

Discussion of Proposed R&R by Staff

TF Part I of R&R

Page 1. - 1.2 Definitions - We rearranged the whole thing alphabetically and deleted the words "and regulations".

Page 8 - We added (g) - We felt this was a good idea. We got it from the imposition of conditions procedure.

Page 9 - Filing of Documents - I don't think you have any objection to that.

ET Page 11 - 1.11 - Why is it going out?

TF Because we already have it in amendment to the boundary change .

Next change is on page 15 - Amendment to District Boundaries

We added this statement for EIS requirement as provided by Executive Order or Act. We thought that somewhere in our procedure, we should put this requirement once the bill become an act. We can leave it out and later on conform to it.

SM It may be available now. We may have to go through R&R and describe it and go through public hearing . The entire executive order or make legal reference to it?

Tf We're thinking of legal reference.

SM Or is it taken care of by other language in here, the EIS requirement? Commission might want to take policy initiative and describe its own environmental requirements. Nothing in the law says Commission is bound by it. Make an independent approach to this, not necessarily tying us down to legal section of the

administrative procedural requirements. There are some good things we want to say about environment.

ET Maybe we'll take something out of 2067.

SM Make our own judgment as to what we want to consider about the environment, as long as we're not violating 2067.

TF Becomes criteria under Part II.

ET After lunch, get us a copy of 2067.

GF It's highly procedural and leaves most of the criteria to the Commission that's going to be established by this act.

SM If we have feeling for environment, no harm in putting in their ideas. Take the language from 2067, go on our own and anticipate environmental concerns.

ET We'll reconsider EIS later.

TF Page 16 - Fees

ET Take #5. What will happen on Lanai's petition if we added substantial acreage into Conservation? Suppose somebody wants to change to Conservation? Should we say something about downzoning to encourage downzoning?

SM Was the fee structure to recover cost of hearing?

TF It was the original intent. It goes back to General Fund. Anyone can come in for change in R&R.

AN Leave that out. Otherwise everybody's going to come in to amend R&R.

ASL :

TF They can do it. It's provided for under our present regulations.

TF It's under 205-9, amendments to regulations: "By the same method set forth -----etc." So any interested party can come in for change.

AN Maybe we shouldn't spell that out.

TF Ah Sung checked fee schedule with City and County.

ASL They have a filing fee of \$100 for PUD. In addition to basic \$100, they have a \$50 per acre thing which brings the top category to \$1,100.

ET Let's think about that after lunch.

ET We'll ask staff to review 2067 and draft up some language that could or may be included in the proposed R&R. Anyone else who wants to draft language, feel free to do so. It has to be done quite soon. Shelley, on the 2067. I thought maybe instead of taking up all our time here, staff will come up with some kind of language which makes some mention without being contrary to the bill or putting any burden on us.

Tf Page 16 of Part I - Discussing the fee schedule. I wanted to get some reaction as to how you felt about the way we have set it up. Do you feel it's too inflexible or too much?

ET We agreed to take out (b)?

TF Yes.

SM What are consultants recommending? Start at \$50?

TF Yes.

JM What is the purpose of these fees?

- TF The reason was to defray cost of hearing and administrative cost. Goes back to General Fund. We can't use it.
- SM What percentage of our cases are less than 10 acres?
- TF I would say about half.
- ASL More or less.
- SM What percentage more than 200 acres?
- ASL In the 10% category.
- TF Letters of intent--majority are more than 200 acres.
- SM For the sake of taking this to public hearing, I go along with this.
- ET Any consideration for downzoning thing? I'm thinking of some kind of stimulation. I'm throwing in the question of downzoning.
- JM On downzoning--in light of Judge Kawakami's ruling--this kind of condition is good, like Hawaii Loa for instance, to discourage them from coming in. Makes them honest.
- TY They're going to ask why did you set these rates. We need a reason.
- JM I'm afraid if there's no rationale, somebody might challenge this.
- ET Somebody's going to ask the question and how are going to answer how we arrived at these figures. The bigger the petition, the better able to afford. Is that a good reason?
- TF You can say, on the assumption the bigger acreages have bigger impact.
- JM Require more time from staff.

ET I'd stay away from impact.

SM The rationale is in the first part: "All petitions requiring public hearing shall be accompanied by a fee to partially cover the cost of public hearing". So the rest of your rationale will have to follow that to stay within the original statement.

JM You can change it later, after all comments come in.

ET Are there any objections to taking that to the public? OK.

Page 17.

TF We just made it clearer. The application also applies to special permits.

ET No objections.

PART II

Tf Look at definition of farm dwelling. Delete "agricultural activity provides income to" and add "engaged in the operation of the farm and derives income from the operation". Here we're trying to say, for example, if you have a farm, the person renting that dwelling to another person--we're trying to tie it down to the fact that the person renting is renting to employees of that particular farm operation. The reason we say "derives income from the operation"--for example a person living in the Agricultural District may be growing vegetables. We didn't want that kind of situation. Person occupying the dwelling is engaged in the operation of the farm and derives income from the farm.

SS It will create hardship for some people. The plantations rent to people working outside because of hardship. Is this only when

they come in for boundary change?

TF This applies to permitted uses in special permits.

SS Only when they come in for application? Doesn't apply to existing uses--renting out to somebody? Or are you saying these guys can't live on farm lands?

TF Every lot in agricultural district can have a residence on it. These are additional farm dwelling that will be placed on that particular lot on record.

ET Are the ones presently there considered non-conforming and grandfathered, and this would apply just to a petition or special use permit to have another dwelling there?

SS If we applied this, if somebody should move out of plantation house, the plantation will not be able to rent it to anyone else.

ET John, look at 15 on page 2. What Stanley is talking about-- non conforming units on agricultural land. If the family that's there now moves out, another family comes in but doesn't derive income from farm operation, would they be excluded from living there? Building or people?

ASL Non conformance is on page 13, 2.17, sub-part D. ~~That actually~~
~~relates to permitted uses in ag district. We've had all kinds of~~
~~inquiries~~

Tf The only area "farm dwelling" is used is in a special permit for another additional dwelling.

ASL That actually relates to permitted used in ag district. We've had all kinds of inquiries from county as to what consists a farm

dwelling and what kinds of uses permitted in ag district.

AN How would it affect some of these ranches for single man?

Some of them only have rooms.

ET This does say single family--when you get back to page 2, it says farm dwelling shall mean a single-family dwelling.

TF Single family dwelling exclusively by one family. Family means an individual or two or more persons related by blood, etc."

ET Suppose we have a dormitory?

TF It's not permitted in ag district.

~~ET~~ Are the people grandfathered in?

JM The grandfather clause grandfathers the use.

ET What if single guy moves out--can new single guy move in?

JM Grandfather of the structure.

ET But what about the use of the structure? Talks about single family. In Kunia, we have 8 different families or combination of families, single guys, or some related to the family.

TF They rent it to people connected with agriculture.

JM As long as it was used like that and it was lawful at that time.

TF We have a big problem here if we restrict them. Of course, we're doing that now--restricting them to single family dwelling for agricultural purposes. Biggest problem in terms of uses in ag district. Some of them are not in agricultural use. For example, 20 acres and the zoning on Maui is 2-acre minimum. Assuming you don't want to subdivide but go into cluster development with density of 10 units.

