

**MOLOKAI PLANNING COMMISSION
REGULAR MEETING
SEPTEMBER 14, 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 Vice-Chair John Sprinzel at 12:07 p.m., Wednesday, September 14, 2011, at the Mitchell Pauole Center Conference Room, Kaunakakai, Molokai.

Via a request from a Member of the Molokai Planning Commission, the Commission took a moment of silence for recently fallen Honolulu Police Officer, Eric Fontes.

B. INTRODUCTION OF NEW MEMBER - JANICE KALANIHUIA

Mr. John Sprinzel: May I welcome from Maui, our Administrator, Clayton Yoshida; our Counsel, Mike Hopper; and our Secretary – well, our Secretary is not here today so we have our local lady; and our Planner, Nancy McPherson. And we have Commissioner Lori Buchanan, Debra Kelly, Nat Bacon, and may I welcome our new lady, who's actually a reappointment, and that is Janice Kalanihulia, who has been on this Commission before. So on behalf of Mikiala, who really welcomes you and is sorry she isn't here, we hope you enjoy your five-year sentence.

C. PUBLIC TESTIMONY ON ANY PLANNING OR LAND USE ISSUE

Mr. Sprinzel: Okay, the next thing is public testimony on any planning or land use for those who cannot stay for the communication items. Is there anyone? There being none, public testimony is closed.

D. APPROVAL OF MINUTES OF THE JUNE 8, 2011 AND JUNE 29, 2011 MEETINGS

Mr. Sprinzel: Approval of the minutes, please. Would somebody like to accept the minutes for June 8th and June 29th?

Ms. Lori Buchanan: I move we accept the minutes.

Mr. Sprinzel: Second approves? Debra Kelly. Proposed by Lori Buchanan. Seconded by Debra Kelly.

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 accept the June 8, 2011 and June 29, 2011 meeting minutes.

Mr. Sprinzel: The minutes are accepted. Now, we come to Communications. The first item: Mr. Robert Bourke of Oceanit Laboratories, Inc., on behalf of the Department of Public Works requesting a special management area, an SMA minor permit for soil sampling consisting of excavation between two and seven pits to a maximum depth of four feet. Original material to be used to immediately backfill pits and restore site to original condition on the east side of Kaunakakai Place, that's the Wharf Road, within the highway right-of-way at TMK: 5-3-002: 999, Kaunakakai, Island of Molokai, SMX 2011/0231, valuation: \$2,200. And Nancy McPherson is going to make the case. The Department recommends this approval with listed conditions. Thank you, Nancy.

E. COMMUNICATIONS

- 1. MR. ROBERT BOURKE of OCEANIT LABORATORIES, INC. on behalf of the DEPARTMENT OF PUBLIC WORKS requesting a Special Management Area (SMA) Minor Permit for soil sampling consisting of excavation of between two (2) and seven (7) pits to a maximum depth of four (4) feet, original material to be used to immediately backfill pits and restore site to original condition on the east side of Kaunakakai Place (Wharf Road) within the Highway Right-of-Way at TMK: 5-3-002: 999, Kaunakakai, Island of Molokai. (SMX 2011/0231) (Valuation: \$2,200) (N. McPherson)**

The soil sampling is necessary for the completion of the Public Works' Kaunakakai Subsystem B Project.

Ms. Nancy McPherson: Hi. Thank you, Chair. Nancy McPherson, Staff Planner. As you described, this is an application for an SMA minor permit for soil sampling only in order to test for hazardous materials in the soil along Kaunakakai Wharf Road where the drainage – Public Works' drainage project is going to be finished. An SMA assessment was done for this project. It's exempt from Chapter 343 and the Department of Public Works issued a letter to that effect. This is – there's a drainage master plan for Kaunakakai and this soil testing needs to be done before the phase that is currently proposed can move forward. We have SHPD review for this and the archaeologist was transmitted a copy of the 1999 archaeological monitoring plan for the drainage project itself, which includes minor activities and so this – it was accepted by SHPD that archaeological monitoring would be able to be covered by this plan, which was previously approved by SHPD. And you received a letter today from Oceanit assuring us that that archaeological monitoring would occur. So that

was what the— Does everyone have a copy of that letter from Oceanit? Did you have a chance to take a look at it? Okay. We have representatives here from the Department of Public Works. And Oceanit representatives were not able to attend, but we have Mich Hirano from Munekiyo and Hiraga, which is the consulting firm that is working on the larger SMA major permit for the drainage project. And he can answer your questions. He also has a presentation. So if you have any questions for me now, otherwise, I'd like to defer to Mich, and allow him to make the presentation for you at this time. What's your will?

Mr. Sprinzel: No, fine. Mich, please.

Ms. McPherson: Okay.

Mr. Mich Hirano: Thank you, Nancy, and good afternoon, Vice-Chair Sprinzel and Commissioners. My name is Mich Hirano. I'm with the consulting firm, Munekiyo and Hiraga. We're on Maui. And we are working with the County of Maui as the planning consultant for the Kaunakakai drainage project. I've presented a power point presentation for the Commissioners to give some background on the project. However, before I do that, I'd just like to introduce the two local representatives from the Department of Public Works. Steve Arce is the Supervisor of the Highways Section, and Isaac Kan-Hai is with Public Works. So they're also very familiar with the project and the area.

But the project team, of course, this is a project that is proposed by the County of Maui, the soil's consultant is Oceanit Laboratories; and we are the planning consultant, Munekiyo and Hiraga. The scope of the project is simply to take soil samples for phase two environmental assessment. There will be an excavation of approximately, seven test pits. They'll be very small areas to a depth of approximately four feet. And they'll be taking the material for testing and backfilling with the balance of the material, the original hole. And the project cost is a very limited scope. It's only \$2,200. It'll probably be carried out in one or two days.

I'd like to just give the Commissioners an idea of where the project is. This is Kamehameha V Highway. And of course, you're all familiar with the Kaunakakai Place or Wharf Road going down to the Kaunakakai Wharf. What had happened in 2003 when the overall master drainage plan was being constructed, Kiewit Construction had the project contract, and they went to test the soil for the culvert that would be – there was a box culvert that was going into this alignment on the east side of the Kaunakakai Place right-of-way. They were testing the soil for permeability to see if it can, you know, intake from the surrounding soils and percolation. And they encountered what they felt was contaminated soil. There were traces of petroleum product in the soils. And so they recommended that soils testing be carried out. So in fact, the overall drainage system was completed to the point where I guess this last phase was held in abeyance until they could get the soil testing done.

This is the, I guess, just the alignment. It's on the east side of Kaunakakai Place within the roadway right-of-way. And this is the actual box culvert alignment. And there are four test sites where they will take soil samples for this particular project to test for hazardous materials. And again, here it is in . . . (inaudible) . . . So I'm here to answer any questions that you may have. Thank you.

Mr. Sprinzel: Thank you, Mich. Shall we just have public testimony? If there's anybody that wants to make any comment on this proposal? There being none, public testimony is closed. Ladies and gentlemen? Lori?

Ms. Buchanan: Yes, Chair, I would have one question for Mich. The – so this letter from Oceanit says that it will adhere to the archaeological monitoring plan. That was Exhibit 8B in our packet. And I believe that exhibit was approved by SHPD, and Nancy can correct me if this is wrong, in 1999? So since then, I don't think we looked at the archaeological monitoring plan, but Oceanit is agreeing to adhere to this Exhibit 8B. And what I want to do, and if we want to hurry up, and get to the meat of things here, is – because on Item no. 4 of recommendation from Planning Staff, it talks about the – having an archaeological monitor onsite. And that would be also adhering to this monitoring plan. So we'll make clear that that's what it is. But I noticed in the Exhibit–let me look for that section–on page no. 3 of Exhibit 8B, Item no. 8. So Exhibit 8B, page 3, no. 8, it says that the SHPD Molokai archaeologist, and it has the number, will be notified and consulted with regarding treatment of identifying features and so on and so forth. And then there's another – it cites the Hawaii Revised Statute. I think that needs to be updated. And I would also want it to be amended, and it might be easier to do it in a motion or now to have the SHPD Maui number, which is actually on the application–that 243-1285, because I don't know of any Molokai archaeologist with that number. This is a 1999 document.

Ms. McPherson: Commissioner Buchanan, we do have a recommendation for Condition no. 4, which I haven't read the recommended conditions yet, but it does state that per an approved archaeological monitoring plan, but it also says in the event, and this is our standard language per SHPD, in the event that historic properties, etc., etc., are identified, all work in the vicinity must stop, and SHPD, Maui Island Section, shall be contacted immediately, and that phone number is in there.

Ms. Buchanan: Okay. And I actually think we should strike that verbiage, and say with the amendment made to Item 8 of the monitoring plan. If we just refer to the monitoring plan in Item no. 4, then we don't need all that verbiage about if human skeletal remains because that's already in the monitoring plan already.

Ms. McPherson: But I think if the monitoring plan is going to be amended, then that has to be submitted to SHPD for their approval.

Ms. Buchanan: Well, we'll say with the approved archaeological monitoring plan, Exhibit 8B, and I wanted to also add that the Molokai Burial Council be contacted along with the Maui State Historic Preservation Division.

Ms. McPherson: I would advise, because of jurisdictional issues, that we amend the recommended conditions.

Ms. Buchanan: Okay, we'll get there. So, Mich, I have another— Oh, what, Corp. Counsel?

Mr. Michael Hopper: Just to confirm for the record, yeah, I think that that's fine. The plan is for you to review and make appropriate conditions. So, yeah, if you wanna have conditions that — I mean, you don't have to go by the Planning . . . (inaudible) . . . If you want to state different things, then making them part of your recommendations — not as your recommendations, but making it as part of your conditions is certainly something you can do.

Ms. Buchanan: Okay, I'll do that. So, Mich, then I'll move to question no. 2. After you do the test plots, and they're not boring test plots, they're using an excavator to do the test plots, so they're not gonna be small, little boring holes as we've seen in the past for soil testing, my concern is when you cover it, in the Wharf EA, the mitigation for any trenching or opening of any test plot was that a hard surface cover any excavated areas or materials. The reason for that was because of possible contaminated soils. And because that's a throughway for people who walk, exercise, children to go to canoe practice, we didn't want them exposed should it rain and soils leach to the surface. It was to insure that whatever soils was put back in there stayed there. Can you help me with this?

Mr. Hirano: Well, there are two things I could say about the excavation, Commissioner Buchanan: one, the consultant, Oceanit, will do as little disturbance as possible. So they might use a post auger to drill. It really just depends on the situation. The second thing is that if they find contaminated soil, then they will have to develop a remediation plan, and that plan will try to specify to what extent they need to test and remediate the soil in order to make it safe for the project . . . (inaudible) . . . So if you feel that hard surface over the excavated area is required, so be it. You know, you could make that a condition, but I think that the testing in itself will determine what action is appropriate in order to make the area safe for the project, and for the inhabitants surrounding the area, and the use of that area. I'm not sure if putting a hard surface would affect any of the drainage alignment as it goes back because it'll probably be dug up again when the box culvert goes in. That's all I have to say. But again, if you feel that it is a precautionary measure, I think that that probably could be accommodated in a large area . . . (inaudible) . . .

Ms. Buchanan: Okay, thank you, Mich. If my memory serves me correctly, a remediation plan for contaminated soil is supposed to already be in the environmental assessment for the ferry improvements. And part of that remediation was a report of the testing be made available to this Commission. So that's just a reminder. If you go back to the EA and the conditions, comments from this Commission, that was part of the EA.

Mr. Hirano: The Commission will probably get that information because in terms of the larger picture, this is in order to allow the drainage project to be constructed. In order for construction to happen, the project will come back to the Molokai Planning Commission for the SMA permit. Then as part of that information, we'll have the soil results and what remediation will be done. So I'm sure the Commission will have that information as part of our work with the overall permitting. But we could forward that information to the Commission as soon as it's available.

Mr. Sprinzel: Any more comments, ladies and gentlemen? Would somebody like to make a proposal to accept the Department's proposal?

Ms. McPherson: I think I need to read the recommended conditions of approval first, if there's no more questions or discussion. I'd like to read our recommended conditions. We – I mean, we have a – well, I'll let her make a motion to amend the conditions. Okay, 1, That construction shall be in accordance with plans presented and representations made before the–

Mr. Sprinzel: . . . (inaudible) . . .

Ms. McPherson: Well, okay. And then, 5, That full compliance with all other applicable government requirements shall be rendered.

Ms. Buchanan: Chair, are you open for motions?

Mr. Sprinzel: Yes, I was.

Ms. Buchanan: Okay. I move that we concur with the recommendation of approval of the SMA permit with the recommendations from Staff, recommendation Items 1, 2, and 3. For Item 3, that it be amended to read at the end of the sentence of "water, runoff, noise, and dust," "And that test plots be covered sufficiently to insure that no test dirt uncovered will come up again." And they can mitigate that any way they want to. I said "black top," but that's okay. Just so it won't seep through the soil.

And then for Item no. 4, "That an archaeological monitor shall be present during all ground disturbing activities per the approved archaeological monitoring plan." Also adding to that plan, no. 8, "That the Molokai Burial Council also be contacted along with the State Historic

Preservation Division, Maui Island Section,” and their number, and that the rest be stricken. Also with no. 5.

And then an Item no. 6 condition that I am proposing, “That the Members of the Molokai Planning Commission, along with all persons having business or residence within 500 feet of the proposed excavation site have notice of the dates and times of the excavation. Also, that Island Petroleum, the Molokai Police Department, and the Maui Fire Department also have the same information. Specifically, that Island Petroleum is contacted in person and in writing, so they can prepare for any unseen circumstances. “

Mr. Sprinzel: Did you get that, Nancy? Do we have a second?

Mr. Hopper: Since this is a permit, did you also mean you incorporate the staff report as your findings of fact and conclusions of law in this matter?

Ms. Buchanan: Yes.

Mr. Sprinzel: Debra Kelly seconds Lori Buchanan’s proposal. Any 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 concur with the recommendation by the Planning Department with the conditions as submitted and as amended.

Mr. Sprinzel: Carried unanimously. Thank you, Mich, for coming. Thank you, Nancy, for your presentation.

Mr. Hirano: Thank you very much, Commissioners.

Mr. Sprinzel: I forgot to welcome Nina. Anyway, the next item, please. Requesting concurrence from our Planning Commission to the Special Management Area Rules for an exemption for the following: Mr. Richard Young, one of our Molokai architects, owner/applicant submitting a special management area assessment application for the construction of a 630 square foot in area trellis attached to the existing garage in order to support 20 Kyocera, multi-crystalline, solar photovoltaic panels. Panels are black, in a black frame, and non-reflective. Panels will be wired into the existing electric panel which is located on the exterior of the garage. No underground trenching is required, and the trellis will be supported by four posts on new pier blocks, 24" square x 12" deep, all located in existing raised planters except for one at 2380 Kamehameha V Highway, TMK: 5-4-017:

014, Kawela, Island of Molokai, SMX 2011/0307, valuation of \$39,500. The Department advises an exemption is eligible and requests that we concur. Nancy?

2. **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) exemptions can be issued for the following:**
 - a. **MR. RICHARD YOUNG, owner/applicant, submitting a Special Management Area Assessment application for the construction of a 630 square foot in area trellis attached to the existing garage in order to support 20 Kyocera (multi-crystalline) solar photovoltaic panels. Panels are black, in a black frame, and non-reflective. Panels will be wired into the existing electrical panel which is located on the exterior of the garage. No underground trenching is required, and the trellis will be supported by 4 posts on the new pier blocks, 24" square x 12" deep, all located in existing raised planters except for one, at 2380 Kamehameha V Highway, TMK: 5-4-017: 014, Kawela, Island of Molokai. (SMX 2011/0307) (Valuation: \$39,500) (N. McPherson)**

Ms. McPherson presented the staff report and recommendations.

Mr. Sprinzel: Thank you, Ms. Nancy. Are there any public testimony on this matter? There being none, public testimony is closed. Would you like to make any . . . (inaudible) . . . Okay, Commissioners, any questions from you? You know how passionate I am about solar panels. And incidentally, Kyocera is one of the best. They're not reflective like the ones down on the West End that we had so much trouble with a few weeks ago.

Ms. McPherson: Yes, and interestingly enough, our Department has also recently heard that the FAA is concerned about the glare from solar projects because airline pilots have been complaining. So glare is a serious issue, and Mr. Young's made a very good choice, I think, in the make of panels that he's purchasing.

Mr. Sprinzel: Well, the point I made to the West End folks was the panel they've chosen, if they're reflective, are obviously really inferior ones, because the whole object to the solar panel is to absorb, not to reflect.

Ms. McPherson: As much protons as possible, yes. Are there any questions for myself?

Mr. Sprinzel: Commissioner Buchanan?

Ms. Buchanan: Yeah. Maybe Rich Young -- Rich knows the answer, but I'm concerned -- not concerned, but I wanted to know what the manufacturer calls for on the disposal of the panels at the end of the life. What is the proposed way to dispose the panels from the manufacturer?

Ms. McPherson: Well, you know, this is an issue that we've come up with home computers and all kinds of stuff. That's why my landlord got the whole place full of old Apple computers because he doesn't want to take them to the dump. But, Rich, do you have any-- I'm sure if you would wish the applicant to make an assurance to this Commission that you could -- he would be willing to make an assurance that they will be disposed of in the proper manner, whatever that is for solar panels.

Mr. Sprinzel: There has been in the past, a provision for dumpsters, containers, and such for all this type of equipment. We used to have them at the DOE for all computers, printers, and stuff. They were collected and taken to the appropriate place, I believe, in the Mainland. And I'm sure that with the proliferation of solar panels, photovoltaic panels, there will be some arrangement made in 20, 25 years down the road when they start to deteriorate. Mind you, the main thing they do after 20-odd years is reduce the amount of electricity they produce. They don't actually need to be thrown away. And they will go on for 30, 40 years, in fact.

Ms. McPherson: Yes, they become less efficient. And if most people on Molokai are like my landlord, they'll stay on that roof for much longer than 25 years.

Mr. Sprinzel: But I'm sure they will make a provision for it. It's not as if it's gonna be seen as a problem for Rich.

Ms. McPherson: Well, our Environmental Management Division, our Solid Waste Management Program, is really coming along. And Commissioner Kelly knows a lot about the metals' recycling. And I think we're making a lot of progress in that area. The trouble is educating people. I'm sure Rich will take advantage of whatever programs are available to properly recycle or reuse.

Mr. Sprinzel: And they are, of course, recoverable things in all these computers. They have valuable bits. So somebody will make . . . (inaudible) . . . Anyone else, please? Would someone care to make a proposal for an exemption as recommended?

Ms. Debra Kelly: I just had a question. Why are there 20 panels?

Ms. McPherson: Can you come up and speak in the microphone, please? State your name for the record.

Mr. Rich Young: We can't fit any more than 20. We can't make it any larger ...(inaudible)...

Ms. Kelly: So is this producing everything that you're gonna need?

Mr. Young: Probably 75 percent. Rich Young, for the record.

Ms. Kelly: It just seems like a lot of panels. So you're going totally solar? I mean, that was your intent?

Mr. Young: I mean, if I could put 30 up, I would. I mean, I want the max size. I'd like to see zero. So it's gonna be a good test for me to see what this really does and I can find out if the valuation of the solar consultant has given – his experience is . . . (inaudible) . . . and input. And we think it's gonna be about 75 percent use . . . (inaudible) . . .

Mr. Sprinzel: I have 18 of those panels, I mean, 18 of those panels we have at home. And in five years, we've had three months where we've had to actually pay for some extra electricity. And we have central air, and we have enough, we think, that we can put in for an electric car, if I could ever afford one. Anybody else? Could we have a proposal from somebody?

Mr. Nat Bacon: ...(inaudible)... the Department's recommendation, and ...(inaudible)...

Ms. McPherson: Concur? You concur?

Mr. Bacon: Concur.

Mr. Sprinzel: And second it, please. Right. Thank you, Janice. So we have Nat proposes. Janice seconds. All in favor– Oh, any discussion?

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

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

VOTED: To concur with the recommendation by the Planning Department.

Mr. Sprinzel: Thank you. Carried unanimously.

Ms. McPherson: Thank you, Commissioners. And now we come to Verna. Mrs. Verna Marquez, owner/applicant, submitting a special management area assessment application for the construction of a one story, 1,054 square foot living area addition consisting of one bedroom, one bathroom and one recreation room, to an existing one story, three bedroom,

one bath, 1,008 square foot single family dwelling; and 560 square foot carport on a 6,000 square foot lot in Ranch Camp Subdivision; minor excavation, maximum 14 inches, for 12 footings, at 256 Kikipua Street, TMK: 5-3-010: 034, Kaunakakai, Island of Molokai, SMX 2011/0313, valuation: \$80,000. The Commission may take action on this request. And it's eligible for exemption and recommendation with the Department.

- b. MS. VERONICA MARQUEZ, owner/applicant, submitting a Special Management Area Assessment application for the construction of a one story 1,054 square foot living area addition, consisting of one bedroom, one bathroom and one recreation room, to an existing one story, 3 bedroom, 1 bath, 1,008 square foot single family dwelling and 560 square foot carport on a 6,000 square foot lot in the Ranch Camp Subdivision, minor excavation (maximum 14 inches) for 12 footings, at 256 Kikipua Street, TMK: 5-3-010: 034, Kaunakakai, Island of Molokai. (SMX 2011/0313) (Valuation: \$80,000) (N. McPherson)**

Ms. McPherson presented the staff report and recommendations.

Mr. Sprinzel: . . . have no objections.

Ms. McPherson: Yes, in order to obtain a building permit, those departments have to sign off on the building permit application. And I've looked at those in our system before, and it's done very consistently. And they check. They do fixture counts. And we've discussed this issue previously in previous meetings. So the system, I think, I feel, in that aspect is working.

Mr. Sprinzel: Thank you, ma'am. Now, I'm sure there's gonna be lots of people who'd want to make comment on Verna's proposal. So we're now open for discussion. There being none, public discussion is now closed. Commissioners?

Ms. Buchanan: Chair, I have a question. It's always gonna be the same question for every lot wanting to extend and build out the entire lot in Ranch Camp, or Manila Camp, or any subdivision on Molokai. And that is my concern about onsite parking. As we had the same with the Fathers – with the Catholic Church wanting to build out the entire lot, this is also an entire lot build out. The lot is not a large lot. It's a 6,000 square foot lot, which I think is the very basic, the smallest lot that you can have. In addition to already the square feet over a thousand, you're adding another thousand bringing it to well over 2,000 square feet of living space. And I had to add that up. I might be wrong. It's going to four bedrooms, one very large rec. area, and two bathrooms. I would like to see all these people who come in for total build out to have sufficient parking onsite because the roads are very

congested in Ranch Camp as they are in Manila Camp. And subdivisions, there's always an overflow of parking. Parking is not enforced on Molokai. And so I just wanna insure that there's sufficient parking. And maybe the project person can answer that question.

Mr. Luigi Manera: Chair Sprinzel, Members of the Commission, Luigi Manera. For the parking, if you take a look, she have a carport, existing carport. I think it's three or at least two cars. In front of the -- from the property line to the carport, she have at least another, I believe, 20 feet of paved, concrete drive.

Ms. Buchanan: So she can tandemly park more than--?

Mr. Manera: She can handle right now probably three cars.

Ms. Buchanan: Inside that existing garage?

Mr. Manera: Yes, and the drive, including the drive.

Ms. Buchanan: And the applicant fully understands that this Commission is concerned about overflow parking on the street?

Mr. Manera: Yeah, well, that particular area, we know everybody parking.

Ms. Buchanan: Well, that's because single-family homes now include more than one family in one home even though they still exempted under single-family. And so as long as they understand that, that's my concern, and that they make every effort to insure that they park all their vehicles onsite and not on the road.

Mr. Manera: Well, you have the owner of house. She can probably--

Ms. Buchanan: She can hear. Also, I'm sure without -- I think was too small, I couldn't see, that the total height on the back portion of the home, 'cause it's on a slope, is a maximum 30 feet?

Mr. Manera: It's less than 30, yes.

Ms. Buchanan: And they're tied into the septic -- the County system, yeah?

Mr. Manera: Yes.

Ms. Buchanan: Okay, thank you.

Mr. Manera: Thank you.

Mr. Sprinzel: I guess in the old days we would've asked for people to keep their lawns at the back so the kids could play on. Kids don't play on lawns anymore. Now they play on computers and Ipods. And the other thing that's quite relevant is you couldn't have got a car onto the back of that anyway. There's no way to get there. So the only way Verna can do that is to make a slightly wider driveway to take all cars instead of trees. Any more comments, Commissioners?

Ms. McPherson: May I make a comment—Staff Planner?

Mr. Sprinzel: Of course, you may.

Ms. McPherson: One thing I have noticed lately in Ranch Camp, I haven't been up to the Manila Camp, so I don't know what the situation is there, but in Ranch Camp, I've noticed that the Police Department is going around and they are tagging cars that probably haven't moved for a really long time, may have expired tags, that sort of thing. We also have a problem with really big boat trailers, too, because I drive home that way every day past the fire station. So I do think the Police Department is working on trying to get some of the vehicles that are just in total violation off of the streets. So that might help the overall situation.

Mr. Sprinzel: Alright. Would somebody like to propose we accept the recommendation for an SMA exemption?

Ms. Kelly: I make the motion to concur.

Mr. Sprinzel: At least you get the words right. Thank you, Debra. And Nat Bacon is seconding. Any questions? Any discussion?

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

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

VOTED: To concur with the recommendation by the Planning Department.

Mr. Sprinzel: Carried unanimously. Verna, you've got a double-sized house.

Ms. McPherson: So either my reports are really good or it's just really warm in here. But thank you, Commissioners, for moving things along. I appreciate it very much.

Mr. Sprinzel: You know I come from a speedy background.

F. CHAIRPERSON'S REPORT

- 1. Status of the Commission's Subcommittee on Rule Changes Report**
 - a. Rules of Practice and Procedure**
 - b. Special Management Rules**
 - c. Rules Regarding Special Uses in the State Agricultural and Rural Districts**
 - d. Shoreline Area Rules**

Mr. Sprinzel: It's gonna be even speedier because the Chairperson's report, I'm gonna defer to Mikiala because I know she has a lot of things she wants to talk about these things next time. So I'll pass on that. And we'll go over to Clayton for the Director's report.

G. DIRECTOR'S REPORT

- 1. Approval of the 2012 Meeting Schedule**

Mr. Yoshida: Thank you, Mr. Chair and Members of the Commission. We were trying to get an approval of the meeting schedule for the 2012 year so we can start talking to the Parks Department for reserving this facility as it is a much used facility especially, during the summer time when the Summer Pals Program is running, and – so they can also plan around us.

So again, for the months of January through October, we're looking at the second and fourth Wednesday of the month, and for the month of November, the second Wednesday of the month, and also for December, the second Wednesday of the month, because in November, the fourth Wednesday is normally followed by the fourth Thursday of the month, which is Thanksgiving. So the Commission has shown historically over the past 21 years that they don't like to have a meeting on Thanksgiving. Also, the fourth Wednesday in December puts us around the holidays like December 26th, or December 23rd, or something like that. And for the past 21 years, the Commission has also shown a tendency not to want to meet on – at that time. So that's why only one regular meeting in November and one regular meeting in December. And then subject to if we get into the community plan update, and we can approach the Commission at that time to try to revise the schedule. But right now, that's not in the near term . . . (inaudible) . . .

Mr. Sprinzel: I'm assuming everybody on the Commission agrees with that. No objections. Thank you. Please, go ahead.

Mr. Yoshida: Thank you, Mr. Chair, Members of the Commission.

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

Mr. Yoshida: Also, we did circulate our pending and closed Molokai application reports. If the Members have any questions on those reports?

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

Mr. Yoshida: Okay, if not, I don't know if you have anything new to report on discussions with Maui Electric on liability for power pole installations on private property other than we're still waiting for a response.

- 5. Status of Molokai Planning Commission vacancy**

Mr. Yoshida: Regarding the Commissioner Williams' status on the Commission, I think the Mayor did write another letter to Commissioner Williams . . . (inaudible) . . . very important position on the Commission . . . (inaudible) . . . for the island. And if you cannot attend meetings, . . . (inaudible) . . . you can submit a letter of resignation so . . . (inaudible) . . . But hopefully, we can resolve that situation.

- 6. Agenda items for the September 28, 2011 meeting**

- a) Charter amendment discussion with Stacy Crivello, Molokai resident, member of the Maui County Charter Commission**

Mr. Yoshida: Okay, moving to agenda items for the next meeting on September 28th, on page 1 of the open reports, we have John Comstock. It's the third item from the bottom: John Comstock, carport and bedroom addition in Ranch Camp, SMA assessment. And also on page 2 of 3, the fifth – the sixth item from the bottom, Wavecrest Resort, the Kris and Jerry Chernik interior alterations for a unit at the Wavecrest. And then we also have scheduled Stacy Crivello, Stacy Crivello, who is a Member of the Maui County Charter Commission to provide a status on the process of – their process, maybe more information about some of these proposed regarding the establishment of island councils. And then we also have, I guess, the County -- at the next meeting, the amendments to the County special use permit to put in a replacement antenna on the Lucy Wilhelm Center for Sprint and Nextel. Are there any other items the Commission would like to have placed on the September 28th meeting?

Mr. Sprinzel: I'm very worried about that old building next to – I mentioned it last time, next to the Hotel Molokai – I mean, the Molokai Shores. That is so dangerous. More and more, it's falling down. If we get kids playing in there, and one of them gets killed, it's terrible. Something really ought to be done with that. I know there is a court case or case pending on that, but it's so dangerous. I mean, I shudder when I drive past there each day.

Ms. McPherson: I can document the situation and give that to Trish Kapuaala, who is handling the SMA appeal, and see what she can do with it, or enforcement, or somebody.

Mr. Sprinzel: It might be a historic building, but it's not a historic ruin.

Ms. McPherson: Yes. I will transmit it to Stan Solamillo, our Cultural Resources Planner, as well as – he documents significant historic structures, and also our ZAED, Zoning Enforcement Division.

Mr. Sprinzel: Thank you, Nancy. Appreciate that. It worries me. That's it, Clayton?

Ms. Buchanan: What about this draft bill thing? What is this for in our packet? Just for information?

Mr. Yoshida: Yes. That's the short-term rental. We did transmit the recommendations of the Commission back to the Council on their resolution. And the Planning Committee started accepting testimony on Monday. So that's all they got to 'cause they had two other items on their agenda. So they're gonna take it up again, I believe, on October 3rd, and they hope to spend the next two or three months . . . (inaudible) . . .

Ms. Buchanan: So, Clayton, do we have a chance to – does this Commission have a chance to look at the draft bill and then also give back feedback? I know we gave feedback and we went through that. But now that they're actually out with – is it different?

Mr. Yoshida: I guess the – now the – I guess it's in the hands of the Planning Committee to deal with the bill.

Ms. Buchanan: But you said they still accepting testimony on the draft bill. You just said they just had testimony yesterday on this draft bill.

Mr. Hopper: Commissioner Buchanan, there was a comment period where it went out to all of the Commissions and that was the Commission's comment period. Now – I mean, they're accepting public testimony at their meetings because they have to just like any other type of Sunshine Law meeting. So typically, the Planning Commission's comments would be in – when it comes to you for review. I suppose they could resubmit to Commissions for comments, but that's typically your chance to comment under the Charter.

It says the Commission can comment within a certain period of time for their comments. I think you can be updated on this for . . . (inaudible) . . . on potentially, but I don't think we had a lot of secondary comments sent after the ones . . . (inaudible) . . .

Mr. Yoshida: That's all we have to report, Mr. Chair.

Mr. Sprinzel: Thank you very much.

H. NEXT MEETING DATE: SEPTEMBER 28, 2011

Mr. Sprinzel: The next meeting is September the 28th. I want to thank you all for your time and effort to both Staff and Commissioners. I think 63 minutes is a record. Meeting is adjourned.

I. ADJOURNMENT

There being no further business to come before the Commission, the meeting adjourned at 1:09 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards and Commissions

RECORD OF ATTENDANCE

Present

John Sprinzel, Vice-Chairperson
Debra Kelly
Lori Buchanan
Nathaniel Bacon
Janice Kalanihulia

Excused

Mikiala Pescaia, Chairperson
Zhantell Dudoit
Ron Davis

Absent

Don Williams

Others

Clayton Yoshida, Planning Program Administrator

Nancy McPherson, Staff Planner

Michael Hopper, Deputy Corporation Counsel