

**MOLOKAI PLANNING COMMISSION
REGULAR MEETING
MAY 11, 2011**

*** All documents, including written testimony, that was submitted for or at this meeting are filed in the minutes file and are available for public viewing at the Maui County Department of Planning, 250 S. High St., Wailuku, Maui, and at the Planning Commission Office at the Mitchell Pauole Center, Kaunakakai, Molokai. ***

A. CALL TO ORDER

The regular meeting of the Molokai Planning Commission was called to order by Chair Mikiala Pescaia at 12:05 p.m., Wednesday, May 11, 2011, at the Mitchell Pauole Center Conference Room, Kaunakakai, Molokai.

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

Ms. Mikiala Pescaia: . . . and welcome to the May 11th meeting of the Molokai Planning Commission. My name is Mikiala Pescaia, the Chair. This is Vice-Chair John Sprinzel. We have Commissioner Buchanan, Commissioner Davis, Commissioner Kelly, and Commissioner Bacon to my right. From Maui County, we have our court secretary – I mean, our court secretary, you can be a court secretary too. She takes all the minutes, and the notes, and make sure we doing what we supposed to be doing: Suzie Esmeralda. We have Clayton Yoshida whose fancy title I always forget. And we have our Staff Planner, Nancy McPherson. And to my left, Corp. Counsel, James Giroux. Sorry, he's a sub. For five years, there's been another man sitting here. So this guy, Fred, is gonna make sure that we stay within the legal bounds of our abilities. Alright. So we have before us a nice agenda.

B. PUBLIC TESTIMONY ON ANY PLANNING OR LAND USE ISSUE

Ms. Pescaia: I would like to welcome anyone out there in the community who would like to offer public testimony on any planning or land use issue. If you have to – if you're here on your lunch hour, and you need to get back to work, and you have an agenda item that's coming up later, but you can't stay, and you want to give your testimony now, you are free to do so. If you can wait until your agenda item comes up, it's much more easier and relevant for us. Anyone? Anyone? Seeing none. Uncle? No? Okay. Alright, so testimony is closed. On to agenda Item C, Approval of the minutes of the February 23rd meeting.

C. APPROVAL OF MINUTES OF THE FEBRUARY 23, 2011 MEETING

Ms. Pescaia: Commissioners, any comments, questions, clarifications, corrections?

Mr. John Sprinzel: I propose we accept the minutes, approve the minutes of the 23rd meeting.

Ms. Pescaia: Is there a second? Motion by Commissioner Sprinzel, second by Commissioner Bacon.

There being no further discussion, the motion was put to a vote.

It was moved by Mr. Sprinzel, seconded by Mr. Bacon, then unanimously

VOTED: To approve the minutes of the February 23, 2011 meeting.

Ms. Pescaia: Motion carried. Thank you. Alright. Moving on to agenda Item D, Unfinished Business.

1. **MR. WILLIAM SPENCE, Planning Director, requesting concurrence from the Molokai Planning Commission pursuant to their Special Management Area Rules, as amended, that a Special Management Area (SMA) exemption can be issued for the following:**
 - a. **MR. GLENN CORREA, DIRECTOR, DEPARTMENT OF PARKS AND RECREATION submitting a Special Management Area Assessment application for the replacement of existing playground equipment with ADA-accessible playground equipment, installation of safety surface (slab on grade, no excavation) and ADA-compliant parking and access sidewalk at One Alii Park located in the Interim District, Kamehameha V Highway (MM3), Makakupaia, Island of Molokai. (SMX 2011/0328) (Valuation: \$150,000) (N. McPherson)**

Only surface grubbing to remove vegetation will be done under the playground slab; unevenness of the existing grade will be accounted for in the concrete slab. The concrete slab will be sloped so that water will drain from beneath the playground surface. Boulders will be located around the exterior perimeter of the playground to protect it and users from vehicular traffic.

Ms. Pescaia: We have before us a recommendation by the Planning Director for an SMA exemption to be issued on the One Alii Park item, which came before us at the last meeting, but this Commission had raised several concerns that have been since addressed by the Department of Parks and Recreation. Has everyone received this information in your packet? And Planner McPherson, are you gonna do a subsequent presentation of any sort?

Ms. Nancy McPherson: Aloha kakou, Commissioners. And thank you, Chair Pescaia. Nancy McPherson, Staff Planner. Yes, we're bringing this application back to you having taken your comments and concerns, and working with the Parks Department to improve the project design to address issues of – concerns about safety for the children. And you were given an additional two-page exhibit today. So again, we apologize for getting this to you today, but we just got it. So please take the time to read through it. I'll give you a couple minutes while I get organized here. And you also received a letter from Parks in your packet dated May 3rd, 2011, which cleared up a couple of questions that you had from the last meeting.

One thing I wanted to add was that this project was originally initiated by the Parks Department because there had been a petition of Molokai residents that had been transmitted to the former Mayor. And then Parks had been directed to get a playground for Molokai. Some grant money was found and some of that's discussed in this exhibit that you've just received today. It became clear when the septic system project came through the SMA process that the playground was within the shoreline setback area. So the idea was to relocate it mauka. So this kind of gives you a chronology of the project's history. And I think there was some confusion at one point because on Maui, Parks has sort of an – well, I won't say automatic, but there is a standardized exemption that they can get from the Planning Department for work in the SMA. And so Parks' planners on Maui are used to doing it that way, and of course, we know Molokai's different. So they had – basically, were all ready to go, and then they found that they had to this separate process for Molokai. So they've been ready to go for a while now. And it is going to be a public-benefit project.

Ms. Pescaia: Hold on real quick. We have real specific concerns and I think those concerns were addressed. So I just wanna get a feeling from the Commissioners without making you have to drag out anything.

Ms. McPherson: Okay.

Ms. Pescaia: Does anyone have any further concerns from the original concerns? Is this not adequate? So I – Seeing none.

Mr. Ron Davis: I'd like to make a motion that we concur.

Ms. McPherson: Oh, we need to allow the public to come up, yeah.

Ms. Pescaia: Yeah, to offer testimony. So I just checking if anyone had any specific questions for her instead of rehashing this whole thing.

Ms. McPherson: Sure. Sure. You got some new information and I just wasn't sure if you wanted me to go through it all so—

Ms. Pescaia: Okay. At this time, I'd like to open public testimony on this agenda item.

Ms. Erin Raguindin: Hi. My name is Erin Raguindin. I'm a school counselor at Kaunakakai School and I'm one of the parents. My crazy hair day. It was crazy hair day last night, sorry. I was one of the parents that signed the petition. Uwekoolani, one of our other parents of our students started the petition in 2008. We really needed a playground for our children, our families. A lot of the families use the Kaunakakai School playground, and it's actually trespassing and loitering on campus. And so we just wanted a community playground where we could go to take our children. And so we were happy that the community signed the petition, and the former Mayor was going ahead. So I just really ask that the Commission support this project so that we can get it going. Thank you.

Ms. Pescaia: Thank you. Anyone have any questions for the testifier? Seeing none.

Mr. Levle Yamazaki-Gray: My name is Levle Yamazaki-Gray. I'm also a parent of two children. Both my daughters used to play at One Alii on the play structures that were there before the work was done on the septic system. And just the fact that it's not there, I guess maybe we trespass sometimes at the school to come and play in the playground here. But I think it would be really valuable for my parents – or for my children and the community to have a play structure there. I've also volunteered to help work on it if the Planning Commission approves to help that become a reality. Thank you.

Ms. Pescaia: Thank you. Anyone else? Seeing none, we'll close public testimony on this item. And I will entertain a motion.

Mr. Davis: I move that we concur with the recommendation of the Planning Director to approve this project.

Mr. Sprinzel: Second.

Ms. Pescaia: Motion by Commissioner Davis, second by Commissioner Sprinzel. Discussion?

Mr. Sprinzel: I want to compliment the Parks Department on the brilliant solutions.

Ms. Pescaia: Any further discussion? Seeing none.

There being no further discussion, the motion was put to a vote.

It was moved by Mr. Davis, seconded by Mr. Sprinzel, then unanimously

VOTED: To concur with the recommendation of the Planning Director to approve this project.

Ms. Pescaia: Motion carried unanimously. Thank you.

Ms. McPherson: Thank you, Commissioners, and I did wanna mention that one of their Parks Planners, April Shiotani, worked very diligently to try to get this ready in time for this meeting. So I wanna give her a little shout-out too.

Ms. Pescaia: Thank you, April. Alright, moving on with our next agenda Item E. It's a public hearing.

E. PUBLIC HEARING

- 1. MS. DESIREE PUHI, Executive Director of the MOLOKAI OHANA HEALTH CARE requesting a Special Management Area Use Permit for the renovation of the former Pau Hana Inn site to the Molokai Community Health Center and related improvements at 30 Oki Place, TMK: 5-3-006: 028, Kaunakakai, Island of Molokai. (SM1 2010/0004) (N. McPherson)**

Ms. Pescaia then read the agenda item into the record.

Ms. McPherson: Chair, may I ask for just a two-minute recess while we get the projector up and running?

Ms. Pescaia: Sure. Two-minute break.

(A recess was then taken at 12:16 p.m., and the meeting reconvened at 12:19 p.m.)

Ms. McPherson: Okay, thank you, Chair Pescaia. I'm gonna just briefly introduce the project. It is an adaptive reuse project, what we term "adaptive reuse," of the former Pau Hana Inn site, which for a while was the Word of Life Retreat Center, and has been vacant for a few years now. The Molokai Community Health Center has purchased the property, and is in the process of making renovations, so that they can move their existing operations that are in various locations in Kaunakakai over to this site, so they can have all of them together, all their services together.

This is – there was a previous SMA assessment that was brought before you. And an SMA minor permit was issued for phase one renovations, which to my understanding were interior only renovations. Those have been completed or are in process, still in process. Okay.

This is phase two, which includes some air-conditioning installation to several of the buildings, interior renovations to five other buildings so that they can be used for medical offices. There is going to be an expansion of paved parking on the site. There is going to be some landscaping work, some irrigation installation, and a deck will be installed so that the buildings that are sort of clustered – there are five buildings that are clustered, they're going to be ADA-accessible with the installation of the deck.

So the applicant is requesting a special management area use permit. There also has to be installation of – this is a County requirement to manage onsite storm water generation. There has to be an installation of a drainage system under the parking lot. So this is to meet County code. The Public Works Department is requiring this.

This is at 30 Oki Place, Kaunakakai, Molokai, Hawaii to be used as a community health and wellness center on 143,504 square foot property. The granting of the proposed request will enable the applicant to complete the renovations necessary for the – well, the moving of existing core services to meet the community need. Additional expansion will most likely necessitate additional permits, and so they would be coming back to you at that point for expansion of services, new kinds of services that may not be coming under the existing zoning of H-1 hotel. And if you look at the Exhibit – oh, I'm sorry, that's not the right one. Oh, Exhibit 35, A and B, there are two letters from the Zoning and Enforcement Division confirming that their existing services are permitted under the H-1 hotel zoning.

The report goes through the applicable regulations, the standards, and guidelines, and objectives, policies and objectives of Chapter 205A. And these are the kinds of things that you need to use to evaluate. The Department has used these to evaluate this project. And for you to make findings so that you can hopefully, approve this SMA major permit.

Going through procedural matters, there was a notice of application published. Notice of public hearing was mailed out to adjacent – well, all owners and recorded lessees within 500 feet of the subject property. A notice of hearing on the application was published in the *Maui News*, the *Honolulu Star Advertiser*, the *Garden Island*, *Hawaii Tribune Herald*, and *West Hawaii Today*, and the *Molokai Dispatch*.

The subject application does have a Chapter 343 trigger: use of state or county lands or funds. We did receive a request for exemption and issued an exemption from environmental review based on the County of Maui exemption list, and there were four classes that this project fell under in order to issue that exemption from Chapter 343.

The property is about 3.294 acres. The original buildings were built in the 1920's, and much of the structures were rebuilt using hollow tile or CMU tile in around 1971. So it was in continuous as a hotel operation for 50 years, or longer than that, my goodness, 70-something years. And it purchased by New Hope Ministries and used as a religious retreat. It was purchased by Molokai Community Health Center in July of 2009.

So there will be some site construction and ground-altering activities, which consists of the connecting deck, installation of drainage culverts and parking lot renovation and expansion, and driveway repaving.

The project is Molokai Community Plan: H, hotel. Part of the property is in Flood Zone AE. You have an exhibit which shows you what the flood zones are on the property. My understanding is that flood development permits have been applied for. So that's all in process. And we did analyze for compatibility with adjacent land uses. They are a mix of residential and commercial. We actually have some light industrial to the west of the site. Much of the zoning is interim but some is business country town. And we do have the ocean on the southern side. So this property is on the shoreline.

The existing landscaping will be maintained. There will be some additional plantings that will occur, and I'm going to go ahead and actually cut this short and let the applicant do their presentation because they can fill you in on a lot more of the details. So if you don't have any further questions for me, we are requesting— Once the presentation's done, I will read you the recommendation from the Department. So if you don't have any questions for me, I'll go ahead and let the— Oh, okay.

Ms. Lori Buchanan: I have a question for you, Nancy. So whatever questions we have, you would rather we reserve that for that applicant?

Ms. McPherson: Well, what I'd rather is that we go ahead and see the presentation. Some of your questions may be answered.

Ms. Buchanan: Okay. And then hold our questions 'til after then?

Ms. McPherson: Yes, please, if you would.

Ms. Buchanan: Okay.

Ms. Desiree Puhi: Aloha, Chair, Vice-Chair, and Committee. Thank you for letting us do this presentation. Cyrus . . . (inaudible) . . . will do the clicking for me, and Luigi will help me answer the tough questions after the presentation, 'cause I'm not an architect.

So this is our project. This is phase two. Just to give you a little background of who we are, we're a Federally-qualified health center. We're one of 14 in the State. We now have a community health center on every island in Hawaii. We have 30 people that are employed and we expect to hire more, once expansion occurs. It's also good to note that community health centers act as economic engines for rural communities. This study by the Hawaii Primary Care Association 2005 estimated two million dollars annually came into Molokai because of the community health center existence. And that was based on the numbers of 1,180 patients and only 11.6 employees. And that has more than doubled since that time.

We're also a community-owned and governed facility. Our board of directors come from the community and they must reflect our community. Fifty-one percent have to be users or consumers of the facility. And then only ten percent of the board members can be in the health field. The way that it's set up is they want the people to be drivers.

So this is our mission, vision mission and values. It's basically, you know, it's about mind, body, spirit. It's about treating people with respect and aloha, and then just keeping to those values.

Property research, before we even purchased the property, we did our due diligence. We made sure that there was historical and archaeological significance. We did all the research there. We did the research and worked with Maui County regarding the zoning, and then we did a comprehensive cost and financial analysis.

The oceanside property was purchased in 2009. You need to keep in mind that it's three parcels. The parcel that we're talking about is highlighted. The other two parcels are non-developed property.

April 14th, we came to the Molokai Planning Commission to start working on Building 1, 4, and 10, and asked for the exemption, and it was approved. And we thank you for that. On June 28th 2010, we started the construction and it's currently still underway.

The purpose of this request is the SMA major use. And it's for the renovation of the remaining buildings. We're going to keep with original footprints. They won't be altered. It's interior renovations. We also – the MCHC team would also like to point out that we've been very sensitive and respectful into maintaining the cultural integrity of the interior and exterior of the buildings. Significance of the memories tied to the site, we're all aware of that and just the beauty of the aina itself. So just wanted to make sure that we voice that.

The reason for the construction is to put in the deck, make it ADA compliant. We looked at ways that we can make it more user-friendly for disabled patients. And just having two ramps made a lot more sense than having a ramp to each building. We also had to do the

improvements in the parking lot, and that just for Maui code, and we were mandated to do that, and then the interior renovations. Expansion of the existing core services will allow us to meet the community's health care demands. I think pretty much Nancy reviewed all this: when it was built, who was using it, and right now, what's going on.

The team also took into the importance of the Molokai Plan. We reviewed that. We wanted to make sure that we adhered to it, that we listen to the community, and also, just the team here itself, your guys' significance of driving and protecting Molokai.

This is just some of the background information of where we got it, and what we needed to look at. This is the location of the property, and you can tell right here, the other two properties.

Although we triggered the compliance with the country town business guidelines as commercial development and renovations, some of the guidelines, after working with Nancy very closely for over a year, we put in an application in April of 2010. So we've been working very hard with Maui County and Nancy to make sure that we had jumped through every loop that we needed to. This is what we pretty much came up with.

The off-street parking, we discussed a little bit. We're gonna have the disabled parking. It's designated and it's been approved. The parking lot will be screened with landscape. We'll have shower trees as requested by the County. The project – compliance with the County's off-street parking and loading ordinance, we complied to that and provided the systems to meet that need.

Landscaping, we're keeping – we're preserving everything that was there. That's part of our desire is to keep that feel of the Old Pau Hana Inn, so all the old trees will remain. We will do some additional – what's needed, and what's been required by the code. Compliance is putting in trees in the parking lot, and what have you, and putting in an irrigation system because it's a quite large property.

Lighting, we're in compliance with. Open storage, mechanical equipment, landscaping plants to minimize the visual effects, we agree with that completely. We're not building higher. We're using the existing structures, as mentioned before. We're using the traditional metal roofing. We're not changing that. Wall finishes, we're keeping it very muted colors. Doors, everything was ADA compliant. This is basically the color scheme. Not gonna change much at all. Signage, we'll hopefully be able to use the signage that we already have located at Kamoi, and just continue on that theme. It's really mild. And exterior lighting will be as code.

Here is the letters that we've sent to all the departments in the process, which I'm sure each and every one of you are aware of. It's quite tedious. And we certainly went through

it. And we'll just click through it. First is Environmental Wastewater Management. Then after that, it was the Department of Public Works, and then the Water Supply, and then Department of Health.

So the findings and conclusions, basically, you know, the deck is needed for the ADA requirement. It's all about just expanding our health and wellness, and meeting the needs. The potential impacts were very low. Nothing was significant. The conditions as you'll see are pretty much standard. Luigi, hop in any time. This is Luigi going to talk. Go ahead. So again, the impacts, socioeconomic environment, no impact; public service, no impact; infrastructures to Molokai, no impact.

Here's the drawings. This is basically, the parking lot costing us an arm and a leg, but we understand that we need to be up to code. This talks about the traffic analysis or how the traffic will flow. Is that right, Luigi?

Mr. Luigi Manera: Chair, Vice-Chair, and Members of the Commission, Luigi Manera. Okay, the C-1, the gray area is what is the parking lot right now. And this one is how the parking is gonna be after everything is completed. And what we have to do is because of the size and the change in use for some of the buildings – originally, we had 42 parking, and it's required by the County to have at least 75 parking. We actually have 81: two of those, handicapped; two loading zones. The reason why of the two loading zones is because of the square foot of the buildings together is more than 10,000. So there's a law saying you have to have two when it's more than 10,000. And we have ten grassed parking.

Another requirement was we have to use onsite drainage. And we do – we have a pretty intense onsite drainage almost 400 feet long, three feet below that finished grade or the finished parking lot. We have five catch basins where the water go inside. There's a 12-inch water line three feet below the surface. That's where the water go and naturally seeps through the ground . . . (inaudible) . . . We do – you know, the other property in town, it's the same . . . (inaudible) . . . drain.

On this particular one, there's a requirement from the Fire Department because the only fire hydrant close to the property is located on Oki Place. It's too far from any building if there is any fire problem. They require us to install a six-inch waterline halfway through the property and two fire hydrants onsite. And this is basically show – well, how – where the fire hydrants are located. And one of them was going to be – in this particular case, one is right in front where it was the reception. Where the dining room, that's the first fire hydrant. And on the next one, the second fire hydrant is located just about a hundred feet from when you drive into the place from Oki. This is again show how – you know, it's basically, construction drawings. That's all.

Ninety-percent of the cost for the phase two is not as much as the building, but it's just the parking lot, the drainage, and the fire hydrants on the property. The total cost is just about – 85, 90% is just that. And ultimately, there's a – that's basically some detail of how they install the fire hydrants, the check valve, and the drainage below the surface.

As far as the architectural drawing go, like on this particular Building No. 2, it's only air-condition. They remain the same. And also on Building No. 6, they remain the same. It's only air-condition work. On Building No. 3, the air-condition work, a little minor revision on the lower floor. We gonna have an extra office, but only interior. They just reconfiguration of the existing floor. That's all.

On this particular building, Building 5 and also Building 6 – no, Building 5, 7, 8, and 9, they remain the same. We just reconfigure – instead the one, or two, or third room before, now they become three offices. They're basically almost the same square foot: 900 to 950. This is – the other, same thing. It's just a reconfiguration. We're gonna remove all the steps because they gonna be reconnected with the deck like Desiree mentioned earlier, which we gonna get to that. Building 8, the same principle. Building 9. This is the deck, and what happened with the deck, we adding two handicapped ramp, and it will be connected to Building 4, 9, 8, 5, and 7. And this is basically how it's gonna look, including the deck and all the other buildings together.

And the next one will be – because we adding so many parking lot, we even – if we leave all the existing landscaping the same, we're required to have another 13 shower trees, or monkeypods, or something like that. That's how they gonna be located. Do you have any questions?

Ms. Pescaia: Commissioner Bacon?

Mr. Nathaniel Bacon: I had a question. Arleone had written a letter which is Exhibit 34, which had requested through-traffic from Beach Place. And it had said that you were gonna change the plans to reflect that, but I don't see that in here at all. Was that addressed, or rejected, or what?

Mr. Manera: We replied. We did a reply to Arleone, to all those letters.

Mr. Bacon: Okay, 'cause it says in her letter, which is dated – what is this? 4/29/11. It says – the last one, you know, she's referring to the fact that they'd like – provide an entry to the facility from Beach Place, and then exit only at Oki Place. The planner at the time, Mikal, later stated that he had spoken with you, Luigi, about the concerns, and that you had agreed to make the site plan modifications. So I was wondering what happened to that.

Mr. Manera: I thought you had the answer because I did the reply to all of those. Okay. I don't know where this thing about Mikal Torgerson come from. I did reply. I have with me, and I'm gonna show it to you, but Mikal Torgerson, he came and see me. He mentioned about it would be nice to have some kind of access from this road to the old, which we did. This is the access from Beach Place to this place, so they be able to go around. Well, when I went and meet with the Fire Department, they say we don't need the road. Thank you very much. What we want from you is two fire hydrants on the property. So there was some confusion in between Mikal Torgerson or Arleone how he presented that to me because the fire hydrant is – the Fire Department, they don't require this. It's just up to us. But we did it anyhow. It's just – it's gonna be open during business hours.

Mr. Bacon: Okay, so that crosshatched area then is access from that area?

Mr. Manera: Yes.

Mr. Bacon: Okay, it's – you know, it's crosshatched. It's different than the rest of it, so I didn't know if that was included or not. Okay, so then there is that access, because it wasn't – you know, from her letter, it wasn't a concern about the Fire Department. It was just access and the congestion there at the intersection.

Mr. Manera: The Fire Department say we really don't require that. That's up to you.

Mr. Bacon: Okay.

Ms. Pescaia: Well, I think what he was trying to say is that their concern isn't a fire-related concern. It was more congestion, traffic fronting Kaunakakai School during certain hours, you know, when we have all this pedestrian traffic around there, and you have all these people trying to get into the community health center. So having a secondary access, yeah, even as a consumer, as a patron, you know, you don't wanna have to go – if you have another route, then it's nice that it was incorporated.

Mr. Manera: Well, we actually did some study in the matter back when it was the hotel. And based on a daily flow, was like a – we based it on 150 cars a day in and out. According to the Molokai Community Center, we only have 50 patients a day and about 30 employees. I don't think we even gonna get even close to that.

Ms. Pescaia: You got 75 parking spots. You got a projected increase in usage. So we don't know, kind of. This is a brand-new thing. So we might – so we just wanna be prepared for the future.

Mr. Manera: Thank you.

Ms. Pescaia: Commissioners, any other questions? Commissioner Kelly?

Ms. Debra Kelly: I have questions about drainage. Where's the other two properties? It's only because in the report, it says that the runoff will not increase. I'm sorry to say it would increase because you're having more paved parking than what's existing. So with the increase, I know you're doing the underground drainage. What's the calculations on that? Is it enough to store? And if it is, across the street, historically, you know, the driveway, there's that open lot, is that your property too?

Unidentified Speaker: . . . (inaudible) . . .

Ms. Kelly: Okay, but that's where it drains or – well, that's where it drains.

Mr. Manera: Oh, right now.

Ms. Kelly: Yes. So – but that's not included in here?

Mr. Manera: Okay, by law, we're required to contain the storm drain – all the water inside the property. It cannot go in somebody else's property. Even if they own it, we cannot do that. Have to be contained within the property.

Ms. Kelly: Right, so my question is, with your improved drainage underground in the parking area, is it enough to contain all that runoff?

Mr. Manera: Okay, we hired an engineer to do the study, and we have about 22 pages over here of a preliminary drainage report. He's the one that come up with the drainage. So right now today on the property, there is no drainage. So it's gonna be all brand new. I mean, in good faith, I believe he did a good job and was approved by County of Maui, Engineering Department. That's my best answer.

Ms. Kelly: Well, it's only because in this report, it does say that there's no increase in runoff. But with the addition to the parking–

Mr. Manera: Parking, that's correct.

Ms. Kelly: Yeah, because it's hard surfaces. Okay, so that's my concern because it is not going to stay the same no matter–

Mr. Manera: Yeah, but again, this – the drainage now is based on the 81 parking stalls and including the roofs of all the buildings. That's how that – it come about.

Ms. Kelly: So the property across, I know you folks, you own it, will still be unimproved because historically, it'll still drain there or it'll settle there.

Ms. Puhi: So if we were to improve or develop those two pieces of property, we would have to go through the SMA major permitting process again, and provide additional parking, and the drainage that would be necessary I think that's what you're asking? Kinda?

Ms. Kelly: Kind of.

Ms. Puhi: Because we're not touching those properties. They will stay undeveloped.

Ms. Kelly: Right, but if you're to have included it as part of, then it would've been actually easier.

Ms. Puhi: We wish it was, but actually, to include other parcels is harder. So it was easier to just do the property that was being developed. And in the future, if that's what the community wants is to develop those two pieces, then we'll cross that board – I mean, that river, or whatever it is.

Ms. Pescaia: And quite possibly with your proposed actions, it's gonna protect that neighboring parcel now because that water's being managed onsite and not running off to the other site, right?

Ms. McPherson: Chair?

Ms. Pescaia: Yes?

Ms. McPherson: Chair, I'd like to make a comment. In my work here on Molokai, I've realized over the years that we have a very good community plan. We have a lot of great policies in that plan regarding Public Works' improvements, etc., design standards. And unfortunately, many of those have not been implemented in the code yet. And we're all kind of hoping that that really happens during this next community plan update because they would basically have to consolidate all three of those parcels, which is a big deal and takes a long time. They would have to do an SMA for that also. And basically the way the Title 16 and other parts of the County code are written, they have to create more impermeable surface. And we had this discussion quite a while ago. The problem that Public Works has is that they have to follow their code the way it's written. They have to apply that code to this project. And until that code is revised so that it implements the objectives and policies and design standards in the Molokai Community Plan, there's just not a lot of leeway unless they wanted to apply for a variance, which would've been additional time and expense. So we're just kind of going with it the way it is keeping in mind that any additional work, expansion, or any development on the adjacent property,

hopefully, by that time, we will have some changes in the works to the code so that we can be more sustainable, so that we can maintain habitat for birds, etc., and minimize impermeable surfaces in Kaunakakai. Because we all know every time more pavement goes in, Kaunakakai's heat goes up a degree, or a half a degree, or whatever. And it's accumulative impact. So, I mean, that's one of my goals. And I've made that comment to Ralph Nagamine of the Public Works Department already via e-mail. So that's my manao. Thank you.

Mr. Bacon: Okay, sorry, Luigi, I just wanted to return to the parking lot thing again real quickly. So that crosshatched area, is that going to be paved or not?

Mr. Manera: Which one?

Mr. Bacon: The crosshatched area that you have going in to Beach Road which is the corner of the big parking lot area there.

Mr. Manera: Yeah, it's gonna be paved.

Mr. Bacon: That will be paved. Okay. And so we're gonna have a chain across there?

Mr. Manera: Probably two poles and a chain across in between . . . (inaudible) . . .

Mr. Bacon: Is there going to be one at the other end of the parking lot too? I mean, is it just gonna be closed off at night or—?

Mr. Manera: I'm very sure that it will be closed off during the evening or nighttime hours for sure.

Mr. Bacon: Thank you.

Mr. Pescaia: Any more questions? Commissioner Buchanan?

Ms. Buchanan: Okay, I think – I must be missing something because the notice, I don't see it noticed in the application. I see notice to renovate five buildings, upgrade two buildings with air-conditioning, renovate the existing parking lot and install a drainage system, construct additional paved parking and repave the driveway, construction of a new deck, installing landscaping and irrigation. I don't see and maybe I missed some place, the installation of a six-inch waterline, two fire hydrants, some manholes, ten grassed parking. Maybe that was on the set of the maps that I couldn't read because it was too small.

Mr. Manera: No, I give you – I do believe that was the last comments we had from the Fire Department.

Ms. Buchanan: Okay.

Mr. Manera: And I think we never have enough time to actually put'em in that paper. That's all. It just happened like a couple weeks ago.

Ms. Buchanan: Okay, so in – I'm wondering if the letter that went out to the 500 feet residents did not include that other stuff. Plus in addition, I didn't realize that you were going to make ingress and egress out of Oki Place. And if there was a proper notice of the residents in Oki Place that there might be additional traffic that might flow to the project site.

Mr. Manera: I think we sent notice way beyond Oki Place, way beyond Beach Place.

Ms. Buchanan: But it didn't include a notice to the residents that they might have an increase in traffic due to the opening of that road.

Mr. Manera: That was never required. We just did it on our own, but we can–

Ms. Buchanan: Yeah, well, see, I don't know, legally, if it's an easement or what is the–

Mr. Manera: No, it's not an easement. It's just a driveway approach.

Ms. Buchanan: Historically, I don't know what the ingress and egress was from that area, so I would just pay attention to that. 'Cause I know if my house was the house before you folks, and now you going open one road, and I going have people going to through that way, I might have a concern that I might wanna address with the project coordinator.

Ms. Pescaia: Commissioner, you're speaking about Beach Place?

Ms. Buchanan: I talking about, yeah, Beach Place this side, this side, the west ingress and egress, which used to be there 20 years ago, which has not been there. So it's just proper notification for residents would be part of that.

Okay, so since we on notification, I noticed in the list of people that you guys notified, I didn't see U. S. Fish and Wildlife Service. And the reason why I bring that up is because on your application you stated that you had, "Federally-protected migratory shorebirds frequent the project area and adjacent shoreline, and a banded Pacific Golden-Plover has been seen on the site along with other birds both protected and unprotected," and then you refer to Exhibit 20. Yet U. S. Fish and Wildlife Service was not contacted, but the National Resource Conservation Service was. I would have thought that they might be one contacted agency to see if they had some concerns.

Ms. McPherson: Chair, may I address the Commissioners? Okay. Nancy McPherson, staff planner. It was not determined that these birds were present until just a few weeks ago and Arleone made her comment. At that point, we had already been scheduled for public hearing. So there was not time to contact the U. S. Fish and Wildlife Service. If you would like us to go ahead and do that now, we could – we would have to defer this item and contact Fish and Wildlife.

Ms. Buchanan: Okay, I just bringing it up. That's covering yourself that's why, yeah? We no like run you into issues down the line where you find out – because it's actually worse to go back on that one.

Ms. McPherson: From what I could tell from the site plan, and what's being currently proposed, and the fact that there are two lots adjacent that are going to remain vacant, as a person trained in environmental planning, I did not see a significant impact to bird habitat. It's not critical habitat. It has not been designated a critical habitat for endangered species, but we all realize that we wanna maintain as much bird – shorebird-friendly environment along Molokai's coastline as we possibly can. So because this is an adaptive reuse project – I mean, the main thing that's happening is the fact that they have to redo the parking lot, and I felt that there was still enough land in the area to make it bird-friendly, basically.

And then as far as the access on Beach Place, my understanding was that would most likely only be needed at – perhaps even times of special events or where there were a lot of people on the site. So I don't know that that access is going to be used on a daily basis. It might be, but you're correct that it would have been better to have that in the project description.

Ms. Pescaia: Back to the bird thing real quick, now it brings up another point or brings to my attention, now that we are going to or proposing to change the drainage, does that . . . (inaudible) . . . ponding of water across into that adjacent property, how does that affect the birds that go out there and kind of use that water intermittently to play, and bathe, and do whatever they do in that water? Because I see birds playing in that, but if we're not gonna have that water ponding at any time during the year anymore, I don't know if that affects–

Ms. McPherson: Well, I might wanna let those more familiar with this site answer that, but my understanding is that the drainage system is to handle storm water from the paved parking surface. So my understanding would be that that water would probably still pond elsewhere on the property.

Ms. Pescaia: But it kind of runs off and that – into that empty lot, and it kind of makes a big mud puddle. During the winter, it mud puddles. But with the proposed action, that's not gonna be happening anymore. And so maybe, is there some sort of professional comment

out there as to any impacts that that might cause to the bird population that does intermittently frequent that area? Now there wouldn't be any ponding at all, right? I mean, maybe just from what's falling in that area, but everything that was kinda seeping off of the cracked pavement and kind of going down into the lower grade area, now that's not gonna happen, right?

Ms. Puhi: So I think it will continue to happen fortunately or unfortunately. I don't know because it also breeds mosquitoes. But if you look at how the whole parcel is laid out, we would have to fill it in. And then that water would move to somewhere else. It's remaining the same. We're not putting in fillers. We're not changing that whole landscape at all.

Ms. Buchanan: Okay. I going continue. What is the deck constructed of? What is the material?

Mr. Manera: It's just post and pier regular deck.

Ms. Buchanan: It's gonna be a wood deck, then?

Mr. Manera: Except for the surface will be those . . . (inaudible) . . . material.

Ms. Buchanan: What kind material?

Mr. Manera: That is a plastic and fiber. You no have to replace and you no have to paint them anymore.

Ms. Buchanan: So going look like lumber, but going be plastic?

Mr. Manera: That's correct.

Ms. Buchanan: Okay, that, I understand.

Mr. Manera: It's called . . . (inaudible) . . .

Ms. Buchanan: Okay. Yeah, until all this thing, I never really realize about the deck part. I just missed that, totally. Okay, I couldn't read the specs for the drainage 'cause – maybe get one bigger plan for the drainage, but I wanted to see where the drainage locations were, the catchment.

Mr. Manera: I can show it you.

Ms. Buchanan: You can show me. If you go back to one slide and point'em out.

Mr. Manera: I think I'm okay. There's five of those. The first one is – this Oki Place. When you drive in, there's the first catch basin. The second one, halfway down about 200 feet. There's the one at the first turn. One over here. And that's it.

Ms. Buchanan: And then the same specs as we did when– I remember the Catholic Church. What was the dimensions on that, and the depth, and the fill is what?

Mr. Manera: Okay, right now, the height of the – okay, the finished – let's say finished pavement is about 6.7 inches from sea level the way it is now – I mean the way it's gonna be also, 6.6. About 12 inches below, there will be pipe, 12-inch diameter pipe will be running and connecting all those catch basins all the way through. They all connected. That's where the water will be stored, storage.

Ms. Buchanan: So there isn't one collective – some site? It's gonna just be underground intermittent in the 12-inch pipe with the silt–?

Mr. Manera: Yeah.

Ms. Buchanan: How deep is the silt marks because you digging a hole, right?

Mr. Manera: Yeah, 12-inch gravel all the way around, around the pipe.

Ms. Buchanan: Twelve inches by how wide? The depth is 12 inches and the width is–? And that's to County specs?

Mr. Manera: Yes.

Ms. Buchanan: So the number of mass of the paved area?

Mr. Manera: Okay, that's the one. That's how look like. That's with this gravel around. This is 12-inch. It's about 500 feet long. And how it's gonna be down, that's how the water go to the catch basin, come down, and go inside those pipes. All this thing was done by a civil engineer.

Ms. Buchanan: Yeah. Well, I remember reviewing the one for the St. Damien's Church. And it was problematic because it's Kaunakakai. You below sea level and the mean. So I was trying to figure out if – and I not one engineer – if it was enough for the size of the paved area, if it could adequately hold, and if you do a 50-year storm runoff or 100-year storm runoff calculation.

Mr. Manera: Oh, I think they do it by a hundred.

Ms. Buchanan: Hundred?

Mr. Manera: Yes.

Ms. Buchanan: Okay, let me ask you something else. For the ten grassed parking, you guys needed one permit for the ten grassed parking, or is that included?

Mr. Manera: Where?

Ms. Buchanan: In the parking.

Mr. Manera: Include in the parking plan, we have to show where the ten grassed parking are.

Ms. Buchanan: And we didn't need off-street parking?

Mr. Manera: No.

Ms. Buchanan: No?

Mr. Manera: No.

Ms. Buchanan: So we might do that later on?

Mr. Manera: Might. Well, first-year mark, I guess.

Ms. Buchanan: Okay. And Public Works wrote one letter saying that they couldn't comment if you was compliant because they never have the information for the building code in their letter. Was that rectified? Did they get what they wanted? Let me find that letter.

Mr. Manera: Which one is that?

Ms. Buchanan: Let me see which exhibit what was.

Mr. Manera: I thought they said they gonna review the plans on the construction stage or when we applied for building – oh, sorry, the building permit.

Ms. Buchanan: Exhibit 26.

Mr. Manera: Right.

Ms. Buchanan: From Public Works, Item 4, "The plans submitted for the project do not adequately show. . . ." "We will review the project for building code requirements during the building permit application process."

Mr. Manera: Correct.

Ms. Buchanan: And you currently going through the building permit application process or you already got?

Mr. Manera: No.

Ms. Buchanan: No, you going need the SMA?

Mr. Manera: That's right.

Ms. Buchanan: Okay. And then I don't know. The question is maybe for Nancy. Maybe two things. In this application it says that they going reserve— Get so much for read. I forget where everything stay. That they going reserve the hotel status for some of the rooms?

Ms. McPherson: Yeah, my understanding – and this was – had to be confirmed in order to determine the parking requirement.

Ms. Buchanan: That's what I was wondering about for the use, and the sewage, and stuff like that.

Ms. McPherson: Right. So there are – I forget the exact number. Eight rooms. Building 2 and Building 6, eight rooms that are going to be kept in hotel use. And I think the understanding is that for people who may be come from the east end or whatever, and maybe Ms. Puhi can talk about that a little bit more as to what the intended use of those rooms is, but that's what was given to Zoning so they could make the parking—

Ms. Buchanan: Okay, so this is a fine line and this is what I wondering about. If you in a hotel district, and you keeping your hotel designation, and you stating that you going rent out under the hotel designation, are you gonna conform to the hotel room tax on these units? Or are they gonna be more of a transient vacation rental-type of situation? I'm wondering if it's permitted since the 2008 letter from Planning – it doesn't state whether the Molokai Planning Commission concurred with this statement from the Planning Department, and I can't remember, stating that the Wellness Center conforms under a philanthropic institution. Then you already getting permitted under being – or exempted under one category, but you also wanting to still use your other designation. So I'm asking, what is it?

Ms. McPherson: Well, when I first met with the board for this project, that was when I was the planner previously, and I went and did a site visit, and we talked a lot about the uses and how this is going to work in the hotel district. So at that point, I told them, well, you have to get this approved through our Zoning and Enforcement Division. And that's why Francis Cerizo worked with them to figure out a way to make basically, a mixed use project workable in the hotel district so that they wouldn't need a change in zoning. So those letters reflect that discussion and determination, official determination by the Zoning Division. They make that call. The Planning Commission can look at it again, if you so choose, but normally when Zoning has made the call and put it in writing, normally, we're good with that. That's why this was brought to you because we felt that that was a green light from the Zoning Division.

And as far as the transient accommodation tax, my understanding is that if rooms are being used to rent out as a short term— Well, we do have a new law right now. I take it back. We do have a short term rental law, but I believe that's only for single family dwellings. So my understanding is, yes, they would be paying the TAT for the times that they're renting that room out as a hotel or short term vacation rental.

Ms. Buchanan: Okay, on that note, on Exhibit 35A on the letter dated December 17, '08 from the Department of Planning and Zoning from Francis, I'm assuming, it states, "We also find that the proposed temporary housing for visiting specialists is a permitted use." So I think the applicant needs to be very clear in the uses for the facility, you know, otherwise it's— I don't know. It's kind of like a gray line that you don't want to have that gray line between am I a hotel or am I a wellness center. I mean, the Veterans are a good example of trying to fit a square peg in a round hole. And I don't wanna see that happen here. And that's one concern I have. So I just pointing that out. On page 26 of the application, on the bottom, under Analysis, it states, "The existing—" Just change channel. "The existing remnant of the permitted sea wall will be left in place, but not repaired or augmented without the proper permitting procedure, and the status of the shoreline integrity will be monitored." I couldn't see nothing on Exhibit 33. But I was not aware that there was a sea wall. It's probably not a non permitted sea wall.

Ms. McPherson: It actually is a permitted sea wall, and it was done many, many years ago. They did get permission from the State, the previous owners. And if you guys wanna talk about that a little bit more, but I was provided all of the documentation, all of the correspondence with the State. And when the shoreline survey was done, this was noted. And it actually comes over from an adjacent parcel, is my understanding. So it kind of just overlaps a little bit onto the frontage of this parcel. The idea being and the State policy is — my understanding of the State policy is that if it becomes a hazard, if it impedes shoreline lateral access, then they would need to basically, remove it with the proper permits from the State and the County in case they needed to use the SMA to stage removal. And — but at this point, they are not requesting that. So the idea being that the applicant will keep —

and the planner will keep an eye on it, keep an eye on things. And I keep an eye on irrigated naupaka that's growing over so that at high tide, you can't walk down along Kanoa Pond. So – and those kinds of things can be worked on with DLNR, you know, conservation and coastal lands. And so we'll deal with that if it becomes a problem.

And I'm sorry, but on the shoreline survey plans, I did mark a shoreline setback line, but it again, we're having problems with the software. They don't have the same software on Maui, and so sometimes it prints out and sometimes it doesn't. So I apologize that you didn't get that. But I did calculate the average lot depth. Luigi supposed to do that, but anyway I did – we did have a little bit disagreement about how it's calculated. Anyway, I recalculated it. I determined where the line went. And there are no activities occurring within shoreline setback area. Everything's staying as is.

Ms. Buchanan: Okay. And then go back to the listing of the purpose of the application. There is demolition taking place, so is that part of this application, or is that a separate demolition permit?

Ms. McPherson: Well, in order for them to do the – and I believe it's – well, yeah, construct additional paved parking and repave – yes, you're correct, but that does – the existing parking, which is pretty much disintegrating anyway, it's halfway there already, is going to have to be removed. That – we would like that to come under the scope of this permit. And I'm not sure, but do you have to get a separate demolition permit? No. They just kind of – It's not a building, so it doesn't need a demolition permit.

Ms. Buchanan: Okay, so there's no demolition of any buildings, just the paved parking.

Ms. McPherson: Just the existing parking, which is already crumbling into the ground anyway.

Mr. Manera: By the way, we do have a demolition, interior demolition, for all the buildings done months and months ago. We did apply. We came in front of you guys. Yeah, thanks.

Mr. Bacon: I have another question. There's a proposed pond fountain which is not also in this. And there's no detailed drawings. It's in the middle of an ADA wheelchair accessible deck, and there's really no details to show us that indeed, somebody can't wheel themselves right into the pond. It doesn't say how deep it is or anything like that. And it's – it's a detail that really should be shown.

Mr. Manera: Yeah, they actually – well, first, most likely the pond will be erased. We just grow some trees, some flowerbeds, or something like that. But the height of the wall you see will be 42 inches.

Mr. Bacon: The perimeter wall of that area?

Mr. Manera: Yeah, 42 inches, correct.

Mr. Bacon: Oh, okay.

Mr. Manera: And that's enough – that's about 15 feet all the way around for access, wheelchair. They can turn around. They can move.

Mr. Bacon: Okay, so that's just gonna be a concrete wall, basically around there . . . (inaudible) . . .

Mr. Manera: Right, whether there is a pond or most likely, not. Thanks.

Ms. Kelly: I just had a question in the parking area between the stalls. Is that gonna still be grass or is it total hard surface? Yeah, in the middle.

Mr. Manera: Yeah, this is all gonna be grass in between the parking. All the green is grass except for the lighter. That's the . . . (inaudible) . . .

Ms. Kelly: Okay, no, I'm glad that it'll still be grass.

Ms. Pescaia: Commissioners, you have any more questions?

Mr. Bacon: Yeah, I just – I'm sort of following up on what Lori was talking about in terms of the rental units. You know, looking through this, I don't see that it's clear that they're approved as an income-producing rental unit. I see mentioned in here about using it for visiting doctors, or staff, or something like that, but I wasn't sure if there was a clear thing that says, yes, that can be used for income-producing property.

Ms. Puhi: Basically, exactly what it says in the letter, our recommendation is that it will be for traveling specialists that come because as you know, it's difficult to– You have people that live on island, and some of our providers fly in and out, and that will provide us an affordable place to house them.

Mr. Bacon: Okay, so then this would not be open to public rental or anything like that. It would only be specific for people that are actually working there.

Ms. Puhi: That's the plan.

Ms. Pescaia: Commissioners, do you have any pressing questions? If not, I'd like to open up public testimony. Is there anyone out there who would like to offer comments,

testimony, questions on this agenda item, you're welcome to do so now, seeing that this is a public hearing on this item?

Ms. Ruth Manu: Aloha, Commissioners. Damn. I sitting down over there. I came over here for—

Ms. Pescaia: Auntie, your name.

Ms. Manu: Excuse me. Ruth Manu. I came today for hear about the health center. More concerned about us human beings. Not thinking about every odd details running through the x-ray, MRI machine and whatever, bisecting everything else, but the humans. Hello? I'm here for hear what you guys gonna do. They need help. We're talking about human lives. Birds and everything else, that comes last. That's the last on the agenda. Something as crucial, something as important for the Island of Molokai, why should you be talking about every other stuff that's not—? Well, it's all about the law, yes. But get to the point. I'm here to find out if this community center is gonna have help. Are the people on Molokai gonna have help? Where are we gonna put them? They shouldn't be any – what that? Whatever subject you guys teaching, in your heart, what you think about us kupuna? I live in the . . . (inaudible) . . . already. Hello? We need a facility where it can accommodate us home here on Molokai, as well as for those who come out here and visit, have a place to stay like how Queen's have—Manumanu Place. Hello? What is all these questions about the road, blah, blah, blah? Get down to the point. Is the health center here to help us? Are they gonna pass or what? Get down to the nitty-gritty. Never mind playing the kind tic-tac-toes or whatever. I wanna find out if you guys gonna help the center to go. It's very important to me. Very, very important not only to myself, to all my ohana, and to all the ohana on Molokai. There's a place they go. It's uninjured, under-insured. So what the hell is keeping us back from giving them the right-of-way to go, proceed, get the money, or whatever? That's what we're here for. I come over here to give you my testimony because I feel it's only right that we, as the people, all you guys as the Commissioners here supporting us, the community, that agree to have this thing passed. So you know what? Aloha and have a nice day because I wasn't feeling so good with everything was like . . . (inaudible) . . . Please, Commissioners. You guys new on the Board, but you not new to the lifestyle of Molokai. You know everything. If you grass roots, then you know what Auntie Ruthie is talking to you about. If you have a heart, or do you have a heart, and have love, then do it. Do it because they are a success for the whole Island of Molokai. Not only myself. Aloha. Any questions before I sit down? Thank you.

Ms. Pescaia: Mahalo, Auntie. We like make sure you can get to the building safe, dry, you not going fall on in the fountain, off the deck. That's all. We just making sure you stay safe.

Ms. Georgina Kuahuia: Aloha. My name is Georgina Kuahuia. I'm here today as a parent. Okay, I wear many hats, but today, I'm a parent. I have four girls right there sitting down, and three of them go to the Health – Molokai Health – what? Yeah, Molokai Health Center. And you know what? They were foster children. When they were in foster care, they put us there. We had a choice. Where do we want to take our children? So why can't we have a choice on Molokai? Where do we want to take – where we want service? Even to even get a second opinion, okay? So I am thankful I have my three girls at Molokai Health Center. And they been helping my children. And I'm grateful for that. They go and see some of them. One of them used to go see the psychiatrist. Some, they go to the dental care over there. And they also go to the doctor's. So I'm thinking of them. I'm thinking of them. I have the right to choose where I want my children, my family to go and get healthcare. Don't shut us down on our choices. We have a choice. As the people on Molokai, we have the right to choose where we want to go to get our health care. And that is why I'm here to day. I'm here today to stand because my children go to Molokai Health Center. One of my girls go to Molokai – Dr. Aluli's place. We share. Why can't we have like that? What's wrong with that? Hey, look at Oahu. How many health centers they get? Not everybody can handle all. Not only one health center can handle all, everything. No. But see, people have a choice to where they want to go. So my choice is I'm supporting Molokai Health Center. I'm supporting them because they have been supporting my children. Okay? So if you miss my name, my name is Georgina Kuahuia. Anybody get questions?

Ms. Pescaia: Thank you, Auntie.

Ms. Kuahia: Thank you.

Ms. Pescaia: Mahalo.

Ms. Judy Caparida: Good afternoon, everybody. I'm here on behalf of our health center. For one thing, I'm an ex-board member of the health center. Oh, I always forget. Everybody know my name. My name is Judy Caparida. And I'm a community person. I love to get involved in everything that happens on Molokai not for the benefit of myself, but for the benefit of all the community, and all my ohana. And I really thank the Lord because we're really blessed on Molokai. That's what I really wanna do first is exult Him. It is Him that made it possible for us to have everything that we do on Molokai. It's because of God. It's not because of man. If anything, we get more problems with man doing what they supposed to do and they no like do. And this is why I'm here to support them. If there is anything wrong with getting this health center together, it's not because of – you know, the good things that we thinking about. It's about the evil things, the junk stuff, that's what makes us guys think and think really wrong. You know? People's lives is very crucial. You don't what going happen tomorrow to you. That's how much– Or even in the next hour so. That's how much valuable our lives are here. So while you're here, you do what you

supposed to do. Do it because the Lord watches you, everything you do. And He knows what you do. And He knows where you came from. We are naked in His eyes. Let's put it that way. And that's why I'm here to say. If you can do everything right today, do it, 'cause you don't know what's gonna happen tomorrow. And I'm here all the time in my community to say that. I really love – as a child was brought up to care for people. And I love them even if they no love me. That's not my problem. My problem is that I am the one that is accountable. And I'm here to tell you that we not here to fight each other, nor for our people, but letting them have all what they need to have while they're here. And that is our goal. And that's why I'm saying that I'm here to support my health center, because I am a patient of that health center. Me and my ohana, no more insurance, other insurance. We get cared for. And that's what counts that you have to have a place you can trust, a place that you know that you feel at home when you get to it. And whatever need for our health center, we, as a person in the community, we go for it. If we need the help or whatever, we gonna go. The monies that was already given to us has been taken away, but I heard maybe we had half of the monies here. But that's how it is. Politics is terrible. Politics is something that they want to be so evil and they fight against each other to get on the top just to fall down. So I need to bring to your folks' attention that our health center is a helping hand. Our health center is an extension of help. There is no competitive in people's lives. No competition. You know your job? You better do'em. So that's why I'm here to say how important it is that our health center need to be put in place. You no look about anything. We never even get started yet, we getting problems. When we heard we was gonna have it, we already started having problems. Molokai, it's one thing about us, you can disagree, but you no – you no hate. You can disagree. But I know for sure if somebody need help, my enemy need help, I going help'em. So that's why I wanna let you folks know. No be pilau because you gonna pay for it one day. That's God's word. So I let you folks know that's why I'm here. I'm here to support our health center because it is a helping hand to the rest of our community. Our hospital takes care the big stuff. We take care stuff that you don't want to make it worse. And that's what I'm saying. That's all I need to say. I have so much families. The majority of them is Hawaiians. No more insurance, under-insurance. Who going take care them? I can give you one example. My brother used to be taken cared of. He never did have insurance. He live at the fish pond. He was a diligent person that goes for help when he needed to. He almost died because he had pneumonia. You know what one doctor said? Go over there where your ohana is. Yeah. Go over there where your ohana is. He was referring to me. Go over there see your sister because your sister working for the other health center. You see how pilau that is? I went over there to get his records. I went up there. You know the Lord told me, "Go see my brother." I didn't even know he was sick. We went there for lunch. And he told me, "Sister, I just come back home from down the health center." I said, "What, brother, what for?" He said, "Oh, sis, I thought I going die. I went down there. You know what they say to me? I never pay before, insurance, but I take fish, I take squid, I take opihi, I take all that to the doctor so that they can treat me, but he told me go over there. But I so ashamed, sis, I came home. And so you know what I did? I took my brother. We

ate. I told him, "Brother, you eat. I take you back down there." I came back to our health center, and I put him in. No more insurance. Now you guys know that's how important it is. Even if you can find somebody that you can help, you do it. And that's what he is in the health center now. I can have them come, but you know what? I thought I come first because I wanna see that this health center go up. We kupunas that have a place in that place is gonna fight it because you know what? What is corporation if you no can love each other? You have to make sure you love each other with your heart, not your lips. And your heart is far away. So I'm letting you folks know that's how important this health center is to me. I go to the legislature. I go anywhere. People been sneaking around and talking to us, the community. No need nobody talk for me. I can talk for myself, and for my ohana, and for my community. The whole island is not divided by water. From the east to the west, the north to the south, that is all ours. The hospital no belong to them. They work for us. So I letting you folks know you guys get jobs, keep your jobs, because you might not have it tomorrow. I thank the Lord because I can be here to let you guys know that's how special you guys are to the community. But if you no like do the job, get the hell out. Get the hell out because you know why? You folks are not helping. You folks are making people miserable. And I don't wanna be miserable. I don't want the wide part of my – oh, joy that only God can give you. If you can stand in front of your enemy and tell your enemy that, "I love you. It don't matter what you do to me, because I do unto God." So I love all of you. Thank you, folks. Got any questions?

Mr. Sprinzel: I'd like to just say to you, Aunties, we're not against this. We're a Commission, and our responsibility to ask questions, and to make sure that everything is detailed. We're not here to say no. We're here to make sure it's done according to the law.

Ms. Caparida: I just want you to know, brother, that this is the problem we're going through. And if there's anything else to do to make it right, just tell us. Okay? Thank you.

Ms. Pescaia: Mahalo . . . (inaudible) . . . Thank you. Thank you. Is there anyone else who would like to offer testimony? Seeing none, I'd like to close the public testimony portion of this hearing. Commissioners? Anyone have any more comments, questions? Okay. Seeing none, then– Oh, you have a question? Nancy will be making a recommendation following.

Ms. McPherson: No, Commissioners, go ahead.

Mr. Bacon: I was just going to say that we brought up a number of questions that were answered appropriately, but they're not really spelled out in writing in this. And if we just do the exemption as we've done in the past then there's no way to–

Ms. McPherson: No, this is an SMA major permit and you can add conditions to it, project-specific conditions. If you feel– What I also do is when I write this up and finalize it, I will

make sure that what was discussed and the new information perhaps or statements that were made during the hearing is actually memorialized in the document that I issue. So I go back to the minutes—well, I listen to the digital recording—and I make sure that I capture everything that you folks had questions about, and concerns about, and it was responded to by the applicant. So even if it isn't in the staff report, or it isn't on the exhibit, we will make sure that it is in the final approval letter. If you're not comfortable with that as being enough, then you can – and with my help, we can craft a condition. The applicant is here right now. And as long as it's not an onerous – and as long as it's legal and okay with James over there, we can add that condition as a project-specific condition. And I actually do have to make a couple of changes to the recommended conditions anyway, so I wanted to make that clear.

Mr. Bacon: Yeah, I misspoke. What I really meant to say was that, okay, what we've talked about and the answers that they've given us, which we've thought were good answers, but they're not in writing so – and if we vote for it now, are we only voting for what's actually written down here, or in your final report, is that something that—?

Ms. McPherson: You're voting on the entire record. So you're voting on the staff report information that was presented here by the applicants and responses to your questions as well. It's all part of the record, and you can base your approval on that body of information. Like I said, what I will do is, I will go ahead and try to memorialize all of that in the letter of approval that I write, because the approval is based on the entire record.

Mr. Bacon: Okay, I got it now, okay. Thank you.

Ms. Buchanan: I have a question for Corp. Counsel. Corp. Counsel, would it be in violation of the Sunshine Law if on the purpose of application by the applicant we added some things like specifically, the six-inch water main, two fire hydrants, a fountain? Is that a Sunshine Law violation of proper notice to the community, if we amend that right now, if the applicant says okay?

Mr. James Giroux: On the issue of notice, the law looks at notice as being of substantial notice. So the idea is that the community is aware that there's a major project and that incidental improvements that may be added to that per regulation or per requirements that would cause impacts to be mitigated wouldn't be looked at as substantial deviations from the development. Once those improvements have been represented to this community and agreed that that is going to allow the project to mitigate known impacts, then the applicant, once this is approved, would not be able to go back and then just get rid of those. They would have to go back to the Department and there would be a discussion on whether or not that would be allowed or not, whether or not that improvement is a substantial deviation from what was represented to the Board.

So as far as having to amend the notice, I don't feel that it's necessary, legally. You can. If you did it, it wouldn't be in violation of the Sunshine Law, but as the applicant has represented at this hearing, it would be deemed necessary improvements per the application that they did notice. If Public Works showed up today and said they wanted a sidewalk; or Fire showed up and said, well, actually we want three fire hydrants, not two; if Parks showed up and said, hey, we want improvements, you know, it can go on and on and on. You don't need to go back to the community and every time there's another improvement that might be necessary as seen through the process, you wouldn't have to go back to the community and say, also, we're gonna plant a few trees, and also we're going to— The community is put on notice by the fact that there is a major improvement to the property. And so all of the other incidental improvements would be seen as either necessary or to mitigate impacts that are necessary for the protection and policies of 205A.

Ms. McPherson: Chair, can I ask also? I believe that I can amend the staff report. I could amend the project description in the staff report to reflect those additional items before the permit is finalized. I can also do that, if you would like.

Ms. Buchanan: I guess no matter because it's on the record. As for me, I don't care. It would be nice to have it in the staff report, because 20 years from now when they look back, we no remember, at least it's in the staff report.

And then one more question for Corp. Counsel. On page 2 of the – this, the docket, from – this application, I guess this is the State – the staff recommendations, but it's stated as conclusions of law. And I wanted to strike some statements made as conclusions of law, because I don't find it as a conclusion of law. So all the way at the bottom of page 2 where it says, "There are no—" "There are two—" Oh, I thought that was "no known." Okay, that's alright. Cancel that order. I thought it read "no known," and I was going to say that's in direct conflict of the paraphernalia that we got attached. Okay, never mind.

Ms. McPherson: I know better than that, Commissioner.

Ms. Buchanan: Huh?

Ms. McPherson: I know better than that.

Ms. Pescaia: Nancy getting sharper. Right on. Commissioner Bacon?

Mr. Bacon: Yeah, the one thing I was thinking about going back to this second access, so if it turns out that there is enough traffic that it interferes with the – interferes, or whatever, it's an endangerment to the kids at the crosswalk and that sort of thing for the school, who would let them know that they should really go with this thing that Arleone said about inlet one way and outlet the other way, or something like that? Or is that just something that—?

Ms. Pescaia: Auntie Judy and Auntie Ruthie going tell them that the kids is dangerous, and she going go over there and yell at Ms. Puhī, and then she's going to figure out something amongst her board.

Mr. Bacon: Okay, that's good enough for me.

Ms. McPherson: Actually, you could request that they do a little traffic plan or something for contingencies. It would – it could be fairly simple. It wouldn't require hiring expensive consultants or anything.

Mr. Bacon: Yeah, because, you know, more or less it's a common sense kind of a thing like if it gets to be a problem, then we should do it. But there should be something that triggers it or–

Ms. McPherson: Well, the community can always contact me or the Health Center. And we can address those concerns. And if they are creating impact, then that comes under SMA. So we would take another look at that project.

Mr. Bacon: Yeah, and they've already said that they will have that other access and stuff like that. It's just a matter of keeping everybody aware.

Ms. McPherson: Alright. And they're more aware now also that that's a sensitive issue.

Ms. Pescaia: Commissioner Buchanan?

Ms. Buchanan: Actually, Chair, I was gonna hopefully, after the – or whenever somebody makes a motion, I was gonna have additional conditions to the project. One of them would be that they do not establish a thoroughfare through Beach Place until there's proper notification of all the residents along Beach Place because that's only pono to do, because I don't want – you know, a million people going through my house tomorrow if all of a sudden this road is open. But saying until they come back and mitigate that with the applicant. And then also, I have another condition about landscaping, but we can go on.

Ms. McPherson: Maybe I could read the recommendation and then we go over that, yeah. If there are no other questions, I'd like to present the Department's recommendation, if I may?

Ms. Pescaia: Do you wanna go through it like point-by-point as you read the recommendation, and if anyone has comments to – or you wanna read through them all and then go back?

Ms. McPherson: Well, the way this works is we have the findings of fact. That's the staff report, and everything that's happened so far, and this public hearing. The Department prepares conclusions of law. And then once you've made your decision, there's a decision and order that's issued. We have to make these conclusions in order to make recommend approval of the SMA major permit under Chapter 205A and the SMA rules of the Molokai Planning Commission.

Pursuant to Section 205A-26, Hawaii Revised Statutes, and Section 12-202-10 and Section 12-202-11 of Chapter 302, Special Management Area Rules of the Molokai Planning Commission, the proposed action:

Is not anticipated to have an adverse effect on the quality of the environment and the ecology of the property and surrounding property;

Is not anticipated to involve an irrevocable commitment of loss or destruction of any natural or cultural resources on the property;

Is not anticipated to significantly curtail the ranges of beneficial uses of the environment;

Does not conflict with the County's or State's long-term environmental policies or goals;

Is not anticipated to substantially affect the economy, social welfare, and activities of the community, County, or State;

Is not anticipated to have substantial secondary impacts such as population changes and increased effects on public facilities, street, drainage, sewage, water systems, and pedestrian walkways;

There are two known rare, threatened, or endangered species of animal or plant, or its habitat on the subject surrounding properties, but impacts to those species are not anticipated;

The project is in compliance with the State Plan, County General Plan, which is the Countywide Policy Plan, Molokai Community Plan, Zoning, and subdivision ordinances, as applicable;

Is not anticipated to impact air, water quality, or ambient noise;

Will not affect environmentally sensitive areas adjacent to the shoreline;

Will not alter natural land forms and existing public views to and along the shoreline;

Is not anticipated to have cumulative adverse effects upon the environment or involvement of a commitment for larger actions; and

Is not contrary to the objectives and policies of Chapter 205A, Hawaii Revised Statutes.

Pursuant to again, the SMA rules, a determination has been made that:

The development will not have any substantial adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effects shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect, and the elimination of planning options;

The development is consistent with the objectives, policies, and special management area guidelines of this chapter and any guidelines enacted by the legislature; and

That the development is consistent with the County General Plan and zoning. Such a finding of consistency does not preclude concurrent processing when a General Plan or zoning amendment may also be required.

The recommendation: pursuant to the foregoing, the Maui County Planning Department recommends approval of the applicant's request for a special management area use permit subject to the following conditions. I don't know that I have to read through all of this verbatim. So I'll try to summarize and I'm hoping that you've all read through these recommendations: no. 1, that construction of the proposed project shall be initiated by May 31, 2014.

Ms. Pescaia: Can we just go through the corrections or amendments of each one?

Ms. McPherson: You wanna just go through the amendments? Okay. Well, let me let you know right now that our Corp. Counsel has notified us that for Condition No. 6, we need to strike on the sixth line – after it says, "One million and no/100 dollars," we need to strike, "Naming the County of Maui as a named insured." So take out the words, "an additional." It should read, "Naming the County of Maui as a named insured, insuring and defending the applicant and County of Maui," etc. etc.

Mr. Giroux: Nancy, can I—? Just to correct you, it's – all you're taking out is the word, "named." We're taking out the duplicate "named." It says, "Naming the County of Maui as an additional insured." For insurance purposes, that will make the County of Maui a named insured.

Ms. McPherson: Got it. Okay. So there is that correction. Then for Standard Condition No. 15, this language has been used in the past for Molokai SMA permits. But on the advice of our Corp. Counsel, we're striking everything after, "That failure to comply with one or more of the conditions herein shall result in a notice of violation and order issued by the appropriate enforcement agency," and replacing everything after that with, and correct me if I'm wrong, Corp. Counsel, "pursuant to applicable rules and regulations." The reason for that is if the SMA rules are amended, then they still apply to this because you've been working on the SMA rules, and as you know, there are changes being proposed including, how violations are handled. So I'm very glad that he caught that for us. So the idea being that when the change – when the rules are amended that those will apply for this Condition No. 15.

And then we do have some project-specific conditions that are related to historic properties: the standard language from the State Historic Preservation Division. My understanding is that domestic irrigation and fire flow calculations have been submitted, and have been prepared and stamped by a licensed engineer. I have copies of that in the file.

So I'm not sure if we can— I mean, this comes from the Department of Water Supply, so I guess we can just leave it in there.

That the applicant shall revise plans to show the existing sewer service lateral and existing property sewer service manhole near the property line. And if you'd like, we can add one for the six-inch water line and the two new fire hydrants, if they're not on the plans already. They are on the plans? It is on the plans. Okay. Those are on the plans. Is the manhole and all of that stuff already on the plans? Okay, that's all on the plans.

That the applicant shall comply with pre-treatment requirements. My understanding is, is that the previous owner installed a grease interceptor, and so just as long that's still working and all of that, they're fine with that one.

That construction activities shall be limited to normal working daylight hours and weekdays, and a noise permit shall be obtained, if required. Mitigative measures shall include the implementation of BMPs to minimize airborne dust and to prevent soil from leaving the site.

The conditions of this special management area use permit shall be enforced pursuant to the Special Management Area Rules for the Molokai Planning Commission.

In consideration of the foregoing, the Planning Department recommends that the Molokai Planning Commission adopt the Planning Department's report and recommendation, as amended, prepared for the May 11, 2011, meeting – I guess we'll say, as amended, at that point, as its findings of fact, conclusions of law, decision and order. And I'll bring that back to you hopefully, within 45 days for your signature after you make your decision. So that's our recommendation and our recommended conditions. If you would like to make changes or additions to those conditions, we'll entertain those now.

Ms. Buchanan: I wanted to make one amendment to project-specific Condition No. 16. Preceding the – 'cause it states, "That in the event that historic properties," blah, blah, blah, preceding that, a condition that an archaeological monitor be onsite during any excavations over two feet. And in parentheses, that list of archaeological monitors will be provided by the Molokai Planning Commission in conjunction with the Molokai Burial Council.

And then I guess a new project-specific Item 21:

That no thoroughfare to Beach Place will be established until the residences along Beach Place are notified and approve the thoroughfare.

And then you guys gotta check if it's even legal. And then an Item 22, "That the new landscaping will comply with the approved arborist plant list from Maui County." And then I guess all the rest of the concerns are all addressed on the record.

Ms. McPherson: The applicant – I should probably discuss your recommendation with the applicant before we go any further. I think, yeah, maybe we could take a short recess?

Ms. Buchanan: Chair, can we have a five-minute recess?

Ms. Pescaia: Break. Time-out.

(A recess was then taken at 2:04 p.m. and the meeting reconvened at 2:10 p.m.)

Ms. Pescaia: Okay, so at this time, I will entertain a motion.

Ms. McPherson: Wait, wait, wait. Would you like me to read back the conditions or are you okay with where we're at?

Ms. Pescaia: No, we're good. We're gonna – I'll entertain a motion to either accept or not accept the entire report and recommendations. And then the discussion portion, I'll entertain motions for amendments. And then once we get the amendments cleared up, then we'll take the vote of the entire recommendation.

Mr. Sprinzel: May I propose that we adopt the Planning Department's report and recommendations plus, Lori's amendments to – additions to the conditions as stated? Withdraw the last sentence.

Ms. Pescaia: So there is a motion to concur and accept the proposed – the report and the recommendations put forth by the Planning Department.

Ms. McPherson: You're approving this one because it's a permit.

Ms. Pescaia: Okay. There is a motion on the floor to accept and approve the recommendations and report. That was done by Commissioner Sprinzel, and we have a second by Commissioner Bacon. Discussion for possible amendments? Let's go back to Lori's–

Ms. Buchanan: Okay, Chair, in discussion, if under project specific conditions, Item No. 16 preceding current verbiage, can we add:

That an archaeological monitor will be onsite during any excavations over two feet, and the list of archaeological monitors will be provide by the Molokai Planning Commission in conjunction with the Molokai Burial Council.

And then moving on–

Ms. Pescaia: Okay, one at a time.

Ms. Buchanan: One at a time?

Ms. Pescaia: You making a motion to amend–

Ms. Buchanan: Amend project-specific conditions.

Ms. Pescaia: No. 16.

Ms. Buchanan: No. 16.

Ms. Pescaia: Is there a second? Commissioner Kelly. Okay, discussion on that topic? How's everybody else feel? Any objections?

There being no further discussion, the motion was put to a vote.

It was moved by Ms. Buchanan, seconded by Ms. Kelly, then unanimously

VOTED: To amend Condition No. 16 by adding the following language:

That an archaeological monitor will be onsite during any excavations over two feet, and the list of archaeological monitors will be provided by the Molokai Planning Commission in conjunction with the Molokai Burial Council.

Ms. Pescaia: Okay, so that is now included as Condition No. 16. Second amendment?

Ms. Buchanan: Okay, also to adding to project-specific Condition Item 21, "That no thoroughfare to Beach Place will be established until the residents along Beach Place are notified and approve the thoroughfare."

Ms. Pescaia: Is there a second to that motion? Second—Commissioner Bacon. Discussion? What is adequate approval or—?

Ms. Buchanan: If all the residents along Beach Place approve with the project people that the thoroughfare can be established, and they check with Maui County if it's legal.

Ms. McPherson: I actually had down here, "That all neighbors have been notified and no protest have been submitted," but is that okay? "And that it meets all County requirements."

Ms. Buchanan: That's good.

Ms. McPherson: Okay.

Ms. Pescaia: Okay, so does that need to be included?

Ms. Buchanan: Yes.

Ms. Pescaia: Yeah, we'll include it anyway, but it's— Okay. Vote.

There being no further discussion, the motion was put to a vote.

It was moved by Ms. Buchanan, seconded by Mr. Bacon, then unanimously

VOTED: To add Condition No. 21 as discussed.

Anybody opposed to that amendment. No? Seeing none. Okay, so can we include that as no. 21?

Ms. McPherson: Yep.

Ms. Pescaia: Okay. Any other amendments?

Ms. Buchanan: Also, one more amendment, "That any new landscaping will comply with the approved plant list from the arborist list from Maui County."

Ms. Pescaia: Is that no. 22? There's a motion to add Condition 22. Is there a second? Commissioner Kelly. Discussion?

There being no further discussion, the motion was put to a vote.

It was moved by Ms. Buchanan, seconded by Ms. Kelly, then unanimously

VOTED: To add Condition No. 22 as discussed.

Ms. Pescaia: Amendment 22 passes. Any other amendments? Alright. So we're back to the main motion. Is there any further discussion on the main motion?

Mr. Ron Davis: Chair? Chair, before we vote on the main motion, I have to disclose a possible conflict of interest. I was the founding board president for the Molokai Community Health Center. I'm no longer a board member, though, but I just had to declare a possible—

Ms. Pescaia: So Corp. Counsel has already cleared you. You're fine. Any other further discussion?

There being no further discussion, the motion was put to a vote.

It was moved by Mr. Sprinzel, seconded by Mr. Bacon, then unanimously

VOTED: To accept and approve the recommendations and report as amended.

Ms. Pescaia: And motion carried unanimously. Yay, we have approved an SMA permit. Congratulations to the Molokai Community Health Center. Go forth and do good things. Alright. Thank you. Thank you for everyone who participated, offered your manao and your testimony, and just for being here with us. Moving on with our agenda, we have Item F, which is the Chairperson's Report.

F. CHAIRPERSON'S REPORT

Ms. Pescaia: Seeing as I have none, we're gonna move on to G. Clayton, on behalf of the Director.

G. DIRECTOR'S REPORT

- 1. Pending Molokai Applications**
- 2. Closed Molokai Applications**

Mr. Yoshida: Thank you, Madam Chair, Members of the Commission. The Department has circulated the list of pending and closed Molokai applications. If there are any questions from the Members on this report?

Ms. Buchanan: I have one. Clayton, the Halau Wa`a, are they any closer to coming in for their project review? No? Halau Wa`a.

Mr. Yoshida: They have filed an application for an SMA, and a shoreline setback variance, and an environmental assessment, but we're still processing it.

Ms. McPherson: Nancy McPherson, staff planner. We're waiting for them to finalize the EA right now.

Ms. Buchanan: Was there ever a draft EA? No?

Ms. McPherson: Yes, there is a draft EA.

Ms. Buchanan: There is a draft EA?

Ms. McPherson: Yeah.

Ms. Buchanan: Can you give me a copy of it?

Ms. McPherson: Yeah, I do think I recommended that they give you copies, so let me follow up on that.

Ms. Buchanan: Okay, thank you.

Ms. Pescaia: On page 2 of 4, Nancy.

Mr. Yoshida: This is the Halau Wa`a down at Malama Cultural Park.

Ms. Pescaia: Matson, Robert Matson, an exemption dwelling addition alteration. They – did they come through us yet?

Ms. McPherson: No.

Ms. Pescaia: Are they coming soon?

Ms. McPherson: Yeah.

Ms. Pescaia: I just asking because I know that house. I'm just wondering.

Ms. McPherson: They kinda got carried away, so, yeah, they've been notified, and they have stopped all work.

Ms. Pescaia: So they're gonna come to us soon?

Ms. McPherson: Yeah, I have their assessment application.

Ms. Pescaia: Okay, because I know they have a time line to get their project done.

Ms. McPherson: There's a couple of applications that are for remodels and renovations in Ranch Camp. And I'm going to be bringing you those without waiting for SHPD review because it's just taking forever.

Ms. Pescaia: And those – especially the interior alterations.

Ms. McPherson: And it's in Ranch Camp, too. And she came and looked at Ranch Camp, the archaeologist, and she said, "Oh, yeah, no worries." So there's about three of those. So I'm trying to get those to you before July, June, the first meeting in June.

Ms. Pescaia: Okay, good. Any other questions on our open or closed projects? Seeing none.

3. Discussions with Maui Electric Company on liability for power pole installations on private property. (N. McPherson)

Mr. Yoshida: We are on the letter – or regarding the Molokai – Maui Electric Company on liability for power pole installations, we're still awaiting the letter, the written letter from Maui Electric Company regarding the liability for power pole installations. I think that was brought forth when we discussed the Estafania Acoba power pole installation. The consultant said they had contacted Maui Electric. They wanted a – requested a written response.

4. May 25 Meeting Agenda Items

a. Public Hearings on the Waiele Cinder Pit Special Use Permit and amendments to the Industrial Districts sections of the Maui County Code

Mr. Yoshida: Our next meeting is scheduled for May 25th. We have two public hearings scheduled: one is for the Waiele Cinder Pit State special use permit out on the west end; and the second is the Department's proposed amendments to the industrial district section of the Maui County Code. So Joe Alueta will be here to present the legislative changes to you. And anything else you want on the agenda, we can put that on the agenda?

5. June 22 Public Hearing on Council Resolution No. 11-24 regarding Short-Term Rental Homes

Mr. Yoshida: Okay, we have scheduled the Council Resolution No. 11-24 regarding short-term rental homes for June 22nd, and I just wanted to confirm that with the Commission because we need to submit our public hearing notice to the newspaper soon, like this week.

Ms. Pescaia: Come again? What did you just say? Try repeat what you just said.

Mr. Yoshida: This is a public hearing. The Council had referred the resolution containing a bill regarding regulations on short-term rental homes.

Ms. Pescaia: So you wanna know if we want to have it on that date?

Mr. Yoshida: On the June 22nd.

Ms. Buchanan: Why, Clayton, you not taking all of us to the Hawaii State Association of Counties Conference?

Mr. Yoshida: I'm gonna refer that question to the Planning Director and the Deputy Planning Director.

Ms. Buchanan: Well, it's pretty obvious if William is gonna take us, we're not gonna hear that on the 22nd.

Mr. Yoshida: Yes, I just wanted to solidify whatever date so we can publish the notice in the newspaper. Again, we have – the Commissions have 120 days from the time that the Council transmits the resolution to get its recommendations back to the Council. And it was transmitted – the reso was transmitted to the Commission in late March. So you have 120 days from late March.

Ms. Buchanan: So why we cannot do'em before June 22nd because they cannot come over? Why we cannot do'em before June 22nd?

Mr. Yoshida: Well, I don't know if – we could possibly look at maybe seeing if the meeting hall was available let's say for June 21st.

Ms. Pescaia: Okay, wait, you talking about rescheduling a separate hearing independent from this meeting?

Mr. Yoshida: Well, your regular Commission meeting dates are the second and fourth Wednesdays of the month except for November because you don't want to meet on a day before Thanksgiving, and in December because you don't want to meet on December 26th, or December 24th or something like that. So that June 22nd is the fourth Wednesday, your regularly scheduled meeting.

Ms. Pescaia: Commissioners, are you planning to attend the conference?

Ms. Buchanan: If Clayton is paying, yes. I thought I made that clear. I think they should send all of us.

Mr. Yoshida: You can attend the conference, but I can't say who's gonna pay for your registration, hotel, and so forth.

Ms. Pescaia: Right. I'm already not gonna be here that day. Commissioner Sprinzel was chairing that meeting. We need to make sure that we have quorum.

Mr. Yoshida: So should we schedule it for June 22nd, or should we try to find an alternate date to schedule the public hearing?

Ms. Buchanan: I want to go to the June 22nd meeting on Wednesday, and I'm assuming – I don't know what staff on Maui is not gonna wanna be there as well that would have to come on the 22nd. So if we can reschedule the public hearing on the Council resolution for short-term rental homes. First week, that's what I was saying, they cannot do'em during the first week. Try the first week, June 8th or whatever that fall on, that Wednesday.

Mr. Yoshida: Well, see, our thing is we have to publish the notice 30 days prior to the hearing, and we're at May 11th so we're within that 30-day – past that 30-day period. So we need about at least about a five-week lead time.

Mr. Sprinzel: The 22nd's okay. I'll bring a stop watch for the public.

Unidentified Speaker: . . . (inaudible) . . .

Mr. Sprinzel: So you'll be here, then. Alright.

Mr. Yoshida: So can we schedule for June—

Ms. Buchanan: June 21st, check availability of the center. And we can move our 22nd meeting to the 21st, which is a Tuesday.

Mr. Sprinzel: I can't be there on the 21st. I've got a medical appointment in Honolulu seeing as we don't have a medical center here.

Ms. Buchanan: Try the Monday, then, the 20th. No can?

Mr. Yoshida: Monday, the 20th. Okay, we'll — so if people —

Ms. Pescaia: She's on San Francisco and I'm not here that all week because I'm running my summer program so—

Ms. Buchanan: We'll work on it by e-mail.

Ms. Pescaia: Okay.

Mr. Yoshida: How's about Monday, the 29th or Tuesday, the 30th?

Ms. Pescaia: Sure.

Mr. Yoshida: Because we will have a three-week break. June 22nd is the regular meeting and then the first meeting in July is gonna be like July 13th. So there is three weeks between that.

Ms. Pescaia: Okay.

Mr. Yoshida: Okay, so we'll try — so we can schedule it for that week? We're gonna have a quorum? Okay.

The last thing is — well, tomorrow, the Council is considering — the Policy Committee is considering again, the nomination of Oliver DeGray Vanderbilt to the Molokai Planning Commission.

Ms. Pescaia: Have any other names been put forward? Have any other names been put forward?

Mr. Yoshida: The Mayor has written a letter to Don Williams asking if – stating that his office has been trying to contact Don regarding his availability to serve on the Commission, and please contact the Mayor's Office by May 20th or they will proceed with whatever they have to do. So this is a written letter from the Mayor to Don that please contact the Mayor's Office regarding his availability to serve on the Planning Commission.

Ms. Buchanan: So they putting DeGray on the hot seat tomorrow for confirmation?

Mr. Yoshida: The Policy Committee. You gotta go the Policy Committee first, and then to the full Council.

Ms. Buchanan: Okay, I going check with the liaison over there in the staff because I get something to write–

Mr. Yoshida: So tomorrow at 10:30.

Ms. Buchanan: Okay, I going submit e-mail today.

Mr. Yoshida: And they need to act on his nomination by June 4th or it rolls over into an approval. It defaults into an approval.

Ms. Pescaia: Okay. And have any other nominees or volunteers stepped forward?

Mr. Yoshida: Well, that's the name they're considering that is before the Council. The Mayor has nominated Oliver DeGray Vanderbilt to the Molokai Planning Commission to fill out the remainder of Napua Leong's term. So they have to deal with that. Okay, that's all we have to report.

Ms. Pescaia: Thank you, Mr. Yoshida, on behalf of the Director, and the Maui Planning Department.

H. NEXT MEETING DATE: MAY 25, 2011

Ms. Pescaia: Our next meeting is set for May 25th, 2011. Be there or be square. Meeting adjourned. Mahalo. Drive safe.

I. ADJOURNMENT

There being no further business to come before the Commission, the meeting adjourned at 2:30 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards and Commissions

RECORD OF ATTENDANCE

Present

Mikiala Pescaia, Chairperson
John Sprinzel, Vice-Chairperson
Nathaniel Bacon
Debra Kelly
Ron Davis
Lori Buchanan

Excused

Zhantell Dudoit

Absent

Don Williams

Others

Clayton Yoshida, Planning Program Administrator
Nancy McPherson, Staff Planner
James Giroux, Deputy Corporation Counsel