

PC Committee

From: Jennifer Maydan <Jennifer.Maydan@co.maui.hi.us>
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To: PC Committee
Subject: Fwd: Molokai Planning Commission Minutes
Attachments: MoPC Minutes Feb 25 2016.pdf; MoPC Minutes Mar 10 2016.pdf; CH 6 Land Use & Housing_PD Rev_2.25.16_REVISED.pdf; z Appendices_PD Rev 2.11.16.pdf

>>> Jennifer Maydan 2/8/2018 9:02 AM >>>
Hi Traci,

Attached please find minutes from two Molokai Planning Commission (MoPC) meetings, as requested by the PC at their February 7 meeting. MoPC discussion on the land use appendix can be found on the following pages:

February 25, 2016 Meeting: Pages 7 - 27
March 10, 2016: Pages 14 - 16

I have also attached for reference the draft Ch. 6 (Land Use and Housing) and draft Appendix 6.1 (Comparison of Molokai Community Plan Designations and Typical County Zoning Districts) which the MoPC was reviewing at the above noted meetings.

Please let me know if you have any questions or need anything else.

Thanks,
Jen

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MOLOKAI PLANNING COMMISSION
February 25, 2016
Community Plan Amendment Review

A. CALL TO ORDER

The Molokai Planning Commission Special Meeting of the Community Plan Amendment Review was called to order by Vice Chair Doug Rogers, at 3:10 p.m. on Thursday, February 25, 2016 at the Kalanianaʻole Hall, Kaunakakai, Molokai, Hawaii.

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

Vice Chair Rogers called the meeting to order and introduced the members that were present.

Ms. Maydan: Aloha members, aloha public, thank you for coming. Just to give a brief overview, an orientation to the meeting for anyone who hasn't been attending, this is the Planning Commission's review of the draft Molokai Community Plan Update. The Community Plan Advisory Committee, or CPAC, started review of the draft plan update in March of 2015, and they reviewed the plan for about 7 months, concluding their review at the end of October. The Planning Commission began their review in November, and so far, we have one more meeting scheduled, two weeks from now on March 10. Shortly after that, we will add their revisions and hand the plan off to the County Council. The County Council will then have up to one year to review the plan, hear public testimony, and eventually update or adopt the plan. So while this is an important review, this is not the end. The plan will not be finalized until it is seen by the Council and they have an opportunity to review it and hear public testimony and adopt it. As Doug mentioned, we have a lot to get through today. We have two chapters, one of them, Chapter 6, Land Use and Housing, is a very meaty chapter and it has the Land Use Maps, which really are kind of the crust or the heart of the plan, as well as Chapter 7, Community Design.

To help the Commissioners listen to public testimony and make recommendation to the plan, we ask that public testimony be given on an agenda item while the commission is reviewing that particular item. But if you are not able to stay for the whole meeting, you're welcome to provide public testimony at the beginning. Just for the Commission's ability to hear your public testimony and apply it to the Land Use section or the Community Design section, it's most helpful to hear your public testimony while they're reviewing that particular section or chapter. We will most definitely allow for public testimony.

B. PUBLIC TESTIMONY – At the discretion of the Vice Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at

the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered.

MOLOKAI PLANNING COMMISSION DISCUSSION AND APPROVAL OF RECOMMENDATIONS RELATING TO THE NOVEMBER 205 DRAFT MOLOKAI COMMUNITY PLAN:

1. Chapter 6 Land Use Housing
 - a. Planning Department Overview of Chapter
 - b. Public Testimony

Ms. Maydan: Before we jump into that, if there's no public testimony right now, we're going to jump into a brief 20 minute presentation. This presentation is about 15-20 minutes. We gave a much longer, similar presentation to the CPAC back in June at an all-day Land Use workshop that was open to the public that they had. What we're going to go over is briefly just the State and County Land Use, the planning framework. This is something that the Commissioners should be pretty aware of but we just want to provide some background so everybody's kind of on the same page and understanding where we're working with, with the Land Use maps and planning for future growth. We'll go over the Land Use forecast, which is a tool for forecasting land use needs until the year is 2035. I'll talk a little bit about the workshop, the Land Use workshop that the CPAC had where they did an in-depth mapping exercise. We'll go over a little bit over Smart Growth and use these principals to plan for future growth in the Community Plan, briefly talk about mixed use, which is a component of smart growth, and how it can be used as a tool for community planning, and finally go over the CPAC final recommendations for the Land Use maps. I apologize for the clarity of the screen but hopefully everyone was able to grab a handout.

So the State and County Land Use planning framework, we're going to over this briefly so that you understand where the Community Plan and where the Community Plan Land Use maps fit within this framework.

So the Hawaii State Planning Act establishes a system for the planning and coordination and integration of major State and County activities. Under the Hawaii State plan on the county level is the General Plan which includes the Community Plan. The purpose of the Community Plan is to provide direction for future growth. They have a 20 year planning horizon. So this Community Plan goes to 2035. One of the key components of the Community Plan is the Land Use Maps, which maps area for future growth with general land use designation.

What's also important to understand is zoning, county zoning. County Code Title 19 is where we have our zoning code and it provides deregulatory framework for managing land use in Maui County. Zoning is a tool to implement the general plan and the Community Plan. Another key component of the Land Use framework is the State Land Use Law. The State Land Use Law divides

the lands in the state into four districts: conservation, agriculture, urban and rural. The majority of Molokai's lands are within the conservation and ag districts. Only about 2% are within urban and rural.

So how does these three components, State Land Use Districts, Community Plan and Zoning, how do they fit together and how do they work? So the three layers, you can think of them on a spectrum of general specific in describing the permitted or intended uses on the land within each district and region. So at the top of this diagram, you have the State Land Use District, which provides general descriptions of uses within the four district, and in the middle you have the Community Plan designation, which provides a little bit specificity with the intent of guiding future growth. At the bottom, where you get the most specific, is county zoning, which provides more details to regulate the intensity of land use, the dimension and the location of development on a particular parcel of land. So the three layers, the state, the community plan and zoning, they work together to plan for future growth as well as to regulate existing land use. But it's very important to keep in mind what level we're dealing with here at the community plan. We're dealing with the community plan land use designation for the purpose of directing future growth, we're not dealing with zoning at this level. Just as an example, this is a map of Kualapuu, and this is just showing the property boundaries only. Then we'll put on top of that the state district. In the red, you see urban, and the green is agriculture. We'll add community plan land use designation. So as I said, these are just general land use categories and designations, and they have a definition in the community plan to describe what the intent of those designations are. Lastly you have zoning. The zoning district have very specific uses and development regulation. All of the layers come together and work together to regulate land use and plans for future growth.

So the community plan contains policies and actions, which provide guidance to state and county agencies, landowners and developers, community groups and organizations. But when are community plans actually regulatory? Community plans are regulatory in a couple of instances. First of all, community plans are regulatory for change in zoning. If a landowner comes in and wants to change a zoning on their land, it is mandatory that what they change it to what is consistent with the community plan, with the policies in the community plan, as well as with the community plan land use maps. Secondly, the community plan is regulatory for discretionary permits. Some examples are special use permit or special management area, SMA permits. When someone is in one of these districts and they are proposing a development, a different use, it has to be consistent with the policies and the land use map in the community plan. So the community plan is regulatory in that instance. As well as subdivisions. If someone has a large parcel of land and they want to subdivide, they have to comply with the community plan. Lastly capital improvement projects. When the county does their CIP budget, the budgets are intended to implement the community plan. There are a list of actions in here and the agency, to the extent practicable, they are to implement the actions in there.

So we've established where the community plans fit within the land use and planning framework. Now we're going to move on to updating the community plan land use map and planning for future growth.

So the land use forecast is one of many technical studies which the Planning Department use to update the community plan in its draft form. The purpose of the land use forecast is to estimate the amount of additional urban plans of land needed to accommodate population and economic growth for Molokai to the year 2035, it has order of magnitude use of land needs, and it's simply a tool, it's not county policy, it's just a tool for us to try and get a crystal ball and look into the future and see what may be needed for land use. Just very briefly, there's three key steps to land use forecast.

First, the forecast land use demand based on future population. So there's a population projection to convert that population and visitor numbers and future job numbers into a need so you can get the demand for future urban land. We take an inventory of the vacant land that are identified in the 2001 community plan land use map for urban type uses and we get the supply. We compare supply and demand and we say if is there a deficit, is it sufficient, or is there a surplus. So the conclusion for the land use forecast for the island of Molokai is that lands currently available for development on Molokai are likely to suffice to meet demand for resident and non-resident housing, for commercial and industrial space, and for visitor units through the year 2035, so, in other words, does the existing community plan maps in the 2001 community plan have enough land designated to accommodate future growth? So we presented this information for the land use forecast to the CPAC at their June 4 land use workshop and gave them the task of determining if the existing supply of land is in the right places to accommodate the needs of the community. Some of this supply is in the path of potential sea level rise and coastal hazards. A lot of the supply is in Kaluakoi. So we tasked the CPAC with addressing the question: Where should our community grow? So the answer to this question, the CPAC did a mapping exercise at their all day land use workshop on June 4, which was open to the public, and we asked them to consider key questions such as: Where should the community grow? What should this growth look like and consist of? How can growth strengthen existing? How can growth coordinate with existing infrastructure and public facilities to be more affordable? How can growth best serve the needs of Molokai's people, existing and future populations, and how can affordable housing be provided?

Another tool that we gave the CPAC was we talked about smart growth. So what is smart growth? Basically, it's building communities with housing and transportation choices near jobs, shops, schools for the purpose of providing for community needs, including affordable housing, and supporting local economy's as well as protecting the environment. Just briefly, I'll just run through the 10 basic principles to guide smart growth strategies. Number one, direct

development towards existing communities to strengthen existing communities and provide efficiency and make use of existing infrastructure. Two, preserve open space, farm land, natural beauty, and critical environmental resources. Three, provide a mix of land uses, this includes single-family and multi-family together, neighborhoods serving commercial and residential areas, any limited residential and commercial areas as well as parks and public uses. Four, take advantage of compact building design, allowing for less land consumption and integrated open space and more transportation options. Five, foster distinctive, attractive community for strong sense of place. Basically, maintaining the character, the rural character of Molokai's small town. Six, create a range of housing opportunities and choices which can respond to the changing needs of the community and promote affordability. Seven, promote a range of transportation choices. Eight, create walkable neighborhoods, building communities for people and not cars, and providing sidewalks and bypass, where appropriate, some areas are not appropriate, but where appropriate, to provide connectivity between different land uses. Nine, make decisions predictable, fair and cost effective. Ten, encourage community and stable collaborations. So these smart growth principals are threaded throughout Chapter 6, Land Use and Housing, and Chapter 7, Community Design, as well as throughout the plan.

Another tool we discussed with the CPAC to plan for future growth and encourage smart grown is mixed use residential, a new mixed use residential community plan designation. So the existing community plan designations, which are in the 2001 community plan, which are in all of the community plans for Maui County, they're quite narrow and specific. You got single-family, multi-family, commercial, etc. Mixed Use Residential allows for mixing of compatible land uses for the purpose of providing a more complete community where you could have single-family small lots and large lots, duplex apartment within walking distance of, say, a corner store or a laundry mat or park. So the definition of mixed use residential in the community plan is that it envisions primarily single-family and multi-family dwellings, but also including a mix of park, commercial, and public/quasi-public uses whereas light industrial and heavy industrial uses are not. They are excluded. They're not allowed. So as an example, the Lanai community designated an area to expand the Lanai City as mixed use residential in their recent community plan update to allow for the growth of the town over time. It allows flexibility for the town to grow and mimic the land use pattern that they already have in Lanai City, which is quite mixed use. In the community plan, they have narrative description that specifies the intent and the vision for the area that's identified as mixed use residential. So mixed use is not a new concept. Mixed use was common. It was the norm throughout Hawaii, historic, small town, and plantation towns. Kualapuu is a wonderful example. You have a mix of residential lots, parks, neighborhood businesses as well as public uses. You have different land uses all within the centrally walking distance and the mix produces more of a complete community rather than segregated land uses.

So I just briefly have a couple photos to illustrate vertical mix of uses. The next couple of pictures are in Lahaina, they're not currently mixed use, but in the past they were where you have

residential on the top and you have commercial on the bottom. This was a very standard way for towns to provide for housing. Second picture is the same, residential on top, commercial on the bottom. So a lot of new developments are kind of bringing this back and seeing the benefit of mixed use. This next picture is just a modern example in Kihei, along South Kihei Road, where you can have housing over commercial. This building serves as a transition between a commercial area and a single-family residential area - you have grocery store, medical buildings across the road, and then you have apartments for single-family on the other side.

So these were some of the tools and some of the discussions that we had with the CPAC, and the land use maps were discussed at numerous CPAC meetings, at least 6 or 7 meetings, the land use maps were the primary topic of discussion as they should be. There was a lot of discussion about the potential impact sea level rise will have on Molokai, especially in Kaunakakai and the southeast shorelines. The CPAC wrestled with the question: Should the islands population and commercial center move mauka over time? After much discussion, the CPAC decided not to designate an alternate to transition the town mauka over time; this is something that, Commissioners, you could tackle with and decide. It's on the table. Ultimately, the CPAC decided that the existing land use, the existing areas designated in the 2001 Community Plan, will accommodate growth. There is one CPAC recommendation for the land use maps and that was to change the Maunaloa Project District to mixed use residential. This was also a very hotly discussed issue with the CPAC. We presented mixed use residential to the CPAC as a tool as something for them to consider, to use, to accommodate future growth. Many of the CPAC members recognize the benefit uses of mixed use where others were concerned about it. Some of the reasons that mixed residential was supported by some CPAC members was that in the existing community plan, the Maunaloa Project District calls for just work force housing, only residential, no other uses. The CPAC talked about the mixed use residential would allow for a mixed residential type neighborhood serving commercial, public/quasi-public - more of a complete community. They talked about if the Lodge reopened, there could be more need for community housing in Maunaloa. If the existing areas that are identified for commercial, if the Lodge opened, over time, those could cater more towards visitors and there could be an area that caters more towards the residents that has a small grocery store, your Laundromat, etc. So the CPAC saw this as an opportunity to provide an area if Maunaloa needed to expand over time and that would allow it to continue to pattern a community and not just be purely residential. Mixed Use Residential allows for flexibility to respond to community needs and demand, land use demands over time, and in the Community Plan Update, in Chapter 6, there is a narrative description that the CPAC formulated that specifies the intent and the vision for these 64 acres of the Maunaloa Mixed Use Residential. So that was the only change that the CPAC made on the land use maps. The Planning Department has not made significant changes to the land use maps. So that is all for now. So do you have anything to comment at this point? We can take any questions or we can move onto our recommendations for Chapter 6.

In your packet, in your mail, you received a revised Chapter 6. Rather than handing you out a sheet with just the individual changes, since there was a lot of new text added, we decided to just hand you out a new chapter, so the changes start on 6-5, in the middle of the page, line 20, with the heading, Relationships of Community Plan Designations and County Zoning. So the background to this, this paragraph as well as the appendix 6.1, which you received in your packet, those are, when the Council was reviewing the Lanai Community Plan, this was language that they added to the Lanai Community Plan as well as appendix 6.1, they revised the appendix, and so we're just trying to be consistent with the changes that the Council made to describe the relationship of community plan land use designations and zoning. The appendix 6.1, it just has a table that identifies the relationship between the two. The reason we're giving you this is because this was ongoing over the last many, many months through CPAC. We let CPAC know this was going on with Council with the Lanai Community Plan and that we would be presenting this to the commission. That's the reason this wasn't given to the CPAC is because it wasn't in its final stages yet. So now is the time to bring it to you for consideration to adding and we definitely recommend adding it to be consistent with the Lanai plan. Any questions?

Commissioner Dudoit: So can you give us a detailed, if possible, the differences between Project District and this land use, especially as it pertains to how -- if there are any major differences in public input between the both?

Ms. Maydan: So Project District was designed as a way to allow areas to develop with a bit of flexibility. It's similar to Mixed Use in the sense that Project District are designed to allow for a more complete community of mixed uses. So how Project District works is it's first defined in a community plan. There's a narrative description in a community plan. So in your 2001 Community Plan, there is a description of the Maunaloa Project District. I believe there's about three sentences. It's very, very brief. It just identifies that the Project District will have workforce housing essentially. Some Project Districts go into a lot more detail and have a half-a-page of description. So the next step for a Project District is for the landowner to develop a zoning, a Project District Zoning for that land. There's a process through the county, there's a three stage process to get the Project District Zoning: there's design review, it is quite cumbersome, and I think there's at least three opportunities for public input to review site design, and then it is ultimately approved by Council. Mixed use residential with Maunaloa as an example, if the plan was approved with Maunaloa mixed use residential, to develop the land, the owner would still need to come in for a change in zoning because it does not have the zoning that it needs in order for it to be developed. The owner would need to come in with a development concept, with a site plan, and go through the change in zoning process and identify how the community could be laid out, what the uses would be, and this would go through the county as any change in zoning does, starting with the Molokai Planning Commission. There would be public hearings, like you do for any change in zoning. It would also go to the County Council for final approval, which is a public process. Through the CPAC process, we were asked many times does the Mixed Use

Residential take away the community's voice or opportunity for input. The answer is no. It absolutely does not. Project District and Mixed Use are just two avenues to get to an end result and they both have community input. We presented mixed use residential as an opportunity if the CPAC wanted to consider it. It's for the county and a landowner. Project District can be a very cumbersome process. If there are any changes that need to happen down the road, you have to go through all three steps again. As I mentioned, the other reason that mixed use residential provided more flexibility, and it was some of the CPAC members that saw the advantage of it, is that it was providing for more of a more complete community rather than a residential area. Does that answer your question, Zhantell? So there are no areas identified for mixed use residential designation on Hawaiian Home Lands. That's a very unique situation and it's not the norm for how land would be developed. The Hawaiian Home Lands is not required to follow county zoning and community plan land use designations. So it's not really applicable.

Ms. McPherson: We have our own Molokai Island Plan and we do have designations in that plan. We don't have our own zoning. So what we do is we plan for our land based on the land use analysis and the designations in the MoloKai Island Plan. When we go to subdivide, we do go through the application process through the county, we declare zoning to the county, so we basically state we are willing to be consistent with your zoning category for this subdivision that includes development standards. That's why in Hoolehua, in the residential lots, they talk about putting in curbs, gutters and sidewalks because these are having to comply with those subdivision standards that is based on zoning. So I hope that clarifies that. Nancy McPherson, DHHL.

Vice Chair Rogers: OK, people signed up. You want to go with the sign-up sheet? Yeah, go ahead, public testimony is open.

Ms. Machado: Hello my name is Colette Machado. Call me an agitator, whatever. In the CPAC recommendations, there's a particular project up in Maunaloa, it's 64 acres. Can you tell me what State Land Use designation it is in, and where is that location, or do you have that in your mapping?

Ms. Maydan: It is State Land Use Ag.

Ms. Machado: State Land Use Ag. Somebody gonna come in with an ag designation, State Land Use designation of agriculture, and they coming in for a mixed commercial use, do they need to go in and make an application for urban with the State Land Use Commission and then move to come up with that boundary change? I'm not sure how this is going to allow the Ranch to move more expeditiously.

Ms. Maydan: Yes, they would need a District Boundary Amendment. I'm sorry I failed to mention that. I'm sorry I missed that component. They would need a District Boundary Amendment from the State to urban. Yes.

Ms. Machado: The other thing is, I was reviewing your minutes from the CPAC, and there was some attempt to go back and forth, there was a move to remove it from the Project District, from Mixed Use back to Project District, back and forth, the outcome was that they were short three votes, so this is something I think maybe you folks can add some questions relating to why was so comotuous, this particular issue with the change from Project District to Mixed Use. Figure out how you might proceed. If not, then you may want to leave it as is. But thank you for putting that on record because what was described in the CPAC, they talking about businesses, office building where the Ranch might be relocating their cooperate headquarters to that area, the looking at a, what you call, a market place. They looking at that type of use for this particular acres. I do know that State Land Use boundary requires a petition before that. That's another means of a contested case for the Maunaloa community as well as before the Planning Commission. I think too, in the maps, do they identify where this acreage is located? So if you can put that on the record, I think the Maunaloa community that's here would appreciate it. Thank you.

Ms. Dizon: Aloha my name is Madonna Dizon and I actually spoke at another meeting and it was as a result of a meeting with the Molokai community who were adamant about not having a mixed zone ruling and the reason for that is that with the Ranch, there has been a number of things that have come down the pipe that has put the people in arms against the Ranch. The question that I would have is that if you are expecting to actually build and do other things, why not take care of the kuleana that you have been given now with the land that is there? What about Kalua koi? Everything is so deserted. What about the golf course? You know you thinking about building more but why not fix what's already there in the infrastructure?

Mr. Jenkins: Greg Jenkins, CPAC. Boy do I have a lot to share about this issue but I'll try to be brief on this first testimony. I'm really about balance arguments, not one sided arguments, and I'm really disappointed at the description, even though Jenn gave a good description, it was very one sided in my opinion as a CPAC member. This was a very contested issue. It's my understanding through the homework that I did that what we have currently under Title 19 for Project District, which includes Mixed Use, is a Land Use designation where once the county establishes it under ordinance and approved by the Council, whether the developer, the landowner comes in with heavy community input to design a compatible project for our community, that's a fact, that's what's currently done. Whether Mixed Use is part of that type of Land Use or not is not the point. That's where it currently exist. While I'm not against the concept of Mixed Use in concept, it's not currently numerated under the code. We have no understanding of what we're describing. There's communities around this country that have

historical, urban, rural, different types of uses. We have no idea what this is going to look like. We have nothing to refer to, and I'm about making evidence-based decisions, not emotional decisions about what we do with land use in this community because as you read through all these documents, you see a very close relationship between land use and zoning, it talks about this new information, which I'm not familiar with, but how zoning with laws that are consistent with the Community Plans with the county in the event that land use designations does not have a typical matching or corresponding zoning district and mixed use district will be established and that these things are all envisioned by the community plan. This land use portion of our plan is real. It will impact this community. And my position as a CPAC member was not to take risks and act like I was in Las Vegas and making land use designations for Molokai. I believe that there is evidence in this county, in all types of community plans, Waiehu, Waihee, Maui Lani, where the community had an active role in designing a compatible development for that community. We don't even know what we want to do. We know we need strategic retreat, so it's unfair to say that we didn't consider strategic retreat. We just don't know about things like water, infrastructure, all these questions that we don't have answers to make responsible decisions. We don't know how big this is. Where exactly the best places to go. We're not stupid. We knew we needed to move, but we need to do it the right way, and we have to answer the questions first. We can't put the cart before the horse even though we have money to buy the car, even if we have gas to go Mana'e. If I go to the store and I want to buy food, do I have money in my wallet? These are all common sense questions. It's the same with land use. So I'm disappointed that we continue to talk about this one sided argument that totally supports Mixed Use when it's a fairy tale right now unless we look at Project District. I'm disappointed that even if it's in the community plan, and I respect our past community plan CPAC members that put that language for the Ranch for the Project District, that doesn't mean that's the only thing that works towards housing. The developer is supposed to come before the county and provide a proposal with heavy community input. So I don't appreciate that saying that it doesn't have a process. You have a lot of issues here with land use with regards to interim. It's important that you, as Molokai Planning Commissioners, know about interim. I was ignorant at first, but it's simply we're not going to come up with permanent land use for things we don't have all the answers and know if that's the right land use. So what have we done in the last 20 years to answer those questions? I'm not pin pointing blame. I'm just saying we got to do it for once. Let's get the answers and make good planning decisions. The same comes down to this issue of Mixed Use and Project District.

Vice Chair Rogers: Thank you Greg.

Mr. Tanaka: Aloha my name is Keola Tanaka. I was born and raised on the East End of Molokai as well as some of my people here. My first question is, I always wondered, I never really attended any of these meetings because I was always having to be at work 6 days a week, 20 hours a day so when the decisions were being made, I always told myself, why am I not there?

Now I know why, because these meetings are held on a weekday at 3 o'clock when all of our people are working. They're unable to come over here and give their mana'o. Then it's like a bunch of people on the panel, not saying you guys, but making the decisions for us about the future. My kid's future. I never understood that. I'm trying to right now. I'm trying to educate myself now that God allowed me to listen to you guys, this panel. I'm glad there is brother over here that I see from the East End, Mana'e. So that's one of my questions. The other one would be what is "affordable housing?" What do you folks mean by that? Does that mean that you guys are actually deciding with only a handful of us? There's only a handful of us here today. In this thing, you said there's 200 family members up at Mana'e, East End, there's about five of us here. So what is "affordable housing?" What is you guys' definition of that? Does that mean are you guys actually thinking of developing another subdivision and or cause, to me, it's like we're being chased out. Affordable yes. We're going to be repositioned like Ka Hale Mua? The local people gotta go Ka Hale Mua and all the outsiders, who get plenty money, they get to come East End and enjoy our life that we were born to live? That's what's happening right now. Right? We getting chased out of our lands and you guys is chasing us out. That's crazy. I'm 39 years old now, finally coming to one of these meetings. Served my community for 10 years as a police officer, hurt myself on the job, in the line of duty saving someone's life, therefore losing my job, getting fired from that, serving my community. Crazy. But thank you I got hurt and got to be here to witness this because I'm not going stand here and just listen and accept all of this. I don't know about you guys but we're being chased out, and we need to be educated, and we need to speak out and tell them how we feel. Because are you guys asking us or are you guys telling us what you guys are going to do? I feel you guys telling us what's going to happen, what we're going to do, and get out. Thank you.

Vice-Chair Rogers: We're here to listen. I'm here to listen. The next person on this is Julia.

Ms. Kuli'ikuli-Peters: Aloha everyone my name is Julia Kuli'ikuli-Peters. I am a Hoolehua Homesteader. I am a third generation homesteader here on Molokai. My children are fourth. I have a letter. I represent the Aha Kiole O Molokai and I am the po'o for the Hoolehua District. To the Molokai Planning Commission, aloha mai kakou. The Aha Kiole conducted meetings in each moku for the purpose of gathering input and feedback from a greater number of community residents than that of the CPAC alone. Both the scheduling and location of the meetings at the CPAC level presented challenges for residents to participate fully in the process. Therefore, the Aha Kiole brought the opportunity for the Plan Update to be viewed by the people in their communities. Our method of collecting mana'o was as follows: taking the plan itself, we divided the draft into Chapters that included the issues, policies, and actions. These were displayed to indicate the areas of interest for the people, who then were given time to view the documents and have discussion. They were then asked to provide comments on post-its to be placed on chart paper, each labeled by chapter topic. People responded with an interest in a variety of areas. In addition to each of the 10 chapters, we asked for response regarding specific issues

that called for further public input following questions that had arisen from the CPAC meetings. Those issues were: water, mixed use designation, historic sites, and we included the prepared OHA document detailing, on behalf of their constituents on Molokai, the Traditional and Customary Hawaiian Rights relevant to Article 12 section 7, as well as the East End Policy Statement. Aside from requesting commentary on these issues, residents were free to express their own opinions without suggestion or influence by the Aha Kiole. We maintain a neutral position in surveys and polls because we represent all residents. We will relay the two (2) topics that received the most attention and feedback in each moku. Just to help those who don't understand what moku is, moku are districts. For instance like East End, Kaunakakai, Mana'e area, that's a moku. Hoolehua is a moku. Maunaloa is a moku. So, we relay the two (2) topics that received the most attention and feedback. The comments we collected indicated these general findings. Kaluakoi, the residents were primarily interested in water quality improvement and a managed program for subsistence hunting. Fifty attended that meeting. Mana'e, the residents wanted to see the East End Policy Statement included in the body of the Molokai Community Plan, not in the appendix. While certain elements of the East End Policy Statement were integrated throughout the plan as modified in the current draft, they expressed a desire to ensure that the spirit and message of the historic East End Policy Statement by their kupuna was preserved. The Puko'o boat launch was the other issue that received the most comments. Twenty-five attended that night. Kawela, no comments due to low attendance. Pala'au the residents were primarily concerned with historic site preservation and water well/reservoir issues. Forty-eight attended. The OHA document had a significant number of favorable responses. We would like to express our appreciation for all of those involved in this important work: The Molokai Community Advisory Committee, the Molokai Planning Commission, the Maui County Planning Department, the Office of Hawaiian Affairs, and all of the individuals who participated in their civic responsibilities. It is our hope that our efforts will be of assistance in the planning process. The Aha Kiole O Molokai. Unfortunately when I printed up 12 copies, somehow my machine only punched out 7. With that said I'd like to apologize to each of you, because I would have passed out papers of what I just read. At the next meeting, I will be passing that out to you. I would also like to say that I have fear issues regarding the word Mixed Use. I think you can tell, and I'm going to use an example. My fear is that I'm an entrepreneur, I'm a developer, and I come in with an application for next week, and my objective is to make a small little snack shop, and I'll just pick an area, let's say up in Kualapuu. Here's my fear. I want to change my mind and take that small little snack shop and I want to turn it into a huge Costco. My question to all of you is, when we're using that terminology, where is the protection of our people? Can the Council or someone answer my question please?

Ms. Maydan: A Mixed Use area in the community plan will have a definition as the draft does right now. It has a description of the proposed Maunaloa Mixed Use area where you can define what division, what the intent of that area is, what uses you want, what you want your primary uses to be. You could identify only neighborhood (inaudible), no regional commercial, you could

go as far as to say no big box stores. The description can be what the community makes it. On Lanai, they had a couple of areas that they identified as Mixed Use Residential which the Lanai City expansion would be the largest. They have a little over a half page of description of what their intention is for that area. For that area to be developed, it has to follow that description. And just to clarify, this touches on what you're asking as well as the comment that Greg Jenkins made, he is correct. There is no Mixed Use Zoning code in the county right now. So to implement the Mixed Use residential community plan designation, a zoning code for Mixed Use will need to be written and adopted. That will go in Title 19, our zoning document. So that will be developed by the Planning Department with consultation with communities and a draft will be sent to the Planning Commission as with any changes to Title 19 are required to be reviewed by the Planning Commission at a public hearing. So the Mixed Use Residential Zoning District, if it were to be developed in the future to implement the community plan designation, would have to come to Molokai as well as Lanai and Maui Planning Commission for review and public comment and input as other changes to Title 19 has. Often when there are changes to Title 19 to a particular zoning district, the planning commission, Molokai Planning Commission has numerous times that we recommend x, y and z for Molokai that has gotten into the zoning code. There are numerous instances in our zoning code where it says these uses are permitted except on Molokai. So there is the opportunity to tailor Mixed Use zoning to the communities. Did I answer your question, Julia?

Ms. Keli'ikuli-Peters: Yes you did. I have another question with that said. Why is the existing zoning policies -- why do they not -- why are they not sufficient?

Ms. Maydan: That is kind of a case of land use and zoning and how it is evolved essentially throughout our country. Our towns used to be Mixed Use. Zoning came around and saw that there was a need to separate uses. We need to have the houses over there; we need to have the commercial over there; we need to have the industrial over there; it's hazardous having these uses next to each other. That really promoted sprawl. It really promoted development of a lot of land and it promoted a lot of use to the automobile; that if you want to go to the store to get some milk, you gotta hop in your car. You can't just walk down the street. It consumed a lot of land and it cost a lot of money. If you have these power suits spread out, and you have to put in the infrastructure, the roads, the water, the sewer, it essentially is a lot more expensive. Our zoning code, Maui County Zoning Code, it kind of -- across the country zoning codes are evolving where a lot of zoning codes were where ours are at where they're very distinct and we have uses separated. A lot of communities are recognizing the benefit of creating a more complete community with Mixed Use so a lot of communities are changing their zoning codes to allow for Mixed Use. So it's kind of an evolution that's going on in land use planning. As any change, it has to come at the right time. So your questions and concerns are understood.

Ms. Kuli'ikuli-Peters: My final statement. If the community of Molokai is saying build Mixed Use and they are the residence, they are the community, and they are saying we do not support it, we do not like it, and it is the majority of the island, why is it still in the community plan? Can't we get rid of it?

Ms Maydan: As I noted, Mixed Use Residential is presented to the CPAC as an opportunity or tool that could be used. Some members saw the opportunity and they took a vote to change the Project District to Mixed Use. As Colette mentioned and as I mentioned, Mixed Use was a very hot topic throughout the CPAC process and there were multiple votes that tried to change it back to Project District, but all of those votes failed. They didn't have enough. It is on the table now. This Planning Commission can choose to change it back to Project District. If they choose to, then that will go on to Council. If they do not choose to, you can continue your testimony with Council and Council could choose to change it. It is not set in stone. This plan is a draft. We're still hearing from the community. Changes can be made.

Ms. Kuli'ikuli-Peters: Please, Molokai Planning Commission, listen to your people of Molokai. Thank you.

Vice Chair Rogers: Next person on the sign-up sheet is Zaida Place. Did you want to talk about 6.1? Public testimony is open on 6.1.

Ms. Place: Aloha my name is Zaida Place. I just wanted to say that I oppose Mixed Use designation here on our island. Thank you.

Vice-Chair Rogers: Thank you. Any more input on 6.1? Come up.

Ms. Machado: Under the Maunaloa Mxed Use Residential, and that's found on 6-6, this is what they described as Maunaloa Mixed Use Residential. It says, "single-family and multi-family residential housing, business, commercial uses, will be small scaled neighborhood support services such as markets, restaurants, Laundromats, and doctor's office and hardware stores." These are sort of what the Ranch might have represented for the 64 acres for this Maunaloa Mixed Use Residential. In the plan, it describes sort of a commercial activity for this area. What I'm worried about is it's intended to do workforce and affordable housing. You have a single-family and multi-family residential use that would be a legitimate use under this provision. Now, to me, we do have an issue with the trust of the Ranch. Like on Oahu, affordable housing, there's a percentage. If you're building the high rise in Kaka'ako, a percentage has to go for affordable. What is affordable? There's a Federal table that will arrange for you to meet that qualification. If you have a lot of people show up, they go through a lottery system. They do not make provisions specifically, maybe for the Maunaloa community. Again, I want you folks to look at the qualifications or what they consider appropriate use under the Mixed Use as well as what I

just read. I can see why there was a back and forth discussion at the CPAC meeting, several points throughout the process. I just wanted to put that on the record. Please can you tell us where this 64 acres is? My question didn't get answered the first time.

Ms. Maydan: The 64 acres, there is a land use map on the wall back there. There's three land use maps and the one on the left-hand side is West Molokai. Mike will bring it up on the screen, and again I apologize for the quality of the projection. There's a lot of light in here. The Maunaloa Mixed Use is in the same location as the Maunaloa Project District and it's just south of the ball field and single-family residences in Maunaloa. So on the map, where there's yellow and there's green, the yellow is single-family, existing single-family. The green is the ball field. The Mixed Use is that area in pink surrounded by the red. That's the 64 acres.

Ms. McPherson: Aloha Commissioners, Nancy McPherson, DHHL. I only had a couple of comments on 6.1 and one was to consider adding Kalamaula as a homestead population center in the description for central Molokai. Ualapue has two okina so I just checked those throughout the document, actually, and although I defer to our Mana'e people on that one. So that was it. So you're not talking about goals yet? The highlighted text on ag lands, I think the pages changed a little bit so, we concur with that although I did get last minute notice from (inaudible) he had comments on my comments but I wasn't able to get my email here on Molokai. I might have to follow this up with an email to the Planning Department on Monday. Anyway, that's pretty much it. Can I comment again when you get to housing?

Vice Chair Rogers: Thank you, Nancy.

Mr. Jenkins: Chair, Greg Jenkins. 6.1, just one more quick point. One of the considerations that the CPAC considered was that under the concept of Mixed Use, once that land use designation is afforded and subsequent zoning would be established, nothing prohibits the developer from coming in and specifying what's in their best interest as a primary use for that land regardless if they have to come in for other triggers and ask questions. Whereas with Project District, when they come forward with a plan for that area as far as community design, there's significant input in their proposal with the community to determine the best use for the community. I'm not saying it doesn't exist at all, I'm saying if you were to weigh -- the two Project Districts, currently, offer the greatest input, and what's sad about this, really sad, you have a community here, I shared this with you before, there's trust issues. All that had to happen is for the county to establish this first, show us what it was as it is in a different section, there's an appendix that shows the different types of zoning where our community could understand what was being proposed, communicate the same definitions that would have been established under that zoning and the description for Mixed Use for that land use designation, and we would be able to see very clearly how it matches up. It's the fact that we have historical uses in our community. The problem is they're putting the car before the horse here. So now you're hearing the answer

no, no, no, period, and that's very unfortunate because I see our community having to come back and wrestle with this issue in the future when we have to look at how we properly address, not just the large owners coming in for 64 acres or above Ranch Camp, but what about our landowners that are in Kaunakakai Town where those parcels are already developed? How do we consider the best future growth for Kaunakakai in areas that already have current land use and zoning? So these are things that, unfortunately, has happened and we got pushed into a corner on this, and when we get pushed, we say no.

Vice-Chair Rogers: Well said. Thank you, Greg.

Ms. Jorgensen: Response to the last comment. If you have a Project District there is no -- and you put a land use designation on a land in Project District, there is no zoning in Title 19 for that Project District at the time the community plan goes through the whole process and it is approved. The zoning is developed afterwards. So to say that you have to have the zoning in place for a particular type of designation isn't quite correct in terms of the process. The land use designation is a broader category you have first and it drives what the zoning is going to be. So you can develop, just as a Project District, you can develop a zoning that follows the description that's in the community plan for either a Project District as it is now. The Project District of Maunaloa, correct me if I'm wrong, does not have zoning at the time, there's no zoning there for that Project District. So there is no difference between that if you put Mixed Use on it. Mixed Use just allows a different type where you could have some neighborhood commercial in there and makes it a little bit more variety in the types of uses that you have.

Mr. Jenkins: Chair can I respond to that? Going back to what Colette brought up, when we have Maunaloa Mixed Use Residential, say give all the different descriptions and it says such as, it just leaves it wide open, and all I'm saying is that when we look inside Title 19, we can see everything that's currently established under the law and we can compare and connect the different types of zoning to land use, that's what I'm saying. Just saying we're gonna have Mixed Use, you have no idea what that leads to for Molokai. I know Jenn said, specifically said, that there's going to be community input, but that's the future, that's not now. So for us to make the stroke of the pen to approve and open this door, if you will, this giant door that we don't know where it leads, that's very presumptuous, that's unfair to put our community in that position is what I'm saying. If that was established first, and everybody can see it, above water, transparent, then it's easier for us to make an important decision, that's what I'm saying.

Ms. Jorgensen: Everybody understands what single-family is as a broad category. But in the zoning there is no single-family. There's four different types of residential districts with lot sizes, setback, amount of land coverage, and all of that gets into the detail of what you will have in those Residential Districts. That's the zoning that goes under a category of single-family. It's been a difficult concept for people to understand that one is saying what is the intended general

use of this land; what do you want to see happen in an area. The other is a legal code of zoning that gives the details that you need to have to make that happen. So I just want to, I realize we've had the same difficulty over on Lanai to understand, like the state is really broad with these four districts, our county land use district refine that and zoning refines that even more. So it's -- they're different and you can have something go forward without having the zoning.

Mr. Tanaka: My name is Keola Tanaka. Everyone got awesome points. Aunty stated about let's go and fix something that is up in Maunaloa, it didn't work, and why aren't we doing that? That makes sense because it's already there, it's an existing structure, so let's make that work if we want to do some type of development, because it's already there. Another point I needed to make, and I forgot, was sustainable life. Molokai is one of the only places in Hawaii, if not on this earth, where we can live a sustainable life and it's already difficult. It's possible, but it's difficult. If we make the decision now that's going to affect me, my kids, their kid's generation, where it's going to be irreversible, therefore sustainable living will be impossible. That is what scares me the most. I hope that you guys really are listening because I am keikioka'aina of this land. I cherish it with my life, with my heart, I mark it on my body, my aha'pua'a. We live and fight for this place, why? Because it provided so much for me, my family, for my friends, for everyone. It's provided without the outside world. We can do that. But we were kind of tricked into chase that American dream, build a big house up the East End, yay, look at me, just like everybody else. Not only -- it's not only for that certain person with the money. But right now that's what it takes, only the people with the money can come in and live that American dream. But we can still live our Hawaiian, we don't want that American dream, that's why we here, that's why we're fighting for it, and we need to all stand together just like Uncle Iz said, "all of Hawaii stand together." Otherwise, one person cannot make the difference obviously. Bring us all together, it's unbreakable. Be careful with our decisions cause once everybody starts hearing about this, and we do get together, this is going to be a heavy movement, and that's all I wanted to say as far as sustainability of this aina. Once we make those decisions, it's irreversible. Then we going be in trouble. I might not be here to see that, but I don't want my son and their kids have to deal with not being able to survive off of the land. The more people we going bring over here, the more development, the less water. We all know that. The harder it's going to become for our kids to live this sustainable life that we are trying to teach them now. Thank you.

Vice-Chair Rogers: Mahalo. That's why everybody's here.

Ms. Kadowaki: Aloha I'm Iwalani Kadowaki. I live East End. Now you're talking about mixed housing, right? Mixed Use, ok. The reason, I really oppose, the reason is because is anyone of you are aware of China Town in Honolulu and Front Street in Lahaina? That's mixed. You bringing in the good, the bad, and the ugly. What I'm trying to express to you is that I'm looking generations to come. I may not be here, just like my brother had said about not being here at that time, but our concern is that we can see the end from the beginning. What you folks are

proposing is the future. That's why I'm bringing up the example of China Town and Front Street, that's the end. I can see that at this point. So I need for you to search in your heart, especially for our local people, I'm happy to see a part of them that never attend much of the meeting, but they have a conscience, not only for ourselves now, for our generation. So just dig deep into your hearts because like I said, we already know what the generation is going to be living if we don't see the end from the beginning. Thank you.

Vice-Chair Rogers: Thank you.

Mr. Naki: Aloha my name is Palmer Naki. Like aunty said, I oppose mixed use for many reasons. It is very bad. It's no good. I also, being that you guys are on land use, I read in here there is no -- maybe you guys know of anyone that has applied for land use up there and is not on top this paper right now for the East End because I been hearing there's gonna be a park, someone's applying for a park. I'm mostly here today to oppose this boat ramp that they trying to do up on the East End. As far as when you all say you guys have to go yay or nay on Mixed Use, being that we don't want it, how about us community here? Let's get a vote here and say if we want it or we don't want it, and how about you all take back that to your Council and tell them what we want? We don't want no Mixed Use on this island. Well, I don't want no Mix Use. I think I'll come back again after. Thank you.

Vice-Chair Rogers: Thank you. Anybody else want to speak on 6.1?

Mr. Simms: My name is Kyle Simms, small business owner on Molokai, from Molokai, from Hawaiian blood way back even if I get white skin. But I think everybody's getting off the subject with this mixed use. This is not the mainland, as Jenn said. Mixed Use is the way to go. Just consolidate everything one place. Only so much land, not the mainland where you can spread out, it has to be a small area. But I think, everyone's here for, not for this Mixed Use kind of stuff because it is the way to go in Oahu, Maui, the other islands, not Molokai. We no need development on Molokai. We don't need any kind of stuff like that on this island. I think everyone's concern is that it's a development. It's just another development, more people, more things, and when you get more people together, you get more problems, basically, same as everywhere else. I don't know if people know me, but I've been all over the world, the states, even though I'm only 33. I know a lot of people, investor types, and guys like us. But I think that's more our concern is development on Molokai, and it's a chain reaction, once you start it just basically, not going uphill, it goes downhill because you have to have a job, pay for your bills, pay for your house, constantly working, all this kind stuff, and also, when you build stuff like the golf courses on Maui, Oahu, they recently stopped fertilizer because fertilizer grew this stuff, an algae that is toxic where you cannot eat the fish now. It's just a chain reaction what happens. They recently just changed it, you cannot use fertilizer on golf courses anymore. Just gotta be this natural stuff now. But I think that's more my concern, it's development. I'm sure everyone here,

it's not the Mixed Use, Mixed Use is good for Hawaii, it's the only way to go in Hawaii, but not here for development. That's all I got to say, thanks.

Vice- Chair Rogers: Thank you.

Ms. Hanapi: Aloha my name is Mililani Hanapi. I'm from the East End of Molokai, and I'm a landowner, and I'm fortunate to be able to say (inaudible). So there's many of us on the East End who have our lands that come from way before like 1,000 years ago. So land use is really important as it came down to all of us from generations before our time. There's a lifestyle here on Molokai that's important that we remember and protect. I'm part of a group called, Hui Aloha Aina O Mana'e, our board of directors had a doctor's appointment, and our president had to leave for one of her children's meeting, so they weren't able to attend. I wasn't able to actually print out what I wanted to -- what we all wanted to for you folks tonight, and for you folks today. But we also on the East End, as landowners, we have only one focus. We're native people, landowners, tenants. I am not concerned about general public. I'm concerned about our people because they're in need. Our lifestyle is what's being threatened. When we talk about mixed land use, that's like oil and water on Molokai. We're not continents. We are island. We are not a continent. So the kupunas of Molokai, when we were growing up, always said whenever you speak about Molokai, always say that it is approximately 32 miles long and 10 miles wide from Kaulaupapa to this side. Now that's just that point. That's not very far at all. That's very small. The kupuna went up in the helicopter three times and measured the island. That's why she said to say "approximately," said whenever you talk about Molokai so that we realize if something happens on one side, it will affect the other side if we continue to bring in. For me, I would like to continue to see this lifestyle as many of us continue to hear, so like I said, to me, when I hear these words of land use and mix, I have a problem because I see that down the road. My concern too, we have a lot of land, and I'm also a grandmother of 10, and children graduating and going on to college, and I'd like to be able to continue to see our children be able to come here and find that serenity. Find the peacefulness that they do. I have children in the military, people who live in China, I have children all over the world. I thank them for all the wonderful work that they do out there, and I tell them don't forget to tell them you come from humble beginnings. We live on the East End, we come from humble beginnings. So she may make 6 digits and a Molokai High grad, never went college, works for the Chinese Government. So when we talk about mixing things on where I'm at, I find myself as a subsistence. We really do live off the lands here and when you bring in a dominant culture, like the western civilization, western thinking and ways, we clash right away. It's not how many people in America that we can actually say they understand like people here. We were raised believing that fish hear us talk. So when our children are small, we tell them never to say we're going fishing, we're going holoholo, because that's how close we are to our environment, to our lands. We believe the fish hears us. The men say, they empty their trucks if the children go, Daddy you going fishing? All the nets come out. Everybody who lives on this island knows that is a tradition, we teach our children from

generations to generations to hamau, so the deer don't hear us, and the fish don't hear us. That's how close we are to our lands here. It is a tradition. There isn't a single person in this room that doesn't know that. I felt compelled to really -- I know we will attend the next meeting, like I said, our people are not able to attend this one and I'm the only one here right now, but I'd like to also reserve time to be able to talk again under public testimony after hearing the East End Policy Statements revisions. Again, we also from the East End Policy Statement revisions. My concern is the language you folks are using and I don't want to be administratively discriminated out. Sometimes people just go what's that Hawaiian thing again? That's called administrative discrimination as far as I'm concerned. When we're not putting it on the very first page, we're missing Molokai's lifestyle. Right now, we regulate our own and who gets arrested? Us. Who gets in trouble? Us. For saying, can you please stop chasing all the fish away? Can you please stop bulldozing in the mountain that creates huge erosion? So these are things that are big concerns and many people took that up. I'm proud of the Aha Kiole and their work and their East End people that got together to also share their mana'o. Again our group is unique. It's called Hui Aloha Aina O Mana'e and our only focus is kuleana landowners, native tenants, and their families. So we have many nationalities. Who would think my grandfather's from Ohio and my maiden name is Pettigrew? But nevertheless, the mana'o. That is not my ancestors who are in trouble. My ancestors who are in trouble are of Native Hawaiian ancestry and of native land. So I ask to keep that foremost. Everybody knows, this is the last stronghold of Hawaiian culture and Hawaiian lifestyle. That's what I'm afraid of. If we're going to mix oil and water, we going change the lifestyle, and we can change it real drastically, and that we are islands and not continent. Also, I'd like to see more in our plans, you guys know how much it cost for us to send our dead off the island? I don't see nothing in this plan that talks about any infrastructure that bring a crematory, some place to help us bury our people. Cost us big money you know, and we go to OHA, we beg, that's not ok. Life and death gets say. So I'd like you folks to really think about that. Don't forget to put that in and help the Buchanan family. Thanks a lot you guys.

Vice Chair Rogers: Thank you.

Mr. Stephenson: Aloha Commissioners, aloha Chair. Rob Stephenson from CPAC. I just wanted to provide a small perspective; the intent behind the Mixed Use land designation specifically for Maunaloa. We're looking at this at a 10, 15, 20 year plan, and this is going to be a long-term land use plan that is utilized for planning purposes and the intent, at least from my motivation behind supporting Mixed Use land designation, is, at some point, the resort area is going to be built up. The only available commercial area in Maunaloa Town will be the commercial resort rents. So any tenants will be paying that premium price for a resort retail space. That cost of that rent will be passed on to the Maunaloa local residence. So the intent of the Mixed Use was to allow another area where supporting businesses that provide goods and services for the local people would be able to set up shop and not have to charge resort retail prices to the local people. Otherwise, once the resort area is developed, all the rents are going to go up. The tenants, the

shop keepers, they're gonna have to charge more. So unless the local people of Maunaloa want to pay resort prices for all their goods and services, the only option would be to come to Kaunakakai Town. So at least from my perspective, that was the motivation behind that. I just wanted to share that with you, and I thank you for your time.

Vice Chair Rogers: Thanks, Rob. Any more comments on 6.1?

Mr. Kalipi: For the record, my name is Bronson Kalipi. The reason why we came here wasn't for the 6.1, but since we're on that topic, I disapprove or oppose Mixed Uses and disagree, oppose the project for the boat harbor on the east side of Molokai. If we encourage that boat harbor, if we build that boat harbor, what it will do is bring in more people to kill our places, kill our ice box if we bring in people, inviting people to over fish, over hunt, build or develop housing in an area that is remote, that is untouched, unique. That's my home. I was in Oahu, raised from the age of 5 on the east side of Molokai. I believe that it's not up to you guys, it's not up to Maui County Council to be the land tanners of the land, it's us. The maka'aina'na. We are the ones that are responsible with the coco and without the coco to steward our own lands from the mauka to the makai. The brother is right. The bulldozers that develop only pushing us farther and farther into the ocean, from into the ocean going be three miles out, and then we going be moving to Arizona, we going be moving to Dallas, California, places with one haole. So I oppose the boat harbor, and I believe we have more than 75 signatures in support of opposing that project. Also, Mixed Uses, I disagree of development on Molokai or Maui or Oahu, I not going say Big Island because my ancestors come over there, but no touch Molokai. Molokai is the last place where you going see uniqueness and beautifulness and everything that is on a positive that's pono. So I just ask you guys to be pono, make the right choices, because what we decide today going make it or break it for our future generations of tomorrow. Thank you.

Vice Chair Rogers: Thank you.

Ms. Kalipi: My name is Zadarene Kalipi. Everybody calls me Tootie. I'm from East End, born and raised there, and I used to remember holding my Mom, mumu'u, going in the water catching crab, catching opae, today is picking up limu. Limu ele'ele, chop-chop. Ogo, I used to raise them. It hurts me now, what I see now, there's none. I can't go out there with my opae net to catch opae. There's no opae in the ocean. The mud it used to only go to my ankles, now it's almost to my knee, where I used to go. It's ridiculous. Everybody building their homes close to the beach. You know Wavecrest, it's illegal. That fishpond I used to work in used to be 8 acres, it's less. Is it legal for that? Is it still legal? Can I see it undone? I'm asking you folks. Can I see it undone? Plus water, I have to buy water. Why not the lines being changed and there's so much chlorine. You know you folks should take into consideration. You guys was talking about future growth, for who? Our children? Our children's children? Who's growth? I'm talking about the people of Molokai who love this island. I stayed in Oahu 25 years, I hate it because it was just over

packed, and everything was just going through. You know why I moved back because I was biting my nails. Just going to the movies in Waikiki, bumper to bumper, to see Jaws. You know where I went I had to go all the way up to the drive-in, I forget the name but, and I don't want to see Molokai this way, that's why I moved back. So please take that into consideration. I love Molokai and I want to see my children do what I used to do. My Mom and Dad had all of us 11 children and we always had food on the table from the ocean, from the land, we never starved. We always had food. Hawaiians wasn't lazy. That's what we were told, that we were lazy, but no, we wasn't lazy. We loved what we did, and we loved what we took. With that in your heart, God, He helps you. Thank you.

Vice Chair Rogers: Thank you.

Mr. Akutagawa: Myron Akutagawa, resident of East End, Kamalo. Born and raised over there. Still get lands over there. I just oppose, I not going talk about the boat ramp right now, Mixed Use. For me, land management means, see East End since they hunt, one time back in the late 60's, early 70's, they wanted to make subdivisions all the way up the hill. They wanted to make a (inaudible), they wanted to do all those things. So anyway, we used to hunt up there and they said only get goats, only get deers up there. That's like the fish to us. Well, what I propose is maybe you need a moratorium so many, I wouldn't say miles, on the mauka side of the road, no houses built all the way up. We hunt up there, grew up there, we don't want to be worried about going up there and shooting towards somebody's house. That's East End. We don't a subdivision like Kawela, with that, you stop the flow of the hunting territories again. The same thing is happening in Maunaloa. You see houses all over the place. Where once was hunting grounds, now you almost limit your hunting right there. There's a house in the way. So we have to plan that. We cannot make that as a Mixed Use and later on you see one finger of houses going up the hill, and then later on, there's another finger going up another hill. You know in Honolulu, Oahu, when you look at town, there's subdivisions all the way up the hill, there's no break until you go to Sandy Beach. There's a little break there, but there's still houses. We don't want to see that. We have to keep our pristine areas pristine since that's the greenest part about it. Also, Maunaloa too. There's still people that subsist on there. You have to create an area where there's no houses. I know down the beach side, there's a lot of houses, but stop it right around there. No more development up towards Ka Hula Piko. No more developments going towards Ka'ana, right there. No more developments. No houses up there. You have to provide our people with food and we subsist on deer, we subsist on fish, and all these things. So with that being said, and again the boat ramp never come up yet but I oppose to the boat ramp. Thank you.

Vice Chair Rogers: Thank you. I think it's time to close public testimony on 6.1.

MOTION: I WOULD LIKE TO MAKE A MOTION TO CHANGE BACK MIXED USE TO PROJECT DISTRICT IN MAUNALOA TOWN.

MOVED: COMMISSIONER ZHANTELL DUDOIT

SECOND: COMMISSIONER RON DAVIS

Ms. Dudoit: For the record, and to persuade the other Commissioners, I'd like to make a few key points. I think we can go back and forth and debate over what process should come first, zoned designations for land designations. Whatever the case may be, and I guess you can make good points for both, there are certain key factors that are evident in the differences between Mixed Use and Project Designation. One, I think Kulia is absolutely right that there's nothing wrong with the current designation we have right now. It permits for us to do the same things with the exception that it's a much more extravagant and tenuous process. So when you look, when you ask the question, is there time for public input to it, there is time and a point where public input can be put into both, but there's a significant amount of more time in the process for Project District use. I also think by putting land designation first before zoning, you fail to know the impact that you going put on current providers including utility providers, public safety, water, sewage, etc. The Commission ran into one of these situations on the apartment unit in Manila Camp. Even though the zoning permitted that type of use, it didn't necessarily mean it was the best thing for our community and for our county, and there was never a conversation to address whether or not Public Works, first safety, those departments that are funded by our taxpayer dollars and that should have critical input on those kinds of projects to include, do you have enough water pressure for fire suppression in that area. So I think that when you look at Mixed Use, there's a lot components that come into putting in an apartment, being allowed to put in an apartment building on the top of the store. I think what else is not being addressed right now is how our tax situation change when you change from an appropriate one type use to multiple use. You talking about mixing different kinds of codes, fire codes, public safety codes, sewage, storm runoff, and all kinds of different things that I think, you know at some point, I think we just have to take a look at are the decisions that we making, are they really going to benefit, or are they going to hinder the ability for our native people to carry out their inherit responsibility? When we start to make decisions like this, are we really -- what standards or measurements are we basing this on, on a nationwide westernized standard or on an indigenous island standard? I think this is one of those situations where it's up to us to look at it and really think about this. There may be a time in the future, I just don't think we have enough information right now, and this is not the time to do it.

Mr. Akutagawa: As soon as I seen this picture, this one is like Kihei, this one is Lahaina, this the wrong picture. I know you live over here, and Uncle Ron and stuff, but you know the people that live over here now, you guys, you guys never come live over here for the thing look like Lahaina

huh? Maui, Oahu, gotta get smart kind development you know like affordable kind, little bit for the people and stuff like that. Plus too then the rent come up yeah? For everybody else living around the area. Like one person said, good for fix up what already get. As soon as I seen this picture was like I used to work around, I used to live in Maui for couple years and you no like see this island turn like that too yeah? Gotta be smart kind development. I can see the small stores, little bit houses and stuff but not the kind...thank you.

Mr. Racine: I've been invited by Council, but I work for the Ranch, and there will not be a conflict of interest when it comes time to vote. The idea is a sound one but as it's been said many, many times, it's long time.

Vice Chair Rogers: Anybody else? We have a motion.

MOTION UNANIMOUSLY APPROVED

Mr. Tanaka: I just have a suggestion for you guys on development. If you guys are so eager to develop, I don't know why, but if you guys just want to build things, let's rebuild the school. Kilohana School was threatened to be shut down last year because of the attendance of kids and the lack of staff. So I just feel if you guys want to develop something, again, that is already existing, let's do it for the schools, for the kids, that's a good development idea to come up with. Kilohana School is going to be shut down because of its facility and they kind of fixed it up a little bit. For our kids to get the better education that the westernized is affording us, we gotta send them to Kamehameha Schools and that's if they get in. That isn't even close to the type of education that Punahou kids have. So let's think about that. You guys want development then bring that back. I don't know how that works with the schooling, that's a different process, but just a suggestion. Let's make the schools so the kids can get educated so they can come to these meetings and understand because I don't understand the word you guys are saying in that paper, I promise. It's hard for me to understand. But I do understand what you're trying to do and I appreciate that, I really do. So suggestion, let's develop the schools, let's get better education for our kids.

Vice Chair Rogers: We're not developers, brah. We're not developers. I fix people's houses. I fix old houses. Does it got anything to do with 6.2? Come, three minutes.

Mr Kalipi: Just one suggestion. Instead of development maybe revitalizing our forest, our valleys, due to the over farming cattle. When the cattle industry boomed in Hawaii; what it did was create erosion on the lands. When we create erosion on the land, what it does is kill off all the vegetation. When it killed off all the vegetation, then we get problem,s like the reef we have here today at Kaunakakai Wharf all the way down to the east side, east to west, that's the problem. Killing our reef. When you do that, you killing our resources, the fish, the ono, you

breaking the balance between the ocean and the mountains. Look Maunaloa already. It used to be a pristine forest. What happened because of cattle? There get erosion problem, the fish is depleting, why? Because man's greed on cattle thinking that going be the best thing to do on Molokai, create jobs. One good thing lead to one bad thing. It's a chain reaction of things going happen. Just the logic of it. When you try do something good and you no think five, ten years from now, that's the problem. So revitalize. You still can raise cattle and plant trees. I doing that at Mana'e right now, Kahananui. I planting (inaudible). Mahina, he planting trees up there. He planting Native Hawaiian plants. He planting Ulu. Stuff that can feed our people. That's the kind of development we should be thinking. Not development for come over here five years build one subdivision and then dig out because he selling it to people with the money. Us guys no more money. You know what I mean? We can create jobs but the hardest thing is permits. We like work our loco i'a. Guess what? We gotta comply to the rules of DLNR, CDUA, ADP, when they used to exist and that's (inaudible) brah. I one Native Hawaiian born on this island and I getting people that is malihini coming over here telling me, eh, why you no just go up to the pond right next when I live there. My parents went live there before that hotel so why I gotta move since I one kama'aina to this place? Why that suggestion gotta come to me when I was born and raised in that place? So that's wrong. That's not pono. You guys get one chance to choose and make the right choices. You guys are all adults and know what is right from wrong. What you guys choose going reflect back on you guys. As us, the community, we looking at this and saying you know what we no need these guys, we should just go back to one voting. Where the government when we need em? Nowhere. You know why, they too busy making money off of us, the tax payers. So instead of development, instead of one boat harbor, how about just going up the mountain and malama, malama the mountain. One healthy environment, one healthy mountain can bring good health to the ocean. When you get the balance in the eco-system between the mountain and the ocean, you get healthy people. That was us once upon a time. Now we dying of heart disease. You know I know I going off the topic but there's a link to this, to why we here today. We all gotta work together, we all gotta be pono, and we all gotta make the right choices because not us going suffer, going be the future generation. Thank you.

Vice Chair Rogers: Thank you. That's what we here for. That's what we trying to do.

Ms. Dudoit: Chair before you open public testimony I can ask a few questions on housing?

Ms. Maydan: I want to remind the Commission that in your packet, there were a list of Planning Department recommendations that we would like you to entertain. The list is this sheet. I'll just walk you through them.

This is Land Use 6.1 on page 6-5 MI mentioned this previously. The text, under the section, relationship of community plans designations and county zoning and the reason this is being added in, it was added in by Council in the Lanai Community Plan and it is just simply a

clarification of how the community plans and zoning relate and this is existing practice. This is just providing clarification. It runs onto the next page. Our second recommendation is on page 6-6 in the middle to add table 6.2, Molokai Land Use supply and demand to 2035. This is from the Land Use Forecast that I spoke to where you analyze supply/demand and whether you have a deficit or a surplus. This is just factual information. The next change was on 6-7, but given the vote you just took to take out the Mixed Use residential at Maunaloa and revert it back to Project District, this description on page 6-7, lines 1-15 would be deleted. The Project District description that's in the 2001 plan would be added back in. The next change is one this page again, line 17 through 20, actually 17 through 39, the figure estimated additional housing unit and population capacity, just a paragraph describing what the figure is, and again, given your vote to take out the Maunaloa Mixed Use residential, this figure would change again under the Maunaloa housing unit. So we would update that to reflect the deletion of Mixed Use residential. The next recommended change is on page 6-10, policy 9. We recommend to delete the end of the sentence, the policy reads: Discourage developing or subdividing agricultural lands for residential uses where the residence will be the primary use and agricultural activities will be the secondary use. We recommend putting a period there and deleting, unless warranted by slope or sea level rise and is not prime ag land. We recommend deleting this because this was added in by CPAC member who was concerned about living in subdivision and the use of ag land not suitable for agriculture operations but this is addressed in the action 6.1.05, which says to research and review poor and highly sloped ag lands for conversion to a different designation. Lastly, the last recommendation is to remove appendix 6.1 and 6.2, which were in the draft plan, and replace it with this new appendix, 6.1, which combines the two essentially, and again, this is what was adopted by the Council in the Lanai Community Plan to describe the relationship between community plan and zoning. This also would be edited based on your recent vote on the second page, Mixed Use residential would be taken out.

Vice Chair Rogers: Commissioners?

Ms. Maydan: It was in your packet, looks like this, appendix 6.1, and it's a table. There's two paragraphs and a table. It's two pages, front and back. If you can't find it, I'll just give you mine. Do you want me to describe it a little bit? Ok. So in this table, in the existing 2001 Community Plan, near the back, there are definitions of the land use category agriculture, airport, business, residential, single-family, etc. There's a definition. These carry over the definitions and clarify them a bit and also add the typical county zoning district that would follow. Like I said, this was said by Council to clarify the relationship between county zoning and community plan land use designation. So this essentially provides the definition, the uses envisioned for community plan land use designation as well as provide a bit of context in relationship to zoning.

Ms. Dudoit: Because I just got this I'm uncomfortable in moving to just approve the department's recommendation, not that I don't think they're good recommendations, it's just that it's a lot to

read and I just not comfortable. I haven't been able to look at all the clear definitions and how they relate to each other. That would just be my comment.

Ms. Maydan: Just to clarify, it was provided in the packet mail out last week.

Ms. Dudoit: Well the post office must have ate mine because I didn't have this one. I just got 'em from her right now.

Vice Chair Rogers: Anybody else have any recommendation on that? Anyone got a motion?

Mr. Racine: We can take it up as an agenda item in a subsequent meeting?

Vice Chair Rogers: Next time. Ok that brings us to 6.2 – Housing.

Ms. Dudoit: Chair, I wanted to ask couple questions of Jenn before we start so that we can better take the public testimony. I just had couple questions just for clarification. So you have scales over here that give current numbers on affordable housing, and it gives information on affordable housing, and it talks about, it gives scales on, I guess the statement here is affordable housing, more than half of Molokai renters and homeowners pay affordable rent or monthly ownership cost indicating that housing is more affordable on Molokai compared to the rest of Maui County. So I think that's an untrue statement and I think, it's not intentional, but I think that what happens is there's no figures in here to show how many of those affordable housing are subsidized by Section 8 or other programs, USDA funding, that make them affordable. Because those subsidies are based on the fluctuation of government funds, that's not a sustainable -- I don't think that's a sustainable statement going forward into 2035. To say that there are, that more than half of the island renters live in affordable homes, I can tell you the truth that even with the USDA subsidized housing in our program where the average cost of monthly rent is \$400, in the last three years, it's pretty much 18 out of our 21 homeowners barely can afford \$200 a month. So I think one of the problems is, and this may be a statement 'cause I don't know if the county can do anything to change that, but I think one of the problems is, when you look at affordable housing, you base those numbers on an average median income for the County of Maui. Well, I can tell you that the economic situation on Molokai doesn't add up to the figures that you have here.

Ms. Maydan: When average median income is calculated, it is calculated for Molokai, for Lanai, for Maui except for Hana, and Hana separately. That's how it's done in the county.

Ms. Dudoit: So maybe then you need to educate me. How can Molokai retain the highest unemployment, highest welfare rate, and be able to say that they have the best affordable housing? How does those numbers match up? How is that out of 200 and something applicants

for Department of Hawaiian Home Lands, you barely can get 8 people who qualify to pay a mortgage of \$400 a month? My question is not to argue, it's simply to say that if we no more accurate information based on specifics to Molokai, then a plan going forward is not possible based on inaccurate information, a good plan.

Ms. Maydan: So the statement on page 6-11 and the figure on 6-12 are saying that if you pay more than 30% of your income on housing, it's not affordable. So what the figure is showing is that 51% of Molokai residents pay less than 30% of their income to housing. When you compare that to the rest of Maui County and the State of Hawaii, Molokai is comparably more affordable. That's what this is saying.

Ms. Dudoit: I understand that but...

Ms. Maydan: I don't know how to answer your question regarding Section 8 etc.

Ms. Dudoit: What I want to clear is what it doesn't state is that that 51% doesn't include the subsidized Section 8 Housing that makes it affordable, so that's an untrue statement that there is a large half, 50% of this island, have affordable housing that they paying for.

Ms. Maydan: You recommend to change?

Ms. Dudoit: That's why I'm asking the question. If we going put things in here for future growth, we better make sure we have the accurate information. I just don't think -- I'm reading through it because maybe what is missing in this document is to come up with statistics on how much of that 51% is subsidized by the government.

Ms. Jorgensen: Subsidy comes out after the gross. If you're looking at page 6-13, 6.4, it's gross rent. So if somebody charges \$500 a month, that would be a gross rent. If the people who were living in there received a subsidy, then that's not showing up on this table. So it's just taking whatever that \$500 dollars a month is compared to the income of that household, so if they are -- if they have an income, in my math, it might not be that great, but \$1500 a month, then that's 30% for your \$500, so they would be right on the line there between less than and greater than, so they fall into where it was affordable under this definition. So the subsidies are not kind of in here because that's what the source of this document is, the American Community Survey in a 5 year estimate, and they look only at what the actual gross rent is compared to incomes. The other thing that's very important is you look at existing conditions on page 6-12, line 25, the majority of housing units on Molokai were built before 2010. More than half of these were built in the 1970's or earlier. So what that means is if you go from 1970's, which was 45 years ago, and you look at the next page 6-14, monthly ownership cost is a percentage of household income, well they probably already own their house, so there's very few people that have a mortgage, or

if they had a mortgage, it's paid off in those 45 years. So you have to average all those people in who already have their land, already paid for their house, inherited their house, compared to the newer houses that are built and pulls your overall average down. So in terms of the community having houses that they can afford, Molokai is doing fairly well because of that pattern of long term ownership.

Vice Chair Rogers: Ok before we move on, do we have any motion on the ordinance recommendations? Do we want to make a motion to defer that before we move on?

MOTION: I MOVE THAT WE DEFER ACCEPTANCE ON THE DEPARTMENT'S RECOMMENDATIONS TILL THE NEXT MEETING.

MOVED: COMMISSIONER MARSHALL RACINE

SECOND: COMMISSIONER ZHANTELL DUDOIT

MOTION UNANIMOUSLY APPROVED

Vice-Chair Rogers: Public Testimony is open for 6.2 Housing.

Ms. McPherson: Aloha Nancy McPherson, DHHL. I just have a couple of comments. Reiterating a comment that we made at the CPAC review stage about the fact that there are a lot of development constraints because on a lot of land that is -- a lot of record with zoning. It's virtually undevelopable because of the present wetlands and archaeological sites. Especially in Mana'e. So I don't know if you want to add that as a factor inhibiting the development of any housing, basically, not just affordable. But I know of a particular instance, I won't say where it is, but there was a parcel that was zoned A-2 on the East End and a planning firm, a reputable firm, did an analysis on it, and the owner was told you might be able to build a couple of single-family dwellings there. So there's cases where zoning doesn't match the actuality of what can be done. So I don't know what kind of language could go in to talk about that, about re-evaluating the zoning on Molokai because the stuff that is there was just done in a blanket way and the actual existing conditions weren't really analyzed. Sorry that's my mana'o on that. DHHL was listed as a partner in amending the zoning code. I have a feeling I might have actually asked the CPAC to put us down as partner, but then I started thinking about it and was wondering, well, we're not subject to the county zoning code so why would we be participating in this unless it's a way to facilitate DHHL doing more progressive things when we are trying to be consistent with the county zoning when we declare zoning. So it will give DHHL more flexibility to provide additional affordable housing options on Hawaiian Home Lands. I'm not sure about this comment and what I'll do is email the Planning Department on Monday regarding this, I know that won't help you

with decision making now, but, anyway, neither of these are deal breakers but just kind of wanted to put them in there. Thank you.

Vice-Chair Rogers: Thank you, Nancy.

Ms. Dizon: Aloha Madonna Dizon. I actually would like to collaborate some of what Zhantell was saying because my sister is actually the management for Nani Maunaloa and the median income she said is between 22 and \$25,000 and the majority of that is subsidized. Ka Hale Mua is state and mostly that's all welfare too. Mahalo.

Vice-Chair Rogers: Thank you. Any more public testimony on housing?

Mr. Simms: Kyle Simms. Housing, I own three houses over here, two long term, one that I live in, and I also have a short term condo. But housing, that's a touchy subject right now because a lot of short term rentals, houses turn into short term rentals specifically for that. A lot of the monies are not staying on Molokai. A lot of people are investors, mostly from the mainland. I know they recently had a problem on Oahu where they're going to put a cap on that kind of stuff. That's a concern with the housing. The low income housing, I hate to put those people in a stereo type, but you know those kind of people that go into low income housing or they attract. I said it. That's it. It's out there.

Ms. Place: You know, at one time, I went to one of these planning meetings - my name is Linda Place and I live on the East End - we talked about capping vacation rentals and we talked about it, think I mentioned it about two or three times at meetings and nothing has ever come forward about that, and while you're talking about housing, because it is changing our livelihood on the East End on the vacation rentals. We wanted, it's not that we, as a community or other people, except B&B, but B&B's are better because the person that owns the land or the B&B live on the property and they have more control on what's going on. There's a lot of things we wanted from Kamalo too. I think it was, I can't remember right now, but, all the way up to where your aunty lives, about vacation rentals, if we can put a cap. In Hana, they just ran away with the cap and it's amazing how many is on their cap, over 80 in a small area. So you need to bring that up on the East End. Thank you.

Vice-Chair Rogers: Any more public testimony on Housing? We're gonna close public testimony.

Ms. Dudoit: I have a question. On the Table 6.3, 6.2.04, you talk about work with developers to support their efforts to secure and lender grants, low income housing tax credits and other resources. You left in low income housing tax credits because it's already in this? I was just wondering because I notice this year they removed the new home buyers tax credit. I was just

wondering if specifically that low income housing tax credit was because it's already in there, you left it, or is that like a wish item? If it's a wish item, I like add something.

Ms. Jorgensen: Are you saying that's a state or federal?

Ms. Dudoit: I was just asking because as we go through this, we're getting better understanding how the document is written, so I know that you folks talked about action item, and when I'm looking at this, I'm not sure if when you say work with support effort that if you left in low income housing tax credit because it was still something that was given out or it is like something you want to reinstate. I wasn't sure.

Ms. Jorgensen: I didn't write this but I think what the intent was is that it was specific because it has the caps on it for each word. That low income housing tax credit is a specific program. If you're saying it's no longer in existence...

Ms. Dudoit: No I wasn't saying that. I was just asking if it was otherwise, if it's something that was put in there, not specifically because it was there, I wanted to amend that to add in a sentence for a new home buyer tax credit too. That's something that has currently been eliminated.

Ms. Jorgensen: They're all examples. It's a list of examples. So if you want to put in another example in there, and whether this goes for 10 years, it could be that when people look at what you like to have, even if it's on the line for being eliminated, this gives you an argument to say don't eliminate it or later on, it gives you an argument to say let's restore this.

MOTION: I WANT TO MAKE A MOTION TO AMEND TABLE 6.3, ITEM 6.2.04 TO INCLUDE, SO IT WOULD READ: WORK WITH DEVELOPERS TO SUPPORT THEIR EFFORTS TO SECURE OR LEVERAGE GRANTS, LOW INCOME HOUSING TAX CREDITS, NEW HOME BUYERS TAX CREDITS AND OTHER RESOURCES THAT SUPPORT AFFORDABLE HOUSING, SUCH AS HOUSING MODELS THAT CAN BE BUILT AFFORDABLY.

MOVED: COMMISSIONER ZHANTELL DUDOIT

SECOND: COMMISSIONER WILIAMA AKUTAGAWA

MOTION UNANIMOUSLY APPROVED

Vice-Chair Rogers: Any more discussion on Housing?

Ms. Maydan: Just one point of clarification. It was brought up in discussion but at this point and time, that's not something that we would be making a decision on in the Community Plan.

Ms. Dudoit: I have another question. On that same Table 6.3, Housing Action 6.2.05, it says investigate whether a community and land trust would consider operating on Molokai? Sound little bit confusing because I thought we had a land trust here?

Ms. Maydan: You do, but not a housing land trust that works for affordable housing where a land trust buys the land to build housing and they sell the home without selling the land so that it's affordable. So it's a different thing than a land trust that works for environmental preservation.

Ms. Dudoit: Ok, because then aunty can correct me if I'm wrong, but on another portion of the page, you have that there are three working agencies to make affordable housing available on Molokai, and you named the Community Development Corporation, which was part of the Molokai Land Trust. So one of those statements is either wrong or needs to be updated?

Ms. Maydan: We can look into it but my understanding is there is not a housing land trust that operates on Molokai.

Ms. Dudoit: It's on page 6-1.3, on line 28.

Ms. Maydan: I'll look into how exactly they operate and I'll see if they're defined, and if so, then I don't know if your proposal would be to delete, 6.2.05? But we can look into clarifying that. Unless someone has specific information that I don't know.

Mr. Davis: Zhan, I don't think they're in existence any more. I used to sit on that Board and it's defunct.

Ms. Dudoit: Ok, so I guess at some point we gotta decide if you going take that out or whether or not you leave it and take out the action item in hopes that, at some point, our community land trust may be able to develop back because I think they conflict each other right now, so I'm not sure.

Ms. Maydan: So if Ron is saying that that organization is not...

Ms. Dudoit: That function of the organization right?

Ms. Maydan: So you could make a motion to update on page 6-13, line 27 to 28, to delete item B and we can...

Ms. Dudoit: Actually, it would start from line 26, to amend those lines to say currently there are two agencies that are working to make affordable housing available on Molokai, and strike out B.

Vice-Chair Rogers: Is that a motion?

Ms. Dudoit: I going do away with that because I don't know if that statement is right because I think USDRB also has programs for affordable housing. So I'll just figure it out later.

Vice-Chair Rogers: I think we're done with 6.2. You folks want to take a break?

After a short break the meeting was reconvened at 6:08pm

2. East End Policy Statement 2016 Revision Submitted by Ad Hoc East End Community Group

Vice Chair Rogers: Public Testimony for East End Policy Statement is open.

Ms. Davis: Mahealani Davis, I'm a community volunteer. We attended -- I was one of many community people who attended the CPAC meetings and at some point, the topic of the Mana'e, the East End Policy Statement came up, much of the East End Policy Statement, significant pieces of it, are included in the main body of the Molokai Community Plan, and that was done by staff in the Long Range Planning Department. What we did with community members who were interested was we volunteered to look at the original East End Policy Statement from 1981 and edited it to be more readable. There were spelling errors and there were facts that were outdated, and in our attempt to clean it up and have it continue to be an appendix in the Molokai Community Plan, we were very careful to not change -- our intention was not to change the mana'o of the original group of people who put it together. It says in the first couple of paragraphs that -- it starts out by saying the original groups -- that the community welcomes correction and/or updating to the guidelines, and disrespectfully through the various steps, but we desire that the statement remain intact to reserve the spirit under which it was prepared and the consensus and reflexes be truly an East End Community Plan. So we took that very much to heart while we were doing the editions. We have submitted a 2016 addition of the East End Policy Statement to be considered to be included in the Molokai Community Plan as appendix something. Right now it's just placed there. When I came in, I found this on the table out there, which is comments from Corp Counsel. So I've been reading through these and I appreciate the work that was done to look at the revised version of the East End Policy Statement, but in looking at the comments, I see that most of them has to do with something that's vague or unclear. What does this mean? Where are the citations? One says, for clarification, there are comments that are meant to clarify, make it more clear.

3. Chapter 7 Community Design
 - a. Planning Department Overview of Chapter
 - b. Public Testimony
4. Chapter on Previous Molokai Planning Commission Special Meeting Agendas
 - a. Chapter 1 Introduction
 - b. Chapter 2 Molokai's Future
 - c. Chapter 3 Natural Heritage and Scenic Resources
 - d. Chapter 4 Hazards
 - e. Chapter 5 Economic Development
 - f. Chapter 8 Infrastructure
 - g. Chapter 9 Public Facilities and Services
 - h. Public Testimony

C. NEXT MEETING DATE: March 10, 2016

MOTION: TO EXTEND AND HAVE 2 MORE MEETINGS PREFERABLY UP MANA'E.

SECOND: COMMISSIONER LAWRENCE LASUA

MOTION UNANIMOUSLY APPROVED.

D. ADJOURNMENT

The meeting was adjourned at 733p.m.

Respectfully submitted,

NINA KAWANO
Office Operations Assistant II

RECORD OF ATTENDANCE:

Present:

Doug Rogers, Vice-Chair
Marshall Racine
Wiliama Akutagawa
Zhantell Dudoit

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Lawrence Lasua
Ronald Davis
Diane Swenson

Excused:

Michael Jennings, Chairperson
Billy Buchanan

Others:

Jennifer Maydan, Long Range, Planning Department
Pam Eaton, Long Range, Planning Department
Mary Jorgenson, Long Range, Planning Department
Mike Napier, Long Range, Planning Department

MOLOKAI PLANNING COMMISSION
SPECIAL MEETING
MARCH 10, 2016

The Special Meeting of the Molokai Community Plan Amendment by the Molokai Planning Commission was called to order by Vice-Chair Doug Rogers on Thursday, March 10, 2016 at 3:00 p.m., at Kalaniana'ole Hall, Kalamaula, Molokai, Hawaii.

A. CALL TO ORDER

Vice-Chair Rogers introduced the members who were present and also introduced Staff from the Planning Department.

Ms. Maydan: Thank you Chair. Hi Commissioner's, welcome public. Just as a brief introduction again, these are special meeting of the Planning Commission's review of the draft update of the Molokai Community Plan. We're winding down with Planning Commission meetings and the next step is that the plan will be transmitted to the County Council and they will have up to a year to review, take testimony, and adopt the plan. So on the agenda for tonight, we're starting out with Chapter 6, section 6.1, the Land Use section. This was reviewed at the last meeting, on March 25, however there were a few items that the Commission chose to differ to tonight. We have a number of Planning Department recommendations that we're going to present to the Commission for their review and considerations. Next we'll move on to Chapter 7, Community Design, Chapter 10, Implementation and Monitoring, and then the Commission is going to preview previously submitted written testimony. At the end, we have all chapters open up. I'll mention that we have two more meetings. At the last meeting, the Commission requested two more meetings. We have them scheduled for Wednesday and Thursday, March 23 and 24. The 23rd, I believe we will be here, same time, 3pm, and Thursday, March 24, we will be on the East End, Kilohana Community Center, and that meeting will start at 10 a.m. There's another group coming in at 4:30 so we will end absolutely no later than 4 p.m.

Going forward today, we do have quite a full agenda so for public testimony, we are going to keep to a three minute limit, and there are going to be multiple opportunities for public testimony to the extent that you can keep your testimony relevant to the item that the Commission is on and have them review and consider your testimony as it is applicable to the draft plan.

Commissioner Rogers: We're open for public testimony.

B. PUBLIC TESTIMONY- At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered.

Ms. Dizon: My name is Ladonna Dizon. I just wanted to formally submit our West Side Maunaloa Policy to all of you. Mahalo to Nina for actually printing it out, and we actually gave the final to all of you today and that has the signature and the cover page. We just wanted to make sure that it was actually recorded and for us, the signatures, we're sorry, but we only had two days to gather the signatures, so we will be getting more by the 23rd, 24th. But it is our request that this be included in your Planning Commission docs. The way we set it up was to give the explanation and the present situations followed by the goal and the actions steps. So it's relatively easy to follow. So if you have any questions, please feel free to address myself or Lily (inaudible). Mahalo.

Commissioner Racine: This is the first time I've seen or heard of this document. I'm a resident of the West End. When were these meetings held, and how many meetings were held if this is supposed to represent the community?

Ms. Dizon: Well, the reason why was when we spoke with Kaluakoi, and he was actually the manager, no he was a Board Member and he said that Kaluakoi actually had their own policy, that is why it's called the West End, Maunaloa Policy, but we included things like to improve the roads, so it doesn't conflict. What we asked was to improve the road in Kaluakoi, to fix the buildings, and to do other kinds of things, but it's been shared with a number of Kaluakoi residents, but the main guy that was there, I forget his name, but he was adamant that they actually have their own policy plan in place and that he did not need to be with Maunaloa. Thank you.

Commissioner Rogers: Any more testimony? Public Testimony is closed.

C. MOLOKAI PLANNING COMMISSION DISCUSSION AND APPROVAL OF RECOMMENDATIONS RELATING TO THE NOVEMBER 2015 DRAFT MOLOKAI COMMUNITY PLAN:

1. Chapter 6, Section 6.1 Land Use
 - a. Planning Department Recommended changes to Chapter Text, Appendices And Maps
 - b. Public Testimony

Ms. Maydan: We're going to start out on an item that we were going to try and do on the 25th. Commissioners, on your table, you have this packet of maps, and, public, it was also provided on the table back there. We decided to not do a powerpoint presentation 'cause it's too bright in here and you'd be struggling to see it, so we're going to go old fashion and look at hard copy maps. There's about 7, I believe, recommendations that we have here. I'll run through them step by step. The first one involves conservation lands. The State Land Use Conservation is completely within the jurisdiction of the State, the Department of Land and Natural Resources, and the Board of Land and Natural

Resources. The county does not have jurisdiction over State Conservation Land. However, in our Community Plans, we had a Community Plan designation conservation, which kind of doesn't provide a lot of clarity. So what we started with on Lanai, and what we will continue doing throughout Maui County as we update the Community Plans, is that we're taking off the layer Community Plan Designation Conservation so that its clarity -- so that there's clarity, and you can see on the map where State Conservation is since the County does not have any zoning or land use control on conservation lands. So on this first map, you can see this is the existing 2001 Molokai Community Plan, where there is in this brown shade, especially on Mana'e in the mountains, Community Plan Conservation. We are taking that off. And if you flip over the second map, where it has all the yellow areas, those are State Land Use Conservation. On the third map, it shows you Community Plan designation without Community Plan Conservation. So that's our first recommendation. As I mentioned, we did this on Lanai and we're going to do this going forward to the rest of the Maui County Community Plans, but we just want to inform you to make sure that you understand this change. It doesn't change anything with the management of the land because the county does not have designation there, it's fully within the hands of the State. Before I go to the other changes, are there any questions, Commissioners?

Commissioner Dudoit: So the main reason for making that change throughout the county is what again?

Ms. Maydan: Just to provide clarity. So that it's clear because it's a little bit misleading for us to have a designation on there, Community Plan Conservation, when the county has no jurisdiction on those lands. So it's to provide complete clarity on the maps going forward. Any land that's conservation will be identified as State Land Use Conservation.

Commissioner Dudoit: So I think that the clarity that I feel when you include a Community Plan Conservation overlay is that this particular community has a double protection barrier. Whereas, the State Land Use Conservation can be changed at any time without a full spectrum of the communities input. I disagree that that is something that should just be done because it's easier to see. I think there was a purpose for overlaying that. Whenever you put it in the Community Plan, it just has a second layer of protection and I disagree.

Ms. Maydan: But that is not true. That is not how conservation lands are administered. The county does not have jurisdiction over them. So putting Community Plan Conservation muddies the waters and does not provide clarity.

Commissioner Dudoit: I know that we don't have jurisdiction, we don't have jurisdiction over a lot of things, but the Community Plan inserts the community's desires to leave things that way. So as opposed to the State just having jurisdiction, community doesn't have any obvious say over what's happening or any obvious lines and limitations. The

State can go and figure for the betterment of the community they want to change and get rid of the conservation lands. At least with this overlay, whether or not the county has some kind of protection, it gives a very predominant look at, hey, this community wants this to stay conservation. Whether or not in the end that warrants us to keep it that way because we don't have the jurisdiction, it still is a very clear picture that that's what the community wants.

Ms. Maydan: Any other questions from the Commissioners?

Ms. Jorgensen: I have a comment on that. Probably a better way to achieve that is to put that as a policy or something that says that the existing State Conservation Lands that the Molokai community would like to see those stay in conservation. For the county land use designations, it's a different type of category is what determines what is on that land. So if we have no jurisdiction over it, we can't say that the county is going to determine something, but you could put a policy in there saying that you'd like to see State Conservations Lands stay in conservation use.

Commissioner Rogers: You have some input, Nancy?

Ms. Maydan: Do you want to propose a policy to add?

Commissioner Dudoit: No, I don't think it's necessary. I think the map says it all right there. I just want to know, are we going to vote on this, or is it something that the department is just going to do to keep consistency with the other community plans?

Ms. Maydan: If your body wants to make a recommendation, you can make a recommendation and you can take a vote.

Commissioner Akutagawa: Yes, I agree with what she's saying. Makes sense.

Commissioner Dudoit: If we don't make a recommendation, then you'll just take it off anywhere to keep consistent with the others.

Ms. Maydan: We are going to propose the Council to take it off. We discussed this with Council via the Lanai Community Plan and it has been taken off on the Lanai Community Plan maps, and it is our intention to go forward this way with the other Maui County Community Plan maps. So we will make that recommendation to Council.

MOTION: I MAKE A MOTION THAT WE DO NOT REMOVE COMMUNITY PLAN CONSERVATION DESIGNATION FROM THE MAP.

MOVED: COMMISSIONER ZHANTELL DUDOIT

SECOND: COMMISSIONER LAWRENCE LASUA

Commissioner Dudoit: Just for the record I do understand clearly that we do not have any -- the county doesn't have any jurisdiction over State Conservation Lands. But, I believe that those Conservation Lands for the Community Plan was put in there so that the community could have a clear visual prospective and a clear visual voice to the powers that these are the lands that we hope to keep in conservation.

Commissioner Racine: Page 6-9, Policies, #13, supports the expansion of the State Conservation District Boundaries, where warranted, for environmental preservation and habitat. I'm on page 6-9, in Policy #13. We're already saying support the expansion. The expansion of the district boundary in that same location. We could say that no way we would support any reduction, even though we're seeking expansion, greater lands required for the purpose, we could reinforce that by saying that no way the community or the island of Molokai would support a reduction in the conservation land. That being a policy, that's something that can be pointed to that would have more effect or teeth than a map overlay.

Commissioner Dudoit: I think if you would want to include that, that would be awesome, but I also think that our community, historically, our people, get lost in all these words. This Community Plan, in general, is hard to read for the normal person. So I think having maps, sometimes at least, triggers us to look for this kind of stuff. Just for the record too, #13, I don't necessarily support that expansion of State Conservation Lands. I mean I think everything needs to be looked at, in my own opinion, and I not going attempt to change that, but in my opinion, I think every incident needs to be looked at very critically before we just layer it conservation. With conservation comes a lot of limitations to natural subsistence on hunting and gathering, those kinds of things too, and traditional rights. If you want to add it in, I wouldn't, but I don't think --

Commissioner Racine: We've done other things that aren't the same as the other islands in the county as well, just like the short-term rentals. Molokai is different. We might adopt something that the idea is different from the other islands and just because everyone is doing it, we do it as well. Even if it's purely symbolic, we have no jurisdiction.

Commissioner Rogers: Any more discussion?

MOTION UNANIMOUSLY APPROVED.

Ms. Maydan: Next, the remaining recommendations for map changes has to do with matching Community Plan designation to existing Land Use on developed lands. There's about 6 changes that we'll run though. We'll go one at a time. The intent here is to just more accurately represent what is on the ground in developed areas in the Community Plan Maps. This first one labeled #2, Molokai Airport. This first map, existing Community

Plan designation, you can see that the majority of the airport is Community Plan designated airport. There is a portion of the runway where it's designated Agriculture. A proposal would be to change that portion to airport as well.

Commissioner Dudoit: How does that affect the surrounding owners or lessee's and properties as far as the future expansion of their farms? Because that looks like a huge chunk.

Ms Maydan: Surrounding owners that are not within that parcel as proposed for airport?

Commissioner Dudoit: So that whole area that's circled?

Ms. Maydan: It's owned by the State of Hawaii, and it's part of the airport. It's all one area. Throughout here the circles are broad. Think of a crayon drawing around it. Don't look at the lines or the red circle. Look at the parcel line.

Commissioner Dudoit: Do you want us to support you at every one and vote on it?

Ms. Maydan: You can approve each one if you want to, if that makes sense.

MOTION: I'D LIKE TO MAKE A MOTION TO APPROVE CHANGING THE DESIGNATION FROM AGRICULTURE TO AIRPORT.

MOVED: COMMISSIONER ZHANTELL DUDOIT

SECOND: COMMISSIONER LAWRENCE LASUA

Commissioner Lasua: Just for my own personal use, can you let us know how you want us to vote, whether raising hand, aye, nay? So we know. So you don't have to keep looking around. Thank you.

MOTION UNANIMOUSLY APPROVED.

Ms. Maydan: Next #3, DHHL, Hoolehua area. Again this is just an attempt to match what is on the ground and put a Community Plan designation that matches the existing development that's on the ground. So kind of in the general red circle on the existing Community Plan designation, on the upper map you have, there's some public/quasi-public as well as areas that are designated rural, and these lands have existing single-family uses on them, and they're on smaller lots, they're less than half-acre so that wouldn't really be considered rural, so our proposal on this lower map, where you see the yellow, is to identify those lots as Community Plan Single-Family, which coincides with what is existing on the ground. So this is by the high school. The blue area that's public/quasi-public is by the high school.

Commissioner Dudoit: That's DHHL? Do they support this change of designation?

Ms. Maydan: We can bring Nancy up as a resource?

Commissioner Dudoit: Does the department support the County's recommendation to change this area from public/quasi-public to single-family dwelling?

Ms. McPherson: Hi. Nancy McPherson, DHHL. Sorry I was just to confer with Mary over there because this is the first time I've seen these maps. We understand that it's to reflect existing development but at the same time, I have a bigger question about the rationale for removing the Community Plan Land Use from State Land Use Conservation Lands because the County has no jurisdiction or by the same token that County has no jurisdiction to declare land use for Hawaiian Home Lands. Now there's an issue of declaring zoning and all the other stuff, but I need to take this back to the department for advisement. I'm going to do that. The Commission can do as it will as far as changing these maps but we will have a response in writing by the next meeting.

MOTION: I'D LIKE TO MAKE A MOTION TO DEFER THE COMMISSION'S RECOMMENDATION ON THIS SUGGESTION TILL THE NEXT MEETING.

MOVED: COMMISSIONER ZHANTELL DUDOIT

SECOND: COMMISSIONER WILIAMA AKUTAGAWA

MOTION UNANIMOUSLY APPROVED

Ms. Maydan: Moving on to #4. We're down in Kaunakakai. There's two parcels on this map, the first one is the parcel that has the gas station and Laundromat on it, and the second one is the Kuhao Business Center. So on the colorful map on the bottom, you can see that the gas station and Laundromat, that parcel is currently Community Plan designated single-family, in yellow. The Kuhao Business Center is currently Community Plan designated Park in green. So those do not match what's on the ground. So our proposal would be to change both of those, if you flip the page over, to change both of those parcels to Community Plan designated commercial to match the existing use that's on the ground.

Commissioner Dudoit: So when you see gas station and Laundromat, you just mean that tiny little area over there you want to include it into --

Ms. Maydan: The whole parcel.

Commissioner Dudoit: How does that affect the current residents?

Ms. Maydan: There aren't any on that parcel. The parcel that would be changing has the gas station, Laundromat. There's a vacant portion.

Commissioner Dudoit: Who owns that property?

Commissioner Swenson: That's the parcel that's currently owned by Ed and Diane Medeiros, the Place girl and her husband, they were here at the meeting and asked us to do this. Anyway they requested that we do this. They came to a meeting and spoke to us.

Ms. Maydan: And actually this parcel is kind of what brought this to our attention. Sybil Lopez brought this to our attention and asked us if we could bring this up and then we started really examining Community Plan designation and existing land use and coming up with these areas. So Diane is correct.

Ms. Maydan: The maps that you're looking at where, at the bottom, where they're identified as existing Community Plan designation, they are what's currently in placed in the existing Community Plan. We're bringing this to the Commission and to the public for recommendation and considering. They're proposed, they are not adopted. The maps are proposed changes that have not been in previously printed maps. Our existing. Those are existing Community Plan designations. On the handout where it says "proposed," it's proposed.

Commissioner Dudoit: Jenn, can we have her state her name and stuff for the record?

Unidentified Speaker: (inaudible)

Ms. Maydan: Anything in this handout that says "proposed," you have not seen before. Commissioners, any question on these two parcels in Kaunakakai?

MOTION: I MAKE A MOTION THAT WE APPROVE THE RECOMMENDATION.

MOVED: COMMISSIONER DIANE SWENSON

SECOND: COMMISSIONER LAWRENCE LASUA

MOTION UNANIMOUSLY APPROVED

Ms. Maydan: Ok next, we're moving south down the highway. If you flip the page, you can see a picture. On this parcel you can see a vacant Multi-Family building, it looks like the parcel that -- there you go. The parcel that this building is on is Community Plan designated Single-Family. There is an adjoining parcel just makai of it, which is Multi-

Family Community Plan. We're bringing this up as a recommendation of would you like to change this parcel with this existing building on it to Multi-Family.

Commissioner Racine: When the permits were submitted to construct this building, was the zoning changed at that time? They didn't apply for a zone change? Thank you.

MOTION: I'D LIKE TO MAKE A MOTION TO NOT CHANGE THE EXISTING PLAN.

MOVED: COMMISSIONER ZHANTELL DUDOIT

SECOND: COMMISSIONER LAWRENCE LASUA

Commissioner Swenson: This parcel on the corner that says Multi-Family, that's owned by the Quinones family and it's actually zoned B-1, not Multi-Family.

Commissioner Dudoit: So I would not be in favor of changing it to Multi-Family for several different reasons. I know this property very well. The major problem is the existing water lines and wastewater runoff, storm runoff, and all those infrastructural things that cost a lot of money to fix. I'm not sure if putting it as a Multi-Family is going to make it easier or harder, but I think that's something we need to address for the community's safety and wellbeing before we start looking at property value and being more appealing to somebody to take over. This property right here has a lot of issues as far as that whole water line running down is not adequate for fire compression nor is it adequate for any more water intake than is already there. I not even sure how this property would have managed how to get adequate water for sewage and portable drinking water either.

Commissioner Racine: So we're not changing it to Multi-Family and deal with the problem that it is but keep it zoned as Single-Family and eliminate the problem?

Commissioner Dudoit: Well, I'm having a problem understanding how one county agency makes a recommendation to change something when there's a whole bunch other county entities and agencies that will be impacted by those kinds of changes. The fact that we don't hear from any of them or we don't have any documentation saying that the Water Department, the Public Safety Department, Wastewater, all support such a zoning change and what does that entail for our community.

Ms. Maydan: Commissioners, keep in mind we're talking Community Plan designation, not zoning. That's two very separate things. Community Plan designation is guiding zoning, zoning is directing use and development of land. This parcel is State Land Use Urban, it's zoned Interim, and it's currently Single-Family Community Plan. If you choose to change it to Multi-Family, it could not be developed as Multi-Family tomorrow. It would need to go through a Change in Zoning. It would need to go through approval of all the county agencies, Fire, Wastewater, Public Works, Police, everyone to review it. It could

not be developed until infrastructure was brought up to par. So you're putting -- if you choose to put a Multi-Family designation on it, you're not giving a green light for development of this parcel. All infrastructure issues would need to be addressed at the time of an application coming in for a Change in Zoning to develop that parcel. Just keep that in mind of what your task is here and what your task is not.

Commissioner Swenson: I think we need to leave this alone. It's a residential area and I don't want to do this without input from the neighbors. I say we should skip it.

Commissioner Dudoit: I totally agree with Diane. I think because the community and none of us have even seen this or the community hasn't seen this proposed changes ever since right now, I would hate to make the decision for those people who have been there for years and years, and for property owners next to that place, and them not have at least a say in what's going on, so I agree.

Commissioner Rogers: It would be a conflict of interest for me to put my two cents in at this point. It's right across the street from me. I don't want to change it. I think it should be Single-Family. The chances of them ever getting that and turning it into apartment building again is about like that, put in the septic system and all that, I don't ever see that happening. That's just my opinion.

Commissioner Racine: Do we have a motion on the floor?

Commissioner Rogers: The motion is to not change it, keep it as is.

MOTION UNANIMOUSLY APPROVED.

Ms. Jocelyn: Ok the next one is changing it from Park to Single-Family. It looks different in size from the November map so I'm trying to compare them, and I'm having a challenge if you're making proposed changes that the community hasn't seen yet. So if you could be super clear about that, I think it would help the people in the audience.

Ms. Maydan: In the proposed maps in the November 2015 draft, the only thing that is different in those maps, the only proposed change that the CPAC proposed, was the Maunaloa Mixed Use. Which this Commission has changed back. There was a parcel by the High School, it was the athletic field that was Single-Family, and the CPAC proposed to change it to Public-Quasi/Public to match its existing use. That is actually going through the current planning process right now. They're going through an application. So, basically, the CPAC made one recommendation to the whole island, the Maunaloa Mixed Use. The CPAC made one recommendation. That's the only change from the existing Community Plan Maps and that was in the printed November 2015, nothing else. These are out there to really scrutinize existing land use and community plan designation and see if there's just some clean up that can be done.

Ms. Jocelyn: So when did you guys have time to make these proposals? At the last meeting?

Ms. Maydan: We tried at the last meeting but the Commission chose to defer it to this meeting.

Ms. Jocelyn: Since you're voting without the public having time to look at the maps and figure out if they have concerns, I just wanted to point out that it would be really difficult for people to give you guys input to inform the Commission's vote if they haven't seen the maps yet. Does that make sense?

Ms. Jorgensen: This arised from public testimony, public testimony looking at the lot with the gas station and Laundromat and a request from them. The public has access to the Community Plan Maps throughout the CPAC process, same maps, and if they saw something and they came forward and made a request, and there were few request to the CPAC by individuals for community plan designation and the CPAC did not put them in, and it was out of the Laundromat, it's like, oh, kind of a double-check, is there anything where what is on the ground is so different than what the Community Plan designation is, like you have a Laundromat and a gas station, it's not Single-Family, it's surrounded by commercial.

Ms. Jocelyn: All I'm saying is that if you want testimony to inform your vote, I think there needs to be a little bit of time for the community to actually look at the maps and what the proposed changes are was my only suggestion because I tried to prepare for this meeting and this information wasn't online. So I'm not suggesting I have concerns with any other proposals, I'm saying we haven't had a chance to look at it yet because we just got them when we walked in the door. So if there are concerns, they may not come out until after you vote, if you vote now, is my only comment. Ok?

Ms. Jorgensen: People can come back, if they -- they can either look at it tonight and testify, or they could look at it later.

Commissioner Dudoit: Chair, I just wanted to interrupt because we taking a lot of time on this. I just want to appreciate OHA'S interjection on that and just make it clear that this Commission totally agrees, and we have deferred a lot of the votes or we left it the same hoping that if we had to make a recommendation to move forward, that we leave it as is so that when it comes up before our Council, the committee has a year to testify. So we can move on.

Commissioner Rogers: So, Commissioners, you wanted to defer this one?

MOTION: I MOVE THAT WE ACCEPT THIS RECOMMENDATION AND EXCLUDE THE PARCEL NEXT TO THE POND. THAT WE ACCEPT ONE, TWO, THREE, FOUR AND FIVE PARCELS AND EXCLUDE THE PARCEL THAT ADJOINS THE POND.

MOVED: COMMISSIONER DIANE SWENSON

SECOND: COMMISSIONER ZHANTELL DUDOIT

Commissioner Dudoit: I tend to want to agree because I remember that this is where Nancy Williams house is, right? This is where we went to look because she was having difficulty because it's a park area, right? No?

Commissioner Rogers: I think that's on the other side.

Commissioner Swenson: No, that's the pond that Merv takes care of.

Commissioner Rogers: These five all have houses on them.

Commissioner Dudoit: They all have houses on them already.

Commissioner Rogers: There's people living in all those houses right now. Any more input on that one?

Ms. Machado: I wanted to know, just to get some sense of security, currently, you have identified four lots that have -- they have beautiful homes that have been constructed right on the water, so if it was designated Park, how were they able to build these residential lots, four lots like that?

Ms. Swenson: Colette, they're all old houses. They're like 30, 40 years old. They aren't new houses.

Ms. Machado: Yeah, but they might be renovated. I know the one right next to the pond they renovated. They put a nice wall up there. But I'm wondering if it was Park designated, how were they able to get residential to construct some homes? So there's some provisions that would allow all of these kinds of reviews even if it's designated Park, so why change it?

Ms. Maydan: The Park designation could have come after they were built. I honestly don't know the history of all of them. But no, if this was vacant and was designated Park and somebody came in to build a Single-Family home, there would be more issues. These are already developed and I don't know the sequence of the history. Diane was saying that these homes are very old, perhaps the Park was put on there in 2000. I don't know the history of it.

Ms. Machado: But this is now in the SMA area too so there would be review by the Planning Commission. For me, support the Park. We want open space and you can drive and look at the ocean. If you change it to Single Family, you don't know what you're doing. Maybe the next purchaser going be able to build these mansions along the shoreline and block our view. That's all I'm trying to say. Leave it as Park. Thank you.

Commissioner Dudoit: That brings up a good thing because the next question I was going to ask you, how does Conservation land get butted up towards Single-Family dwelling and Rural like so many different types of plans surrounding Conservation because that doesn't make sense to me? What brings to my mind when we dealt with the Nene Goose Farm, you get Conservation right next to Residential. So if a Nene Goose flies into Residential property, lays eggs, puts a nest over there, all of a sudden that becomes Conservation area too. So I just kind of questioning why we would change something instead of kind of make it consistent to what obviously is a non-jurisdiction Conservation area for the State.

Ms. Maydan: So my understanding, for this Conservation of course, is the fish pond, correct? My understanding is that Molokai is unique and that waters are identified as Conservation whereas throughout the State waters are not; it's land. Submerged land. So it's kind of a unique situation on Molokai and so, yes, you're absolutely right as far as the spectrum of land uses. It's not ideal that Conservation and Urban are neighbors. You would want more of a gradual change with Ag in between whereas this is the shoreline, this isn't your typical line up of land uses.

Commissioner Rogers: Lawrence, you wanted to add something?

Commissioner Dudoit: I was going to say that I don't think, if this is another instance, I don't think we have enough of the surrounding property owners of people here in that area who have a say in it. Personally, I against creating newer problems, and knowing that we dealing with erosion problems, and sea level rises and all that kind of stuff, why would you want to put a Single-Family dwelling right next to the ocean? Those guys already on the shoreline are dealing with problems in that south shore area. So I would be against changing it.

Ms. Jorgensen: There's one other issue and that is in the Community Plan 20 years ago, people would put Park on land and that is, unless there's funds from the County to purchase that land and make a Park there, that is where in the Community Plan to move it into the designation of what is actually it is being used for, or if you are going to put a Park designation, you have identified funds for that, to purchase that land or its existing County or State land.

Commissioner Rogers: Anymore input?

MOTION DENIED

MOTION: I WANT TO MAKE A MOTION TO LEAVE THE DESIGNATED LAND THE WAY IT IS, PARK.

MOVED: COMMISSIONER ZHANTELL DUDOIT

SECOND: COMMISSIONER MARSHALL RACINE

MOTION PASSED

Ms. Maydan: OK, we're moving on to Section 6.1, the Land Use Section. Planning Department proposed changes that we actually covered them last time but you deferred action on them until this meeting. So, Commissioners, if you go back into your packet from the February 25 meeting, there was a half-page list of proposed changes. In your packet last week as well, there was a revised Chapter 6, on the top there was red type that said February 25, 26 version with revisions. If you turn to page 6-6, I'm going to go out of order here, halfway down the page in blue type, Table 6.2, we would recommend adding this table in, this ties into what we talked about last week, the Land Use Forecast. This table comes out of the Land Use Forecast as Molokai's Land Use supply and demand, the 2035, where this shows the potential development supply, potential development demand, and potential development surplus, this is just dated to inform decisions and we recommend adding this in. On the next page, so based on your decision last week to eliminate Maunaloa Mixed Use Residential, on the top of this page, that portion will be deleted, lines 1 through 15. The project description for Maunaloa will be added back in from the 2001 Community Plan. The next recommendation is further on down the page, starting in blue type on line 17, where it starts with figure 6.4, it explains its figure here, which is a continuation of Table 6.2, and actually this will be updated, the Maunaloa portion, to update those numbers to take into account taking out Mixed Use Residential. Again, the proposed Table 6.2 and the proposed figure 6.4 are just information in the body of the text. They're just to provide clarity. I think we'll start with those since those are connected. Any questions on those proposed changes?

Commissioner Dudoit: So these proposed changes were made because things transpired after the CPAC was able to review the final draft?

Ms. Maydan: Actually, this transpired because through discussions with the CPAC, they wanted more of this information documented in the plan. At CPAC meetings, we provided some of this information as handouts and verbal information and they wanted it clarified and displayed within the plan, so that's why we put together this Table 6.2, which again comes from the Land Use Forecast and the Figure 6.4, it was a request from CPAC, but it was near the end of their process. So that's why it's coming to you.

Commissioner Dudoit: Can I ask CPAC Member Jenkins to comment?

Mr. Jenkins: Greg Jenkins, CPAC Member. What specifically is your question, Zhan?

Commissioner Dudoit: I going be honest. The whole recommendation, like I'm lost because it's so wordy, and it's injected all over the place, and it asks for us to approve those recommendations and it's like I just don't know which way is up on this, and so I'm trying to get some kind of clarity. I understand that these are things you guys must have talked about. I'm a little bit hesitant because when recommendations are made after your lengthy process, and it comes to us, and we don't know it, right off the bat, I just feel unequipped to answer and make those recommendations.

Mr. Jenkins: I can try to answer the questions the best as I can speaking for myself as a CPAC member, and, Jenn, you can correct me on anything I may misstate or something to that regard. One of the things we looked at generally was land use availability. It was specifically identified in our initial workshops that there was insufficient amount of land in each Community Plan Land Use Designation till 2035. Part of the discussion that came up was that conversation intensified was where those locations of land use actually were. So we had requested, and we were running out of time, more description, for example, where was our Multi-Family for example, where was that? It was difficult to get provided that information to see where those densities were for all the research that was done. So for me, personally, with that example, it was very difficult to make Land Use designation changes specific when you don't -- without having that evidence, if that makes sense. So when we look at that, on page 6-5 of your guys' handout, dated February 25, this was, as with some of the other table language, this was a very detailed explanation of consideration of land use in the process towards zoning.

Ms. Maydan: If I can just interrupt you, Greg. I was kind of going in a strategic order here where I've only proposed the changes on 6-6, Table 6.2, and 6-7, Figure 6.4, just to make that clear. That's all I've spoken of so far. Not the other blue changes.

Mr. Jenkins: 6.2 and 6.4, correct?

Ms. Maydan: Page 6-6, ok. Zhan, it's not within the binder. It's what you were provided at last week's meeting.

Mr. Jenkins: Ok, so I'm looking at those two pages and it aligns with my discussion. Basically, I'm just speaking for myself, I'll make it simple. I believe that informed decisions and evidence-based decisions, when it came to land use, was important. For example, we never even got to Kaunakakai, and we had a lot of difficulty even talking about the sub area, understanding of those locations. For example, Kaunakakai Town, as say would relate to the rest of the island with regards to this Community Plan. So, for me, it was

very difficult to suggest any land use changes that were just not completely obvious. I think Jenn brought up a good example of that which was the ball field at Molokai High School, for example. As it was stated by another testifier earlier, a lot of these new land use maps and proposals, we had never seen before, so I'm at a disadvantage to give you a recommendation now. But just in general, that's why we kind of left the plan the way it was because there was no information that was presented to us, to me, specifically, in our process, that gave me an overwhelming reason to change other land use at this time; until we answer a lot of questions.

Ms. Maydan: And just keep in mind, as we discussed this, these recommendations are kind of destroying this because they went along with my presentation last time where I discussed the land use forecast, I discussed what that meant, evaluating supply, demand and surplus, looking at where these lands were, that a lot of the supplies in Kaluakoi, that some of the supplies in the (inaudible). The presentation I gave last time led to these recommendations. They were kind of disjointed by doing the presentation on the 25th, two weeks later, looking at these recommendations that are tied to it. So just try to go back to last week's meeting.

MOTION: SO I'D LIKE TO MAKE A MOTION TO DEFER/ NOT TO APPROVE THE SUGGESTED CHANGES AND LEAVE IT UP TO THE COUNCIL AND THE COMMUNITY TO BE ABLE TO SEE THESE PROPOSED CHANGES. CAUSE IF GREG, WHO HAS BEEN A CPAC MEMBER AND JUST DIVING INTO THIS STUFF AND HAS BEEN HIS LIFE FOR THE LAST HALF A YEAR OR YEAR, IS ILL EQUIPPED TO MAKE A RECOMMENATION, I, WHO HAVE ONLY SEEN THIS FOR MAYBE A COUPLE OF WEEKS, ARE EVEN MORESO ILL EQUIPPED TO MAKE SUCH A DETERMINATION.

MOVED: CONMMISSIONER ZHANTELL DUDOIT

SECOND: COMMISSIONER WILIAMA AKUTAGAWA

MOTION UNANIMOUSLY APPROVED

Ms. Maydan: So I need clarification. What is your motion on? Is it just the two changes that I presented or is it everything in Section 6.6?

Commissioner Dudoit: For me, it's pretty much everything because I going be honest, I cannot make sense of it, maybe it's because we get so much stuff to read right now, but I just going with my gut and my heart, and I don't think that the community has had enough time to see these recommended changes, and we just one extension of what the community wants, so if I don't understand it, I'm pretty sure there are members in this community who would like to review and understand it better before we put it down on paper as part of our Community Plan.

Commissioner Rogers: Not right now. We're going to go to public testimony on community design in a minute after. Yes, go ahead, Colette.

Ms. Machado: I wanted to ask the staff whether or not, on the East End side of the Molokai, whether or not there was some review of the existing designation or recommended changes? I didn't see it in what was presented and what was included from the CPAC.

Ms. Maydan: From the Planning Department's stand point, yes, we looked at it and we did not come across anything that we wanted to present as recommended changes. And yes to the CPAC process, we gave them the opportunity at a meeting to look at the whole East End, to look at the existing Community Plan designations, and to recommend anything or bring up any issues, and nothing was brought up.

Ms. Machado: I went on the website for the State Land Use Commission and I was trying to track those Urban parcels, that (inaudible) acknowledged. The largest area is Ualapue. I was concerned in the Puahala area; that dredge area; at one time it was Urban. I'm not sure if it's back to Conservation. The other piece that took me for a concern was the Puko'o right-of-way on the West Side. The piece on the right side, going towards Kui Lester's home, that's in Urban. It's surrounded by Rural designation. According to the Land Use Commission, it's red that parcel, that whole section. So I'm going to do a little bit more research, what the parcels really are, but those I was concerned about, Puahala, because they dredged the pond and then they went bankrupt. They had intended to develop that area, so I'm worried that if it's still Urban, and I'm concerned whether or not we would be able to look at Puko'o west side property whether or not that would be worthy of reviewing it to be put into Rural based on what the surrounding properties are. That was my concern. The rest is pretty much -- there's a small piece up at the LinKee's that's in Urban. But the rest is pretty much protected in Rural and Ag. Those are the things that popped out. You must know that, Diane, Ualapue is a lot more, but the Puko'o one was bothering me because it's subdivided already, I think they got four lots to it, and it's Urban. With that said, I can wait to the next meeting when you come and, hopefully, I'll have enough time to research on some consideration on the mapping. I would have to agree with Zhantell. Perhaps if you are unable to make some collective decisions as the body of the Planning Commission, I think the record should reflect that it can be referred to the Council and maybe they can shake and do some heavy lifting with the different departments that's in the administration to help them clean up some of the issues, but you need to go on the record to raise some of the issues that won't be resolved in your process so that they can follow up. That's all I wanted to say, thank you.

Commissioner Rogers: Thank you, Colette.

Mr. Ritte: I wanted to make comment on Chapter 6, page one. The first sentence. I wanted to add subsistence in the first sentence. Page 6.1, line four.

Commissioner Rogers: Anybody want to make a motion on that?

Mr. Ritte: On page 6-10 under Actions, I wanted to add 6.1.06, to I.D. important subsistence use, lands and resources under Action. There's a map in the 1994 Subsistence Plan, the State Subsistence Plan, there's a map that could be included in here that shows all of the different subsistence uses on Molokai. Fishing, hunting, gathering, where they're doing it and what areas. That map could be put into this plan.

Commissioner Rogers: Anybody want to make a motion on Walter's suggestions?

Commissioner Dudoit: Uncle, who would you suggest being the lead county agency?

Mr. Ritte: Maui Economic Development Bureau

Commissioner Dudoit: Include partners?

Mr. Ritte: DLNR.

MOTION: I WANT TO MAKE A MOTION ON 6-1, LINE NUMBER FOUR, TO INCLUDE SUBSISTNECE IN THAT SENTENCE.

MOVED: COMMISSIONER ZHANTELL DUDOIT

SECOND: COMMISSIONER WILIAMA AKUTAGAWA

MOTION UNANIMOUSLY APPROVED

MOTION: I MOVE THAT UNDER 6-10 WE CREATE A NEW ACTION, 6.1,07, IDENTIFY IMPORTANT SUBSISTENCE USE AND RESOURCES. THE LEAD AGENCY WOULD BE MEDB, PARTNERS WITH DLNR AND THE OFFICE OF HAWAIIAN AFFAIRS. ALSO INCLUDE THE SUBSISTENCE MAP OF 1994 GOVERNOR'S SUBSISTENCE TASK FORCE.

MOVED: COMMISSIONER ZHANTELL DUDOIT

SECOND: COMMISSIONER WILIAMA AKUTAGAWA

Commissioner Dudoit: I was going to ask you that. What is it called?

Commissioner Swenson: How can we vote for a map we haven't seen? I think we need to see the map. We don't know what we're voting for.

Commissioner Dudoit: Ok, that's my motion and we can talk and amend. I was going to ask the Office of Hawaiian Affairs, being the representation of the studies and everything, what would be your, for the record, your testimony on the 1994 Subsistence Map of the Governor's Task Force?

Ms. Jocelyn: Significant outreach and surveying of Hawaiian families on Molokai and their reliance on subsistence. It's just a map that identifies where people gather and where they hunt and where they fish, in generalities, you can kind of see, and then it talks about they did a survey, so it says the percentage of families that significantly rely upon subsistence to supplement their income. We actually did a recent -- we may have an updated version, I don't know if it's in a map form, so I'll work with Uncle, I'm going to be on island tomorrow, and then we'll bring whatever map is the most updated to the next meeting. Mahalo.

Commissioner Dudoit: Here's what I want to do. Let's go ahead and include the action and when they bring the map, if we want to, we can include the map into the action and amend. Ok?

Commissioner Racine: Good because we heard one testimony that he's hunt for years but now there's a house in the way. These are the people that go and hunt in my back yard. We got a map that says because they practice collecting deer in West End and this area, we're not going to adopt something that says we support that activity when people living there and association say there is no hunting in that area. So again, I agree. But I just need to say that.

MOTION: I WANT TO AMEND MY MOTION TO INCLUDE ACTION 6.1.07, IDENTIFY IMPORTANT SUBSISTENCE USE AND RESOURCES. A LEAD AGENCY WOULD BE MEDB, PARTNERS DLNR AND OHA.

MOVED: COMMISSIONERE ZHANTELL DUDOIT

SECOND: COMMISSIONER WILIAMA AKUTAGAWA

Ms. Maydan: You have I.D. important use and resources? OK. What I heard Walter say was lands and resources.

Commissioner Dudoit: Land and resources. Marshall, I totally sympathize and understand how you feel. So if any of the Commissioners were able to read some of the books and documents that Aunty Colette handed out to us previously, and kind of do some research, there are certain inherent rights that people have that's part of our

legislative policy and law anyway, so I think identifying them and knowing where they are doesn't solve any of your problems but it is also something that is beyond, I believe, beyond any of our ability to change what is. So I not looking at this as being a way of everybody just having the right to go trample all over your land, I don't agree with that, but I do think it is important to cite the lands and resources as far as subsistence and identify them.

Commissioner Swenson: I don't disagree but just the map that we haven't seen.

Commissioner Rogers: Right now we're talking about the motion without the map.

MOTION UNANIMOUSLY APPROVED

2. Chapter 7 Community Design
 - a. Planning Department Overview of Chapter
 - b. Public Testimony

Ms. Maydan: We're moving on to Chapter 7.

Commissioner Dudoit: So when I look at Land Use for East Molokai, I also don't see any -- so maybe this is for the public too, but I also don't see reference to maps on the East End Policy Statement, but when I look at Land Use, I just wanted to get one clarification from you, on map 6.4, so the blue is Public-Quasi/Public, and I just like make sure I looking at the right things, is that big blue area, that's Kilohana School? What is that?

Ms. Maydan: I believe so, but I think you guys can answer that better. Yes, I believe that's the school and the community center.

Commissioner Dudoit: And as you move down to the other end, you get three different parcels over here with the same Public-Quasi/Public designation, do you know where that is?

Ms. Maydan: Greg, is one of them the Fire Station?

Commissioner Dudoit: No, the Fire Station is way down over here where it says "Puko'o." I was just asking because when we move into...so that's what I was wondering too. The department has made some recommendations to be consistent with the zoning.

Ms. Maydan: To be consistent with existing Land Use.

Commissioner Dudoit: So that Aping Store place where it's Public-Quasi/Public, was that changed for that area?

Ms. Maydan: I don't have that answer, Commissioner.

Commissioner Dudoit: So this means that this whole blue area all over, even where they're talking about, 'cause there's been plenty discussion about the proposed harbor and all kinds of other things, just because we're on the map area now, so when we're looking through here, this is all considered Rural, this whole area? The Community Plan didn't change any of that?

Ms. Maydan: Correct. The majority of these shoreline lands on the East End, in that light blue color, that's Rural, and these are all in the existing 2001 plan, and there have not been any changes by the CPAC or proposed changes by the Planning Department.

Commissioner Dudoit: So what is all this yellow area? Is this just State Land Use Conservation in that whole area, so the whole North Shore of the island, and the Community Plan hasn't implement it like it did in other areas of the island, overlay Community Plan Conservations land?

Ms. Maydan: Correct. You can see on here in the legend, below all of the Community Plan designation, below all those colors, it says, "State Land Use Conservation," and there's that very light tan color in the legend, and that matches the majority of the lands, that's State Land Use Conservation.

Commissioner Dudoit: I not going make a motion at this time, but I would suggest that the Commissioners and I will, myself and the community, take a good look at the North Shore area where there is no Community Plan designation for that area, like we did with the rest of the islands. I think we need to hear more from the community and look at the East End people and see what their future ideas is. But I do think, as far as going and layering it over as Community Conservation lands and doing that kind of stuff, it might be necessary to take a look at East End because it looks like there was absolutely nothing done or updated on the East End side, and that worries me a little bit with all the different land use and zoning changes, and proposed changes going on in the county.

Ms. Maydan: Moving on to Chapter 7, which is Community Design. When this Chapter was reviewed by the CPAC, their primary concern was that the 1993 Molokai Country Town Business Design Guidelines, which guide the design of development within the Business Country Town District, which is mostly in Kaunakakai, that those be updated. Again, they're from 1993, and your Commission is probably quite familiar with them since you review many permits or changes. So their primary concern in this chapter was that those design guidelines would be updated. As you see on page 7-4, that is the number one action table to amend the 1993 Molokai Country Town Design Guidelines. As far as CPAC, that was the primary concern. This chapter is laid out as the other ones with a brief introduction as the existing conditions on page 7-2. There are a list of design principles, and then there's goals and a list of policies.

Commissioner Rogers: Public Testimony open for Community Design.

Mr. Jenkins: Chair, Greg Jenkins, CPAC. From this chapter, I would like to agree with what Jenn brought up, that was one of the focuses we had was the BCT guidelines and the negative impacts that they're having on landowners that are trying to go through normal renovations, admin permit type processes, and the need for those guidelines to be updated to better reflect necessary things that are in place but also maybe provide some allowances and things, such as we discussed at the CPAC, parking implications that don't allow certain business owners to make simple improvements, as an example. A process to appropriately update the BCT guidelines. Secondly, for me personally, one of the most important parts of community design, which in here, 7.02, sub area development plans, I'm a firm believer, and while these are not sub plans for the Community Plan that was made clear by the Planning Department, they're more sub area descriptions, I believe that strong sub areas descriptions and plans that really look at the unique aspects of existing communities on Molokai will do a better job in outlining the plan as a whole. So when we look at our communities, like Kaunakakai and Kualapuu, there's a lot of exiting things that are happening there. Zhan just brought up a minute ago about things that exist at Mana'e. So when we look at those things and we look at what we have and what the community needs based on their input, we can make good land use decisions. So I would hope to see that somehow if you guys got questions about what it would look like to get sub area plans or descriptions created, I believe the only vehicle that would exist in perpetuity would be the Molokai Planning Commission to request such things through the proper channel.

Commissioner Rogers: I know the parking thing is kind of a point of certainty in Kaunakakai as far as people not being able to do things because they don't have parking. Existing businesses and structures that are dead in the water because of parking.

Ms. McPherson: Aloha. Nancy McPherson, and I'm testifying as a former Molokai resident and someone who spent a lot of time in Kaunakakai talking to business owners and hearing about their dilemma in dealing with the permit applications and etc. I would just encourage you folks to, if possible, add language to support historic preservation and architecturally accurate renovations. Sometimes there's conflict between that and the infrastructure requirement and the parking requirement. If the county could work with the business owners in Kaunakakai, it sounds like that language is in there to do that, when you update the guidelines, but also look throughout the code at the different requirements, even from other departments in the county, that make it impossible for business owners in Kaunakakai because of the historic, nature of the existing non-conforming nature of this layout of the town, and the size of the lot; that some kind of optimal solution get worked out so that folks could start fixing up their buildings, restoring their buildings, maybe put a second story back on some of those buildings. Bring Kaunakakai back to the glory days of 1920s. I'd love to see that happen. Thank you.

Ms. Machado: Just for the audience, I wanted to have one of the Planners describe what is Country Town Design, and if there was a town on the island of Maui that has this, I'm not sure if Upcountry Makawao is like that or we talked the last time down Lahaina, if you can understand what Country Town Design Guidelines, what would be that, how would you best describe that, and if there was a town that was utilizing that? I can tell you what my problem is in Kaunakakai. Nobody like beautify the sidewalks and some of the trees are all bust up, rubbish is all over in the receptacles that are held there. I'm hoping that they could be part of a team. When you drive through, you tell people, you know, our town so small, no blink your eyes, you going pass it. But actually, when they turn the corner coming around by American Savings, and you look down the block, you going be able to see some robust (inaudible) brighten up a little bit, some landscape on the side, something that looks really nice. Maybe somebody can describe. To me, Makawao is a good example of what I consider a Town and Country. They capture the rodeo, they have businesses that cater to (inaudible), you have Komoda Bakery there, they have a few nice restaurants that are very popular, and you have the Pukalani area where the shopping center is. If somebody could describe that, that would be good.

Ms. Maydan: So Business Country Town is a zoning district within Title 19 in our Zoning Code. Colette is correct. I know Paia is zoned Business Country Town, I believe Makawao is as well, Wailuku as well as a couple other small towns on Maui. On page 7-1, the first page of Community Design, the fourth paragraph down, starting line 23, it talks about Country Town Business District Design Guidelines. So the Design Guidelines are written to go along with the Business Country Town Zoning. The zoning designation has development standards in it. The Design Guidelines, which are adopted by ordinance, takes it a step further, to define appropriate site design, street design, and architectural design standards specific to the area. So there are Design Guidelines for Paia, and Makawao, specific to the area. So there are Design Guidelines for Molokai, which are specific to -- it covers Kaunakakai, Maunaloa, Kualapuu as well as the East End; that's identified right here in that paragraph on that first page. Yes, it's from 1993, and as many landowners, commissioners, different people have expressed that there's good components of it, and there's very frustrating components of it, and it needs to be looked at to be updated. That's a very high priority action to be done.

Commissioner Rogers: Any more input on Community Design? Public testimony is closed.

Commissioner Swenson: Nancy McPherson is right. It's virtually impossible for a business in town to do anything, to get through the county rigmarole, or to make any changes and to meet today's requirements for parking. I think the whole thing needs to be -- somehow the county and the business owners in Kaunakakai have got to try -- I mean the county's got to try to work with them. Right now, it's impossible. I know when

we tried to renovate our warehouse, it took over a year because we couldn't get through the county agency, so it's expensive and timely, and I don't know what the answer is.

Commissioner Dudoit: So I'm not sure if mine is a comment or a question, but since I was thinking about it and since you brought it up, so, in economic development area of the book, you talk about enhancing existing businesses and supporting existing businesses, and we get to Community Designs, and in several different plans throughout the plan where it encourages land use in different areas of Molokai and small towns to encourage commercial, residential, and services for those towns so they don't need to travel, I'm kind of conflicted here in understanding what our plans, what our Molokai Community Plan is really trying to say. Are we trying to create small little towns where you don't have to travel out or are we saying that we want to support existing businesses and keep the Mom and Pop because those two things are dramatically different, I not sure why, and maybe Greg can answer, but there's a lot of this phrase of encouragement of land use throughout Molokai in all the different chapters and it just feels like it's conflicting to what ultimately what the map and the plan and the community is saying. We get layers of Conservation land, we get layers of places where people want to keep Rural, we get layers of places where we want to keep Agriculture, but we keep saying in here that we want to encourage Mixed Land Use all over, and I just putting it out there because I'm not sure, even in like this Design Policy Guideline, it says encourage mix of land uses in Molokai small town, and right next it says preserve and enhance the historic character of Molokai. The historic character of Molokai is if you wanted to go to the main town you'd have to go to Kaunakakai.

Ms. Maydan: I think that's exactly what this second sentence is saying, encourage a mix of land use in Molokai's small town. Encourage a mix of commercial, residential, and service uses to strengthen the island small town, your existing small town, Kaunakakai, your Kualapuu, your Maunaloa. Don't develop new commercial areas outside on Ag land. We're saying concentrate growth where there already is growth, to not promote -- to not develop Ag lands or incentive lands, or to diminish your Rural character, but concentrate growth next to existing growth as well as its more efficient use of infrastructure. It's going to be more economical to build something within your existing town and make use of your existing roads, your existing sewer lines, your existing water lines, rather than extending infrastructure far out at a very costly price. I don't think that that second paragraph and that third paragraph are in conflict. I think they're quite supportive of each other. Diane, to go back to your question regarding parking issues in Kaunakakai, very similar issue on Lanai, in Lanai City, where businesses want to expand or improve and they have provide additional parking and there's no room. There's actually no logical need for more parking. So I believe in Lanai, we had an action to do a parking study, am I correct, Mary? In Lanai? You could propose to add a similar sort of action to do a parking study to see what the needs really are and come with innovative parking solutions that fit the needs of the town without being so (inaudible) on each and every business owner. So we could look at the language that we had on Lanai and perhaps add a similar action.

MOTION: I MOVE TO ADD 7.1, ON PAGE 7-4, THAT WE ENCOURAGE THE COUNTY TO DO A PARKING STUDY IN KAUNAKAKAI AND DETERMINE IF A PUBLIC PARKING AREA WOULD BE FEASIBLE TO RELIEVE THE PARKING REQUIREMENTS FOR BUSINESSES THAT WANT TO IMPROVE THEIR PROPERTY.

MOVED: COMMISSIONER DIANE SWENSON

SECOND: COMMISSIONER MARSHALL RACINE

Commissioner Dudoit: What was your motion to conduct a study?

Commissioner Swenson: That the county do a parking study of downtown Kaunakakai and to give consideration in putting in a public parking area to relieve the parking requirements on the businesses in town so they can improve their businesses and upgrade.

Commissioner Dudoit: Do you think the study is strong enough?

Commissioner Swenson: Make it stronger. I mean it's like that's why Mid-Nite Inn couldn't open because they couldn't provide the parking. So there needs to be parking relief so businesses like the Mid-Nite Inn could have reopened. Right now, if they want to change anything, they can't because of the parking requirements.

Commissioner Racine: She's got the language in there but it's not strong enough. You should say conduct the study with the goal, change parking requirement on business expansion or renovation with the goal to create a public parking area to relieve the burden on businesses trying to renovate or rehabilitate, or expand their business property.

Ms. Jorgensen: I would break that into two actions. One is to revise the parking requirement within Kaunakakai. To do that, they'd have to do a study. Second, is put an action in there, a CIP action, and that's implementation to get the funding to have a public parking. The parking is in here under page 8.5-08, the action, it reads, integrative parking study with parking mitigation measures appropriate for Molokai into Kaunakakai revitalization and beautification plan. Explore the concept of potential parking in Kaunakakai Town and utilize areas like the old electric park. That's under Infrastructure/Transportation. So you could, if you wanted to, enforce that. You could have something in the Community Design section as well in terms of, I forget what the proposal was, this is explore the concept of centralized parking, but if you really wanted to see that, you could also state something as an actual CIP action. So you could have a Community Design like locate a public parking area within Kaunakakai, or build, or something like that directing an action into a CIP project.

Commissioner Dudoit: I think she was making the suggestion that it's there on 8-20, 08, if you want to restate it.

Ms. Jorgensen: I was suggesting that, well actually thank you, Greg, for finding that, but the parking study part is in Chapter 8, but under this chapter, if you would like to, if you're in agreement on seeing a public parking area within Kaunakakai, I would put stronger language like direct a Capital Improvement Project, CIP action, that would be construct a public parking area in Kaunakakai.

Commissioner Swenson: Well, I'd like my motion to be the words that Marshall used. Marshall you want to say that again? I'll withdraw my motion and Marshall can make a motion.

Commissioner Racine: We've already got an action to do a study. What we're looking to do is build a parking so that we can ease the requirements on the businesses. We've already done a study in Chapter 8. In Chapter 7, it's the cart before the horse. Table 8.5 actions, for actions for transportation, we're doing a lot of encouraging but we're yet to specify things.

Commissioner Dudoti: Marshall, I think what Mary is agreeing is that the study is already done in the parking lot area, so what she's trying to encourage us to do is to put stronger language in Chapter 7, on the Action table as a CIP project, so you can actually do the implementation of the study.

MOTION: TO FUND AND CONSTRUCT PUBLIC PARKING IN KAUNAKAKAI TO RELIEVE THE REQUIREMENT ON EXISITNG BUSINESSES WISHING TO EXPAND OR IMPROVE, RELIEVE THE REQUIREMENT FOR X NUMBER OF PARKING.

MOVED: COMMISSIONER MARSHALL RACINE

SECOND: COMMISSIONER DIANE SWENSON

Commissioner Dudoit: Chair, just as a matter of our agenda doesn't state that we're on Chapter 8 right now, so I'm not sure if, legally, we're able to make a motion on Chapter 8 at this point. Ok. As long as it's on the record.

MOTION UNANIMOUSLY APPROVED

Commissioner Lasua: Jenn, just a question regarding design. Is location part of it too? As part of the Community Design on Chapter 7, is the location part of that? Not about the buildings?

Commissioner Swenson: It's up to the study to come up with that. No, it does not specify a location. It just has to do with study and to come up with something.

Commissioner Dudoit: Can I just add on for the record to what Lawrence was saying? It's probably not something. It just strikes me as odd that we would put so much money and effort into designing one parking structure in a tsunami flood zone. I'm just thinking that, I know what the need is in the current existing businesses, but maybe food for thought for our Commission and our community, maybe instead of always going against the natural grain of what's happening, maybe we should try to enhance what we have and maybe this is a sign to move upward, to start investing our money in the future as opposed to keep on trying to hold on to what we have right now that we're ultimately deep in despair or destruction should a tsunami hit or we start experiencing more flooding and things like that. Just food for thought.

Commissioner Lasua: The reason I brought it up too was because as a business owner, the (inaudible) map is changing, which means it's going to cost the business owner's a lot more money for insurance and stuff. That's the only reason why I brought it up. If location was part of it.

Commissioner Dudoit: And I wonder, and I won't say any more after this, but I wonder if more monies and efforts should go into looking where we going to next as opposed to where we kind of struggle to stay.

Commissioner Rogers: Inevitable.

Commissioner Dudoit: Just to give the Commissioner's back ground, when we were in the Maunaloa Community meeting we talked about, I mentioned about an ongoing process of having the 911 emergency premises identification be addressed and I wanted to add a couple of new issues.

Commissioner Dudoit: Up to you guys. If you guys have time to read it. So Greg just helped me with the wording because I wanted to make sure we got it in there and we have the support of different emergency services, if that helps, to support our thing, but I'll just read it off for the community's benefit and we can vote on it at one time. So that was the issue.

MOTION: PAGE 7-2, ADD ISSUE #2, PREMISES IDENTIFICATION ADDRESSING IS NOT COMPLETE FOR ALL APPLICABLE AREAS AND PROPERTIES ON MOLOKAI WHICH IMPACTS EMERGENCY RESPONSE AND OTHER PUBLIC AND PRIVATE SERVICES.

ALSO IN MY MOTION TO ADD A NEW POLICY WHICH WOULD BE 7-3, POLICY #10, SUPPORT PREMESIS IDENTIFICATION AND DIFFERENT EFFORTS TO IMPROVE

AND ENHANCE 911 SERVICES, EMERGENCY RESPONSE AND PROVISION OF OTHER PUBLIC AND PRIVATE SERVICES.

PAGE 7-4, NEW ACTION, WOULD BE 7.11, COMPLETE PREMESIS IDENTIFICATION ADDRESSING FOR ALL OCCUPIED PROPERTIES AND PROPERTIES WITH STRUCTURES ON MOLOKAI. THE LEAD AGENCY WOULD BE DEPARTMENT OF PUBLIC WORKS TO PARTNER WITH THE MOLOKAI POLICE DEPARTMENT, MOLOKAI FIRE DEPARTMENT, DHHL, MOLOKAI RANCH HOME OWNERS ASSOCIATION.

PAGE 7-4, NEW ACTION, 7.13 WOULD BE TO ENCOURAGE ENFORCEMENT AND INITIATIVE FOR EFFECTIVE POSTING OF ADDRESSES AND APPLICABLE MOLOKAI PREMESIS PER COUNTY CODE AND PUBLIC SAFETY RECOMMENDATION. THE LEAD AGENCY WOULD BE THE DEPARTMENT OF PUBLIC WORKS AND THE PARTNERS WOULD BE THE SAME AS IN 7.12.

MOVED: COMMISSIONER ZHANTELL DUDOIT

SECOND: COMMISSIONER LAWRENCE LASUA

Commissioner Racine: When I get down to encouraging enforcement and incentives, what's the down side? Are we going to fine people or levy a tax on their property if they don't put an address on their house?

Mr. Jenkins: To answer Marshall's question, two of the main lead partners that we would have is the county jurisdictionary, and Hawaiian Homes jurisdictionary, and the private subdivisions, homeowners associations for example, which also fall under county. So, currently, there's a county code that requires premises identification. The Fire Department is one entity that we do not enforce any of the code on private landowners with the exception of brush, so this is something that's in the code, and there's other entities of the county. The county can move on that. But really it's about the welfare of the community. So I don't see that my suggestion is to fine people, it's a need, if people don't put that on their residence, I don't know of any enforcement effort at this time where you can force somebody to put it on, to my knowledge, except for businesses.

Commissioner Racine: The words are there, encourage enforcement.

Commissioner Dudoit: I thought as enforcing the department, like the Police Department to encourage, so right now, what's happening is the struggle we've had is that everybody working independently and there hasn't been a real significant push to get large landowners and all of the agencies in combined together to make it happen. So I think Molokai is the perfect template for the rest of the state and everywhere else who is having issues with this to start because we have a small enough community to do it. So I didn't

see the enforcement portion as being something enforced on residential owners as much as it is -- because before you can buy a piece of property, your parcel's TMK number and all that is inputted in the system, right? So what we're saying is, prior to that, the government agencies gotta get together, and landowners, and be sure that everybody's documented addresses are the same.

Mr. Jenkins: So Marshall your point would be those parts of jurisdiction that would have enforcement attached to it, yes, that would be encouraged, but those who don't wouldn't. So the other side of enforcement would be to enforce limitation. So as long as both of those exist. If there's no legal authority then there can't be enforcement.

Commissioner Swenson: I can explain what's going on now. If you want an address, you have to call the county and say I live wherever, and here's my tax map key number, and then the girl at the county gives you a street address. All that has to happen is the county just has to mail everybody their street address because now they aren't giving it to you unless you call and ask for it. So they have it. All they have to do is send everybody a post card, like when they do the tax bill, they can put the street address on their tax bill. It's up to the county to do it, not make every owner have to call the county and say, hey, what's my number.

Mr. Jenkins: You're correct, Diane. Most of those exist but there's many parcels that do not have those addresses, and what's also a concern is that the implementation, because of the rural nature of our community, not every structure is the same. So what you may have as address posting in a more concentrated area, like Kaunakakai and Ranch Camp, would look very different than let's say Hawaiian Homes in Hoolehua. So the idea is to be able to get the public or private services to these locations especially in time of an emergency. I can just speak for me, I work in the Hoolehua district and I pray every day that I'll be able to find the people I'm responding to. That's something that's not easy and it's very, very difficult, and our maps are crude and outdated. So this is about life matter and getting there in the most efficient amount of time. That's really the -- I don't want to be self-centered and say it's just for public safety because we have other services that are provided that impact people besides just public safety.

Ms. Maydan: Just one comment. We're having this discussion within the realm of Chapter 7, Community Design, a very similar discussion we've had on Lanai. They worded it in a different way but they put it in their Fire and Public Safety Chapter. I think it's more applicable in Chapter 9, either in Police or Fire, to consider that in your thoughts. It's really more of a public safety issue than it is a design issue. But just consider that in your discussion.

Commissioner Dudoit: Greg, is there a reason why you recommended that we go into Public Design as opposed to Public Safety?

Mr. Jenkins: Zhan, the only reason why I put it in Community Design was that if everything, fire and police for example, with services, so this is something that's actually a characteristic of how we design, the way they're posted on buildings or on side of roads, it's a rural type of a system where there's a post and these are on reflected markers that they're compatible with what the community wants to see, they're not so (inaudible) and they don't reflect the character of our community. We really need to make sure that these are subtle but they are effective.

Ms. Eaton: I think what you said, Greg, which was really compelling, is that in working and servicing Hoolehua, one of your greatest fears was not being able to find someone and, to me, that is a really critical safety. I think, either way, it's fantastic that we're doing it; we're putting it in; that's great. I think that there's a sense of urgency with public safety in putting it in that way.

Ms. Joregensen: I think it would be both of them because I think that was a great suggestion, Greg, about having the design of them being different and very specific defined. Often what happens is you'll get volunteers that will go around with a template and just simply have the numbers and spray paint so everybody quickly gets a certain type of design. The number's on their house. But you're thinking of even developing design guidelines for the different areas.

Mr. Jenkins: That would be correct. For an example, there's a successful rural addressing system that has started out in Hana with the Fire Captain there. They have those marks, say like the entrance to a driveway, that's very different than just posting numbers on the house that's typical. I think out of respect to our community, how we come up with a plan that's compatible with what the community feels is important but also meets the recommendations of public safety is important. We've been having this rural area and all this post that it could be in color, or could be how close to the road they are, there's a lot of considerations of how we effectively post, especially in the rural areas. That's the critical one. The houses that are close to the road are very easy, that's kind of a no brain, but the ones in the rural areas are difficult because if the house is 300 feet from the road behind a bunch of brush, it doesn't matter if the address is on the house, we can't see it from the road.

Commissioner Rogers: If it's relevant, go ahead.

Mr. Dayton: My name is Dayton. These people of the county, the county is of America. America has a whole different government than the one that was established here. They're the United Nations of the declaration of the rights of indigenous people. The United Nations. America was one of the nations that did not sign to this. They do not care about the indigenous people. Simply that fact. The Apology Bill states so that Hawaii was overthrown legally without the consent and, yet, the county is here trying to make the choices for the people. Backwards. Everything must be from the community, from the

indigenous. They don't look indigenous to me. They don't. They are of the county. I heard him say law. What law were you speaking of? What law empowers you? What law empowers you and your people? It's on the record so speak clearly. What law empowers you? Couple words. Just answer.

Commissioner Racine: The county ordinance.

Mr. Dayton: Ok, the county ordinance empowers them which is of America. Does this look like America? This island in the ocean, is this America? Is this a state? No. This is a nation. Nationals. These are native people, not citizens. The problem is people think that they're citizens of America. When you think that you're a citizen, you lose your jurisdiction. Jurisdiction means knowledge of law.

Mr. Naki: This is the Apology Bill. President Clinton, in 1993, given an Apology Bill from that time till now about hunting deers and 30 years extra. This is an Apology Bill. Is this apologetic? Is these people here apologizing for the wrong that they do? But they continue to do services, they continue to do those things that are wrong. This is for the record. This is totally error; totally wrong. We have in here the indigenous. They got it. The Act, four nations didn't sign it: Canada, USA, New Zealand and Australia. This act is indigenous act for us kanaka maoli and for all indigenous people. This act is true. For the record, I'm on camera, yeah, this kama'aina here, this one here, all this kama'aina is doing this under duress. Our East End Policy was made under duress, our people, our kupunas did it. But did they have that freedom? They were just afraid that this thing would work. They was afraid that one of their sons, one of their daughters would come forth and speak. They did their best under duress. Everything is under duress. No, we are free. Kanaka maolis are free people. We are a nation. We are a country, hello. We not just a county. We not just DHHL. We not just OHA. No. We are a people. This is our nation. So, just for the record, Mr. Rogers, and no. You not pono. You will never be pono. United States may come here, the Department of Interior is down Kalaupapa making business, what's going on? We, the people, the kanaka maoli people, we the people. You are just a guest, we are the host, get that through your coconut. We are the host and we will remain the host. We will not move. We here. We fight American war. We die for America. Now this is our land, they will steal our land, and we are free.

Commissioner Rogers: Thanks, Bruddah.

Mr. Naehu: All I know is that I gotta go up and feed some Hawaiian Charter School kids that are staying at our fishpond. I just pau finish teaching poetry class. I came here, may have a good notion, but when you not abreast with the latest information, you still going be mad and you going be talking to the wrong people. I'm here to tell you that from the Aha Moku, the Aha Kiole, I'm the Po'o for Mana'e. I think this is out of order but I'm going to give it to you 'cause I gotta go take care some kids. The Mana'e Community Plan, from what I hear, you guys was giving us more time. There are a number of old time Mana'e

families from the Dudoits to the Pupuhis to the Kalimas, the Lima's, Kalilikanes, Akutagawas, Dunbars, and we getting a representation from each of these long-time families, which represent almost two-thirds of all the ahupua'as, the 37 in Mana'e. We feel that if we have representation from the families that have been here from generations and we come up with a plan of what we should do, not for the guys who almost in the grave, but for the kids, because you guys is making decisions that going affect them, not my uncle them with a big boat, not my aunty them. They like business. Get nine kids suing Barrack Obama because he doing nothing and America is doing nothing over climate change. Everything has flipped. Everything has switched. If we still chasing money and business economic opportunity, we going be like everybody else, the ass end of the old era, and that ship is sinking. We believe we can make jobs, make our environment better. Our environment is the only way our kids going have a chance going into the future. So I'm here to tell you that from the family members that we have gathered and have started to converse, we're going to propose a plan that collectively speaks for the Mana'e community, and I'm just here to tell you that we are organizing. We are getting our shit together so that we can step up to help, help you guys, help ourselves, shape our own future and the future for the generations to come. All these things I wanted to bring up is we are absolutely for water shed protection and absolutely against any boat ramp. We will come with a complete plan soon, but I needed you guys and the truth on at least that too 'cause we are united and very collectively in agreement that we want our water shed protected and we want no boat ramp. Everything else is in works. That's all I wanted to say.

Commissioner Dudoit: You guys planning to have another Aha Moku meeting concerning this up Mana'e anytime soon?

Mr. Naehu: Yes.

Commissioner Dudoit: Can invite us?

Mr. Naehu: Do I have to invite all of you?

Commissioner Dudoit: No...

Mr. Naehu: Nah, that was just one joke.

Commissioner Dudoit: No, because the more we hear, the better informed we are, yeah?

Mr. Naehu: Yeah, I would love for you guys to come but know that we meet at Keawenui Fishpond. If you guys act up, I going have to take you guys off the property. I'll get back to you on that one, Zhan. I gotta go ask the different representatives from the different Mana'e families. We still building that core group, that collective group of our generation. Thank you.

Commissioner Rogers: Thank you, Bruddah. We have the same objectives that you do. I do, speaking for myself, we have the same objectives. No worries, Bruddah, we here to listen.

Commissioner Dudoit: We had a motion on the floor. So you know what, how do we do this in line if we wanted to change it to 9? If we wanted to change all the recommendations, do you want me to defer it, take it back, and see where?

Ms. Eaton: The way Greg wrote it up is really clear. If you really want it in Chapter 9, I think that's fine because he has it all lined out in terms of issue.

Commissioner Dudoit: Can I amend my motion to say that I want those included in 9?

Ms. Maydan: In Chapter 9, either section, Police or Fire.

Commissioner Dudoit: I'm thinking that Police would probably be better just because. Although Fire seems, I know we on film, but although Fire seems to get more things done.

Ms. Maydan: Well, if it's in Police or Fire section, either way, the Police section comes first, Fire is afterwards. But really, as far as getting it done, it's who we identify as leads, right? Police and Fire could be partners.

Commissioner Dudoit: So we identifying Department of Public Works as the lead.

Ms. Maydan: Yes, you have Public Works. I would go with Police since it's first.

Commissioner Dudoit: Ok, let's go with Police.

MOTION: TO MOVE SAID MOTION TO CHAPTER 9, POLICE SECTION.

MOVED: COMMISSIONER ZHANTELL DUDOIT

SECOND: COMMISSIONER MARSHALL RACINE

MOTION UNANIMOUSLY APPROVED

Mr. Ritte: Since I -- I wanted to comment on Chapter 7, since I had to go get a map and I missed out. First, here is the map. I just wanted you guys to see what, I know you guys scared of the people coming and hunting on your property and all that kind of stuff, but this is a really general map, and this map is priceless. This map was put together by the community. They went to a map, the size of that one over there, and they put down where they go fishing, where they go hunting, where they go gathering. So this is like firsthand

information about what is happening in the community on subsistence. So this is a very, very important map. So I wanted to make sure that this map gets into the Molokai General Plan. Somehow we gotta get a copy to you guys, and I guess that's my job.

Ms. Jorgensen: If you send us a copy, then we can make sure that it gets out for the community to see.

Ms. Maydan: We have it, Mary. That plan was used quite extensively for the research for Chapter 3, for Coastal Resources. We have that. I'm not quite sure how it's tied to the action that you added.

Mr. Ritte: So I wanted to include that map. I don't know. Did you guys vote on the motion?

Commissioner Swenson: Walter, you were not here, but we adopted what you requested, everything except the map. The map has got to go to everyone.

Mr. Ritte: So in order to get the map in, what needs to be done? We need to get a copy to everybody?

Ms. Maydan: What is the recommendation with the map?

Mr. Ritte: It's part of the motion.

Ms. Maydan: The motion was an action to identify subsistence lands and resources, correct? That was the motion. An action that the Commission adopted. In order to put it in the plan, as far as the map being part of it, I think it needs to be clearer as far as how the map plays into it. Is it part of the research to identify to use that as one of the use, the 1994 Governor's Subsistence Study, as one of the resources for that action?

Mr. Ritte: Yes.

Ms. Maydan: Ok.

Commissioner Dudoit: Can we just put it in as a footnote, or no? How would it be implanted in there?

Ms. Maydan: How would what be implemented?

Commissioner Dudoit: The map.

Ms. Maydan: The map is a resource, it's not an action.

Commissioner Dudoit: You wouldn't be able to put the map in the plan?

Ms. Maydan: It wouldn't be put in the plan as any sort of action, it's a resource, it's information that was used to draft section 3.2, the cultural resource section, the Governor's Subsistence Task Force was referenced.

Commissioner Dudoit: But if the community came up with a map that they wanted to put in as a community map adopted from the research that they did?

Ms. Maydan: It's just for information.

Mr. Ritte: That's fine with me as long as the map is in the plan.

Commissioner Dudoit: What she's saying is that we cannot use that map, but what I suggesting is if you look at all the maps that we get in here, you could create a Molokai Community Subsistence Map.

Mr. Ritte: There it is. I don't know why you're making it so complicated. This is what the community did, this is a map that the community made, and we want to put it in our plan.

Commissioner Swenson: Excuse me, the young lady from OHA, you weren't here, but she said the exact map has been updated.

Mr. Ritte: The only way you can make a map like this is to fill this room with people and to get them out of their chairs to go up to the map and expose things that they didn't want to expose, which is where they go fishing, and where they go hunting, because this is a very important map.

Commissioner Dudoit: But you're saying that the map can be included but what Mary wants is for him to give the map so it can be printed out, and we can review it, and put it on at a later time.

Mr. Ritte: But they said we cannot put it on.

Commissioner Dudoit: Not right now I think because it's not one agenda item and we haven't had time to review it.

Commissioner Rogers: We already put in the statement that you suggested, just not the map yet.

Mr. Ritte: Let's make another motion and put the map in.

Commissioner Dudoit: So what they're suggesting is if you give them the map, then we can make the motion on it at the next meeting and put it in. We already put that with the intention on record to include the map.

Mr. Ritte: They have the map. She said they have the map.

Ms. Maydan: So the action that was added, that your Commission added, was in Chapter 6, Land Use. Subsistence is -- it's discussed throughout the plan, but I think it's discussed in most part in Chapter 3 in the Cultural Resources section. Perhaps it could be added as a resource map, in the text there, but it would be noted that it's from the 1994 Governor's Subsistence Study. That is quite stated.

Commissioner Rogers: Let's take a break for a few minutes and we'll all take a look at the map. My wife brought some food, there's some drinks in the cooler right there, let's take a break.

Mr. Ritte: I wanted to comment on Chapter 7.

Commissioner Rogers: We'll get right to that right after that.

After a short break the meeting was reconvened at 5:56 p.m.

Mr. Ritte: I'm not quite sure where to put this but one of the plans in the community that was worked on for many, many years was called the Malama Park Plan; that plan was to get the town of Kaunakakai to be part of the ocean. The name of Kaunakakai was Kaunakakahakai. Where the salt ponds were. Kamehameha V put his hale down by the wharf and it became a royal compound, that whole area was a royal compound. So the idea of Malama Park was to bring the town as part of the ocean. So I wanted to somehow put in the decision principals, the support for Malama Park concept of having the town become an oceanfront town. I don't know the words to put in there. That would be on page 7-2. At the beginning, they talk about maintaining the traditional features of the built and natural landscaping to reflect Molokai's history. So that would be a good place to put it. It talks about the importance of that area and the importance of Malama Park. The park is half built. So we need to support the park, there's no electricity, no lights; they have a bathroom; there's a court house that has a bee hive in it that needs to be destroyed. The whole court house needs to be removed. The jailhouse, where I used to live with my father all the time when we pau drink, that needs to be removed. That place used to be a traditional royal compound. The designs are all there for this to happen. We have books as thick as the ones you guys are making. There's four of them that went into the design of this park. I wanted to show some support in this plan for that park. I think it's really important.

Commissioner Rogers: Looks like it's in Chapter 3. It's there already.

Commissioner Swenson: Also in 7.03 it says develop a pedestrian linkage.

Mr. Ritte: So for design principals, would it be a bad place to put it also in design principals?

Commissioner Dudoit: I think what he's saying, and correct me if I'm wrong, is that the whole essence and the whole template by which Kaunakakai Town was to be established and remembered had a lot to do with that significant park and becoming one ocean. You know what I mean? So we don't want it to be different. The overall design of the area. So I think what is interesting, and he brought that up, is we just said several times that the Country Town for Molokai is outdated and if wording, which he suggested, is put into the design aspect using Malama Cultural Park as a template for the updated design of our town, maybe that's why he's asking if it can go here. And it's been stated several times. If you look at the EC project, that was one of the EC's projects. There's several different areas that have wording to what he's saying.

Mr. Ritte: It also calls for that really dangerous gas tank that sits right next to our town to be moved into the Industrial Park. It also calls for Molokai Ranch, I see the guy in charge of Molokai Ranch in the back, for his land to be part of this because his lands is -- the grounds of his land is full of oil. It's like all those gas tanks, they look nice, but they've been leaking for years and years because when they did Malama Park, and they started digging archaeological sites, the archaeologist left the job because they were afraid to light their cigarettes. It was that bad. So all of the land that they have that was part of the corral, all of those lands, I don't know how they ever going to develop those lands because of all of the oil that's underneath those lands.

Ms. Maydan: So, Commissioners, regarding Malama Park, this was discussed quite a bit at the CPAC, and it is in multiple areas, as we pointed out in the Community Plan. So first, in Chapter 3 on page 3-13, action 3.2.07, pursue state and county cooperation to update and implement the Malama Cultural Park master plan. It's also in Chapter 7, on page 7-4, action 7.03, develop a pedestrian linkage between Malama Park and Kaunakakai through street gape improvements. It's in Chapter 9, on page 9-3, as an issue, Malama Park has a potential to be a key cultural and community place that is now in disrepair. In the same section, on page 9-4, policy 7, support improvements to Malama Park. Page 9-5, action 9.1.11, work with county, state and federal agencies and the community to resolve Malama Park issues. So I think it's covered quite a bit throughout the plan in multiple chapters because we saw multiple linkages between infrastructures design, cultural resources. So look at those and see if you see anything that's missing.

Commissioner Racine: In Chapter 7, it's talking about design, the feel of the town. We're looking at first policy, support the use of updated business Country Town Design Guidelines. Does those exist or is that opening up?

Ms. Maydan: No, as I explained, they exist. There's a 1993 Business Country...

Commissioner Racine: So the effort now is to update the guidelines, to draw something different than the old western style frontages on buildings and awnings. As policy number one, support updating the -- here we would -- you would have to open up discussion again, or are we just going to adopt something else that looks like a strip mall or are we going to create a field and moving from the ocean to the town, I'm not a designer, but I hear what he's saying and this looks like the logical place to put that, what he's saying. To change the feel of town as being part of the ocean. We don't use a western store front.

Commissioner Dudoit: I think the problem is in all of these different sections, we looking at Malama Cultural Park as one solid entity. What at least I getting from this, and which I agree, is that Malama Cultural Park, the idea and the preservation behind what that means to direct the design of our entire town rather than it just being one solid entity and one part that is being developed.

Commissioner Swenson: Walter, the last time I was on the Planning Commission, the county gave, I don't know who, but they gave \$750,000 grant to do a study on Malama Park. What happened to that study or what was the result of that?

Ms. Maydan: There's multiple owners.

Ms. Jorgensen: This could be added to preserve and enhance historic character of Molokai, and it gives some examples there: renovate historic structures as a way of maintaining Molokai's history, design new buildings and other improvements, complement and enhance the town's historic character, and whatever else. It says use the ocean and Malama Park to serve as the guiding connection for or design for Kaunakakai. There's also a policy that's number three, maintain Kaunakakai's business development and historic character.

Commissioner Dudoit: It does bring up good conversations on it. When you looking at these design principals, I think the important part is always looking at Molokai, so that first one is really cool because the rest could be anywhere, Paia Town, Lahaina, so I think it wouldn't hurt to try to figure something out but I don't know if we have the wording now.

Ms. Lopez: Can I shed some light on this subject since we're on it? Sybil Lopez, Molokai Planner. So we do have design guidelines and principals, so when you talk about Country Town Business District, Malama Cultural Park is not considered a CTB, so it's hard because that zoning is not classified as such. So when you look at Chapter 7, you're looking at the community design guidelines that are in place, as what Jenn said, and what, as a Molokai Planner for the Current Division, I use that if they are located in that CTB

district. So those design guidelines that you're looking at would have to be consistent with the design guidelines and principles. So anyplace, Molokai, for example, you have Kaunakakai Town as Country Town Business District, you have Kualapuu Business Center as Kualapuu Country Town Business District, so they have that standards that they have to follow. On top of that, they have those design guidelines principals that they have to follow. Exactly what Commissioner Racine said, that's what they have to do. When they created the design guidelines, that was to be consistent with how that particular area was, so if you go back and think about the area, that was in the plantation days, that was when pineapple plantation was dominant, and sugar cane, and those plantation days, so they made it consistent to the corrugated roof, to the parapets of the walls, to the signage, to what type of windows that you use, so for example, when you go to Lahaina, Lahaina has, specifically in that Front Street area, has design guidelines that they have to follow. Their signage can be no more than 12 square feet, they can only use certain materials, what type of paint, what type of color that they need, so when you look at Kaunakakai you want it to be consistent. You can't use matted colors, it has to be a certain type of colors, so when you go in, everything is consistent. What type of signage that you're looking at, how you can't build no more than 35 feet up, no more than two stories high, so those are the design guideline principals that these CTB districts -- that's where you're focusing on. You kind of got that right where you're going with that. But if you want to incorporate that, I don't know if Chapter 7 would be somewhere you want to put it unless you would deem Malama Cultural Park as Country Town Business District, but you're taking away the cultural significance of that because the design guidelines principals talks about more of a plantation era and not the historical component of it. I hope that sheds a light on that one.

Commissioner Racine: What we're trying to do here is a country town design update. It's what I read. The first policy is to update it, so moving away from the plantation era, moving away from cowboy things. (inaudible). It's going to take time, it's going to take discussion, but it sounds like we're trying to change that.

Ms. Lopez: I absolutely agree with you. But if you go down in Front Street, prohibited signs, they can't have neon signs, they can't have Christmas lights around, they can't have laser lights, they got technology that you gotta deal with. Would you want to see Kaunakakai Town with a lot of neon lights, Christmas lights, I mean with open signs and Friendly Market flashing? You got to think about it because there's a lot of inundated technology nowadays for advertising, or the way you want your building to look for modernization of your exterior structure, like the Catholic Church, so you gotta think about where you want to go with it.

Commissioner Racine: Well, I didn't say take away the awnings and replace them with neon flashing lights, just a feel.

Ms. Lopez: Well that's a totally far out example. When you look at Country Town Business District, and you look at the design guidelines, those are all prohibited in Country Town Business District but do the owners know about it? A point of advertisement, and coming from the business aspect, their business app is saying that's taking business away from me because I can't advertise the way I want to advertise and want to attract the people I want to attract. In Front Street, you got Hanna Tattoos and you got regular tattoos. So who do you think they're trying to attract? So you kind of gotta think about the areas that you're getting into.

Commissioner Dudoit: So the first sentence says preserve and maintain the traditional features of the build and natural landscape that reflect Molokai's history and give the island its distinctive character. But by listening to what you just said right now, you have very strict town and country guidelines, so how accurate is that, and how much of a change, and how distinctive to Molokai can we be being that this is the policies that govern or these need to connect with are very strict?

Ms. Maydan: So, as we identify, the design guidelines need updating. Sybil said they were more during the plantation days with the design of the building and such, and that as well as other features of the design guidelines have created a lot of headaches for people trying to do projects. Going through updating the design guidelines is going to be a long process and it's going to come before your Commission, it's going to get public input, so those strict structures that are in the design guidelines can be updated to be appropriate, and they should absolutely be appropriate for the character of Molokai.

Commissioner Dudoit: That's why I don't want to keep on going over this, but food for thought, it seems to make sense that we include something more specific to Molokai in this design principle area because right now, our designs for Molokai is, and it's been said a lot of times, outdated. So as the design guidelines start to be updated, this will actually guide what the community wants and how we want to update it. I think it makes sense that we going try our best now and we have a rare opportunity at this point to kind of direct what those policies and procedures going be in the design guidelines for our future which we haven't had the chance to do pretty much till now. We've been directed by what those guidelines are, but it seems to be a really cool opportunity for us to kind of make our voice heard in the design policy and principle as we do the update of the design, concept and policies going forward.

Ms. Lopez: I think here's a good suggestion. You actually can incorporate the significance of Malama Cultural Park into the design principles noting that the historical and cultural significance of that area and actually make it known to modern day and generations and future generations what would be the historical principal of Kaunakakai to actually be known as Kaunakahakai and the history behind that. In a way, you can design it as such to incorporate the historical significance of that town. Thank you.

Commissioner Swenson: You know what we have no enforcement here. Nobody does anything.

Ms. Jorgensen: I would just like to clarify that there is an action on page 7.01, the first action is to amend the 1993 Molokai Country Town Business Design Guidelines. That actually comes first before you can actually do policy number one, which is support the use of the updated Business Country Town Design Guidelines, they haven't been updated yet so it's kind of weird to have the policy in there, but the intent was the wording of it, but they do tie together with number one not being a high priority action. The principles are a broader, something that can be applied across the island, where the Business Country Town Design Guidelines are only for those business country towns. I like what Walter suggested, and I tried to do some wording, which is use the cultural significance of Malama Park for a design concept that connects Kaunakakai with the ocean. Use the cultural significance of Malama Park for a design concept that connects Kaunakakai with the ocean.

Commissioner Swenson: Couldn't you just add that as another sentence to number two: Cultural significance, including the incorporation of Malama Park as a gateway between Kaunakakai Town and the ocean? Under number two, just add it as another sentence on page 7-3.

Ms. Maydan: As Sybil identified, Malama Cultural Park is not within the Country Town Business zoning.

Commissioner Dudoit: Can we put it in as item number two and shift everything down?

MOTION: LET'S JUST ADD THAT AS ITEM NUMBER TWO AND SHIFT EVERYTHING DOWN.

MOVED: COMMISSIONER ZHANTELL DUDOIT

SECOND: COMMISSIONER LAWRENCE LASUA

MOTION UNANIMOUSLY APPROVED

Mr. Jenkins: On Chapter 7, I really appreciate your guys' patience with the discussion about the design part of Chapter 7. I think there's been good discussion on that. Just a quick emphasis, there's a lot of other weird, geeky stuff that about, as a contractor, that happens, it's been a while since I read that portion of Title 19, but it's the incorporation of ADA requirements and the setbacks from the street to the building, existing buildings to how many parking stalls, of course, has been discussed too. Parking that has -- could be pervious versus non-pervious, there's always outdated requirements that are really prohibiting people from doing just about anything. One of the reasons we call them

"outdated" is because they're in conflict with some of the best management practices environmentally, such as parking. So it's really awesome that we're actually looking at this in a comprehensive way from everything from how they're designed and look to all the other pieces that the Planning Department and Department of Public Works has jurisdiction over. The next thing, in regards to that, on page 7-3, policy number 7, I think is an important point to bring this back up because I was going to bring it up later on when we get into going back to all chapters where we can talk about land use, but we look at policy number 7 that we concentrate future growth in and around existing development that maintains county rural standards and is located outside the flood inundation zone. We have to ask ourselves, with this design of Kaunakakai, where is our future growth of town? One of the proposals that I had made was that at the end of our CPAC process was received not enough support was to suggest the single-family land use designations above Kaunakakai be project district to give us an opportunity to have that future growth in an area outside the inundation zone. So as far as community design, that's something you guys can discuss later when you guys come back to land use, but that principle was discussed.

Commissioner Rogers: Thanks, Greg.

Commissioner Dudoit: Greg, I looking at, we looking at the land use maps. Where you looking? Right here above Kaunakakai. So right now it's the entire area except for that one little blue dot.

Mr. Jenkins: That's the water tank.

Commissioner Dudoit: Ok, so that's zoned single-family. The suggestion would be project district to give at least one segue or an idea of where the county goes upward, yes?

Mr. Jenkins: Correct. Any permissible type of land use that could be done in project district is possible as well as single-family, so it wouldn't take away the landowners current ability to put single family in that area but it gives us some place where as things move strategically retrieved, for a community design outside the flood zone, at least we've identified some place.

Commissioner Dudoit: What was the CPAC -- why wasn't that something that was done during the CPAC?

Mr. Jenkins: I know we had very limited time to discuss Kaunakakai. We had spent a lot of time on other areas. There was a debate over the concept of mixed use and project district. The amount, this came up late in our process when we were trying to address final land use decisions and suggestions and as a result is kind of where we ended up that was one of the final suggestions that I made a motion for and it just didn't have the

support of the majority of the CPAC members at that time. For what reasons I can't really explain, they just didn't vote for it.

Commissioner Dudoit: That land, majority of it is owned by Molokai Ranch?

Mr. Jenkins: That is correct.

Commissioner Dudoit: Would Molokai Ranch have an objection to changing that community designation for land to project district from single family? Clay?

Mr. Rambaoa: This is Clay Rambaoa, Molokai Ranch. During that time, Gregs correct, I proposed the town above town to be mixed use because the Kaunakakai area which includes commercial and maybe some public facility is in a flood zone district. So we talked about where would they relocate to that's in the general area and it was above town which is above Ranch Camp and to accommodate those various uses and we proposed mixed use.

Commissioner Dudoit: So the absence of mixed use, would project district suffice? In the interim period until such time as the community decides mixed use was something.

Mr. Rambaoa: At this point and time I think we would stay with mixed use to accommodate the commercial businesses in the Kaunakakai area.

Commissioner Dudoit: Because that's something we voted against in here. So you would say single family as opposed to.

Mr. Rambaoa: Correct. It was voted down so it went back to its existing and its been brought up again, we'd like to see it as mixed use.

Commissioner Dudoit: So my question is, if it was a choice that the commission could suggest it being changed to project district as opposed to what it is now as single family dwelling, would you be opposed to that?

Mr. Rambaoa: I'd like to hear the definition of project district. I want to understand what the definition of project district is.

Ms. Maydan: Project District as defined as provides for a flexible in breed of planning approach rather than specific land use designations and allows for a variety of uses in accord with each individual project district objective. So that's a very broad definition of project district because if something is identified on a community plan map as project district the next step is than to describe the project district in the community plan. Like for example in Maunaloa, it's quite brief but there's about three or four sentences that describe the intent of that project district. That they will be developed with single and

multifamily, it'll accommodate affordable workforce housing and it calls for park uses. Other project districts, for example, on Maui they have a much longer description where they talk about percentage of uses, it goes into about half a page of description as well as on Lanai like at Manele and Koele, the project district descriptions are much longer. Those descriptions are to describe the intent of the future growth of that area as well as to guide the zoning that will be developed. So first you describe the intent of the project district in the community plan, the next step is for the developer-owner to develop a zoning code for that land, you develop project district zoning and there's a three step process that goes through the county to come up with the zoning for that project district and the design, there's multiple approvals. So at this point and time concept of a project district above Ranch Camp, nothing has been defined. So if your body chose to make that single family designation to change it to project district you would have to define what the intent of that area is and then the next step is if the owner chose to come in, they would work with the county to develop a zoning code for that area.

Mr. Rambaoa: Also we've been asked by the county looking for land or areas to relocate the Police Station at the Mitchell Pauole Center. That's the reason why the mixed use in my mind was compatible with that along with the residential and again with the commercial. If we can define the project district to accommodate those things then we would be open to that.

Commissioner Dudoit: So for my understanding, the difference between mixed use and project district is nearly to set people through to get to what you want. That's pretty much what it is. The project district gives you more community input thoughts along the way to be able to have the community and the land owner agree on what's going on. The mixed use is a one or two step process in which, so both of them have the same means, the same end. It's just the process by which you go through it to get there. So I can tell you right now that this commission has voted down mixed use for Molokai. I will say that, the reason I'm asking you is if it were and we've been very cautious and respectful of landowners to ensure that any decision we make doesn't put a burden on the current landowners. So that's why I'm asking you if you would be opposed if this commission decided or the community decided that, that was a great idea to change single family dwelling to project district.

Mr. Rambaoa: Well I think I would have to take this back and go through our consultants and understand the impact of that change. So I couldn't answer you right now.

Commissioner Dudoit: Just know that currently with the single family dwelling you cannot put any commercial.

Mr. Rambaoa: I understand that.

Commissioner Dudoit: So the project district might be a way for you to move further with the Police Station, with other different projects that the Ranch is looking at in the future.

Mr. Rambaoa: At this point and time like I said, I would need to revert back to our consultants and understand that maybe propose a language and go from there.

Commissioner Rogers: Thank you.

3. Chapter 10 implementation and Monitoring
 - a. Planning Department Overview of Chapter
 - b. Public Testimony

Ms. Maydan: Chapter 10 is implementation and monitoring. Chapter 10 describes how the plan will be implemented and how the progress of implementation will be tracked over time. The biggest part of Chapter 10, Implementation and Monitoring is the implementation table, or implementation schedule. So on page 10-1, it says that the Implementation Table includes the description of the project or program so all of these actions are carried over from the chapters and put in this table. So it's the action that's carried over and it identifies priority, timing, lead implementation and agencies, estimated cost and potential funding. So all of the actions that are in the Implementation Table, I'm sorry the numbering starts over on page one, all of the actions that are in here are reflective of what is in every chapter throughout the plan. So we will update this table to reflect all the changes, deletions and additions that you've made to action. The CPAC spent a good amount of time on this table as well as the various county agencies that are identified as lead. We worked with the various county agencies to identify timing, estimated cost and funding. As you can see there's a few pukas in here that we still need to get some responses from agencies and we're continuing to work on that. The role that the CPAC took was prioritization. You can see in the column under priority, there's ones and twos. That was the role of the CPAC, to fill in the priority. So if you go back to page 10-1, in the middle paragraph, actions are identified as either priority one or priority two. With priority one being the highest priority. Identifying high priority actions help agencies focus on implementing key actions considering time and budget constraints. Priority two actions are still considered important for implementing the plan but priority one actions really give the agencies good guidance. So we worked with the CPAC to identify priority one and priority two actions and we gave them this list of 8 questions to help them identify priority one actions. Will the actions address an urgent issue? Is the action required for public health and safety? Is the action required by legal mandate? Is the action required to prevent the lost of irretrievable resources? Will the action benefit the majority of the community? Will the action significantly improve the quality of life as Molokai resident? Is the action required for other actions to be initiated? Is the action already funded? So these were some of the questions that the CPAC pondered as they prioritized the action? So your role now is you have added some action and in your packet you were mailed this one page sheet that has all the new actions that you've added and so what we need to

do is have you assign priority, priority one or priority two, as well as today you also added four actions. So when we get to the -- of this list, I'll remind you of those and we can identify them. Also in the Implementation Table there are a handful of actions that don't have priority and if my memory is right, it's because the CPAC added those in at the very last meeting and we just didn't get to prioritizing that. So, let's start with this one page sheet that was in your packet and we can just go action by action and you guys can decide priority one or priority two.

Ms. Maydan: So we're starting with Chapter 3, Natural Heritage and Scenic Resources, section 3.2, Heritage Resources. You added an action to read, provide educational training to applicable county agencies on the role that the county permit process plays in historic preservation. So you consider this a priority one, highest priority action or a second priority?

Commissioner Swenson: Isn't this about the same as 3.1.01? It basically says about the same thing.

Commissioner Dudoit: I'm sorry, sound like one stupid question but so who's giving who the training?

Ms. Maydan: Ok, I'm going to remind you that all of these actions that are on this sheet are recommendations that you've approved to put in here.

Commissioner Dudoit: Yeah I know but now I'm looking at it when you're asking us a priority to provide educational training to applicable county agencies on the role that the county permits process.

Ms. Maydan: So we have the lead identified as the Planning Department in association with SHPD, so this would be our cultural resources planner on the lead and her working with SHPD to provide information to the other county agencies that deal with the permit process to reinforce to them how the permit process played the role in historic preservation and why they need to forward certain things to SHPD so something don't slip through the crack. So this is county working with county to do their job.

Commissioner Rogers: Anybody want to make a recommendation?

Commissioner Dudoit: Two.

Commissioner Rogers: Any Objections?

Commissioner Dudoit: I just think that we already have organizations like Department of Hawaiian Home Lands and the State Historic Preservation who has all of these guidelines and stuff in tact so we really don't need to be forcibly seeking funding or looking for funding

for this. All we need to do is talk story to each other and get the agencies to work together. Let the experts be the ones to dictate the training.

Commissioner Rogers: So Zhan has made a recommendation, anyone object to that? No objection let's go with it.

Ms. Maydan: The next one is in Chapter 4, immediately seek funding and development f an implementation plan to move critical infrastructure and emergency services out of flood and tsunami inundation zones.

Commissioner Rogers: Anybody want to make a recommendation on that one?

Commissioner Dudoit: One.

Commissioner Rogers: Sounds good to me, anyone object to that. Everybody thinks that's a high priority, I sure do. Ok, that one is done.

Ms. Maydan: The next one is support the relocation of the Puko'o Fire Station on the East End of Molokai.

Commissioner Dudoit: One.

Ms. Maydan: Moving on, Chapter 5. Support the traditional use of Hawaiian farming systems and the growth of traditional Hawaiian crops.

Commissioner Dudoit: Two

Ms. Maydan: Any objections? Next Chapter 9. Expand Police presence in the East and West Ends of Molokai. Any recommendations?

Commissioner Dudoit: One

Ms. Maydan: No objections? Next, explore the possibility of collaborating with an animal rescue organization to establish an animal holding facility on Molokai. Recommendation? Hearing one. Keep in mind...Ok, so that completes what's on this list. Tonight you added four more actions. You added an action in Land Use, identify importance of subsistence lands in resources.

Commissioner Dudoit: One.

Ms. Maydan: I hear one, any objections? I think it was in Transportation, I don't have it specifically written here, to build a public parking area. The reading was fund and

construct a public parking area in Kaunakakai to relieve existing parking requirements on businesses wishing to expand or improve. Recommendation? I hear one.

Commissioner Dudoit: I want to support this but I want to reiterate what I just said. That we should look to put higher priorities on looking for somewhere out of the flood inundation flood and tsunami flood zone.

Ms. Maydan: OK, also in Chapter 9 under Police, you added the two actions regarding premises I.D. Complete premises identification addressing for all occupied properties and properties with structures on Molokai. I hear one. Any objections?

Encourage enforcement and incentives for the effective posting of addresses on applicable Molokai premises per county code and public safety recommendations. One. Ok, so last thing I mentioned that there were couple of actions that are in the table, in your binder, that do not have priority because they were added by the CPAC at the very end. We just failed that from the priority, so let's run through those.

In this Implementation Table on the first page, under storm water, 8.3.08, complete the Kaunakakai Drainage System. Recommendation? So page one of the implementation, yes, these first items are CIP's, so the numbers are a little out of order. So that is to complete the Kaunakakai Drainage System. Recommendations?

Commissioner Dudoit: I've been on the commission for almost 10 years now, the county has put aside money and they never finished it and it went back and forth, back and forth for so long now that I don't even know if it's a good plan. Why should we keep on doing something that hasn't been implemented thoroughly through for the last 10 plus years? I don't know. So I'm kind of conflicted on that. I know it floods, I know we need help, I don't know if supporting or completing a plan that hasn't been executed properly over the last 10 years is the way to go. I can make a priority suggestion. For me personally I would say two so it forces us to move.

Ms. Lopez: Sybil Lopez, Molokai Planner. I just kind of wanted to let you know how important it is. It's a very good point that Zhantell brought up but when you look at county agency need funding source, because there are monies out there. The Mayor and the County Council looks at these action plans, implementing action plans to disperse the monies and how it goes part of budgeting. So when you look at agency lead, it's up to the community to whether or not they want to put pressure or more like accountability to see these budgets follow through because they are available. But you're right on how are we going to make sure that these fundings and these projects are being followed through. When you look at these columns, that's why it's so important what you put down because that's what's going to be the accountability part to see it through. When you prioritize, like for example we have one of those, I forgot the name of it, but I know one of the agency lead was Office of Economic Development through that we had some like \$20

thousand dollars to beautify Kaunakakai Town as part of the Molokai Community Plan. So they would be the lead, they would find someone on island to funnel that money through to see that go through. So you kind of want to see how and where it starts to where it ends so just by looking at these columns and these rows, this is what your ticket in it, so now how do you follow through with it if that kind of makes sense to help you prioritize, look again at the lead, look again who's the partners to see if it's the Department Hawaiian Homes or OHA, how can the county partner up with them to see that particular project follow through as county giving them that funding resource. I hope that helps you folks looking at that as a implementation to move forward, the fundings available, who's taking the lead and who's the partners to help see the project through from beginning to end. I hope that helps. Because if you don't have these then we won't be able to have that opportunity to go in front of the budget to say we want these fundings for specific project like hazard mitigation plan to figure out if we want to move that oil from that big tank from there to there. So I'm just throwing all of these things out there so you guys can actually look at it again to kind of figure out how you can use this as that vehicle to push through.

Commissioner Swenson: We made it a number one.

Commissioner Dudoit: Just because we're asking to put priority. To me everything is important so I would go one right through the whole thing. But as process, so we put everything as one say, something's going get squeezed out but it's not going be because by us at a later point, right? So it really makes sense to us critically look at the whole thing and make sure that we prioritize what we want. Because we can put everything number one cause we think that way, what we do is leave it in the hands of somebody else, a decision making body that is not us to determine what gets chosen out of all the number ones.

Ms. Maydan: So what's your recommendation for this action? One?

Next action below it, 9.3.09, reconstruct culverts to 100 year fund specifications on all county roads. Do I have a recommendation for priority one or two? I heard a two? OK.

Page 6, under Hazard, action 4.17, evaluate and build Red Cross, oh, and you edited this. Which will be applicable here. I'm hearing one, any objections? OK

Page 8, under Land Use, 6.1.06, study viable options for transitioning Molokai commercial and population center away from the threat of sea level rise and coastal inundation. One? OK.

Page 10, under Wastewater, 8.2.05, update the Kaunakakai Wastewater Treatment Facility. One.

Next page, 11, Solid Waste, 8.4.03, develop educational signage along the entry corridor heading to the county recycling site. Did I hear two? OK.

Same page, 8.4.05, conduct a study to determine community preference for the county dump operating hours. Two. OK.

Same page 8.4.12, establish a take it or leave it station at the recycling center like those that exist on the other islands. Two. OK.

Page 14, at the top, 9.2.03, coordinate land acquisition planning design and constructions of the new Molokai Police Station on a location that meets the unique needs of the Maui Police Department for Molokai out of the special flood hazard area and tsunami evacuation zone and promote practical and safe emergency response for the entire Molokai community. One.

Next page, under Cemetery's, 9.6.01, complete a site selection study to identify a location for a new cemetery. I hear one.

Next one, 9.6.02, work with the community to develop a map of grave sites at the Ualapue Cemetery. I hear two. Any objections? I hear a one. Other members? I'm hearing one.

OK last one. Very bottom of the page, initiate the convening of a task force to discuss governmental issues of Makanalua.

Commissioner Dudoit: I understand initiating conversation of a task force to discuss governmental issues of Makanalua. But after the task force discusses it, do those governmental issues get taken anywhere or is it just for the sake of discussion?

Ms. Maydan: Well I think the purpose of the task force is to identify what possible actions there could be.

Ms. McPherson: Hi Nancy McPherson, DHHL. Actually the State Department of Health is already convening a task force. So I think the goal would be for the county to participate in that discussion and you should have been invited if not, contact the Department of Health. Because DHHL is going to participating to form a transition plan for the governmental issues jurisdictional transition plan. Thank you.

Mr. Jenkins: Greg Jenkins, CPAC. Just to contribute what Nancy does, issue came up when we were talking about the importance of the value of Kalaupapa to top side. Before we could have that discussion of all the unique things in Kalaupapa and that community brings to us, the right place to start that was suggested was government.

Commissioner Dudoit: So what's going through my head right now is the way its going to be taken if prioritize it, right? So does the county, right here, really have that big of a role to play in the discussion for something that they have never been really specifically been involved in historically? Are we just interjecting ourselves as an important player because the opportunity has now arise? So it seems if we prioritize it that may take us to a place where we're going to be this lead agency and I just cannot see how that would be beneficial to the people.

Mr. Jenkins: Zhan I think that's an important point because a lot of different issues came up, state services, federal services, county services, economic benefits both ways and your correct, the primary state (inaudible) are those that are residents and down there. So to define that and what some people even shared that maybe we should be part of Kalawao County. So it's kind of like there's a lot of different perspectives regarding that. So I got the respect what you're saying, but I think that when this came up, if I'm not mistaken, from Planning Department, the discussion peeled away from all those specifics and went to who's actually in charge. Once that's determined then the proper respectful discussion happens after that. I would say for the safety in respect of that community I would make it a one. That would be my recommendation. It's far too long they get bounced around between city and county of Honolulu proper going back to the our constitutional monarchy, etc. It's a lot of unfinished business and where we take advantage of that community on a daily basis. We have economic activities down there so to respect that community that would be my opinion to really settle that. So we are addressing that issue properly I guess. You're absolutely correct. The jurisdiction is, who's on first right? To answer that question and put it in the hands of the residence for example, that drives that process.

Commissioner Dudoit: What I trying to get my head around is, I don't mind because it is important, what I want to stay away from is prioritizing it so that we put monies or effort towards it as a county and then all of a sudden this becomes the lead entity in the decision making or the most, I don't know, the most obvious choice to say and take what is our county top side policies and just dump 'em the people in Kalaupapa. As opposed to what Nancy is saying where they already have a process going and the county becomes a part of it, so we can support that as opposed to dictate that.

Mr. Jenkins: I agree a hundred percent of what you just said.

Commissioner Swenson: You know what, it's not even part of Maui County. Why are we even talking about it? It's not part of Maui County. We have nothing to do or say about it.

Commissioner Dudoit: It came up because in a short time when the last resident has passed it will become a matter of deciding what the future looks like and who has jurisdiction and what's going to happen. In this context we can either support what they

want, support what we want or, there's an opportunity here to figure out what we want to do. I would say two, just to be safe and because it shows that we're in support of it as a prioritization but not that we want to be the leaders of that. I really don't think that's where the county belongs.

Ms. Maydan: I'm hearing two. Any objections? All right, you did it.

Commissioner Rogers: That's it for Chapter 10.

4. Previously Submitted Written Recommendations

Ms. Maydan: So right now is the time when we plan to go through previously submitted written testimony. Our plan is to go item by item through written testimony. Probably starting with the OHA letter.

Ms. Jocely: Aloha Jocelynn from OHA. I just wanted to Mahalo the commission for staying really late and having many meetings. Including the two additional specifically to consider the East End Policy Statement. As you know we had made comments about wanting to provide an opportunity for folks on the East End to update their statement and have you consider it. So I really appreciate that. I'll keep it brief, I'm not going to go through out testimony, we submitted it three times now and you had our first iteration since November. So it should have been sufficient time to take a look. But I just wanted to put it into context. Most of our suggestions are suggestions to update the plan to better reflect the significance of Native Hawaiian, Traditional and Customary practices, subsistence which Uncle Walter had talked about many times when he came up here. Resource Management specifically water and impact and how that affects resource management and the community's role in resource management. So the significance of these things being in there will help people to understand what the community thinks about the ability of Native Hawaiian's to continue their practices as well as to be able to continue to survive, literally, for many of the families and not the contact of which we make those recommendations and I know most of you completely understand that and live that every day as you are a part of this community. So as you mentioned, we specifically did write out exactly how we recommended those changes be inserted for your ease of just adding them if you choose. So I just wanted to say Mahalo and I wanted to reiterate that we would like you to consider the recommendations we've made. And to support education on the issues that we raised in our testimony, our Trustee Machado had brought along the four primers that we had contracted with Kahuli'au, at the (inaudible). So one of them is Native Hawaiian Traditional Customary Practices. One of them is quite title primer but it talks about the significance of ancestral lands to our people. One is water management and we have specific recommendations related to water management and what the community's vision should be for that. The other one was historic preservation. So I hope that you had some time to enjoy those. Mahalo.

Commissioner Roger: Thank you.

Commissioner Lasua: I do have a question. On one of the recommendation for, page three, it says develop educational materials addressing heritage. Who's doing the development of that, OHA?

Ms. Jocelyn: On page three. It's already, our recommendation is not to add the lines of education materials. That's already in there. Our suggestions are the underlined part. So the proposed plan already has develop educational materials. We're just saying to disseminate them. You should consider the private landowners and your visitors.

Commissioner Lasua: Thank you.

Ms. Machado: I was begging you folks to consider a motion to adopt it and we came down here and I was begging again and in Maunaloa, the direction from the Long Range Planning Staff was that we were going to go into consultation with the Director which is Will Spence. I came back again to try and see how relevant it could be to include OHA's recommendations. I'm hopeful that you folks especially the Long Term Planning Division, because you've actually looked at it and they have seriously considered allowing us to be incorporated or finding some of the policy areas that you've incorporated as partner. Some of the other details that would allow OHA to work with this plan and continue to collaboratively work our beneficiary's and you know how strong the Native Hawaiian practitioners are and we just trying to allow for that to occur. I don't like to use the word begging, but I'm kind of a broken record. So I get two more chances with you folks which is going to be the 23 and 24. But I'll leave that up to you folks and perhaps you folks might be able to outline some of the areas you would feel that you could approve or include in the Community Plan.

Ms. Maydan: Thank you Colette. Yes we have reviewed all the recommendations and we agreed with many of them, we have questions or changes to some of them and a few of them we have issues with. What I would recommend Commissioner's is if we go item by item.

Commissioner Dudoit: I think it would be easier if you just tell us what your issues are with.

Commissioner Rogers: I was just going to say we just go down the list, give me a motion.

Ms. Jocelyn: So there's a March 10 and...they're identical.

Ms. Maydan: So if you have what was handed out today or what was previously in your packet, so if it's February 25 or March 10 they should be identical. So let's start on, for the East End Policy Statement they're not making specific text changes. If we could, I

would hold off on that one for our next two meetings since the East End Policy Statement will be discussed quite a lot. So let's move on to the very specific recommendation.

Ms. Jocelyn: Do you want to focus on the ones that you want to amend or you have concerns about? Because we have a lot of suggestions. We might be here all night, otherwise.

Ms. Maydan: Yes. So we're starting with Chapter 3, correct?

MOTION: I MAKE A MOTION TO ACCEPT THEIR RECOMMENDATIONS FOR CHAPTER 3.

MOVED: COMMISSIONER DIANE SWENSON

SECOND: COMMISSIONER ZHANTELL DUDOIT

Ms. Jocelyn: You have to look at both the November one and the March one. Her motion is on Chapter 3 and we have recommendations on both, the November. These are just our updated recommendations.

Ms. Maydan: Let's go with Chapter 3, updated recommendations from February 25.

Commissioner Dudoit: That's why I was saying that we've read it, if the department has specifics on one certain area, might be faster for you to tell them what your things are and we fix that up and maybe we can just approve. Instead of going one by one.

Ms. Maydan: That's what I was going to do. So she said Chapter 3.

Commissioner Swenson: But if the three versions we have are different...

Commissioner Dudoit: They're not different, they're just updated.

Ms. Jocelyn: So can I clarify? So in November we submitted recommendations and that's in the November letter. As time went on there were a couple, new additions, so they're not repetitive or different, we just added a couple more suggestions which was included in the February and March.

Commissioner Swenson: I withdraw my motion because I don't have the November one in front of me.

Ms. Jocelyn: It's a supplement so if you have the testimony for today or February 25, it's in the back.

Ms. Maydan: So under Chapter 3 their recommendation, they have A through H. This is for the additional recommendation. The only comment we have is on C, to add a few words at the beginning of it to read, assist in developing educational materials to educate visitors including visitors engaged, etc. To just add some language on the beginning of that. So at it reads under C, just the beginning of the sentence, assist in developing educational materials to educate visitors and to have Office of Economic Development be the county lead on that. As far as the other ones, under Chapter 3, we don't have any concerns with those recommendations.

MOTION: I MOVE THAT WE ACCEPT THEIR RECOMMENDATIONS FOR CHAPTER THREE.

MOVED: COMMISSIONER DIANE SWENSON

SECOND: COMMISSIONER LAWRENCE LASUA

MOTION UNANIMOUSLY APPROVED.

Commissioner Rogers: Chapter 5.

Ms. Jorgensen: I would like to recommend changing preservation to conservation. Preservation is like standing still in time and conservation is do the best you can.

MOTION: I MOVE TO ACCEPT

MOVED: COMMISSIONER LAWRENCE LASUA

SECOND: COMMISSIONER ZHANTELL DUDOIT

MOTION UNANIMOUSLY APPROVED.

Commissioner Rogers: Moving right along, Chapter 8.

Commissioner Racine: Chapter 8, we got into a few meetings back. We started talking (inaudible) we already got language to develop an advisory board to develop a water management plan for the island. When we specifically called out language that we're going maintain stream flow, or support mountain to ocean stream flow, at the time of drought, who's going to support that stream flow when everybody on the island will cut back or stop water usage to maintain that stream flow. I was part of an instance back in California many years ago where the residents established rights on an irrigation ditch. Two different agencies purchased water to keep that stream flow going because of the language that was adopted and a report and simple proceedings. We talk about supporting diverse agricultural opportunity on the island, but if we maintain stream flow,

we're supporting one type of agricultural activity. Yes we want to support it but not exclusively. I feel strongly about this. We all share the water and if we say one group has priority on the water than that group has water when everyone else doesn't and I don't think that is the purview of this board, this commission. That's decided in court, water rights. I think we might be stepping out of our bounds.

Ms. Jocelyn: Do you mind if I respond? I can appreciate your concern, I did want to comment that there actually are priority users in Hawaii for our water resources. The law protects certain users above others. For example, Native Hawaiian Traditional and Customary Practitioners have what's called a public, what's considered to be called a public trust purpose. Reservations for the Department of Hawaiian Home Lands is considered a public trust purpose. So these uses have priority over for example, commercial use which isn't considered to be a public trust purpose. General public, domestic uses are also a public trust purpose. This is based upon water management in Hawaii from time of memorial. Unfortunately, the people who have priority, because of enforcement issues, often times are the ones that actually don't get access to water. This is a generalization and there's been war spots on this island for decades over this very issues. So I did want to say while you are concerned about identifying priorities I wanted to reiterate that there are priorities legally. We mentioned that in our testimony. This language here doesn't mandate anything. It says, I'm looking at a specifically on page 3 on the bottom, it says support mauka to Makai stream flow. This is a policy. It's not suggesting there has to be water in the streams at all times, that's interim stream flow standard. That's figured out by the water commission. This body doesn't have jurisdiction in that area. It's just iterating the significance of water to stream life which Hawaiians rely upon to be able to gather hihiwai, o'opu, eleele at the bottom to feed fish estuaries. So the idea is that this body, by adopting this, this would be acknowledging the significance of stream water of that purpose. It's not mandating there water being in the stream and who gets what and all that kind of stuff.

Commissioner Racine: In Maunaloa Walter suggested and it was adopted and I later regretted my vote that we not only install the stream meters but maintain interim flows. Later on when there's any question on water rights, point to the board's decision adopting language and saying this is weight behind my position. I believe that put us in a position that we shouldn't be in.

Ms. Eaton: I want to make one quick comment. You have a great point Jocelyn but Marshall you do to. So let me say a couple of quick things to think about. I think the fact that you said that this statement is general, you're generally basically supporting Hawaii water code chapter 174C. Ok, but the reason why Marshall's a little, and I get it, I used to work for the Water Department and it's because we had major law suits, you know that, Na Wai Eha, East Maui, right? So there's a little sensitivity as well to the language. My only concern is that whatever you have put in the community plan, I tried to stay on top of this, does not in any way conflict with the upcoming update of the water use

development plan for Molokai next year. You just want to make sure they're consistent but as you're stating, you're not saying this is anti-diversion, you're trying to support 174C. One thing I could suggest just to try to be sensitive to everyone is I could run this one statement by, ultimately we know and she mentioned, (inaudible) decides, regulates and allocates all water. But for the purposes of county consistency I could run this by the state water director, the county water director and say you have an issue with the language the way it's stated. But I understand your intent.

Commissioner Racine: Just to clarify I know I work for the people on the West Side, but we put language in here, we're supporting agricultural diversity and I drive to Hoolehua and I see acres and acres of (inaudible) land and if we have to, again my concern is if we have to maintain a stream flow, the other side of the mountain, Hoolehua, we also put language in here, economical water supply. What's the draw backs of going through here instead of supporting it if we can't afford the water, so I'm just careful not to take a side that limits our opportunity to support the agricultural diversity, the island needs a food bank.

Commissioner Swenson: Let's get past this and let her talk to council and let her check with the water director and postpone a vote on this section. Let her check with the water and come back.

Commissioner Dudoit: So I don't have a problem because I no like stay on this forever but my concern with checking with the water person is, if you read some of those booklets that Auntie Colette gave to us and you kind of went back and did the research, all of these statement and things suggested being made is a matter of already policy and law in our state. Checking with the individual water department or whatever, I mean if that satisfy everybody, that's ok. But this simply says that they supporting, they want to ensure they doing all those things. Now there's a different agency, like this line says, support policies that encourage private land owners, if there's not a policy that encourages private land owners to be, there's nothing to support. But it is simply maintaining the integrity of the native cultural and the inherent right that has been given to them by law. I for one cannot see us waiting but if that's what going make the rest of the commission more comfortable so that we can make a better decision later, than I have no problem with that.

Commissioner Rogers: Change that one word from support to encourage.

Ms. Jocelyn: It would be a statement by this body that you support mauka to Makai stream flow which means that people below diversion would have access to water and it's normally Native Hawaiian Traditional and Customary practitioners that live below the diversion that are growing food and kalo and other things that sustain, you talk about agricultural earlier. It also means that you support, in order for o'opu and hihiwai to make it from the ocean there needs to be a continuous stream flow in the stream otherwise they can't make it up to the top. So what that means is that you're supporting an eco-system

that allows for hihiwai and o'opu to exist. It also means that you're supporting the estuary, the bottom of the stream flow which encourage fish spawning and limu growth. You don't have control over interim stream standards, you don't have control over diversion, it's really a statement about the fact that this is important to this community if it ends up in the plan.

Commissioner Racine: Mixed in with the recommendations or statements that there's over draft of well water. Well water that feed Kaunakakai and Hoolehua. So again, it's not just streams but surface water. You see a portion of the stream flow, there's subsurface flow.

Ms. Jocelyn: But this is not related to the things that you're raising. You're talking about ground water issues. This statement has nothing to do with that.

Commissioner Racine: Again how much you draw and diversion create ground water table.

Commissioner Dudoit: I just want to say that the reason that this is important to me is that my family, I was born and raised on the East End, where this is a specific problem. Wailua and the Kumimi areas of the East End, water diversion and not maintaining that steady flow all the time has significantly depleted the ability and almost null the ability to raise the crops of taro that we used to grow as a family, we no longer can fish in the streams any more. If you go to Honoliwai and you look at the steam water there we used to be able to jump off the bridge. In another 20 years is there even going to be water there? If there's no help to maintain that something is always flowing.

Ms. Jorgensen: I think I'm hearing that there's something in here about the diversion. So you want to correct some of the stream diversion so you have flow in the lower part of the streams and then I'm hearing Marshall's concern is that you might be creating in the future in some way, this stream used to have a flow and we want to divert water to it to create a flow. I'm not sure if that's what you're saying. But I just hear that coming up a lot that there's a concern that diversion has happened so the stream flow is not correct to support the stream. In other areas you wouldn't want to see water moved to that area so that it wasn't available for agriculture. I don't know if there's something you want to add to the sentence.

Commissioner Rogers: I think we getting way off track. So you want to move to defer it to the next meeting?

MOTION: TO APPROVE B AND C.

MOVED: COMMISSIONER ZHANTELL DUDOIT

SECOND: COMMISSIONER LAWRENCE LASUA

MOTION UNANIMOUSLY APPROVED.

Ms. Maydan: So we're moving on to the original letter from November 12. Or February 25, after the ones that we went through. So it starts with Native Hawaiian Traditional Customary Practices, A, on page 3 is on my document, I want to make sure everyone's on the same. We're ok with A and B. Ok as far as Planning Department comments we concur with A and B. On recommendation C we concur in part but we think the first three sentences provides sufficient context. So we agree with the first three sentences up until the bottom of the page where it ends with land use and development projects and there's a footnote. So our recommendation would be just to add those three first three sentences and ending at footnote 15.

MOTION: I MOVE APPROE AND INCORPORATE STAFF RECOMMENDATIONS.

MOVED: COMMISSIONER DIANE SWENSON

SECOND: COMMISSIONER ZHANTELL DUDOIT

Ms. Maydan: We just felt that those first three sentences provided adequate context for the nature of the community plan document. The rest of it was going into quite a lot more detail. We kind of want to stay a bit consistent throughout the chapters as far as the level of detail we dive into.

Commissioner Dudoit: Does it change the integrity of the statement?

Ms. Jocelyn: The last sentence in that first paragraph just explicitly lays out what the frame work is. The next one which apparently they don't want to have in there at all is related to environmental review. Of course it would be fabulous if you had it in, but I don't think...

Commissioner Rogers: Any more input?

MOTION UNANIMOUSLY APPROVED.

Commissioner Rogers: We're on D. Any recommendations?

Ms. Maydan: So D applies to two policies. On policy four, our opinion was that the addition is redundant and not necessary that the policy as it stands is adequate. The second portion of D, policy 5, we felt that as it was written either as and previously it was support that that was adequate.

Ms. Jocelyn: Policy four is written in a way that doesn't make. It's conditioning. Does that make sense? It says ensure public access for these areas, as they protect natural and cultural resources. I don't think we're going to not be able to do if you don't have that. But it's suggesting that we're not suggesting a public access. We're saying that just a public access in a manner that protects natural and cultural resources and reflect cultural practices. So if that's important than you would vote for that. Policy 5, we're including statutory, so Article 12 section 7, is your constitutional provision, but it's significant again, but I think it makes it more clear when somebody's looking at this what you're counting on for those purposes.

Ms. Maydan: Yes, policy 5, the statutory provisions at the end of that, we don't have any issues with that.

Commissioner Dudoit: I just wanted to make a comment because I went over that policy four quite a bit, I think it actually is more of a protective mechanism when you say, and the word is appropriate public access. Leaving it the way that it is it sort of what Marshall was talking about earlier. When you support access for subsistence hunting and fishing, I think it kind of generalizes and blankets it. But there's guidelines for that and it makes us responsible for that. So adding in ensure appropriate public access provided to the shoreline and all those things make more sense. In policy 5, to me adhere is very passive word. Protect and support means that we not gonna go with what is just written down that through time things may change, there may need to be appropriate action that needs to be taken or updated. So I was just going to say I think adhere kind of says that we're going to go with the status quo, we going go with it and it kind of just is really passive. I think when we looking at preservation and protection and all that kind of stuff, protect and support kind of shows that we are intending to take action and we going stand there to be in support of the things that are meaningful and right.

Ms. Jorgensen: How about on policy four you keep the part that starts with, in a manner that protects natural and cultural resources and reflects cultural practices. So you're deleting, ensure appropriate public access because that would be covered by, that you're supporting access in a manner that protects natural and cultural resources which is appropriate public access and reflects cultural practices.

Commissioner Dudoit: So it would read support access for subsistent hunting, fishing and gathering provided to the shoreline?

Ms. Jorgensen: No, in a manner, you're cutting out the ensure appropriate public access, etc. You just put in a manner that protects natural and cultural resources and respect cultural practices.

Ms. Eaton: I think the way Mary read it, I like the way Jocelyn had that conditional part at the end, I thought that was helpful, but I'm telling you we're going to run into problems,

the county is supposed to ensure this? This covers DLNR. I mean you're asking now with the ensure language that the county is solely responsible for making sure this happens. I'm just saying you need to be careful. I think the way that Jocelyn had written, I would put support access for subsistence hunting, fishing and gathering in a manner, like she said it's conditional, in a manner that protects natural and cultural resources and respects cultural practices. I think that ensure language can get you into trouble. I would hate to see the whole thing thrown out. I'd like to keep the part that we can support and stand behind it.

Ms. Jocelyn: You can delete ensure and leave support.

Commissioner Racine: But ensuring appropriate access, hunting, is that, establishing hunting rights on private property? If they're identified in the map that Uncle Walter tried to submit earlier this evening, are we now ensuring that that happens?

Commissioner Rogers: We can take out the ensure part.

Commissioner Racine: We took the ensure out, but again providing public access to hunting areas, are we saying in public properties, or are we opening up and saying traditional hunting areas are now, council is saying we have to make it available. We say support it and pursue it by an action policy is like purchasing land or...

Ms. Eaton: That's the great thing about a policy as opposed to an action item. This is generally throughout the plan, we're supporting the idea of subsistence hunting and fishing and gathering so it's a policy abroad as to a specific action which then becomes regulatory. So I don't think that's what Jocelyn is trying to do.

Ms. Jocelyn: This is all over the document. Supporting hunting...

Commissioner Racine: Of course but again when you start to say ensure appropriate action is that across public land or into private land and establishing traditional areas in private lands.

Ms. Jocelyn: I don't think that's related to this. You may want to ask those questions when you guys decide what to do with the map.

Commissioner Dudoit: I think he's not briefed on what is really law and what is Native Hawaiian rights, I think the conversation keeps coming up because it's like an intrusion on private property. Instead of looking at it as a support of what is already existing.

Ms. Jocelyn: The one thing I would say about, because you brought up numerous times is that the way that I interpret Hawaii's property law is that you don't get the same bundle of sticks that you may get in other places. So what that means is that when you become

a property owner, generally you would describe your rights as including a few things. In Hawaii property was privatized by the King and under a kingdom, 50 years before the over throw. The types of rights that came along with the private land ownership at that time was transferred to eventually a property that you own may not have the same bundle of sticks as elsewhere in the United States. You're talking about the 1990's subsistence report, we're talking about three decades ago, people shared or they hunted and it may be places that were hunted a hundred years before then also. I guess I'll just say that but I'm happy to have a conversation with you at some other time about the concerns that you have. I think some of them are valid, they are safety issues particularly.

Commissioner Rogers: Ok, so is there a motion?

MOTION: I MOVE TO APPROVE.

MOVED: COMMISSIONER ZHANTELL DUDOIT

SECOND: COMMISSIONER LAWRENCE LASUA

MOTION APPROVED.

OPPOSED: COMMISSIONER MARSHALL RACINE

Ms. Maydan: The next one F, we concur with it but we think the footnote is a little unnecessary.

Ms. Jocelyn: Should we do the end of the section? Do you have more under the Native Hawaiian Traditional Customary Practice section?

Ms. Maydan: H we're fine with. I, we would recommend shoreline to policy 5, rather than adding a new policy. J we do not agree with, the evaluation of impacts to natural, cultural resources from land use changes and development of public infrastructure and facilities is already required by existing regulations including Chapter 343, Chapter 205A, section 6E as well as Maui County Code. We feel that is an unnecessary policy sentence since it's already covered by existing laws.

Commissioner Dudoit: What if the laws change? I mean if we don't say what we mean in the Community Plan and we don't map it out, what happens when the laws change?

Ms. Maydan: I think Chapter 343, our environmental assessment law's pretty solid; 205A, our shoreline Special Management Area...

Commissioner Dudoit: My problem with any laws is that we go back to voting different. We never ever going to win with our population if you put up something that the entire

Maui County gets to vote on. So dictating our future has not been something that has been offered to us. I just kind of leery about taking out what might be common sense and repetitive but it's our voice as opposed to waiting for a vote to come out on policies and procedures that mandate the whole Maui County.

Ms. Jocelyn: I'll just add one thing. What I'm hearing from our Commissioner Dudoit is she wants this plan to be a reflection of what this community thinks. So, and to be clear, Chapter 343 and 205 are constantly attacked at the legislature, that's what I do when I'm not here. I work at the legislature and I monitor all the bills that are introduced. So her question is a valid one because there are constantly attempts to water down environmental review laws and Chapter 205. So what I'm hearing from the Commissioner is that she wants the language of your document to be one and clear to what is important to you. That's all I say about that.

Ms. Maydan: Mary do you have any comments?

Commissioner Rogers: Anybody want to make a motion?

Ms. Maydan: I'm sorry but I think I didn't mention this, on G, we agree with it but I think it'll be more appropriate in the Scenic Resources Section 3.3, so keep the recommendation that's located in the Scenic Resources Section and I mentioned (I) rather than adding a new policy, just add the word shoreline to an existing policy, policy 5.

MOTION: I'D LIKE TO MAKE A RECOMMENDATION TO LEAVE OHA'S RECOMMENDATION AS IS WITH THE EXCEPTION OF (F) (G) AND (I) AS RECOMMENDED BY THE DEPARTMENT.

MOVED: COMMISSIONER ZHANTELL DUDOIT

SECOND: COMMISSIONER DIANE SWENSON

MOTION UNANIMOUSLY APPROVED.

Ms. Maydan: So we're moving on to subsistence A, B and C. We agree with A and B. Under B you're adding a new policy. I don't believe the action under is C is necessary.

Commissioner Dudoit: Does C encourage participation from the community to get a better quality of life as opposed to just putting down a policy in which it is mandated by government and private land owners and entity's don't really have a collaborative effort in coming up with what kind of ways and efforts that can be made to achieve that goal? Could it be the action for C is kind of a way of changing the template of what Molokai is

used to with being told what to do and kind of fostering a relationship between all these different agencies in some small way?

Ms. Maydan: When I re-read C I think there's a word missing or something about it is not clear to me when I read it. It doesn't flow right. If this were to be added an action, I think we should clearly discuss with the county's implementing agency is who's responsible for this.

Ms. Jorgensen: It's already in action 3.1.01 on page 3-7. It says with the conference or workshop of key federal, state and local agencies and community and non-profit leaders to discuss plan and prioritize actions to address environmental and natural resource issues. You're looking more at access through the water shed and at the same time, protecting the water shed and doing conservation measures, you might be eliminating your access.

Ms. Jocelyn: That's been an issue on the island at the East End. This is more of a collaboration. But again I would defer to the commission if they want this as an action item or not.

Commissioner Rogers: Anybody want to make a motion?

Commissioner Swenson: May I ask a question under C? It says for cultural and subsistence activity. The way that reads to me it could be, somebody could decide on some new activity and there's no wording in here to limit traditional activity.

Ms. Jocelyn: Traditional activities or subsistence activities?

Commissioner Swenson: The way it reads I could say I'm going to do this now on this land because I'm establishing this cultural activity.

Ms. Jocelyn: So this is an action item, it's not a policy statement or a rule. It's suggesting collaboration to deal with some of the issues that comes along with trying to protect the water shed. You're reading C right? So this would be added to the action table, it's suggesting that the state, county, private land owners and cultural practitioners get together and ensure that when water shed protection projects are in place and other conservations measures that they're done in a way that provide appropriate access. It's not saying you have to provide appropriate access. You say that in other places. You also say many times that subsistence is important. So that's not what this recommendation is doing.

Commissioner Dudoit: My experience in this is, like the Kamalo area, say you get traditional hunting grounds over there and you blanket over one conservation area where you get one water shed project. All of a sudden it's not acceptable any more, period. It's

illegal for you to enter into a conservation district to shoot anything on there, if our cattle on our ranch ran into that area and was stuck in there it would be almost impossible for us to get it out? I think this just gives kind of, unlike most times when we use Native Hawaiian rights and policies to be very restrictive to land owners and private entities and other people, this seems to offer something that I see trying to accommodate other stuff.

Ms. Jocelyn: It's recommending collaboration, it's not recommending you do anything in particular, but to work together.

Commissioner Dudoit: I think the missing word, could it be that we take out the word to?

MOTION: I MOVE THAT WE APPROVE AS IS.

MOVED: COMMISSIONER ZHANTELL DUDOIT

SECOND: COMMISSIONER LAWRENCE LASUA

MOTION UNANIMOUSLY APPROVED.

Ms. Jocelyn: You guys have concerns about the water section?

Ms. Eaton: I read through the, this is not the water use development plan and my concern was some of these comments and the footnotes and all of that, we can go through every single one of these but just given the sensitivity and the ongoing, and I stress on going, in past litigations, I think this goes further than the purview of the Community Plan. It is absolutely irrelevant to water use development plans. But it goes too far and one of the things I wanted to try and do, 'cause I wasn't sure when we were going to get to this is to get the Director to comment. But I think it just goes beyond the purview of the Community Plan. I think what is written here is important and that is we did try to, through the Community Plan, basically through narrative and everything else and our policies and our recommendations point out how incredibly important water is as particularly this is related to land use. But what this gets into which is very important is actual water allocation issues and water use which is fully within the purview of the water use development plan. I just feel like it over reaches and it's not within the purview of the Community Plan.

Ms. Jocelyn: I'm trying to catch up real quick. So A and B are in a section that's about problems, I think it's A, B and C, are in a section related to problems and opportunities. So this is not any more, this isn't overreaching more than what's already in the section. They're talking about problems related to water. I don't know if you have a comment about that.

Ms. Eaton: Section A, I think we already stated. I think, I know we worked really hard with Mahea Davis and other people and I think it's already stated and already worded.

Ms. Jocelyn: I'm just responding to her initial comment. So if you don't like it for a different reason, that's fine. I don't think it's over reaching because that section is specifically about identifying problems specifically related to water.

Ms. Eaton: But we already have it covered. For B, for example my question is USGS report came out in 2015 so why would a 2006 report be stated. That's just a concern we had because there is a more updated USGS report, but you guys are stating 2006 and that's kind of my concern the inconsistency.

Ms. Jocelyn: You're talking about the one that just finished?

Ms. Eaton: Yes.

Ms. Jocelyn: So they haven't even done a community meeting about that study yet.

Ms. Eaton: That's why I would hesitate because to me that's opening a stronger case and I'd rather see a 2015 report stated than a 2006. But again this can all be covered in the water use development plan. But we support essentially what you're saying in our document within the purview of the community plan.

Ms. Jocelyn: D, I could appreciate it why you said that about D. E, we're just amending what's already there. You have this information in there already I guess is what I'm saying for E in particular. F is new so I'd have to look at that again, let me look at this section real quick. I would defer to the commissioner's on F and I can appreciate what you said. So just to reiterate, A and B and C, I don't think are going beyond the scope of the, if you don't like it for different reasons I could appreciate that. D, I could appreciate why you don't want to have that in there. E is just amending, I don't know why you wouldn't want to have E in there, it's just amending what's already in there. F, I would defer to the commissioner's if they thought that was important to have a policy section.

Ms. Eaton: With regards to E, the department concurs with the recommendation for policy one, no problem. However with regards to your recommendation for policy 9, this is a commission on water resources management mandate and responsibility not a county responsibility. The language we have in here already is sufficient. This level of detail belongs in the water use development plan as a recommendation for how sea (inaudible) can do a better job to address ground water withdrawals and tracking, not the Planning Department. But it is important, I'm not saying it's not important, I just hate people to think that we're going to do that and we don't have that regulatory authority to do that. With regard to F, that's a section 8.1.C on page 8-3 the department does not concur with these recommendations. The two proposed policies are already covered by policy one and the Community Plan is not trying to take away anybody's water nor its purpose to allocate or

relocate water again, that's within the purview of the water use development plan and the commission of water resources management.

MOTION: LEAVE AS IS TAKE OUT D.

MOVED: COMMISSIONER ZHANTELL DUDOIT

SECOND: COMMISSIONER WILIAMA AKUTAGAWA

Commissioner Swenson: Zhan you're saying policy 9 stays?

Commissioner Dudoit: Yes. We've been told over and over again that this is our Community Plan, and yes it is a county document but I mean if we're going through the whole thing there's a lot of things in here that we not going have jurisdiction over including the map we just voted on. We don't have jurisdiction over the Community Plan proposed conservation area. I just feel like there are things that are important, there are things that reflect Molokai, Native Molokai foundational values and things and I don't see it as being (inaudible) at all. As far as being different and being out of this world and attempting to be there and courage enough to do it, I would like to leave it and if the Council sees at that point when Corporation Counsel is there for every meeting, and the Council sees that it's something that's not going to benefit the county they can make those appropriate changes.

Ms. Eaton: What I would like to say with regard to policy 9, on camera as well as on the record, is that I'd hate to set up an expectation, this is completely not within the county's purview. This is absolutely important, absolutely but it is a (inaudible) responsibility. That word ensure, it is not a county responsibility. I think traditional language that basically comes out of what the exact responsibilities are for, makes it sound like the county should be doing it. We are supporting the concept that we do need to keep track of sustainable yield, but I think when you put in the word accurate and you have all these other language, if does not fall with the county. I think the language we had was safe language to try to support what needs to be done in the water use development plan.

MOTION DENIED

FOR: COMMISSIONER'S ZHANTELL DUDOIT AND WILIAMA AKUTAGAWA

OPPOSE: COMMISSIONER'S MARSHALL RACINE, DIANE SWENSON AND LAWRENCE LASUA.

MOTION: I WANT TO MAKE A MOTION TO DEFER THIS TO THE COUNTY COUNCIL'S APPROVAL, THAT THEY WILL BE ABLE TO SEE THIS AS IS AS

RECOMMENDED BY OHA AND THAT THIS COMMISSION DEFERS TO THE COUNCIL TO MAKE APPROPRIATE ACTION.

MOVED: COMMISSIONER ZHANTELL DUDOIT

SECOND: COMMISSIONER LAWRENCE LASUA

Commissioner Swenson: We don't need a motion if we don't act upon it, it can go to the Council.

Commissioner Dudoit: No because we haven't seen every single thing that the CPAC debated over. All we saw was the final draft of the decisions they made. But we couldn't see what they deliberated over and all those things. So this will be deleted out of there and not in its entirety, and so I don't think we're equipped, legally or otherwise to make that decision. So just like the East End policy statement, if it cannot be figured out right now here, I just think that this portion, at least, or the portions we cannot agree on in the OHA document should be transmitted to the Council as it is recommended.

Ms. Maydan: On this particular one that you just took a vote on and the vote failed, your commission recommendation is to leave it as is. It would be up to OHA to bring their recommendations to Council. I understand but I'm saying that's what the process would be. Your commission just voted to keep the policy as is, so it would be in the hands of OHA to bring back their recommendations as public testimony to the County Council.

Commissioner Dudoit: This commission voted down my first motion. So my second motion is to recommend that this be brought up in its entirety as is presented to us to the Council. But at least it's on record.

Commissioner Racine: Even what we stricken from, based on department's recommendation. They can present again, like a year to do that.

Commissioner Dudoit: What is the actual problem? You guys don't want to see policy 9 in there? Is that the problem?

Commissioner Dudoit withdrew her motion.

MOTION: I MOVE TO LEAVE AS IS AND TAKE OUT POLICY 9.

MOVED: COMMISSIONER ZHANTELL DUDOIT

SECOND: COMMISSIONER DIANE SWENSON

MOTION UNANIMOUSLY APPROVED.

Ms. Jocelyn: I think we just have two more sections. Did you have any concerns about the agricultural section?

Ms. Jorgensen: B, just cut out the second support.

Ms. Maydan: I have other comments. A, no problem. B, I would recommend leaving it as is but on your recommendations C. I'm sorry recommendation C you have as an action but the commission added that specific language already as a policy at their January 28 meeting. So my recommendation, we're fine with A. B I would say it can be covered by, it's already covered by a policy that the commission already added that is specific language that's under C.

Ms. Jocelyn: It is in Chapter 5 as a policy. OK.

Ms. Maydan: Rather than adding it to B, it's standing as its own policy.

MOTION: I MOVE THAT WE APPROVE ALL THE RECOMMENDED CHANGES.

MOVED: COMMISSIONER ZHANTELL DUDOIT

SECOND: COMMISSIONER WILIAMA AKUTAGAWA

MOTION UNANIMOUSLY APPROVED.

Ms. Jocelyn: The last suggestions are on page 14 and 15.

Ms. Maydan: No concerns with A. B, we don't think it's necessary, the threat of invasive species is already addressed by policy three and action 3.1.15. We do not agree with C. D, this has been addressed in policy 9 in section 3.1.C, the subject of landscape planting is also covered in Chapter 7, community design. Encourage and support the establishment and expansion of native plant community by utilizing appropriate practice and technique for proper use and planting. Landscape planting is also covered in Chapter 7 community design.

Ms. Jocelyn: I just want to point out for D, that native plants and Hawaiian plants are not the same thing. So Hawaiian plants are both native plants and Polynesian plants. So a lot of the plants that are being Hawaiian are not indigenous to Hawaii like coconut. So it's a little different. It's kind of reiterating what's already legally required for county and state projects. So publically funded projects are supposed to, for many years, incorporate use of Hawaiian plants and that hasn't really happened. So actually what we did was re-introduce legislation last year to require specific percentages, encourage. So I think it's

a little bit different. But obviously I would defer to the commission on that if they want to have that in there.

Ms. Maydan: Also in Chapter 7 there is a policy 9 that says encourage the use of the County of Maui planting list. That could be, you could add to that policy, the language that's in item B. That might be the most appropriate place. So page 7-3, under community design under policy 9 which references the County of Maui planting list. I don't think that an action is necessary.

MOTION: I MOVE THAT WE APPROVE THE RECOMMENDATIONS MADE BY THE OFFICE OF HAWAIIAN AFFAIRS WITH THE CLARIFICATIONS MADE BY THE DEPARTMENT.

MOVED: COMMISSIONER ZHANTELL DUDOIT

SECOND: COMMISSIONER WILIAMA AKUTAGAWA

MOTION UNANIMOUSLY APPROVED.

Ms. Machado: I wanted to thank the Molokai Planning Commission because our desire is to do what we've done here for the Molokai Planning Commission for the County of Maui that it would be extended to the County's of Kauai, the County on the Big Island and also Honolulu. Like the Mana'o says, Molokai No Ka Heke, this is our first effort to get an endorsement and support from the county municipal entity, starting with the Molokai Planning Commission and the County of Maui Planning Department. You all deserve a real big support for being patient with the Office of Hawaiian Affairs and allowing for this discussion to be engaged in making some decision making and I truly appreciate your time and involvement and thank you so much,.

Ms. Eaton: I want to thank Colette, and you guys need to make sure Jocelyn is here for the water use development plan, and I hope those cameras are off. In all seriousness, we reviewed this in November and December but the problem was and we appreciate Colette's audacity but that we had to make sure that we had everything covered which we did as of tonight. So special thank you to especially the Planning Commission members for hanging in there.

Commissioner Rogers: Thank you, thank you Colette, thank you Jocelyn, thank you everybody. I think that's a wrap.

5. Chapters on Previous Molokai Planning Commission Special Meeting Agendas
 - a. Chapter 1 Introduction
 - b. Chapter 2 Molokai's Future
 - c. Chapter 3 Natural, Heritage and Scenic Resources

- d. Chapter 4 Hazards
- e. Chapter 5 Economic Development
- f. Chapter 8 Infrastructure
- g. Chapter 9 Public Facilities and Services
- h. Public Testimony

D. NEXT MEETING DATE: March 23, 2016

E. ADJOURNMENT

The meeting was adjourned at 8:42 p.m.

Respectfully submitted,

Nina-Lehua Kawano

RECORD OF ATTENDANCE:

Present:

Doug Rogers, Vice-Chairperson
Wiliama Akutagawa
Marshall Racine
Zhantell Dudoit
Diane Swenson
Lawrence Lasua

Excused:

Michael Jennings, Chairperson
Billy Buchanan

Others:

Jennifer Maydan
Pam Eaton
Mary Jorgensen

6 | LAND USE AND HOUSING

Land use refers to the way in which we use and manage land, whether for agriculture, environmental preservation, recreation, business, or housing. Land use policies and practices help to ensure an adequate and affordable supply of housing by designating where housing can be built in relation to other uses. Progressive land use and housing policies strive to ensure sustainable communities with a variety of housing opportunities proximate to jobs, services, parks, infrastructure, and transportation. The Community Plan sets the framework to create livable communities for Moloka'i's people while protecting agricultural lands, environmental resources, and the rural character of the island.

6.1 Land Use

Moloka'i is a rural island based on an agricultural economy. The island has three distinct geographic regions with small towns and dispersed rural settlement. The island has very limited commercial and tourism development. Moloka'i's settlement patterns have been greatly influenced by the establishment of plantation agriculture and ranching, the development of irrigation systems, and the Hawaiian Homes Commission Act of 1920 as amended, enacted in 1921. The visitor industry began on Moloka'i in the late 1960s with the opening of the Hotel Moloka'i and Pau Hana Inn in Kaunakakai, and on the west end with the Kaluako'i Hotel opening in 1977. The Pāpōhaku Ranchlands Subdivision, established in 1981 on the West End, signified the beginning of resort real estate development on Moloka'i.

A. EXISTING CONDITIONS

Moloka'i's current land use patterns are characterized by small towns surrounded by vast agricultural lands, rural homestead settlements, resort development at Kaluako'i, and scattered rural development along the island's southeast coast. Kaunakakai is the island's population and commercial center and the smaller towns of Kualapu'u, Maunaloa, and Ualapu'e are important service centers for those communities.

Table 6. 1: Population of Moloka'i's Small Towns

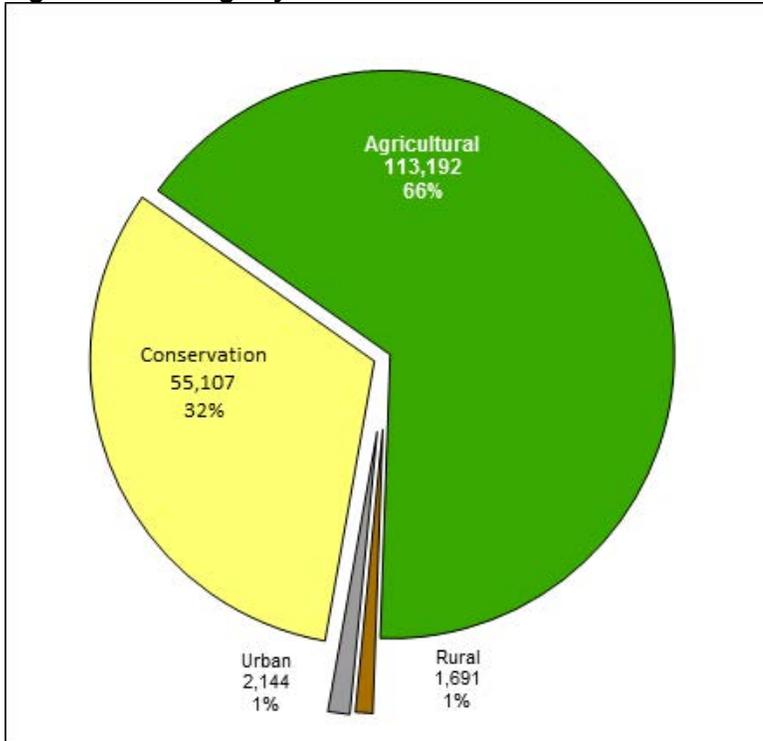
Town	2010 Population
Kaunakakai	3,425
Kualapu'u	2,207
Maunaloa	376
Ualapu'e	425

Source: U.S. Census Bureau, *2010 Census*

1 The vast majority of Moloka`i's lands are within the State's Agricultural and Conservation
2 Districts, with only a small percentage designated as Rural and Urban (see Figure 6.1).

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Figure 6. 1 Acreage by State Land Use District



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8 Almost all of the land on Moloka`i designated Urban by the State Land Use Commission
9 (SLUC) is County zoned Interim. The exceptions are those properties for which a zoning
10 change has been granted. Interim zoning has significant consequences for landowners and
11 businesses:

12

- 13 • Interim zoning adds considerable time and expense to the land use permitting process.
- 14 • Interim zoned property cannot be subdivided nor can conditional permits be granted.
- 15 • Commercial use of Interim zoned property is considered non-conforming since
16 commercial is not permitted in the Interim District.
- 17 • Interim zoning allows densities and uses that are potentially undesirable in some areas.

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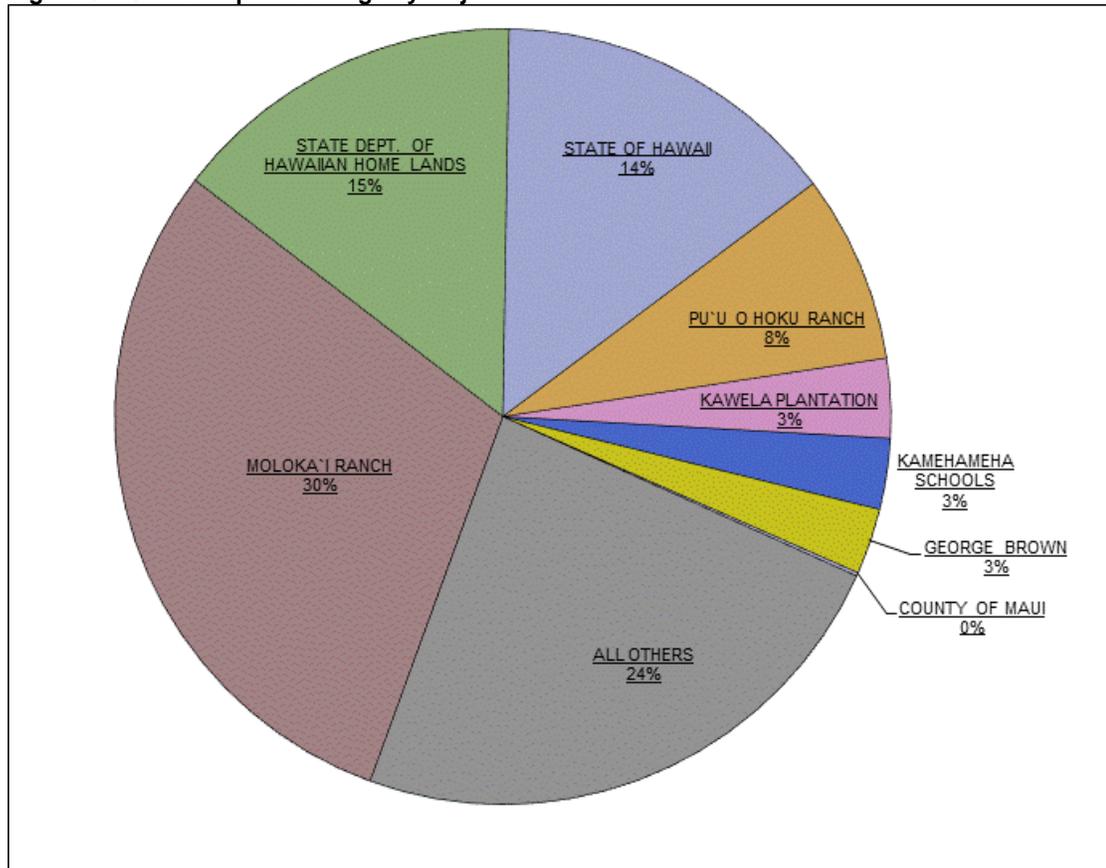
19 A majority of Moloka`i land is held by a few landowners and ownership patterns vary among the
20 island's three regions (see Figure 6.2). West Moloka`i is almost entirely owned by Molokai Ranch.
21 Central Moloka`i has large areas owned by the Department of Hawaiian Homelands (DHHL) and
22 by Molokai Ranch, as well as smaller landowners. East Moloka`i is largely held by small
23 landowners some of which are *kuleana* grants. In the Halawa area Pu`u o Hoku Ranch has
24 extensive property.

25

1 DHHL is not required to comply with the Maui County General Plan, zoning and subdivision
2 regulations, and County building and other ministerial permits. However, DHHL does require
3 lessees to obtain building permit approval from the County Department of Public Works because
4 DHHL does not have its own building code. This jurisdictional arrangement has caused confusion
5 for some DHHL lessees and other community members.

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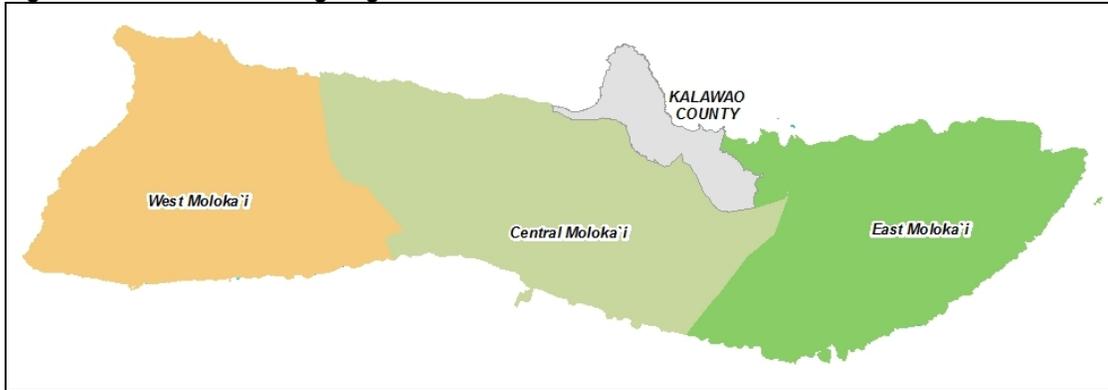
Figure 6.2 Ownership Percentage by Major Landowner



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Moloka`i's elongated shape embraces widely varying topographic and climatic regimes. For planning purposes, the island is divided into three regions along Tax Map Key (TMK) parcel lines – East Moloka`i, West Moloka`i and Central Moloka`i (see Figure 6.3).

1 **Figure 6.3 Moloka`i Planning Regions**



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6 **East Moloka`i**

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8 The boundaries of East Moloka`i by ahupua`a are from Makolelau to Halawa on the south
9 shore, and from Pelekunu to Halawa on the north shore. East Moloka`i is the island's most
10 remote and sparsely populated region. This region is also known as the East End, or Mana`e
11 which is defined as "to the east – a direction."¹ East Moloka`i rises to the summit of Kamakou
12 at 4,970 feet. This mountainous region has been sculpted by heavy windward rainfall creating
13 the deep verdant valleys of Pelekunu, Wailau, and Hālawa. The primary land uses are
14 conservation and cattle ranching, with small rural settlements along the southeast coast at
15 `Ualapu`e, Pūko`o, Pauwalu, Waialua, and Hālawa. The southeast shore is also known for its
16 historic fishponds, some of which are currently being restored.

17

18 **Central Moloka`i**

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20 The boundaries of Central Moloka`i by ahupua`a are from Kawela to Pālā`au on the south
21 shore, and from Kahanui to Pālā`au on the north shore. Central Moloka`i is a varied
22 landscape of high verdant forested plateaus, rugged and gentle coastlines, and a dry central
23 plain that when irrigated provides some of the most fertile agricultural lands in Hawai`i.
24 Kaunakakai is the principal commercial, civic, and population center of the island with 47% of
25 total island population. Other Central Moloka`i population centers include the former plantation
26 town of Kualapu`u and the Hawaiian homesteads at Ho`olehua. The island's primary industrial
27 site is in the Moloka`i Industrial Park at Pala`au and near the shore in Kaunakakai.

28

29 Central Moloka`i is also the island's bread basket. Agricultural resources include
30 approximately 11,500 acres of Prime Agricultural Land², the Moloka`i Irrigation System, and
31 the island's only State owned agricultural park, comprising 753 acres (see Map 6.1).
32 Moloka`i's agricultural lands support the island's existing agricultural economy, provide the
33 opportunity for subsistence agriculture, provide future opportunities for agricultural enterprises,

¹ Pukui, Hawaiian Dictionary, 1971, University of Hawaii Press

² State Department of Agriculture, November, 1977. Agricultural Lands of Importance to the State of Hawaii Revised

1 and significantly contribute to the island's vast open space and rural character. While
2 Moloka'i's agricultural lands are not under the level of pressure from encroaching urbanization
3 like other areas in the state, implementing tools to protect these lands is a proactive step to
4 ensure these resources are available for future generations.

5
6 **West Moloka'i**

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8 West Moloka'i includes primarily the ahupua'a of Kaluako'i, as well as the coastal portions of
9 Ho'olehua and 'Ilioli ahupua'a on the south shore. West Moloka'i is on the hot and dry
10 leeward side of the island. Its highest elevation is at Pu'u Nana, elevation 1,381 feet. Cattle
11 ranching is the dominant land use in the region. Kaluako'i Hotel closed in 2001, followed by
12 the opening of the Lodge at Molokai Ranch and the Molokai Beach Village Tent Cabins at
13 Kaupoa Beach in 2002. However, despite efforts to make Molokai Ranch profitable, all of its
14 West Moloka'i operations were shut down in 2008. As a result economic activity and the
15 visitor population in West Moloka'i have declined. Some condos and single-family homes
16 remain in the Kaluako'i- Pāpōhaku area, and limited services remain in Maunaloa for the
17 town's small population. As of 2015, Molokai Ranch is pursuing enterprises in animal
18 husbandry, farming, renewable energy, and hospitality.

19
20 [Relationship of Community Plan Designations and County Zoning](#)

21
22 [Under Section 8-8.5\(5\), Revised Charter of the County of Maui \(1983\), as amended,](#)
23 ["community plans created and revised by the citizen advisory committees shall set forth, in](#)
24 [detail, land uses within the community plan regions of the county."](#) Historically, land use
25 [designations in the various County community plans have been described generally and have](#)
26 [not included a detailed list of permitted uses, standards, and regulations to implement the](#)
27 [designations. Zoning, which by law is enacted consistent with the community plans of the](#)
28 [County, are described specifically and include permitted uses and standards necessary to](#)
29 [regulate and maintain the character of the zoning districts. The zoning districts have](#)
30 [statements of purpose and intent that align with the descriptions of land use designations in](#)
31 [the community plans of the County. For each community plan land use designation, there](#)
32 [may be one or more zoning districts that establish uses that are consistent with those](#)
33 [envisioned by the community plan. In the event that a land use designation does not have a](#)
34 [typical, matching or corresponding zoning district, a new zoning district\(s\) will be established](#)
35 [in the Maui County Code.](#)

36
37 [In lieu of repeating in detail the allowable land uses within the Moloka'i community plan area,](#)
38 [Appendix 6.1, Comparison of Moloka'i Community Plan Designations and Typical County](#)
39 [Zoning Districts, sets forth each community plan land use designation applicable on Moloka'i](#)
40 [and identifies the zoning district or districts that would typically allow the uses envisioned by](#)
41 [the community plan. Unless specifically prohibited, the uses permitted by zoning and the](#)
42 [standards applicable to the typical zoning district apply to the corresponding community plan](#)
43 [designations.](#)

The Moloka'i community plan land use map (collectively, Maps 6.2 through 6.4) has been prepared in compliance with the requirements of Sections 2.80B.070(A) and (E)(14), MCC. For site-specific determinations of community plan land use designations and zoning, please contact the Department of Planning, Zoning Administration and Enforcement Division.

B. FUTURE CONDITIONS

The Land Use Forecast³ concludes that sufficient developable lands currently exist on Moloka'i to meet future demand for housing units, for visitor units, and for commercial and industrial space through the year 2035 (see Table 6.2). This supply of land is in areas identified on the 2001 Moloka'i Community Plan Map for urban type uses. See Appendices 6.1 and 6.2 for descriptions of Community Plan Designations and relationship to State Land Use Districts and County Zoning. The majority of the identified vacant residential land supply is in Kaluako'i and is Community Plan designated single family and multi-family residential. Kaunakakai contains a lesser amount of vacant residential land which is located primarily mauka of the existing town. Infill opportunities exist within Kaunakakai town and also exist in Ualapue, Kawela, Kualapu'u, Ho'olehua, Kalae, and Maunaloa.

Table 6.2: Moloka'i Land Use Supply and Demand to 2035

<u>Development Type</u>	<u>Potential Development Supply</u>	<u>Potential Development Demand</u>	<u>Potential Development Surplus</u>
<u>Housing (units)</u>	<u>1,640</u>	<u>1,165</u>	<u>475</u>
<u>Hotel (units)</u>	<u>160</u>	<u>-</u>	<u>160</u>
<u>Commercial (sq. ft.)</u>	<u>544,282</u>	<u>207,468</u>	<u>336,814</u>
<u>Industrial (sq. ft.)</u>	<u>907,137</u>	<u>121,232</u>	<u>785,905</u>

The potential future impacts from sea level rise to existing coastal development are important factors to consider for Moloka'i. Some of the islands existing development and vacant land supply along the south shore, east end, and in Kaluako'i may be impacted by future sea level rise, increased coastal flooding, and expensive flood hazard insurance rates. The Moloka'i community acknowledges that sea level rise will likely necessitate over time transitioning the island's commercial and population center from Kaunakakai to an area away from the threat of sea level rise and other coastal hazards; however, the new location has not been determined. The plan puts forth land use planning principles and standards and supporting policies and actions to direct growth to areas not vulnerable to sea level rise and coastal hazards and conducive to providing housing for residents proximate to employment and services. The purpose is to ensure that Moloka'i will grow in a balanced and sustainable manner that respects cultural and natural resources and that is compatible with Moloka'i's rural lifestyle.

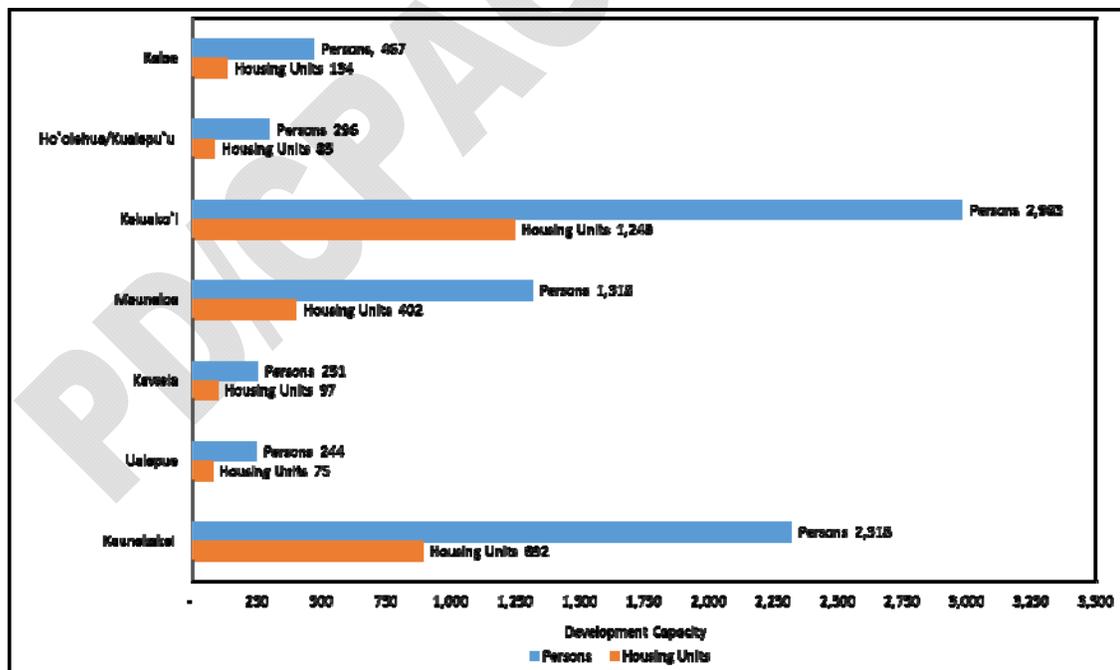
³ County of Maui Department of Planning. (October 2013). *Land Use Forecast Island of Moloka'i Maui County General Plan Technical Resource Study.*

Maunaloa Mixed Use Residential

The area previously identified in the 2001 Moloka'i Community Plan as the Maunaloa Project District has been changed to Mixed Use Residential and encompasses approximately 64 acres. This area will be primarily residential with a majority of workforce and affordable housing. There will be a variety of single family and multi-family residential housing. Business commercial uses will be small scale neighborhood support services such as markets, restaurants, laundromats, doctor's offices, and hardware stores. The sequence for developing business commercial will occur as needed to serve the community. Molokai Ranch's headquarters office may relocate into this area as the need arises. Public/quasi-public uses will be developed as needed to serve the community. This area will include sufficient neighborhood parks to accommodate the population. As defined in Appendix 6.2, light and heavy industrial uses are not included in mixed use residential. Site plan review and land use entitlement for the Maunaloa Mixed Use Residential area shall be for the entire acreage. Determination will be made at the time of entitlement as to whether a project district, detailed zoning, or other means, will best achieve the goals stated above.

Figure 6.4 shows the estimated additional housing unit and population capacity, after applying an historical vacancy rate, of Moloka'i's vacant land supply by region. These estimates were calculated by applying historical density, vacancy rates, and household size to the existing vacant land supply, including Maunaloa Mixed Use Residential.

Figure 6.4 Estimated Additional Housing Unit and Population Capacity



Subarea Descriptions

While the entire island of Moloka'i is covered by one community plan, the island has three distinct planning regions, each containing multiple communities. The three planning regions

1 (East, Central, and West Moloka`i) have overlapping island-wide issues as well as specific
2 regional issues and aspirations. See Appendices 6.3, 6.4, and 6.5 for East, Central, and West
3 Moloka`i Subarea Descriptions. Subarea descriptions are community created statements that
4 tell the story of an area and the desires of the community for future protection, restoration, and
5 development. Subarea descriptions may include general or site narratives and preliminary
6 design concepts to help the community visualize potential changes, but would not include
7 policies and actions. They are intended for use in future community plan updates to shape
8 policies and actions.

Land Use Planning Principles and Standards

1. **Protect ecological diversity, natural resources, culturally sensitive lands, and agricultural lands and avoid hazard-prone lands when identifying future growth areas.** Moloka`i's ecology, natural, and cultural resources, and agricultural lands are important for both current and future generations.
2. **Protect open space and scenic landscapes.** Open space should be preserved to retain Moloka`i's rural character and to separate and define distinct edges of communities. Scenic landscapes, viewsheds, and view corridors are integral to place identity and should be retained.
3. **Strengthen existing communities through infill and redevelopment.** Support revitalization of existing communities and infill development on underutilized infill lots, where appropriate outside of hazard-prone areas.
4. **Promote equitable and livable communities with compatible land use designations.** Moloka`i's small towns should provide a mix of housing types and affordability, compact and pedestrian-oriented development, access to parks and open space, and a mix of compatible and complementary land uses. Future growth areas will be contiguous or proximate to existing employment and/or housing, and located where infrastructure and public facilities can be provided in a cost-effective manner.

9
10

1 **C. ISSUES**
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- 3
4 Issue 1: There is no comprehensive zoning map for Moloka`i and the existing zoning code
5 and Interim zoned lands present significant obstacles due to inconsistencies with
6 the community plan.
7
8 Issue 2: The Special Management Area (SMA) boundary does not protect some areas of
9 the near-shore environment and coastal resources and extends inland in areas
10 that are not likely to have coastal impacts.
11

12
13 **D: GOAL, POLICIES, AND ACTIONS**
14

15
16
17 **Goal** **Moloka`i's land use pattern will protect agricultural lands, open space, and**
18 **natural and cultural resources, and support livable small towns and rural**
19 **communities.**

20
21 **Policies**
22

- 23 1. Ensure all lands are zoned for specific land uses and zoning standards are
24 consistent with Community Plan policies.
25
26 2. Support the revitalization of Maunaloa Town and Kaluako`i resort area.
27
28 3. Direct growth to vacant and underutilized infill lots outside of hazard prone areas
29 and proposed expansion areas as shown on the Moloka`i Community Plan Land
30 Use maps (see Maps 6.2 – 6.4) and as described in Section B Future Conditions.
31
32 4. Limit urban zoning to areas designated for urban use on the Moloka`i Community
33 Plan Land Use maps (see Maps 6.2 – 6.4).
34
35 5. Where possible, site community facilities such as schools, parks, libraries, and
36 community centers within walking and biking distance of residential areas.
37
38 6. Facilitate the provision of infrastructure and public facilities and services prior to,
39 or concurrently with, development, including provision for on-going maintenance
40 through district funding or other funding mechanisms.
41
42 7. Work with DHHL and other large landowners to coordinate land use,
43 infrastructure, and public facility planning when feasible.
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- 8. Establish a predictable and timely review process to facilitate the approval of projects that meet planning and regulatory requirements.
- 9. Discourage developing or subdividing agricultural lands for residential uses where the residence will be the primary use and agricultural activities will be secondary uses ~~unless warranted by slope or SLR and is not prime agricultural land.~~ (Note – The Planning Department does not agree with the highlighted text. The CPAC member that added this was concerned about limiting subdivision and use of agricultural land that is not suitable for agricultural operations. This concern is addressed by action 6.1.05.)
- 10. Encourage green belts, open space buffers, and riparian zones to minimize conflicts between agriculture, residential, and industrial uses.
- 11. Support expansion of the Molokai Agricultural Park as demand warrants.
- 12. Regulate land use in a manner which reaffirms and respects customary and traditional rights of Native Hawaiians as mandated by Article 12, Section 7, Constitution of the State of Hawaii.
- 13. Support the expansion of the State Conservation District boundary where warranted for environmental preservation and habitat enhancement.
- 14. Discourage hotel and multifamily development on the East End.
- 15. Support and recognize community created subarea descriptions.

1 **Actions**

Table 6.2 Land Use			
No.	Action	Lead County Agency	Partners
6.1.01	Adopt a comprehensive zoning map for Moloka'i. Conduct a comprehensive review of interim zoned lands to identify and adopt zoning that is consistent with the Community Plan.	Planning Department	
6.1.02	Amend the zoning code to facilitate the development of mixed-use, pedestrian oriented communities.	Planning Department	
6.1.03	Implement County responsibilities under Acts 183 (2005) and 233 (2008) to designate and establish Important Agricultural Lands (IAL) and the incentives therein.	Planning Department	
6.1.04	Review the SMA boundary and make changes as necessary to comply with the objectives and policies defined in HRS § 205A-2 and incorporate best available information on Climate Change and SLR.	Planning Department	
6.1.05	Research and review poor or highly sloped agricultural lands for conversion to different designations.	Planning Department	
6.1.06	Study viable options for transitioning Moloka'i's commercial and population center away from the threat of SLR and coastal inundation.	Planning Department	

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Appendix 6.1 Comparison of Moloka`i Community Plan Designations and Typical County Zoning Districts

1 In lieu of repeating in detail the allowable land uses within the Moloka`i community plan area, this
 2 Appendix 6.1 sets forth each community plan land use designation and identifies the zoning
 3 district or districts that would typically allow the uses envisioned by the community plan. Unless
 4 specifically prohibited, the uses permitted by zoning and the standards applicable to the typical
 5 zoning district apply to the corresponding community plan designations. In the event that a land
 6 use designation does not have a typical, matching or corresponding zoning district, a new zoning
 7 district(s) will be established in the Maui County Code.

8
 9 If a property’s community plan land use designation and zoning correspond as listed in the table
 10 below, the community plan land use designation does not limit any use established by the
 11 property’s zoning unless the community plan specifically prohibits or restricts a particular use.
 12 Pursuant to Section 2.80B.030.B, Maui County Code, if a property’s community plan land use
 13 designation and zoning do not correspond as listed in the table below, the property’s zoning
 14 regulates the uses and standards allowed on the property when only ministerial permits by
 15 government agencies are required. Discretionary actions by government agencies, such as a
 16 change in zoning, shall conform to the community plan; during the change in zoning process, the
 17 typical zoning districts listed below should be established to correspond with and implement the
 18 community plan.
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MOLOKA`I COMMUNITY PLAN LAND USE DESIGNATIONS	USES ENVISIONED	TYPICAL COUNTY ZONING DISTRICT
Agriculture	Envisions agricultural uses and related and compatible uses.	Agricultural District.
Airport	Envisions general and commercial aviation airport facilities and support services, and related and compatible uses.	Airport District.
Business Commercial	Envisions retail stores, offices, entertainment enterprises, and other commercial services, and related and compatible uses.	B-1 Neighborhood Business District; B-2 Community Business District; B-3 Central Business District; B-R Resort Commercial District; B-CT Country Town Business District; and Service Business Residential (SBR) District.

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MOLOKA`I COMMUNITY PLAN LAND USE DESIGNATIONS	USES ENVISIONED	TYPICAL COUNTY ZONING DISTRICT
Heavy Industrial	Envisions major industrial operations with potentially noxious impacts from noise, airborne emissions, or liquid discharges. May also include light industrial and business commercial operations, and other related and compatible uses.	M-2 Heavy Industrial District; and M-3 Restricted Industrial District.
Hotel	Envisions transient accommodations and commercial uses predominantly intended to serve guests; includes hotels, condominiums and apartments having more than two dwellings; single-family, duplex and `ohana dwellings; and related and compatible uses.	H-1 Hotel District; H-M Hotel District; H-2 Hotel District; and Hotel District.
Light Industrial	Envisions warehousing, light assembly, service, and similar industrial operations; also may include business commercial operations, and other related and compatible uses.	M-1 Light Industrial District.
Mixed-Use Residential	Envisions primarily single-family and multi-family dwellings, but also including a mix of park, commercial, and public/quasi-public uses. Light industrial and heavy industrial uses are excluded.	<i>Until a new Mixed Use Residential zoning district is established in the Comprehensive Zoning Ordinance, a mixture of existing residential, apartment, park, business and public/quasi-public zoning would correspond with and implement this community plan land use designation.</i>
Multi-Family	Envisions apartments and condominiums having more than two dwellings; also includes single-family, duplex and `ohana dwellings, and related and compatible uses.	Two-family (Duplex) District; A-1 Apartment District; and A-2 Apartment District.

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MOLOKA`I COMMUNITY PLAN LAND USE DESIGNATIONS	USES ENVISIONED	TYPICAL COUNTY ZONING DISTRICT
Open Space	Envisions areas that are inappropriate for intensive development because of environmental, physical, or scenic factors, including shoreline and landscape buffer areas, drainageways, view planes, flood plains, and tsunami-inundation areas.	OS-1 (Passive) Open Space District; OS-2 (Active) Open Space District; and Urban Reserve District.
Park	Envisions recreational uses, including public and private active and passive parks, and related and compatible uses.	PK-1 Neighborhood Park District; PK-2 Community Park District; PK-3 Regional Park District; General Park (PK) District; and Urban Reserve District.
Park/Golf Course	Envisions golf courses and related and compatible uses.	PK-4 Golf Course Park District and Golf Course (GC) District.
Project District	Envisions a variety of land uses and development standards that are unique to a particular project; specific uses are established by a project district zoning ordinance.	<i>Implementing the Project District designation requires uses and standards for a particular project district be established in the Comprehensive Zoning Ordinance. Moloka`i currently does not have any project districts.</i>
Public/Quasi-Public	Envisions schools, libraries, fire and police stations, government buildings, public utilities, hospitals, churches, cemeteries, community centers, and related and compatible uses.	P-1 Public/Quasi-Public District; and P-2 Public/Quasi-Public District.
Rural	Envisions small farms intermixed with low-density single-family dwellings, and related and compatible uses.	County Rural; RU-0.5 District; RU-1 District; RU-2 District; RU-5 District; and RU-10 District.

MOLOKA'I COMMUNITY PLAN LAND USE DESIGNATIONS	USES ENVISIONED	TYPICAL COUNTY ZONING DISTRICT
Single-Family	Envisions single-family, duplex, and `ohana dwellings, and related and compatible uses.	R-1 Residential District; R-2 Residential District; R-3 Residential District; R-0 Zero Lot Line Residential District; Two-family (Duplex) District; Service Business Residential (SBR) District; and Urban Reserve District.
STATE OF HAWAII		
Conservation	Indicates lands designated Conservation District by the State Land Use Commission.	

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