

**MOLOKAI PLANNING COMMISSION  
REGULAR MEETING  
APRIL 24, 2013**

*\*\* 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 John Sprinzel at 12:00 p.m., Wednesday, April 24, 2013, at the Mitchell Pauole Center Conference Room, Kaunakakai, Molokai.

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

Chair John Sprinzel: Ladies and Gentlemen, welcome. I call the meeting to order.

**B. INTRODUCTION OF NEW MEMBER - DIANE SWENSON**

First item is the introduction of our new member, Diane Swenson, who of course isn't a new member and has been here on this Commission before, so welcome, Diane, and thank you.

**C. PUBLIC TESTIMONY ON ANY PLANNING OR LAND USE ISSUE**

C. Public testimony on any planning or land use issue. If there's anybody in the public who wants to make a comment. There being none, public testimony is now closed.

*Chair Sprinzel read the following agenda item into the record:*

**D. COMMUNICATIONS**

1. **MR. LAWRENCE LASUA, President/ CEO of the MOLOKAI COMMUNITY FEDERAL CREDIT UNION requesting a time extension on the Special Management Area Use Permit condition to initiate construction for the expansion and renovation of the Molokai Community Federal Credit Union located at 135 Puali Place, TMK: 5-3-002: 006 and 012, Kaunakakai, Island of Molokai. (SM1 2008/0019) (B. Sticka)**

*The Commission may take action on this request.*

Chair Sprinzel: Ben Sticka, please.

Mr. Ben Sticka: Good afternoon, Chairman and Members of the Molokai Planning Commission. This item is before you because the applicant, Molokai Federal Credit Union, is requesting a time extension of a special management use area permit. This item was approved by the Molokai Planning Commission at its regularly scheduled meeting on July 22, 2009. The application was filed pursuant to Chapter 205A, Hawaii Revised Statutes, and Chapter 302, of the SMA rules of the Molokai Planning Commission. The proposed action is also subject to Maui County Code, as amended; Title 19, Zoning, Section 19.15, County Town Business District Regulations. The state land use district is urban. The Molokai Commission Plan is business commercial. And the county zoning is business country town.

The applicant indicates that due to downturn in the economy, the Molokai Community Federal Credit Union is in a temporary holding pattern. The applicant has also indicated that the associated parking lot and landscaping have been constructed but were completed with the construction of the Blessed Damien Center, therefore, no building construction has begun on the subject site. The applicant is therefore requesting a five-year time extension for a special management area use permit in order to complete construction of the Molokai Community Federal Credit Union. Therefore, a timely request for an extension was filed. The department has no record of complaints in the KIVA system; further, the scope of the project remains the same as what was originally approved.

And pursuant to the foregoing, the Maui Planning Department recommends approval of the time extension, two conditions, number 1 and number 2 of the SMA use permit application subject to the following revisions to said conditions. The department further recommends these modifications to delete the last sentence of each condition as those do not apply to the Molokai Planning Commission. And as you can see, the revisions simply change, in the first condition, "July 31, 2012" to "July 2017," and the time frame of the -- which is, in essence, changes it to the five years; and also on condition number 2 is just simply the deletion of the last sentence, as I mentioned.

In consideration of the foregoing, the Planning Department does recommend that the Molokai Planning Commission adopt the Planning Department's report and recommendation prepared for the April 24, 2013 meeting as its findings of fact, conclusions of law, decision and order, and authorize the Director of Planning to transmit said decision and order on behalf of the Maui -- on behalf of the Molokai Planning Commission.

The applicant, Art Parr, is here today, and the -- and Lawrence Lasua, with the Molokai Community Federal Credit Union are here to explain their request and any questions you may have for them. Thank you.

Chair Sprinzel: Thank you, Ben. I think I'm the only one who was on the Commission when this passed, so I must be getting long in the tooth. Is there any public testimony on this matter? There being none, public testimony is now closed. Commissioners?

Ms. Zhantell Dudoit: I just have a question for clarification. And I'm assuming he's the new planner? Hi, Ben.

Mr. Sticka: Hello.

Chair Sprinzel: Yes, Zhantell.

Ms. Dudoit: Okay. I just wanted to make sure I understand this clearly. When I'm looking at this, the recommendations on page 2, after the -- on this new paper that we were given, the recommendation on the back is the updated recommendation where it says, "The construction of the project shall be initiated by July 31, 2012," and then it's like struck out and then "2017?"

Mr. Sticka: Correct. Correct.

Ms. Dudoit: Okay.

Mr. Sticka: You're seeing it correctly.

Ms. Dudoit: So I just wanted to make sure that we do this right. When -- the parking lot and the landscaping was not included as part of the original overall construction plan?

Mr. Sticka: You're correct, Commissioner.

Ms. Dudoit: Okay. So my question is: We cannot change the initiated date to 2017 because, actually, the project has already started, so we can lengthen the amount of time that we're going allow them to have this SMA open, but you cannot use the word "initiated by July 31, 2017" when the project has already been initiated?

Mr. Sticka: Commissioner, to clarify that point, the actual construction of the parking lot and the associated landscaping was actually completed and actually finished with the Blessed Damien Center, and so there's actually the permit where it would actually initiate the commencement of construction, as indicated in this condition, would have -- does not actually apply to this project since it was for the other project, and perhaps Art can maybe explain that.

Ms. Dudoit: But this was not, the parking lot, no matter who did it right now, the parking lot and the landscaping that is currently on that property was never a part of the initial overall construction plan submitted to this Commission for review for SMA approval when they first came with the application?

Chair Sprinzel: It was. It was definitely part of the application.

Ms. Dudoit: Okay. So I think, technically, the department has to decide how we're going to word this because we cannot make -- we cannot change the date on this to say that it was "initiated" on a future date when, in actuality, it was already initiated and done.

Mr. Clayton Yoshida: I guess in condition no. 1 it reads that initiation of construction is -- construction of off-site improvements, issuance of a foundation, or issuance of a building permit, and initiation of building construction, whichever occurs first, so if those items -- one of those have been done, then they have initiated construction. If they have not, then they're asking for time extension on the period to initiate construction and, in doing so, will extend the time to complete construction because they have five years from the time that they initiate to complete construction.

Ms. Dudoit: And I just wanted to clarify that the reason I bring this up is if we're going to set a precedence like this, yeah, we're going to -- we want to make sure that we don't have big projects that come up and we're constantly getting this after-the-fact stuff on technicalities because, oh, officially, we didn't start the construction of the property 'cause somebody else did the parking, you know, the hundred-stall parking lot, and so we can get a five-year extension. So I just want to make sure that we're clear on that.

Chair Sprinzel: There was definitely the parking. I remember the architect and I had quite a discussion about the plans, which had come from the Urban Design Review Board on Maui, and they had approved or recommended our approval. So it was definitely part, I'm sure you agree that it was part -- yes, he does so --

Ms. Dudoit: And while we're reviewing that, just so that I don't keep interrupting you and you guys can take this all in at once, also, when you look at failure to comply within three-year period, by July 31, 2017, I think when you change -- I think I'm a little bit confused at the recommendation 'cause you're asking us for a five-year extension but in the first condition, it says that if the project is not initiated within the three-year period from the date it started, so that's a moot point. It already initiated, right, within three years of 2012?

Mr. Yoshida: Again, the condition is in a ramseyered format, so that which is in the brackets is to be deleted, and that which is underlined is to be added. So we're deleting failure -- we're deleting "within this three-year period," and so we're saying, "Failure to

comply by July 31, 2017 will automatically terminate this SMA use permit." So that which is in bracket is deleted; that which is underlined is added.

Ms. Dudoit: But, Clayton, wouldn't that statement also be wrong because failure -- if we read it without -- with the deleted portion, it would read, "Failure to comply by July 31, 2017, will automatically terminate this SMA use permit unless a time . . . three-year period from July" -- or "no later than 90 days prior to July 31, 2017?" That's not going to be relevant either because the project was already initiated.

Mr. Yoshida: Well, I guess the applicant would have until July 31, 2017 to comply with initiation of construction, as defined in condition no. 1, which is the construction of off-site improvements, issuance of a foundation, or issuance of a building permit, and initiation of building construction, whichever occurs first.

Ms. Dudoit: Which is already done.

Mr. Yoshida: I guess the Planning Supervisor, Jeff Dack, has a comment.

Chair Sprinzel: You have a comment?

Mr. Jeffrey Dack: Yeah. Jeff Dack. I'm Ben's supervisor. And I apologize for the confusion and I appreciate the confusion the Commission is having dealing with this question. We had a little bit ourselves in the department figuring out how to address this as to whether it really was appropriate to be amending condition no. 1 or condition no. 2, trying to figure out whether construction had actually initiated or not. And kind of on a technicality, and pardon me on using the word because I heard that you prefer not to hear that, but the parking lot was begun. The parking lot was part of the project. The parking lot was carried out by the Blessed Damien Church folks. However, there was a requirement for the applicant to obtain an off-site parking approval prior to commencement of that construction. So from a technical standpoint, and our legal staff can correct me if I'm wrong, but although the work has, from a legal standpoint, the work has actually not technically been initiated because they didn't have all the approvals to do so. So we went back and forth in the department trying to sort this out and figure out, again, whether it was an amendment to condition no. 1 or condition no. 2. We ultimately concluded that because the off-site parking approval hadn't been granted, the parking lot ... (inaudible) ... on the subject property site technically hadn't been initiated and so we concluded that it was appropriate to actually consider that the work had not been initiated because it hadn't been done with all proper and necessary permits and that, therefore, condition no. 1 was the appropriate one to be amending. And again, sorry about that confusion but it was a technical point that we battled with ourselves to clear our way through it.

Chair Sprinzel: Now we're even more confused than we were before.

Ms. Dudoit: Okay, so I don't want to spend a lot of time on this because I think we all support the credit union, or at least I do, but I want to make sure that we do the right way. So I'm a little bit disturbed by what you said, if I understand you correctly, because -- so whatever was finished on the credit union portion or property that was included, parking lot we're talking about, in their construction plan, which they submitted to us for SMA approval, was also included in the Blessed Damien project as well?

Mr. Dack: The actual construction was.

Ms. Dudoit: Okay. Because when you say they had to do an off-site parking whatever and get approvals, and the actual approvals weren't passed --

Mr. Dack: Yes. Weren't obtained.

Ms. Dudoit: Then how was their parking lot improved and how did that portion of the project end up going through and be permitted to do so?

Mr. Dack: Well, it wasn't -- it was just built, basically. I'll just say that. They had approval, they have the SMA approvals. They were supposed to obtain an off-site parking approval, which wasn't yet obtained. I'm just guessing, I mean I shouldn't say I'm guessing, but I'm trying to put two and two together and that the project was done in the context of Blessed Damien work, they were ready to go, they were ready to do it, and it's my -- I'm going to have just speculate that there was just an oversight that they didn't actually obtain the necessary off-site parking approval, but our division within the department, our Zoning Enforcement Division, has determined that off-site parking approval was necessary and that, technically, hasn't been obtained. So the word was done without all the necessary permits so, technically, it wasn't, from a legal standpoint again, counsel can correct me, but as I understand, from a legal standpoint, it hasn't technically been initiated so condition 1 is appropriate. They still do need to obtain an offsite parking approval for that because it is actually the parking area is on a separate -- it's the same site, obviously, it's one integral development, no question about that, but it's, as I understand it, it's technically on a different piece of property, and the zoning folks have determined such circumstances, even though it's part of an integral development, this off-site parking approval is necessary and it hasn't been obtained yet.

Chair Sprinzel: I know that we had Frank, the architect for the church property, attended the meeting for this bank and the matter of the joint control of the parking and the joint construction was discussed at that meeting, so everybody knew everything about it except maybe you guys at the planning. That's always possible. But anyway, I understand all we gotta do is to include this in the five-year extension.

Ms. Dudoit: Okay. But one more concern I have, if the project is not to be -- if we do it the way you're recommending, right, the project would have to start by July 31, 2017, that's like four years away from now, right?

Mr. Sticka: Five years. Correct.

Ms. Dudoit: Then in addition to that, the project has to be completed within five years from the initiated date, which is 2017. So in actuality, we giving the a nine-year extension.

Mr. Sticka: It's actually five years from the actual initiation of the construction.

Ms. Dudoit: Right. But you're asking us to approve an SMA that won't even begin or they don't even have to begin construction until July 31 of 2017.

Mr. Sticka: That would be a possibility but, you know, depending if -- if they were to -- you're correct in what you're saying. You know, if they were to wait until the very last possible day, I mean theoretically, I mean that's exactly what would happen, but they were ready and available to build the project, you know, say tomorrow, then it would give them that time frame.

Ms. Dudoit: But you're, literally, asking us to approve something that can be delayed for nine years in a special management area?

Mr. Sticka: You're correct. Yes. That is what they're ultimately asking for. Yes.

Ms. Dudoit: Okay. So I guess I'll wait for the applicant and then we can ask him if he really needs the nine years.

Chair Sprinzel: Okay, can we have the applicant, please? We don't want to make too much of a mountain out of this molehill because I think we all approve of the idea, it's just a case of how long we're going to grant the extension.

Mr. Art Parr: Commission Chairman, Members, my name is Art Parr, architect for the credit union. And I kinda know the history behind the whole thing but I -- you know, what basically what we're after is a time extension because we're not ready to start construction due to the fact that the credit union had to restructure a lot of loans due to hard times and that's where we're at right now. We need a three-year or five-year extension and whatever to start the project, you know, whatever the Commission is willing to grant us at this time.

Chair Sprinzel: Can we have a legal comment, at this stage, please?

Ms. Richelle Thomson: I just wanted to add that, you know, if I'm hearing the Planning Department's analyst correctly, that the initiated date, initiated by date would be a more conservative reading, so to not assume or not call the off-site parking improvements as having started construction because they don't have all of the required approvals, so I believe it's more conservative to have the initiated date mean that all of those requirements have been met by that date or their SMA permit is effected, so it kind of hold the applicant's feet to the fire a bit more to go ahead and get those approvals so --

Ms. Dudoit: What's our standard or typical -- I guess I'm a little bit confused because I'm sitting here and it's, you know, April 2013 and I'm trying to make a -- I mean you're giving me a date that you pulled out of the air so I mean what's our standard time for allowing initiation of a project?

Chair Sprinzel: Could we just not renew it? Couldn't we renew it as five years from today and then everybody would be happy? It makes sense.

Ms. Dudoit: I don't want to put them in any kind of -- I mean does it cost them anything to come back and get another extension or whatever? I don't know why we're doing this this way.

Ms. Thomson: You know, it's up to this Commission whether you feel that the time recommended by the Planning Department is appropriate or if you want a shorter time.

Ms. Dudoit: Clayton, you have an answer to my question? What is our standard?

Mr. Yoshida: The standard is three -- an initial three years to initiate construction, so now they're asking for a time extension on that period to initiate construction of five years but, basically, their request was submitted in 2011, so one year has lapsed already of the five. I guess it's the discretion of the Commission again as to what you feel is a reasonable time for the applicant to initiate construction given current circumstances.

Ms. Diane Swenson: We've lost a lot of financial institutions in the last four or five years. A lot banks have just given up, gone away, been put out of business by the government and I think we ought to be really proud that this community has kept their credit union and, right now, it's like times are tough for banks and credit institutions and I think they all need the extra time so I'd like to see them have the five years, personally.

Chair Sprinzel: I'm even more confused as I'm sure Zhantell is because about a couple of years ago, we gave -- had a long discussion about planning commission on an estate on the east end, which had like 80 houses, permission from 40 years ago, and here we are saying they gotta do it within 3 years. It just doesn't make sense to me. How -- they should



have one set of rules and we should stick by them, which would be much easier. Anyway, is there anymore discussion?

Ms. Dudoit: I just wanted to say that I don't have any problem giving them the five years, but I have a problem with the date that it starts. So if we going make one decision today, then, in my opinion, it should start from today. I cannot foresee 2017 being -- I mean 2017, the condition of our island and all that stuff may change, and so --

Chair Sprinzel: I have to agree. Any other Commissioners have any comment on that? Otherwise, I'd be quite happy to have a proposal that we do it, an extension of five years from today.

Ms. Dudoit: I'd like to make a motion that we approve the five-year extension for the Molokai Community Federal Credit Union special management area, SMA, use permit for the construction for five years from today's date.

Chair Sprinzel: Presumably with the same conditions.

Ms. Dudoit: Yes, and include conditions -- I'm not sure how to do this motion, but I want -- I think the conditions are fine, it's just the date.

Mr. Sticka: A suggestion that I may offer to the Commission would be the deletion of condition no. 1, which would eliminate any of the confusion there with all the dates and that, and we would just leave condition no. 2, which I guess would be just the only condition that would be attached and it would just be that the construction of the project shall be completed within five years of April 24, 2013, and, you know, it just have the remainder of the information and the condition. We would just follow with, "The failure to complete construction of this . . ." just with the remainder of that. Is that clear?

Chair Sprinzel: Can I have seconder, please?

Ms. Dudoit: Okay, wait. No. I have to redo my motion because -- and I just want to clarify. In actuality, what we're saying is that the project will be initiated within five years, right, of today's date? But condition no. 2 says that five years from now, which is April of 2018, from that date, they have five additional years to complete that project. That's the way your conditions read, right?

Mr. Sticka: We can craft the conditions --

Ms. Dudoit: Oh, no, no, no. I agree with that. But I'm just clarify because what you said was they have five years to complete; in actuality, that's not -- that's not the case. My motion -- the motion -- okay here, I want to make a motion that we go along with the

department's recommendation to grant a five-year extension to the Molokai Planning Commission for their SMA special use permit for five years from -- for the project to be initiated from -- within five years of today's date, and also, that condition no. 2 remain in place that from five years -- from that date, April 2018, the Molokai Community Federal Credit Union also has an additional five years to complete the project.

Mr. Sticka: Okay.

Chair Sprinzel: I can't see any bank on earth taking more than five years out of business to build the new unit. I mean they're going to do this as quickly as possible. Can I have a seconder, please? Yes, we have a seconder.

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

***It has been moved by Commissioner Dudoit, seconded by Commissioner Rogers, then unanimously***

***VOTED: to accept the Planning Department's recommendation to grant the time extension of the special management area use permit for the Molokai Community Federal Credit Union to initiate construction of the project within five-years from April 24, 2013. Also, that condition no. 2 remain in place that the Molokai Community Federal Credit Union has five years from April 24, 2018 to complete the project.***

Chair Sprinzel: Unanimous. Thank you very much. Okay, we're now going to have an Orientation Workshop, and I want to thank all the hoard of people who've come over from Maui today to tell us what we've heard every year for the last four years. Thank you very much. And, no doubt, you'll keep it as tight and as short as you possibly can.

## **E. ORIENTATION WORKSHOP NO. 2**

### **1. Update of the General Plan and the Molokai Community Plan - Long Range Division**

Mr. David Yamashita: Absolutely. Yes, I intend to keep it as concise as possible. I was not here last year. Last year you saw Kathleen Kern, who was probably easier to look at so I apologize, but, anyway, I'll try and move through this.

My name is David Yamashita. I'm a Planner with the Long-Range Division of the Planning Department, and what I'm going to do is just walk you through, very quickly, what the Long-

Range Division does as an orientation for new members and for existing members as well. Anyway, you do have a handout of the presentation so you don't have to take detailed notes. We do have extras if there are people in the audience who want to have a copy of this, it's up by Suzie.

Okay, so a few key points. What I'm going to do is go over what the Long-Range does. What our division does. We're one of four divisions in the Planning Department. So I'll go over what our roles and responsibilities are briefly, what some of the issues and challenges are, and some of the planning tools that we have and that you have as well.

Okay, quickly, who is the Long-Range Division? It's made up of about say 13-14 people. As you can see on your handout, it's headed by John Summers, who is our Administrator, and then we have two groups of professional staff, five of whom are planners, and five of whom are GIS people. I'm the Planning Supervisor for the planning group.

Okay, moving on to basic responsibilities. What we do essentially is oversee comprehensive community planning for Maui County, and it also includes doing GIS work as well, so essentially, comprehensive planning and GIS work. Some of the roles that we typically take on -- but we work with the community, stakeholders, and decision-makers to manage growth we coordinate long-range planning activities with other departments, and our GIS section does a great job of mapping information. So a lot of the maps that you'll see -- so our GIS helps us with our mapping needs as well.

Some of the specific things that we do: we prepare updates to the County General Plan, we do projects to implement the General Plan, we also do technical studies, as an example, we're working on an impact fee study for the whole county, we have a cultural resources planner, and, again, we also have a lot of GIS mapping capabilities.

Okay, just quickly, some of the issues and challenges, and our issues and challenges are really your issues and challenges as well. It's something you deal with. And one of the points I always make when I talk to people about some of the work that we do is that it's really kind of a balancing act, and if there are five general areas, you could come up with your own, but these are the ones that I thought of: social issues, cultural issues, economic, design, and environmental. And so when you deliberate, even with the cases that you, but in certainly the work that we do, we're always trying to find the balance and trying to think about some of the planning projects and planning things that are submitted to you as how do you balance all of these? I mean it's not easy, there's no -- there's no one way to do it, but it's always a balance. Another way to look at this, and this is a challenge as we think about the community, is essentially how do we meet Molokai's current and future needs while keeping what we value 'cause quite often when we start with a planning project, like a community plan, sometimes we'll hear people say we like it just the way things are. We want to keep things the way they are. And that's not always something -- I mean it's

impossible to do, so this is the way we try and re-frame it is: How do we keep what we value most but yet deal with the current and future issues?

The other response is, and again, this is something that you I'm sure have to deal with, when you hear people say, you know, we like it just the way it is, don't change anything, is that when you look back through at least Molokai's history, change does happen. A lot of these things that you see on the slide are places that have changed through the years - some for better, some for worse - Pau Hana Inn, you know; the church burned down; thankfully, Kalaniana'ole Hall has been restored and is in much better shape, at least when I first saw it in I think it was the late 1960s; and the theater of course is no longer here. So again, it's a point that we make to people that we have to manage change. That's our role as long-range planners and I think it's also something you have to deal with as well.

Some of the tools that we have -- one of the things that we, in the Planning Department, work a lot with is the notion of smart growth, which some of you may have heard of, and I won't read all of these, they're in the handout, but a few of the key ideas here include, and I'm just going to pull a few out, no. 3 and no. 4: Creating a range of housing opportunities and choices; Creating walkable neighborhoods; and no. 7: Strengthen and director development around existing communities, which is essentially let's not promote sprawl. So as we think about new development, we would like to contain it around existing communities wherever possible.

Some of the other tools that we have, one of the basic tools in our toolbox is something out of the County Code, and when you have some extra time, you might look at this, Chapter 2.80B from the County Code because it defines how these community plans are done and what needs to be in the plan. So as we do the community plans, be aware that we have to follow what's in Chapter 2.80B. So it defines strictly what we do for public participation, the community advisory committee, and the role of the different bodies that are involved, including the committees, the Planning Director, planning commissions, and council. It also establishes the process to amend the General Plan and the community plans and identifies, as I said, some of the mandatory elements of the plan.

Okay, I'll just give you an overview here of all the different plans that you may have heard about. At the top is the Countywide Policy Plan, which was adopted several years ago, there is no map, but it does provide general policies. And then under that, you've got the three island plans, so Lanai, Molokai, and the Maui Island Plan. As some of you know, the Maui Island Plan was just adopted by council last December, and the planning staff is now working on the Lanai Community Plan, which is the Island Plan, and will be starting on the Molokai Community Plan soon as well. And then under that, we also have seven other community plans that we do for small towns on Maui as well as Kahoolawe. And these are supposed to be updated every ten years.

So the Countywide Policy Plan provides a broad policy framework for the entire county, as I talked about. The community plans address local character, the issues and needs of each community, and urban form and design principles. So, for example, one of the things we'll be looking at when we do the Molokai Community Plan is Kaunakakai, and thinking about, as Kaunakakai changes, what kind of form do you think it ought to take? Where should it grow? Where should it not grow? What kind of buildings are you looking at? What do we want to preserve? And so on.

The community plans, and again, this is something that Molokai will have starting to -- we'll have capital improvement projects and priority; how to protect historic resources; a policy framework for housing and economic diversification; and, essentially, describing how the community should grow or change, or what the direction is for the community's future. When we do the plans, what we try and do, and this is what we're working really hard on for Lanai, is to make the plan comprehensive, consistent, clear and specific, to have policy measures, be fiscally responsible, and then to have public conversation. We had a series of workshop about two years ago getting ready for the Molokai Community Plan and that was part of the public conversation. And public engagement. Again, this is an extension. We're establishing -- we actually have done it a number of ways to involve residents. We had workshops and I think we had two workshops and we'll probably have more as we get this going.

Okay, so what's the process for doing a community plan. It does take awhile, and this is -- it's a -- this is the way it's setup in 2.80B, so it's not something that we can control or really that you can control. It's spelled out. And the way it works is we have to prepare what's called the "director's draft," so that's what we're working on now, and it's based on what we heard at the workshops, interviews as well, but we have to have -- it's essentially a starting point for the CPAC, for the community plan advisory committee. So we start with this basic draft. Then there's the community plan advisory committee, CPAC. The CPAC has six months do it's work; to review the document. We then get it back, and we actually work with the CPAC to run the meeting, we then make some revisions to get it ready to take to the planning commission, as you see there. The planning commission also has six months to review the document. Then we get it back and, again, just kind of get it ready for the final review by which is the County Council, and they have up to a year. So when you add all of these together, you're looking at at least two years, if not a little bit more. But that's the general schedule, so we'll start this year, but you're probably looking at completion in 2016, given this timeline, and again, it's not something that we can really change. It's what's in 2.80B.

Okay, so in summary, what Long-Range does, essentially, is comprehensive planning for all the islands that make Maui County. Some of the issues are trying to meet current and future needs; keeping what we value the most; but essentially, managing change. The tools that we have, and again, the tools that you have, the community planning process,

2.80B, we try and do a lot of interactive public engagement, and we also do a lot of land use and population data analysis as well. So that's it. That's the overview, and if you have any questions, I'd be happy to entertain any.

Chair Sprinzel: Thank you, David. And now we're going to have coastal zone management introduction, Jim Buika.

**2. Coastal Zone Management Introduction - Jim Buika, Coastal Resources Planner**

Mr. Jim Buika: Thank you and good afternoon, Commissioners. My name is Jim Buika. I'm the Coastal Resource Planner, in the Planning Department, and I'm here with Tara Owens, who is the University of Hawaii Coastal Geologist, who is actually in our office and she's of great assistance to us, and both of us work within the special management area and administer the Coastal Zone Management Act. So I think we're going to rearrange the -- at least move over here. So what we will -- our agenda here is a two-part really with four topics. I'll allow Tara to introduce, "Managing Hawaii's Dynamic Shorelines," from a coastal geology point of view, and then I will discuss the Coastal Zone Management Act, the Molokai Planning Commission roles under the special management area rules and your rules of the Molokai Planning Commission relating to the shoreline areas of the island of Molokai. So I'll discuss the rules and I'll let Tara introduce the topic right now. So we'll see how this goes over here.

**3. Sea Level Rise and the Future of Our Shorelines - Tara Owens, Sea Grant agent**

Ms. Tara Owens: Good afternoon, Chair, and good afternoon, Commissioners. Thank you for having us again. My name is Tara Owens and I actually work for the University of Hawaii, but I'm stationed on Maui with the planners and I work out of the Planning Department, so I work directly with Jim and Ben and the other planners, and provide them assistance on ...(inaudible)... related to shoreline planning, and I work very commonly with community members as well. So I know several of you have seen these presentations before, hopefully -- I always try to interject a few new things so it's not too boring, and I guess we're here mostly for the newer commissioners.

Okay, so coastal erosion is a fairly substantial issue in Hawaii. All of Hawaii's beaches, with a few exceptions, are eroding, which means shorelines are retreating, moving landward. This was a paper -- an article from *The Maui News*, specific to Maui, but this was maybe last year, talking about how Maui has lost more than four miles of sandy beach in the past century, and the article came after this particle study was published, which was done by USGS and researches at UH, looking at historical shoreline change throughout the islands, mostly focused on Maui, Oahu, and Kauai, but what is said was that 85% of Maui's

shorelines are experiencing long-term erosion, and in Maui, our beaches are experiencing the highest rate of erosion in the Hawaiian Islands, compared to the other islands that were studied, and Maui has the highest percentage of beach lost. And so while none of the data actually comes directly from Molokai, the trends are probably very similar for Molokai beaches.

And so just some quick foundational information about beaches and coastal processes, and I'll focus a lot on beaches, you guys don't have as many beaches maybe here on Molokai as we do on Maui, but what you do have is very important and important to protect, so Hawaiian beaches are typically very narrow and steep, and that's because we don't have a lot of sand available to our beaches, like compared to some Mainland beaches where there are lots of sand -- lots more sand in the system and that has to do with the fact that we're, you know, volcanic islands in the middle of a very deep ocean. Our sand is mostly carbonate. The whitish colored sand that you see on a lot of beaches. It comes from living things, shells of living organisms, like mollusks and algae and corals, calcareous algae and corals, and then you have some of the more terrigenous sand, like black sand beaches and red sand beaches. They aren't as numerous in Hawaii. One important point about this though is from the sands that have been dated around our island, we know that they're anywhere from 500 to 5,000 years old, those grains of sand, and that's important because what it means is what we have is what we have. There's not a lot of new sand being created, so we have protect what we have because once it disappears, the beaches are gone. I'm going to skip over this in there interest of time. Sand moves around quite a bit on the islands, you probably notice this on the beaches that you know well here on Molokai, and it has to do with the seasonal wave conditions here on the island that change. The sand moves -- it can move on and off the shoreline, and it can move up and down the shoreline. And that up and down the shoreline long shore transport is really common as a sort of a seasonal trend on our Hawaiian beaches, but it can create some challenging management issues. And in general, erosion can be either temporary, related to this seasonal wave regime and the movement of sand, or it can be chronic where a beach steadily or a shoreline is steadily retrieving landward over time and then we have to deal with the implications of that.

So the rest of this presentation will center around these causes of coastal erosion. There's basically three causes. One, the first is humans. Human impact to sand supply. The second is current. The seasonal wave conditions that moves tons of sand. And the third is sea level rise, which is something that's starting to factor into our planning and thinking about the future.

So human impacts can be anything from mining sand, which historically in Hawaii was very common taking sand from beaches and contributed pretty substantially to narrowing and or lost of a lot of our beaches. Mining sand from the beaches now is illegal. You cannot do that anymore. Another type of human impact are structures on beaches. There are

different types of structures that can be used for erosion control, the example I'm showing here, which is probably the most extreme, is a seawall. So you can see what this graphic shows you is that we know our shorelines are retreating, so here you have a beach, and as long as nothing is in the way, development or lava or some other type of geology, the shoreline will move landward and the beach will remain intact. Once you actually start building structures, like sea walls, you do a couple of things: one, you impound sand behind that structure, which makes it no longer available to feed the beach; the other thing is when you have structure like that, you have waves start to interact with that structure and that wave energy is reflected away from the beach and it carries sand away with it. So ultimately, in many cases where you see sea walls, especially these vertical type of sea walls, you'll notice that there's no longer a beach in front of them. And you guys -- I don't know. I don't know the area around Molokai as much as I do Maui, so I'd love, at some point, if I ever have the opportunity to get feedback to hear about some of the stories on Maui and some of the features around here. This is an example from Oahu, but this is very graphically, you know, demonstrates what I just said, you have one property where the property has been protected with a revetment, which is kind of a sloped wall usually made out of big armor stones, next to a property where there has been no protection, and so one you're protecting the land and the other you're protecting the beach. It's usually not easy to accomplish both.

Okay, so that's the human impacts. The second thing are seasonal waves. You guys know our wave regimes change around the islands and it also depends on where you are on an island to some degree what you're exposed to, so, you know, north shores, they get the North Pacific swell and the trade wind waves; the south shores get the southern waves from south swells and Kona winds, and the east and west sides kinda get a little bit of everything. And of course that has implications for what happens along our shorelines. Here's an example from Kaanapali. Everybody kind of knows that area on the west side of Maui. You can see, within a few months times, this was a big event in 2003, from March to July, you have a nice wide beach, to no beach, and then the beach recovers, and that's very common and something that you don't want to react to with something that will impact the long-term health of the beach, like if you know a beach is going to change seasonally and might recover, it would probably not be advisable to put up structures or build walls. You wait for it to recover. Another example common on Maui is Baldwin Beach on the north shore, and a couple of years ago, this was a county park, we had the restroom facilities fall in the water after years of chronic and seasonal erosion.

And then the third factor, so that was human impacts, seasonal waves, and the third factor causing erosion is change in sea levels. You hear a lot about that in the news these days. Climate impacts. There are two processes that affect sea level: one is this global changes in sea level, so we have glaciers melting, contributing more water to the world ocean, which causes sea level rise; the water is also warming, and with warmth comes expansion of water molecules, and that also causes elevated sea levels; and then you have the localize



trends that you see, relative changes in sea level, and this related to tectonic processes, which are very active here in the islands, so the earth crust is always adjusting to what's happening and, in our case, we have the Big Island, which is continually continuing to grow, and as the sediments cool and compacts, the Big Island gets heavier and it's pushing down on the crust, the oceanic crust, and it takes Maui along with it, so the Big Island and Maui actually have higher rates of sea level rise than do Oahu and Kauai. So if you see here for Maui, it's about one inch per decade at this time, and expected to accelerate in the future.

And so in terms of trends, again, Hawaii's sea level, on average across the islands, has risen 6 inches over the past century, higher for Maui, and the latest estimates for global sea level rise where the predictions are 3 to 9 inches by 2030, 7 to 18 inches by 2050, and 19 to 55 inches by 2100. So a pretty large range of predictions but -- and I'll show in just a minute, I'm kind of out of order here, some of the implications of that. And one thing I also want to point, this article here on the right-hand side, this was an article published as a result of some very recent research, there's new research everyday on climate impacts, and it says, "Hawaii is expected to suffer most as global sea level rises," and I won't necessarily get into the details of that, but if you're interested, it's a pretty -- it's a pretty fascinating story and it looks like Hawaii stands to have some pretty large impacts.

So in terms of what we're doing on for planning for this, we're really just kind of getting going in the State of Hawaii. Last year -- no, two legislative sessions ago, there was some climate legislation passed, we adopted some guidelines in our state planning act that are supposed to encourage planners to start planning for sea level rise and climate, and then our researchers are developing data that are going to be useful for planning, and Chip Fletcher, at the University of Hawaii, is sort of our know climate expert, and he has recently produced some maps of sea level rise inundation for NOAA that are going to be, any day now, posted within this web-based viewer, it's very user-friendly, and you'll see this is for San Francisco Bay but this is what it's going to look like, there's a slider bar up here and you can play with it, increase the sea level rise in increments based on, you know, the sea level rise predictions for the future, so it goes from 1 to 6 feet, and then you see what that looks like, those little layers there show the potential inundation from sea level rise around San Francisco Bay. So we'll have this available to us for all of the islands in Hawaii including, thankfully, Molokai and Lanai.

In terms of the implications, we're talking about, you know, predictions of vertical sea level rise, and I always like to point out that it sounds, and maybe it might sound small 6 inches of sea level rise, what kind of impact is that going to be? Well, studies show that depending on your geology and your geography, but there can be 150-times erosion multipliers. So if the sea level rises a little bit in the vertical, and that translates to a really bit impact in the horizontal, so you have inundation going as far as our inland depending on your slope and terrain.

Coral reefs and our sand to be impacted from a variety of ways. The water gets deeper, that can impact coral. One of the things that was studied here on Molokai was related to sea level rise causing increase erosion of the shoreline, which is going to cause increased sedimentation, which affects the way corals function and their life cycle, and so that's something to be watched.

Okay, so that's the background. And then what are the responses? How do planners deal with this? There's not a -- there are not a whole lot of options really, when it comes down to it, and so he's sort of the range, from do nothing, that would mean just allow homes and infrastructure to fall into the ocean, which usually is not very politically feasible or realistic; to the other end of the spectrum, at the bottom of this list, which is hard stabilization, like permanent erosion control, like sea walls and revetments; and then there's the in-between, which is I think where we really want to focus our efforts where possible, which is manage retreat, beach renourishment, or dune restoration, or temporary or some type of permanent erosion control that might not have as extreme of an impact. The photo there is actually a T-head groin going in on Oahu at Iroquois Point, this is near Pearl Harbor near a federal housing complex, and they're building 9 T-head groins, these are shore perpendicular structures that are means to capture sand and they're renourishing the beach with sand. One of the biggest projects of its kind in Hawaii so far. And I'm just going to give you some examples of these.

So in terms of managed retreat, you might think of our shoreline setback policies in Maui and what we have here on Molokai as a form of managed retreat. So your setback rules for Molokai were adopted in 1991 with the idea to ensure shoreline access, limit the types of structures and activities in the shoreline area, protect beach and shoreline processes and move people out of harms way. And this is actually how setbacks are determined for Molokai, so probably you guys are familiar with this since you're responsible implementing these rules, but what I want to point out is your minimum setback is 25 feet, same as Maui, and that's interesting because once you have a shoreline or an erosion scarp that's within 20 feet of a habitable structure, the state considers it eminently threatened. So we're providing a setback that only gives people 5 feet above beyond what's considered eminently threatened, and there's some discussion within Maui with the Maui shoreline planners about potentially proposing to increase the minimum setback from maybe something like 25 to 40 feet.

An important tool in that process that I don't think it's used a lot here on Molokai is the state certified shoreline. So the state certified shoreline is supposed to be the designated line, it designates high wash of wave, and that's the line from which you determine your setback, from where your setback is measured. So if your setback is 25 feet, it's 25 feet from the state certified shoreline. I work very closely with some of the state planners to implement the program, and they know they don't come to Molokai very often, so this might be something that you can think about for certain projects if you are ever concerned about,

you know, protecting a beach or some dune, or moving a home farther away out of the hazard zone where it may not be impacted by waves or storms or tsunamis, it's something that can be required as a requirement for a project.

So that's the managed retreat. Now I'm going to skip to that other end of the spectrum, which, you know, is the shoreline hardening. These are just some examples from Maui. This is a six-story condominium on the west side of Maui where temporary erosion control has been in place for about five or six years now and it's looking like there may be a new permanent shoreline structure at this location, and it's the first time in many years that we're starting to see applications of sea walls at a higher rate or even new sea walls that we haven't seen at all in many years, and I think it's because we're starting to face some of these issues, like with sea level rise and continuing chronic erosion. It's coming down to the point now where we have to face them and make decisions about how to mitigate them. This is our coastal highway going out to Lahaina, Honoapiilani Highway. There's two new ongoing projects to put in shore protection structures along that highway. There's one done at Ukumehame. This is one just being started right now near Launiupoko. These are not, you know, ideally the types of features you want to see along the shoreline and, in these cases, it's challenging because we have one highway out to the west side and it's DOT's obligation to protect the coastal highway. The ideal solution here would be to move the highway but that, of course, carries some significant challenges with it as well.

And then in the middle ground there, between doing nothing and managed retreat to hardening the shoreline, this is probably a tool that could only be used on a limited basis on Molokai because there's probably not any good sand sources, but beach renourishment is one tool. This is an example from Maui where 20 years ago, they started renourishing the beach and built a beach there over time. Erosion control, things like groins, I showed the example on Oahu. This one was done on Maui. These were -- there were four groins, you can only see two of them here, one here and one here, these are made out of geotextile bags filled with sand. They were deployed temporarily to see how they would behave and impact the beach. And they've worked fairly well at this location and they're going to be replaced with permanent erosion control structures, groins, in the near future.

And then the last thing I want to highlight is dune restoration because, actually, this is something that can be done fairly easily, cheaply, and has a really big impact. A lot of bang for the buck. And what actually we're finding after Super Storm Sandy on the East Coast on the Mainland is that communities where they had done beach restoration and, in particular, dune restoration, those were the areas that suffered the least amount of damage. So they're really touting the effects of dune restoration after that event. And again, beach adjust seasonally. You get big waves. What happens is the waves reach up to the dunes, the sand gets transported off into the near shore area, fills in the pukas in the reefs, sometimes form sandbars, and what that does is it causes waves to break farther offshore and reduces wave energy on the beach until the waves are gone, and then the

sand comes back up onto the beach, and the dunes are eventually restored again. So the dunes, you can think of them as your savings account for the beach. They feed the beach they need to, so they're really, really important features that needs to be protected. A lot of times what happens, especially in the past, dunes were just graded over and development, you know, homes and buildings were placed as close to the shoreline as they could and the dunes weren't protected. The good news is dunes can be restored, and we do a lot of it on Maui. It could be done here as well. On Molokai, you have one of the largest intact dune systems in Hawaii, the Papohaku Dunes, and there's an entire study that was devoted to managing and preserving the Papohaku Dunes, so there's a lot of good information and tools in that plan.

And just some examples on Maui, and this is just an example of how I work with the planners and this could be done for Molokai as well, I like this example, this is a fairly recent one, this was a condominium AOA on the west side that had deployed geotextile sandbags on their beach without authorization from the state or county, and the state eventually came out to do certified shoreline because they had an SMA permit application for doing some improvements on their buildings within the shoreline setback area, and so when they came out to do a certified shoreline, the state said, oh, there is illegal sandbags here. You have to take them out. And the condo was very, very fearful because they perceived the sandbags to be the protection that they needed from high waves when they get high waves during the season of high waves, and that's where I was able to step in and work with one of the shoreline planners for the county and said, hey, you know what you can do that's even better is we can restore your dunes, and that'll be way more protection that those sandbags were ever going to be in the first place, and it's going to be more beautiful and natural. So they removed the sandbags. They actually added sand to the dune area, and then we revegetated the dunes with native dune building plants, like vines and grasses, pahoehoe and aki`aki, and the condo loves it. They are thrilled with the outcome and it's been holding up well during the winter storms. So that's a happy ending. And we have many, many other examples like that on Maui. Here's another one where we actually removed encroaching vegetation, that's also very common, and now we're restoring the dunes with dune colonizing plants and improving beach access. So this is actually a before and after where we removed a bunch of naupaka and now we're replacing naupaka with morning glory and other plants and allowing the dune to rebuild itself again.

Okay, and Jim's going to follow with the regulatory structure that focuses on the shoreline area and how these setbacks are implemented more specifically. Any questions?

Mr. Ron Davis: I have one.

Ms. Owens: Yeah?

Mr. Davis: ...(inaudible)... restore the dunes.

Ms. Owens: Yes.

Mr. Davis: Where you get the sand from?

Ms. Owens: Well, that's a good question. Sometimes we don't need sand. Sometimes you just harness what's there, which is you can harness the wind, especially if it's a windy area, you can build -- sometimes you deploy sand fencing, which is, you know, just a fabric we put up in the form of panels on the beach and then when the trades pickup in trade wind season, the sand blows down the beach and starts to accumulate in the dune area again. So you can have a combination of fencing and/or plants, which also captures sand and rebuilds the dune. Sometimes you can do it just like that using nature and you don't need to add any sand at all. There are certain circumstances where we do recommend adding sand and, in our case on Maui, we have an inland source of sand in the Maui Lani area, Central Maui, they're ancient sand dunes, and there's a mine, there's an active mine there for sand. That's a limited circumstance is where we actually do that though.

Ms. Swenson: ...(inaudible)...

Chair Sprinzel: Can you use the microphone, please?

Ms. Swenson: We do have to have state shoreline certifications here and the surveyors in Maui could help you with our coast here because they have all the statistics, like we just had one on the south coast that was -- had a shoreline certification in 2003, and it had one a month ago and the beaches actually had accretion of six inches.

Ms. Owens: Oh, okay.

Ms. Swenson: So your sand is coming to Molokai.

Ms. Owens: Well, okay, that's good. It's good when your shoreline doesn't remove land. That's definitely a good thing. Although, sometimes, that's a function of, not necessarily that beach has grown, but that we haven't had any high waves in a while and there's no evidence of inundation as far as landward goes. And I'm glad to hear that you're familiar with the process. Maybe I misspoke. It just doesn't happen here as often as it does on Maui and maybe that's just because there's not as many projects here as on Maui. But thank you for clarifying. Any other questions?

Ms. Collette Machado: I got a question.

Ms. Owens: Yeah?

Chair Sprinzel: Collette, could you possibly come to a mike?

Ms. Machado: ...(inaudible)... some areas of kiawe tree and shrub. Have you been out there and assessed it?

Ms. Owens: ...(inaudible)...

Ms. Machado: Oh, it's like about the what 8-8-4-4-5 -- right around there, 4 or 5 miles going -- it's actually a federal park, I think, but the county oversees it, but -- excuse me? Right, the rice paddy, that's what the old timers call it, but the official name is "Kakahai`a."

Ms. Owens: Okay.

Ms. Machado: Okay. But the erosion has been really major and the kiawe trees that used to border the shoreline is dropping.

Ms. Owens: Were there dunes there at point or ...(inaudible)...

Ms. Machado: I'm not sure. Probably not 'cause it's all dirt. There's no sand. Mud flats. Okay, so the real question I have: Why aren't you here doing the kind of assessment that you've done on your presentation to impact our island to actually look at these areas? I know part of the other problem at Papohaku, which I had a big hand in it 'cause the Office of Hawaiian Affairs provided the funding to implement all of that project, but it's enforcement also. Sam Lemmo with the conservation at -- he's still yet to begin these rules that would be able to enforce these landowners, so it's really all of that. So first of all, how come you never do more work for our specific island? And they can speak to why you should come.

Ms. Owens; Well, I would love to be able to do more work for you. It all -- I don't have very many Molokai examples because I don't get to get here very often, but the way my position functions is that I support the planners at the request of the planners. So if they were ever a need, especially if it's related to some sort of permitting process, then Ben could definitely work with me and we can work that way. My predecessor, Zoe Norcross-Nu`u, was really involved with the Papohaku Dunes Study and she did a whole assessment for that, and I do have some good news there. I've been told by DLNR OCCL that they are trying to change the zoning there from the general subzone of conservation lands to the limited subzone so there would be more protection on the dunes there. So I hope they're successful in that process 'cause that would definitely be good news for you.

Chair Sprinzel: Thank you, Tara.

Ms. Dudoit: And so just for the record, since you need to be requested to come, I want to say that I would like request you to come as a part of the GPAC committee and as a part of the Commission because it looks, from the first presentation, that at least I will be able

to be a part of the conversation on both times before your department starts to assess the draft plan for the Molokai Community Plan because there are other areas, like Morris Point at the 20-mile marker, and whole bunch of areas that are under the county's or had been under the county's designated park areas that are in severe need of being looked at and studied, and how are we, as a community, supposed to make a viable plan, a community plan, when there's no studies or factual information for us to base our analysis of property, such as the 20-mile marker at Morris Point. So I would, officially on record, like to request that the department make a special effort especially considering that Molokai Community Plan efforts are going to be coming up and it's part of your Long-Range, part of your department, and that you -- that we try to do as much studies as we can to prepare for adequate and efficient information to supply to members of the GPAC and the Planning Commission.

Ms. Owens: I don't know where Dave Yamashita went but I can talk to him about how I can get involved more directly in the community plan process, which I have not been in the past really. Okay, thank you guys.

Chair Sprinzel: Thank you very much. Excellent. Jim?

#### **4. Special Management Area (SMA) Rules - Jim Buika, Coastal Resources Planner**

Mr. Buika: Thank you. We'll just powerhouse through right to the bitter end, huh? Okay. Yes, Tara is a great resource to us. She works with Parks and Rec Department, she works with Environmental Management Department, she works for Public Works, so when she says she works with the Planning Department, she splits her time amongst mostly those four department and pretty much deals with as many of the shoreline issues as possible, and as we all know, there is more coastal erosion so Tara has become just a vital resource for all of us. Just to let you know, she has come to Maui Planning Commission meetings and she does get involved, just from the audience, as a resource person for some of the coastal issues that we're dealing with there, so she gets Q&A'd regularly by them and, certainly, she can help you out here. I mean it's all part of our role.

I, personally, Jim Buika, planner with the -- lead shoreline planner. I'm working with Ben on a few of the -- beginning with few of the projects here in the special management area and your shoreline rules. So I'll talk about three important laws, or the one law, the Coastal Zone Management Act, which authorizes each of the counties to put in place the special management area rules, which you deal with on a bi-weekly basis. The SMA rules and also your shoreline rules. And these are -- and you have a handout in front of you. I actually have, of my slides, I have three additional handouts if, Tara, you want to pass it out to the folks over there, for your information. So you can Google those. You can get those. I'm sure you have it in your packets.

So how it works is at the Maui County Charter level, each of the planning commissions, Molokai, Maui, Lanai, are designated as the authorities for all matters relating to the coastal zone management law for their islands, Section 8-8.4 of the Maui County Charter. So it doesn't go to our County Council, which is -- which I think is really good. It takes the politics out of the environmental law, the shoreline, the special management area, and it designates you folks who know your island, your areas the best to determine and add in as much mitigation and look at these projects in detail. So I think it's a very wise move by the -- in the charter.

So the Coastal Zone Management Act and the special management area are part of the state planning framework, and you can see our State Constitution here and then we have our -- the materials Dave talked about this morning -- or this afternoon, the State Planning Act, down to your community plans here, land use zoning, and then the Coastal Zone Management Act here where we have our special management area rules and our shoreline rules. And these are -- the authority is the Molokai Planning Commission. So on parallel with those other planning elements in the state.

So just one quick slide on the Coastal Zone Management Act. It was enacted about 35 years ago, in 1978, pretty much nationwide, as development become more intensive. Along the coastline, it was a national law, and adopted and approved as HRS 205A in '77 and approved in '78 here. So it's the state's resource management policy umbrella, pretty much what I mean by that is that it is our environmental law. It is -- so this Commission really looks at -- it's the strongest environmental law we have in terms of land use in the Hawaiian Islands. So it manages all of the Hawaiian Islands under the Coastal Zone Management Act, and it authorizes the special management area permit system and the shoreline setback variances.

So within your SMA rules, you have a special management area. It's actually an area. So it's a subset of the coastal zone delineated by the county authority, and I think it was delineated back in 1978. So back on the back side, Kalaupapa area, you can see the pink - I guess you can kinda see it there, hopefully, on your slide - coming around to the Halawa, to the east, of Halawa Point, there's a large valley in here, then the special management area gets very thin right along the coastal road all the way up to Kaunakakai area, and then again there is -- the SMA boundary is split halfway through the Papohaku Dunes area, and that's what Tara was talking about is looking at putting more of that area into the conservation zone and potentially we can look at the special management area for that area also, if that's the desire of this body. So this line, the special management area, can be changed by the Molokai Planning Commission, so if there's a desire to do that.

So the goal of the Coastal Management Act, and your SMA rules, is to, the underlined here, "To preserve, protect, and, where possible, restore the natural resources of the coastal zone." As an example here, again this is Charley Young that Tara and I have been



working on here, and I'll zoom in to this smaller picture here, Kamaole Beach Park I, this was about a year ago May where we had this hau tree deeply in rooted and 30 years of encroaching growth along here, so what we've been doing is working with the homeowners there, and we've been cleaning this out, and practically tripling the size of the beach allowing the beach dunes to move back, roll back, give them more protection and make it a nicer, better world-class beach, which it's known as, so it's been a very good project, and this is really the goal is to preserve, protect, and, where possible, return it back to its natural state.

So the purpose of your SMA rules is basically is to put in a permit system to enact the Coastal Zone Management Act, so that's what we're doing is to create the permit process here for development along the coastline. You can see this example here. These properties in Kaanapali are sited too close to the shoreline and if we had to do it over now, we would site them 150 feet back instead of so near the shoreline here. So again, within the state law, the Coastal Zone Management Act, we have objectives and policies, underlined down here, and SMA guidelines, and these are in the state law, and then they get translated down to your SMA rules.

So this is -- these are the objectives of the Coastal Zone Management Act, there are 10 of the, and they're all significant, and you can see that they're all environmentally oriented, right: preserving, protecting recreational opportunities for the public; historical and cultural resources, protecting, preserving, restoring natural manmade Hawaiian cultural and historic resources, so we look at that, part of the checklist; scenic and open space is an issue; coastal ecosystems, we want to minimize impacts to coastal ecosystems; you know, do -- economic uses of the shoreline in a proper way, such as harbors, making sure harbors are done, co-located at the shoreline; coastal hazards, we want to minimize risk of development to coastal hazards; managing development through out streamline permit system, which we have; we have public participation as part of the Coastal Zone Management Act; beach protection and access; and then protecting marine resources. So this is our list that is our guidepost at the state level, and then we move it down to the county level.

So how does, through your permit rules, how are the SMA rules applied? So again, it's a subset to manage development. So when you get an SMA application, any project in the special management area requires an assessment, no matter how big or small it is, and that's what this Commission does. And your Commission is the authority for major permits called "SM1" use SMA permit, minor permits, SM6, and then the Commission concurs or denies the director's recommendation on the SMA exemptions, or SM5 that we call them, and still the Planning Director maintains the authority to issue an emergency permit. Tara talked about this imminent threat of a structure. If it needs some sort of protection, we can't wait till your regularly scheduled meeting, sometimes we need to confer, get engineering drawings as quick as possible, and do some sort of shoreline protection. So we do that

under an immediate authority of the Director of Planning Department, and then we report back to you at the next regularly scheduled meeting, and they still have to go through the permit process even though some of the work is done. So the only thing that can be done immediately is through -- is an emergency protection of for life and property.

So your role is, as most of you know, is to assess first whether a project is a development or not according to various definitions in the Coastal Zone Management Act, and you also assess whether an activity is exempted from development. And the reason we have these exemptions, and there are 16 exemption categories that are considered not development even though you're developing something, they're considered not development, and that's because, you know, the state legislature realized that we can't, every single thing we do, we can't bring it to a commission or get heavy duty scrutiny on it, so there are these exempted categories that can move forward quickly even though you review the exemptions. So if it's a major project that's over \$500,000, then that is -- the Molokai Planning Commission authorizes via public hearing; that's an SM1 permit. If it's less than \$500,000 and a development, then again, the Molokai Planning Commission authorizes with no public hearing but as part of your regularly scheduled agenda. By public hearing, there are some specific rules where your neighbors around the project within 500 feet need to be notified within 30 days of the meeting at the Molokai Planning Commission. So there's this little more level of notification that a project is about to be heard so that you can get public input on it.

So every project, and this is done by the Planning Department, through Ben Sticka now, when it comes into the Planning Department, your SMA rules have a list of 12 criteria that we judge your project on based on those 12 objectives at the coastal zone management level. So what we're always doing when we get a project in is trying to minimize the adverse impact, and we have our guideposts, and I'll share those in a minute, and those are called our "SMA guidelines." And these may seem kind of obvious to you, but these are written -- you know, these are -- we want to have -- maintain adequate access to publicly owned beaches, recreation areas, wildlife, natural reserves; adequate and properly located public recreation areas; adequately controlled; managed, and minimized impacts from pollution and runoff, for sure; minimize adverse effects to water resources, scenic resources, recreational amenities; and minimize risk to proposed structures from coastal hazards. So those are our guideposts, our main ones there. You can see the words I underlined "adequate" and "minimize." Every time we develop something, there's going to be some kind of an impact, we want to minimize it the best we can, and that's how we do it through this Commission, through your questions, your conditions, to make the project the best that it can be. A lot of times Ben will have a project for a year before it comes to you because it's back and forth, back and forth with the applicants trying to come -- trying the SMA criteria so that everything is minimized by the time it gets to you, that's our goal is to have a good project that we're proud of that we can present to you that we work with on the applicant. So again, we seek to minimize a bunch of things through the SMA

guidelines. We don't want to dredge, fill, or alter a coastline; we seek not to reduce the size of beaches; create impediments for public access, coastal recreation; lost of public views; adversely effects the water quality, fisheries, habitat, wildlife, lost of existing or potential agricultural uses. And so the bottom line, through the Coastal Zone Management Act and your SMA guidelines and the Molokai Planning Commission rules, again, we seek to minimize, where reasonable, adverse impacts to the environment, so that's your role, pretty much is being the environmental watchdogs, if you will, for all of these projects that come before you.

And how do we do that? What are our specific criteria? This is the list that myself, or Ben, or the planners, whenever we get an SMA assessment, and these are in our application. You can read through them. They're fairly similar to those policies and objectives but we evaluate if there's a significant effect on the environment, through these 12 criteria, some of the highlights, just a few of them involve irrevocable loss of natural or cultural resources, obviously, a single-family home built on top of a graveyard is not a pono thing to do, that would be an irrevocable loss of a cultural resource so we don't do something like that; we don't want to curtail beneficial range of uses of the environment; have a cumulative impact or a larger action; substantially effect rare, threatened, endangered species, animal, plant, or habitat; it has to consistent with all the various plans, zoning ordinances, community plan, we review it for that; water quality; air quality. No. 10 is important, affects environmentally sensitive areas, such as flood plains, shoreline, tsunami zone, erosion prone areas, coastal waters, fresh waters, so that's down the coastal area. And then heavy-duty grading, altering of the natural land forms, changing the views along the shoreline are all considered. And then no. 12 is a catchall where we go back to Coastal Zone Management Act contrary to the objectives and policies of the Coastal Zone Management Act, so we look at our 10 objectives and policies. So really, we're looking at about 20 different criteria here for each project.

Again, real quickly, these tables are in your handout, it shows you who the authority is. This is the type of permit that you can see, this shows you on the right is the authority for that major permit, minor permit are both authorized or reviewed, authorized by the Molokai Planning Commission. Emergency permits by the Planning Director with report back to you and permits still have to come through. An exempted project is defined, again, I'll just over this again, is not development, such as a single-family home, but we have two criteria for exempting something. We actually do an environmental review and it has to -- along with the exemption category. So if it's a single-family home and it's gone through an assessment that's completed, and we have no adverse or minimized adverse for drainage, view plains, archaeology, historic, natural and coastal resources, and looking at cumulative impacts, so our review is kinda dual-prong - yes, we may have an exemption but we make sure it's a good project environmentally, and then that would be something that the Planning Department would recommend to you for concurrence on an exemption project. And then there are some projects that do get denied that are inconsistent with state land

use, general plan, community plan, and zoning, or has an adverse impact on coastal resources. Usually, we try to not bring those to you. We try to work with the applicants to make sure that they are consistent. And these decisions can be contested with 10 business days after you have a meeting, so 2 weeks. Any of your Molokai Planning Commission decisions votes can be contested by the public.

So again, I kind of went over this exemption versus the permit. An exemption cannot have conditions because, technically, it is exempted from the SMA permit application process. And there are 16 categories of exemptions, as I explained, and I have a selected list of those. So it may be exempted if it includes measures to avoid, mitigate, and minimize adverse impacts, such as getting State Historic Preservation Division for archaeological monitoring during all ground altering activities. We can exempt a single-family home, but if they're going to dig a foundation in a sensitive area that may have archaeological or human remains, we're not going to allow that. We make sure that that environmental process goes through. So that's a common example. In contrast, an SMA use permit may have formal conditions, and you were looking at the conditions today, standard and project specific conditions.

Just quickly, I'll list these through. These are some of the common exemptions: single-family residence not part of larger action, that means just one single-family residence, not a subdivision; structural, nonstructural improvements to single-family residences; repair and maintenance of roads and highways; so you can see, routine dredging of streams as maintenance; repair and maintenance of underground utilities; repair and maintenance of existing structures; and demolition of some structures that have no historic significance. So those are some common ones that are always being done around our islands.

## **5. Shoreline Rules - Jim Buika, Coastal Resources Planner**

So shifting to the shoreline rules, Rules of the Molokai Planning Commission relating to the Shoreline Area of the Island of Molokai, Title 12, Chapter 303. The goal of the shoreline rules is to regulate development so that shorelines are protected, beach resources are conserved, visual and physical access is preserved, and landowners do not incur unnecessary risk or shoreline hardening expenses.

And again, out of those 10 objectives of the Coastal Zone Management Act, the shoreline rules look at coastal ecosystems - the ones that are highlighted in white - coastal hazards, beach protection and access, and marine resources. So that's the emphasis of your shoreline rules.

Again, we're looking at the shoreline rules here parallel with the SMA rules. And we have what are called the "shoreline setbacks," and the shoreline setbacks, we want to setback any project development away from the shoreline. The objectives are to move out of harms

way; plan for obsolescence of structures in the shoreline setback, the older ones, eventually demolish them, move back, where possible; ensure shoreline access, lateral access, as well as vertical access of all Hawaiians; and limit the types of structures and activities in the shoreline area. So we can do some things, smaller things, but we try to keep the big development out of the shoreline setback area, which is defined.

So your rules were adopted, the shoreline rules were adopted in 1991, and it regulates all the uses right at the shoreline, and these are the points I made: we want to, you know, protect the health and safety of the public; minimize coastal hazards; and ensure access for people, and how we do that is, on Molokai, we have what's called an "average lot depth setback calculation," so any property, depending on how big the parcel is on the shoreline, we can have a setback -- that's actually wrong, average lot depth, that should be "shoreline setback area" -- can range from 25 feet to 150-foot setback, depending on how big it is. So Tara went over this. So any lot that is narrow right along the shoreline, we have a minimum of 25 feet, any lot that's between -- that has an average lot depth of between 100 and 160 feet, we have a setback area of 40 feet minimum, and then anything -- a greater lot depth of 160 feet, we take 25% of that. So as you can see, in this example, how we calculate that. If the white box here is the lot, the wavy line is the ocean, we take 3 lengths, 250 feet down the middle, 230, 225, the average lot depth is - add those 3 up, divide by 3 - it's 235 feet, so right around -- then if we divide that, because it falls into this category of average lot depth is 160 feet, we take a quarter of that lot depth, and then draw line parallel with the shoreline, so it's about 57 feet that we would require development behind that line.

So there are some actions under your shoreline rules, some are still are done by the Planning Director. We do -- we determine for applications what the setback line is, we can do a shoreline setback approval, there are small things that can be done in the setback, so with a shoreline setback approval, we will figure out, in that project, what can and cannot be done in the setback area and it will be concurred by -- presented to the Molokai Planning Commission and concurred upon by you, so there are some smaller structures that can be allowed. Anything that's not allowed in the setback area requires a shoreline setback variance with conditions. It requires an environmental assessment, public hearing, and requires a state certified shoreline, and you are the authority on these variances. And then there are denials, such as illegal sea walls, hardened shorelines, block public access, and projects that encroach on state lands at the shoreline, and those would come to you also.

So there are some structures that are permissible. I'll just go through these. You have these older ones that were legally approved, structures prior to 1989; ag; ag use; some nonconforming structures, very old ones, prior 1970 or permitted when the permitting system started in '89; public boating; water facilities, some repairs can be done; beach nourishment; restoration projects are allowed; minor structures, as defined in your rules, there are a bunch of them, such as landscaping, paved lanais, some swimming pools actually can be allowed in the setback area, beach use type of facilities, paved walkways

for public access, those types of things. So we would make sure they come before you and make sure they're okay. And we can condition those. And then some repairs to legal structures up to 50% as long as it's just repair and it's not expanding in the setback area. So some of these minor structures, still we can condition them that they do not adversely effect any of the beach processes. We can allow them if, a minor structure, if it doesn't affect beach processes, it does not fix the shoreline in any way, it doesn't interfere with public access, and it does not block public views. In your rules, as opposed to the Maui Planning Commission rules, there is no dollar limit on a minor structure or activity allowed in the setback, so that might be something you want to put. I think it's \$125,000 limit in the Maui Planning Commission rules. But there is no dollar limit there but it has to meet criteria. Any new structure in the setback area needs to be elevated above the base flood elevation. The county is held harmless, you know, liability. And it cannot harden the shoreline. So we try to limit what we put there.

And then your role in approving shoreline setback variances, there are things -- a variance can be granted for these types of structures that are necessary or ancillary to crops, aquaculture, landscaping; drainage improvements, maintenance; publicly owned boating or water sports; some movement of sand; public facilities, repairs, improvements, or utilities; private facilities or improvements that are clearly in the public interest, so if someone's doing something on private land, like putting in a pathway or something, improving public access, that can be allowed; protection of legally habitable structures or infrastructure. So that's what we're doing a lot of now is protecting projects, and then private facilities, such as a condo of AOA that Tara showed, where the improvements, they don't adversely effect beach processes, don't fix the shoreline, and that would result -- the private property owner's required to show hardship if not approved, so we're going to lose their structure, if they're going to lose their home, they're going to lose the condominium, that is the case for hardship, so it can't be just done arbitrarily along the shoreline, there's need to be some health and safety or hardship component to approving a variance in the setback area.

And then there are five, in your rules, there are five mandatory variance conditions listed here: safe lateral access; minimize risk of adverse impacts to beach processes; minimize risk to the structure failing; complying with flood hazard rules; and minimizing impacts to public views to along the shoreline.

So my final slide, just to conclude, you know our shoreline certainly is important for tourism, the economy, recreation, fishing, food, cultural practices, and as part of our quality of life. It is being threatened by continued coastal erosion. Coastal erosion is happening faster and faster it seems. So that's why we need to make informed decisions between planning and scientists to understand what is going on along the shoreline and make scientifically-based planning decisions, so if you do come across these projects along the shoreline, certainly Tara can testify or give you more information about the projects. And bottom line

for our Coastal Zone Management Act through the SMA guidelines, and then your SMA rules, we seek to minimize, where reasonable, adverse impacts to the environment. So that's your role using these guidelines. Here's a slide there with my phone number and email. Mahalo nui loa, and if there are any questions, I certainly can answer any questions. I see the audience is dwindling here so thank you for your attention.

Chair Sprinzel: Thank you very much. Thank you.

*(Commissioner Jennings was excused from the meeting at 1:42 p.m.)*

#### **F. CHAIRPERSON'S REPORT**

Okay, Chairperson's Report. Well, I would seriously like to thank all the Maui staff because that's a hard job you have there. Thank you for coming and thank you for explaining things. Now I'd also like to thank the Commissioners for turning up so well. It bodes well for the year. And that's it from me and now we'll have Clayton's Director's Report.

#### **G. DIRECTOR'S REPORT**

- 1. Pending Molokai Applications**
- 2. Closed Molokai Applications**
- 3. Agenda Items for the May 8, 2013**

Mr. Yoshida: Thank you, Mr. Chair and Members of the Commission. The department has circulated its pending and closed Molokai applications list if there are any questions on either report. If not, our next meeting is scheduled for May 8. We have two SMA assessments to consider: one is the request on page 2 from Ben Ragonton for the addition of a carport in Kaunakakai, and the other one is on page 4 from Michael Spalding for the installation of a utility pole and meter. The Commission did approve a minor permit previously but I guess the -- between the applicant and Maui Electric, they weren't able to work it out so that the initiation of construction would be done within the time frame. As well, we have circulated the Kiowea Park Phase 2 Improvements Draft Environmental Assessment, which is a project for the Kalamaula Homesteaders Association, and although it's on DHHL lands, they have asked the Commission if they have any comments on the project. So those will be the three items.

#### **H. NEXT MEETING DATE: MAY 8, 2013**

#### **I. ADJOURNMENT**

Chair Sprinzel: Thank you, Clayton. Thank you, everybody. We are adjourned.

There being no further business brought before the Commission, the meeting was adjourned at 1:50 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA  
Secretary to Boards & Commissions

### **RECORD OF ATTENDANCE**

#### **Present**

John Sprinzel, Chairperson  
Michael Jennings, Vice-Chairperson  
Billy Buchanan  
Ron Davis  
Zhantell Dudoit  
Douglas Rogers  
Diane Swenson

#### **Excused**

Janice Kalanihuia  
Sherry Tancayo

#### **Others**

Clayton Yoshida, Planning Program Administrator  
Jeffrey Dack, Planning Supervisor  
Dave Yamashita, Planner, Long-Range Division  
Ben Sticka, Staff Planner, Molokai  
Jim Buicka, Shoreline Planner  
Tara Owens, University of Hawaii Coastal Geologist  
Richelle Thomson, Deputy Corporation Counsel