

**MOLOKAI PLANNING COMMISSION
REGULAR MEETING
DECEMBER 12, 2012**

*** 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 Chairperson John Sprinzel at 12:00 p.m., Wednesday, December 12, 2012, at the Mitchell Pauole Center Conference Room, Kaunakakai, Molokai.

Chair John Sprinzel: Wonderful. We're gonna start at 12 o'clock on the 12th of the 12th of the 12th. We won't be doing that forever. Okay. We have a quorum. And the meeting is now called to order.

B. PUBLIC TESTIMONY ON ANY PLANNING OR LAND USE ISSUE

Chair Sprinzel: Is there any public testimony on any planning or land use issue? There being none, public testimony is now closed.

C. APPROVAL OF MINUTES OF THE AUGUST 8, 2012, SEPTEMBER 26, 2012, OCTOBER 10, 2012, and NOVEMBER 14, 2012 MEETINGS

Chair Sprinzel: The next item, is approval of the minutes for August 8th, September 26th, October 10th, November 14th. Somebody's been busy. Can I have a -- somebody proposing acceptance of these minutes? And second? Thank you very much.

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

It was moved by Commissioner Tancayo, seconded by Commissioner Rogers, then unanimously

VOTED: To accept the minutes of August 9, 2012, September 26, 2012, October 10, 2012, and November 14, 2012 as presented.

Chair Sprinzel: Unanimous. The minutes are approved.

Chair Sprinzel read the following agenda item into the record:

D. COMMUNICATIONS

1. SPECIAL MANAGEMENT AREA EXEMPTION CONCURRENCE

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. MS. ARSENIA ALCANZARIN MASIGLAT submitting a Special Management Area Assessment in order to add an attached 200 sq. ft. covered deck and a 98.5 sq. ft. storage room to an existing single-family residence located in the Interim District on property situated at 429 Kikiipua Street, TMK: 5-3-011; 075, Kaunakakai, Island of Molokai. (SMX 2012/0445) (Valuation: \$15,000) (L. Callentine)**

The Commission may take action on this request to concur or not concur with the recommendation for SMA exemption.

Ms. Livit Callentine: Thank you, Mr. Chair, and good afternoon to you and to all the Commissioners, and I just wanna take this opportunity to wish you a merry Christmas and happy holidays, a safe happy holiday season, and tell you that it's been an honor for me to serve you this past ten months.

So this application as the Chair introduced is being presented to you as an SMA exemption. It is for an attached, covered deck and a storage room to an existing single family residence on a private parcel. The project consists of the covered deck being approximately 200 square feet, and the proposed storage room being approximately, 98 square feet. The storage room will be placed upon a four-inch thick slab over concrete footings approximately 14 inches deep, while the covered deck will require a new support structure, and this will consist of footings approximately one-foot deep by two-foot wide, approximately -- concrete block columns, and then wood posts and cross-bracing. Also, there will joists, decking, and a stairway placed on the deck and that will be made of wood.

The project is entirely located within Flood Hazard Zone X, and so therefore, a Flood Development Permit is not required.

The department furthermore did not transmit the application to agencies for comment as it consists of additions to an existing permitted single-family dwelling and it involves minimal ground-altering activities.

I did conduct a site visit and checked out the dwelling and the proposed locations. Everything checks out. The project qualifies as structural and nonstructural improvements to existing single family residences where otherwise permissible, and, therefore, it is not a development.

In consideration of the above facts, the details, and the details listed above, the proposed project is eligible for an SMA exemption, which the department does recommend that you concur with that finding. Thank you. Any questions?

Chair Sprinzel: Thank you, Livit. Is there any public testimony on this, please? There being none, public testimony is now closed. Commissioners? And by the way, welcome back, Michael, after your quite severe little episode. Glad to see you back.

Mr. Michael Jennings: I would make the motion that we accept ...(inaudible)...

Chair Sprinzel: Are you asking a question?

Mr. Jennings: I would make a motion ...(inaudible)... See, I've been gone so long, I forgot how to use these things. I'll make a motion to accept it.

Mr. Ron Davis: And I'll second that motion.

Chair Sprinzel: Thank you. Any discussion? No? We'll take a vote.

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

It was moved by Commissioner Jennings, seconded by Commissioner Davis, then unanimously

VOTED: To accept the recommendation for SMA exemption.

Chair Sprinzel: Carried unanimously. Thank you, gentlemen and lady.

Chair Sprinzel read the following agenda item into the record:

- b. MS. JANICE KOBAYASHI submitting a Special Management Area Assessment for the proposed and after-the-fact additions to an existing single-family dwelling located at 300 Ala Malama Avenue, TMK: 5-3-008: 025, Kaunakakai, Island of Molokai. (SMX 2012/0446) (Valuation: \$35,000) (L. Callentine)**

A 54 sq. ft. addition to the existing carport was carried out without undergoing SMA review and an after-the-fact SMA fee has been assessed.

The proposed covered deck is approximately 220 sq. ft. The proposed deck will require a new support structure consisting of footings approximately 1-foot deep by 2-foot wide by 2-foot long, 8-inch by 8-inch concrete block columns, 4-inch by 4-inch wood posts and cross-bracing. Joints, decking, and a stairway will be made of wood.

The Commission may take action on this request to concur or not concur with the recommendation for SMA exemption.

Chair Sprinzel: We may take action to concur or not to concur. Is there any public testimony on this matter? There being none, public testimony is now closed. Commissioners, any discussion? There being none, I will entertain a motion. Oh, does Livit wanna say anything?

Ms. Callentine: I would just like to mention that in -- similar to the project you just reviewed previous to this one, this project is located entirely in Flood Hazard Area Zone X, and a Flood Development Permit is not required.

Again, the department did not transmit this application to agencies for comments because it is for additions to an existing permitted single-family dwelling and involving minimal ground-altering activities.

A site visit was conducted by me. And the project qualifies as structural and nonstructural improvements to existing single family residences where otherwise permissible. Therefore, it is not a development and is eligible for an SMA exemption which we do recommend that you concur with. Thank you.

Chair Sprinzel: Thank you, Livit. Now, I will entertain a motion, or discussion, or whatever.

(Mr. Nathaniel Bacon entered the meeting at approximately 12:07 p.m.)

Ms. Sherry Tancayo: I make a motion that we concur with the recommendations and ...(inaudible)...

Chair Sprinzel: Is there a seconder? We have a seconder. Any discussion?

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

It was moved by Commissioner Tancayo, seconded by Commissioner Rogers, then unanimously

VOTED: To concur with the recommendation for SMA exemption.

Chair Sprinzel: Carried unanimously. Thank you very much. Now, Unfinished Business.

Chair Sprinzel read the following agenda item into the record:

E. UNFINISHED BUSINESS

1. SPECIAL MANAGEMENT AREA (SMA) MINOR PERMIT

MS. ARLEONE DIBBEN-YOUNG of NENE O MOLOKAI requesting a Special Management Area (SMA) Minor Permit for construction of approximately 2,800 linear feet of predator exclusion fence, one hundred twenty (120) square foot storage shed set on pre-cast concrete blocks, and ongoing maintenance of an existing drainage way located in the established Koheo Wetland and Ka Lai O Ke Kioea Bird Sanctuary at TMK: 5-3-007: 039, Kaunakakai, Island of Molokai. (SMX 2012/0282) (Valuation: \$14,000) (L. Callentine) (The item was deferred at the September 26, 2012 meeting and the Commission was unable to take action at the October 10, 2012 and November 14, 2012 meetings.)

The Commission may take action on this request.

Chair Sprinzel: Is there any public testimony on this matter? There being none, public testimony is now closed. Livit? Before we go into anymore detail, we've had this on the agenda so many times, I think we all know exactly what it's all about. So, Livit?

Ms. Callentine: Yes, thank you, Mr. Chair. And the only additional comment that I would have is that I have prepared alternative wording for proposed condition no. 1 based upon some of the discussion that the Commission had over those three meetings at which the project was reviewed. And if you like, I can present that language now. Or if you're going to have discussion, and you'd like me to hold off on a recommendation until after that discussion, I'd be happy to do that as well. It's your pleasure, Mr. Chair.

Chair Sprinzel: Fine, after would be perfect. Any Commissioners want to make any comments on this matter? In which case, I will be happy to accept a motion.

Ms. Callentine: Could I now make my recommendation?

Chair Sprinzel: Well, yes, you can make them, if you wish, yes, sure.

Ms. Callentine: So previously, the department recommended that you approve this as a minor permit subject to three conditions. And if you turn to those conditions in either the September 26th or the October 10th report on page 4 towards the bottom, you will find the listing of the three conditions. And so rather than read those conditions again, I would like to just read into the record, the proposed amendment to the first condition:

That the applicant shall submit to the department, a shoreline survey certified by the Board of Land and Natural Resources within one year of approval of this SMA minor permit.

This concludes the amendments to our recommendation.

Chair Sprinzel: Thank you, Livit. Anything from the Commissioners? A motion, perhaps?

Mr. Davis: I move that we accept.

Chair Sprinzel: Secunder? Do we have a seconder?

Mr. Michael Hopper: Just to clarify, since this isn't just a concurrence or an exemption, it would be a motion to accept as recommended by the department with the conditions recommended by the department as well.

Ms. Callentine: Thank you.

Chair Sprinzel: Are you thus so amending your --

Mr. Davis: Yes.

Chair Sprinzel: Okay. And your seconder as well, yes? Thank you. All in favor -- oh, any discussion?

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

It was moved by Commissioner Davis, seconded by Commissioner Rogers, then unanimously

VOTED: To accept as recommended by the department with the conditions recommended by the department as well.

Chair Sprinzel: Carried unanimously. Thank you very much. Thank you. It's 12:12. Wow, that's a record. Okay. Chairman's Report, I think. Yes, Chairperson's Report.

F. CHAIRPERSON'S REPORT

Chair Sprinzel: I don't have anything actually to report other than congratulations for finally getting this off of our agenda. Here-here. Now, the Director's Report. Clayton, please.

G. DIRECTOR'S REPORT

- 1. Pending Molokai Applications**
- 2. Closed Molokai Applications**
- 3. Agenda Items for the January 9, 2013 meeting**

Public hearing on the following:

MR. WILLIAM SPENCE, Planning Director, transmitting Council Resolution No. 12-111 referring to the Lanai, Maui, and Molokai Planning Commissions a proposed bill amending Chapter 19.40, Maui County Code relating to the duration of Conditional Permits. (J. Alueta)

Mr. Clayton Yoshida: Thank you, Mr. Chair. We did circulate our list of pending and closed Molokai applications, if the Members have any questions on those lists. Seeing none, our next meeting, this is our last meeting for calendar year 2012, our next meeting is on January 9th. Currently, we have scheduled the public hearing on Council Resolution No. 12-111, the proposed bill amending chapter 19.40, Maui County Code, relating to the duration of conditional permits. We may have a few SMA assessments, if they're ready.

Again, we're approaching the time when we'll be losing some of the Commissioners. Their terms will end at the end of March of next year. And the Mayor's Office has put up a request that people -- accepting applications for boards and commissions. The current deadline is December 31st because the Mayor would probably have to submit the names in late January, early February, and the Council has 60 days to act on the Mayor's nominations or they become automatically approved. So if you know of people who would want to apply for the Planning Commission, the deadline is, or any other County boards or commissions, the deadline is December 31st. And as much as possible, we'd like to start off the year with a full composition of Commissioners because it makes it easier to take action if we have more people that we have. So if there are any other items that the Commission wants to place on the January 9th agenda, fine. If not, we'd like to wish all of you a happy and safe holiday season. And thank you for all your support during the year, calendar year 2012.

Chair Sprinzel: Thank you, Clayton. And I'd like to echo what you said, and congratulations to everybody for turning up, and have a wonderful Christmas and new year. And I call the meeting closed. Thank you.

H. NEXT MEETING DATE: JANUARY 9, 2013

I. ADJOURNMENT

There being no further business brought before the Commission, the meeting was adjourned at 12:15 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions

RECORD OF ATTENDANCE

Present

John Sprinzel, Chairperson
Nat Bacon (Arrived at 12:07 p.m.)
Ron Davis
Michael Jennings
Douglas Rogers
Sherry Tancayo

Excused

Lori Buchanan, Vice-Chairperson
Zhantell Dudoit
Janice Kalanihuia

Others

Michele McLean, Deputy Planning Director
Clayton Yoshida, Planning Program Administrator
Livit Callentine, Staff Planner
Michael Hopper, Deputy Corporation Counsel