good idea. Because like I said, the State has already set up a criteria and established what they deem to be exempted actions provided that you're going to have criteria. And so for me, the easiest way to do it is just take that entire list that they've determined to be exempted – similar to what I did with Moloka`i – and if that's what you guys want to adopt, that's fine. And we'll send all of the exemptions over. My only concern is when I do that, all we're going to give you is the application, our recommendation, and the simplified three-page assessment that we do when we do any other exemptions. It's not – given our staffing levels, if it does get out of control, we're not

going to write five-page or 10-page staff reports, analysis, and agency comments – if we don't do that already. What it is we process the exemption as we do now. We use the same analysis and criteria. We do a short check list that we have that fills in – I'm not sure if you've ever seen it – but for every assessment, for every potential exemption assessment, we go through a check list criteria. It's about three pages. Once we make that determination that it's exempted, we then file that form with the application and send off a letter of exemption, if we feel it's exempted. Of, if we think it's a minor, we issue – we tell them it's a minor permit, then either ask for more information or process it as a minor permit as it stands, or we determine that it's a major and therefore it needs to get a –. So, no problem, I can draft the language and post it, and get it. As far as how many exemptions are on the Island, I'm not in that division, so I don't do that – that's Clayton. My responsibility is just if you want some Rule changes, you tell me what you want then I'll do the best to draft it.

Ms. Kaye: The thing I'd ask is because I read this and compared it to what's on the book now, and I don't see anything in here that wouldn't work for us as well as it has on Moloka'i. But if something does occur to you, then just let us know at the next.

Mr. Alueta: I don't want to change it any differently.

Mr. Hopper: I would just say that Molokai has expressed concerns with the number of exemptions they are seeing. They have had testimony from people stating that they believe that the process is arduous there and they've taken some – had some discussions anyway – it was on about three agenda meetings there how they can stream line their review of the SMA exemptions. So I would just raise that as something that was raised on Molokai. We can perhaps look at getting the minutes from those meetings as to what was discussed. But that was an issue that has come up for Moloka'i. So it hasn't been completely smooth going for Moloka'i, just to let you know. In addition, because of the State Law requirements, if you do disagree with the Planning Department as to whether or not the project is exempted, you'll be required to issue Findings of Facts and Conclusions of Law because they'll be contrary to what the professional planning staff has recommended. You're going to have to draft those and so you as a group will have to talk among yourself as to what you want – factual findings and conclusions based on the application – why you believe that the project is not exempted under State law.

Ms. Kaye: This is the third time we've heard all of this. We know this. We know this.

Mr. Hopper: Okay. That's great.

Ms. Kaye: It's the third time you've tried to talk us out of it. So every time you do it, I think of something else to ask you to do. So this is great. Why don't you come next time and tell us how many exemptions we've had on Lana`i historically. And since you bring up Moloka'i, we can have a look at how many exemptions they've had too – like say, the five year period before they got their rule changed.

Ms. Zigmond: But definitely can we have that change put into process?

Mr. Alueta: Yeah. That's why I'm here. This was the first – I was told last week to come here – because I was coming for a rural district – to talk about SMA. So I was never informed you had a desire to have rule changes. So my boss – I take my orders from my boss which is the Director. So, he told me about this idea and that's why he wanted me to come to find more about it, and to explain what occurred at Moloka`i. And basically to explain our concerns again, but at the same time – I mean, it's your rule – if you want me to draft an amendment, I'm going to help you out and do that. I'm going to advise you differently, but I'm not going to – unless you do something totally off the wall and illegal, I'm not going to tell it's a bad –. If you learn later on in a couple of years, as I told Moloka`i, that you like the way the process is going, you take some heat from property owners which I don't think there's many on Moloka`i – I mean on Lana`i that are other than the company – you know, we'll just go ahead and process it and see what happens.

Ms. de Jetley: Let me ask you, do you have an open application for the SMA at Keomuku now?

Mr. Alueta: Again, I'm the Administrative Planning Officer. I just deal with legislation. I don't process any projects anymore. I haven't for the last two years.

Ms. de Jetley: At the last meeting, there's an open application for Brown developments, and I asked staff to –

Mr. Gima: Excuse me.

Ms. de Jetley: – back to us to let us know if that was in the Manele Project District or at the SMA at Keomuku.

Mr. Summers: That's a separate agenda item.

Mr. Gima: Alberta, it comes under #2 in Director's Report. Okay, Joe, so you're going to take that responsibility? Will you also take the responsibility on Sally's request about the number of SMA's on Lana`i and Moloka`i so we can do a comparison as we make our decision next time? If you can't do it, will you take the responsibility to ensure that someone in your Department does that?

Mr. Alueta: All I can do is advise it – Program Planning Administrator for the Current Division, which is Clayton Yoshida – of your desire to get that. We'll try to generate. Like I say, I'll pass it on, and hopefully he'll get it done.

Mr. Gima: Thank you. Okay, last call on this SMA #2. Anything else?

## **E. DIRECTOR'S REPORT**

### **1. Commission Chair's request to discuss the following:**

**The feasibility of changing the zoning of the remaining 65 acres of land donated to the County of Maui by Castle & Cooke for affordable**

**housing. The change would go from its current zoning to the appropriate type of zoning that would make the land ready to be improved.**

Mr. Gima: Hearing none, let's move on to Director's Report, item #1. There's no information, so we can move on to open Lana`i applications report. Okay, Alberta.

## **2. Open Lanai Applications Report.**

Ms. de Jetley: At the last meeting I asked that there was an open application for Brown development, and there was a tax map key on it. I asked staff at that time to advise us whether or not this was in the Manele Project District or whether or not this was in SMA zone at Keomuku.

Mr. Summers: Thank you Mr. Chairman, we have Paul Fasi here. He's familiar with this project.

Mr. Fasi: There is no SMA application on this project as of this date. They – the consultant, Munekiyo & Hiraga, only asked for request for comments – with the Planning Department, we replied.

Ms. Kaye: I know I sent an email because I wanted to know what this is. So that's what RFC is, it's request for comments.

Mr. Fasi: Yes, Ma`am.

Ms. Kaye: And so, if that request for comments wanted to hypothetically make the argument that they were exempted and the County responded that they were, then it's done.

Mr. Fasi: It's a request for comments.

Ms. Kaye: What does that mean then?

Mr. Fasi: It's just commenting on the project. Until they file an application and we either issue a permit or don't issue a permit, the comments are basically allowing the consultant to position themselves to fill out the application.

Ms. Kaye: I see. I see. Is there anywhere in the Code that talks about what an RFC is? Is it that just one of your administrative –?

Mr. Fasi: No.

Ms. Kaye: Okay, what does EAC mean?

Mr. Fasi: EAC is –



Mr. Alueta: EAC is a comment letter for an EA. That means there was an EA that was sent to our Department in which we were a commenting agency.

Ms. Kaye: I'm sorry, an Environmental Assessment Comment?

Mr. Alueta: It's a way in which we track – if I can remember correctly – it's a way we track – if we comment on some kind of project. It's not permit per say. It's just means there was an EA sent to us.

Ms. Kaye: By –

Mr. Alueta: We were not the accepting agency. We were a commenting agency, so we sent a comment letter.

Ms. Kaye: Okay, well, I'm looking at this PD open projects. There's three of them here. The RFC refers to Castle & Cooke Resort and that's installing their met towers. So they're asking for a request for comment from DLNR.

Mr. Alueta: That's our Department number. EAC is –. We were just sent the EA, and we were commenting on it. We sent a comment letter.

Ms. Kaye: So you're saying that this – whatever this Brown Residents is it had an assessment – an environmental assessment done and send it to you? I'm just trying to understand what this – what this?

Mr. Alueta: It could be. I don't know. That's all it could be. I mean, for all I know, it could be for a conservation use permit – CDU permit – in which they require an EA. Who knows. But all it is, is that somebody sent us an EA document – that's what the title was it – and we sent a comment letter. If it's from Brown Residents improvements, it could be – for all I know it could be a CDU permit, like Conservation District Use Permit.

Ms. Kaye: And let's just go to the third one – PH2 means what?

Mr. Alueta: PH are Project Dis –

Ms. Kaye: It says PH2.

Mr. Alueta: That's Phase 2 approval for – planned development or project district – actually project district, excuse me.

Ms. Kaye: Okay, I think it's wonderful that we finally got this down to just Lana`i projects. I know how hard that was and I applaud the County for doing. But having giving us three projects and you can't tell us where they are, I'm not sure what the point is.

Mr. Fasi: The Brown Residents is in a process of doing an EA. They're in a process of doing an EA.

Mr. Gima: No, the location of the property.

Ms. de Jetley: The physical location.

Mr. Fasi: The location - the physical location is at a TMK number in Keomuku. I haven't gone out there myself to actually view a site. There is not - there probably isn't a street address for it.

Ms. de Jetley: That was what the question was.

Mr. Fasi: All of these questions that you're asking will be answered when the Planning Department receives their SMA application. We don't have the answers to your questions because they haven't submitted them yet.

Ms. Zigmond: . . . (Inaudible) . . .

Mr. Fasi: Answered what?

Ms. Zigmond: . . . (Inaudible) . . .

Mr. Fasi: Okay, fine. Great. You want the TMK number?

Ms. de Jetley: We have the TMK, but we didn't know where it was, and you just told us when you said Keomuku.

Mr. Fasi: You weren't even aware that was in Keomuku?

Ms. de Jetley: We weren't sure because he has other developments on the Island. We - it could've been in the Manele Project District. So the other question I have is after his application comes in, if it's for a private residence, then the Director, at the present time, has the authority to go ahead and just approve the application without any further review from the community.

Mr. Fasi: After the Planning Department receives the application, it will determine whether or not it's an exempted action or requires an SM1 Major application.

Ms. de Jetley: Then the other question I have for you is because this area is total undeveloped, would the County be obligated to provide improved road access and public services such as fire?

Mr. Fasi: No.

Ms. de Jetley: Water?

Mr. Fasi: I don't believe so.

Mr. Gima: Okay, any other questions on the open application report? Okay. Item #3.

**3. Public Hearing on proposed amendments to Title 19 of the Maui County Code to change the references to the Maui County Cultural Resources Commission instead of the Maui Historic Commission on October 3, 2007 at 7 p.m., Lanai Senior Center.**

Mr. Summers: Thank you Mr. Chair. There will be a public hearing at the October 3<sup>rd</sup> meeting related to the change in references in the Maui County Code to the Maui County Cultural Resources Commission – instead, to Maui Historic Commission. It's really a technical change.

Mr. Gima: Okay, next meeting is October 3, 2007. So John said we already have that on the agenda. We have two GPAC items.

Mr. Summers: That's correct.

Mr. Gima: Three. You're going to prepare three GPAC items.

Mr. Summers: That's correct.

Mr. Gima: And Alberta, you wanted something on the agenda?

Ms. Zigmond: Mr. Chair, don't we have the Castle & Cooke five-year extension?

Mr. Gima: I think that's the one Alberta was talking about.

Ms. de Jetley: I'm sorry Butch. So on the – I was just distracted by this letter that I was reading – so the question is did I want something placed on the agenda? I want the Castle & Cooke application brought back to us.

Mr. Gima: And I think someone from Planning suggested that if we have specific language on that condition that we can submit that to the Planning Department. Is that accurate?

Mr. Fasi: Did you want to submit new request for changing conditions or do you just want to review conditions that they submitted?

Mr. Gima: Well, I think Sally had one specific having to do with water and the development and the progress.

Ms. Kaye: I thought we agree that we would –. We've done the review on the existing ones, and we're contemplating carrying them forward.

Mr. Fasi: Could you clarify that one condition for me?

Mr. Summers: You would want to do it in advance to the meeting so we don't have the same trouble we had tonight.

Mr. Gima: Okay, so Sally, will you take the responsibility of submitting language on that?

Ms. Kaye: I can't do it ahead of time.

Mr. Gima: Yes you can.

Ms. Kaye: No he just said we had to do it at the meeting.

Mr. Gima: No, he said we can't do it together. You can do it –

Mr. Summers: You can do it as an individual and bring it to the body at the next meeting.

Ms. Kaye: . . . (Inaudible) . . .

Mr. Summers: That's not necessary. It would be nice if you can turn it around in time. That would be helpful. So that would work, yeah.

Ms. Kaye: Okay.

Mr. Summers: Thank you.

Mr. Gima: One last thing that's going to be on the agenda is, I think, communication that I sent to the Planning Department on the feasibility of comprehensively zoning all open space on Lana`i. It was a request to put it on the agenda to determine how feasible it would be to comprehensively zone all open space on Lana`i. Right now, it's open space. But if we comprehensively zone it, then if there's any development or changes it has to come before the Planning Commission. Is that accurate John?

Mr. Summers: That's correct. Essentially it would require a study. We'd have to analyze the Community Plan and identify these resources that are identified for open space. We have two categories of open space in our zoning ordinance. The very restrictive protective zone and a second zone that allows recreational activities that's suitable for the hazardous constraints and what not. So there would need to be a study and there would have to be land owner notification process for whereby we take that study and recommendations from the Planning Director to the Planning Commission for review and recommendations, and then the County Council would make the ultimate decision. So it's definitely feasible. It would require a fair amount of work, and it will be controversial.

Mr. Gima: Lana`i is about, what, 75% open space.

Mr. Summers: A significant amount of open space.

Mr. Gima: Okay.

Mr. Summers: The study probably will not be too expensive. I would say maybe \$20,000 to \$30,000 if we contracted out. There will be questions about whether the County would have to acquire certain lands that are zoned for open space.

Ms. de Jetley: Butch, when you talk about open space, you're not talking about all of the agricultural lands that's already zoned ag right? You're talking about the perimeter lands that's presently in open space.

Mr. Gima: I wish I had the map of Lana`i. You could see by color all of the whole.

Mr. Summers: Right, these are community planned areas different from agriculture. Agriculture has its own community plan designation. So these are sensitive ecological resources.

Ms. de Jetley: I would almost think that if you're going to designate it as open space that you'd better be prepared to be buying it because you're taking away the landlords, the owner's rights, to his property. So you'd be prepared to find the money to buy it.

Mr. Gima: That's why I said the feasibility of doing that.

Mr. Summers: I mean, we have two categories. I think it's very feasible in certain instances, but obviously and particularly with the more restrictive category, that is going to be a significant issue that has to researched.

**F. NEXT REGULAR MEETING DATE: October 3, 2007**

Mr. Gima: Okay, so shall we meet at six on October 3<sup>rd</sup>, as oppose to seven?

Mr. Summers: I think that would be very efficient if we could do that.

**H. ADJOURNMENT**

Mr. Gima: Okay. All right, thank you everybody, meeting is adjourned.

There being no further discussion brought forward to the Commission, the meeting was adjourned at approximately 10:47 p.m.

Respectfully transmitted by,

LEILANI A. RAMORAN  
SECRETARY TO BOARDS & COMMISSIONS I

**RECORD OF ATTENDANCE:**

**PRESENT:**

Reynold "Butch" Gima, Chair  
Lawrence Endrina, Vice-Chair  
James Elliott  
Dwight Gamulo  
Sally Kaye  
Beverly Zigmond  
Alberta de Jetley  
Matthew Mano

**OTHERS:**

John Summers, Planning Program Administrator, Long Range Division  
Joseph Alueta, Planning Program Administrator  
Simone Bosco, Staff Planner  
Kathleen Aoki-Ross, Staff Planner  
Paul Fasi, Staff Planner  
Michael Hopper, Deputy, Corporation Counsel