

**MOLOKAI PLANNING COMMISSION  
REGULAR MEETING  
MAY 8, 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 Paule Center, Kaunakakai, Molokai. \*\**

**A. CALL TO ORDER**

The regular meeting of the Molokai Planning Commission was called to order by Chair John Sprinzel at 12:02 p.m., Wednesday, May 8, 2013, at the Mitchell Paule Center Conference Room, Kaunakakai, Molokai.

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

Chair John Sprinzel: Ladies and Gentlemen, being noon and we have a quorum, I call the meeting to order.

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

Item B. Is there any public testimony on any planning or land use issue? There being none, public testimony is closed. C. Communications.

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

**C. 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:**

**BENJAMIN and PERLITA RAGONTON submitting a Special Management Area (SMA) Assessment for an after-the-fact (ATF) construction of a 12-foot x 26-foot covered deck attached to an existing single family residence located at 270 Kikipua Street, Ranch Camp, TMK: 5-3-010: 037, Kaunakakai, Island of Molokai. (SMX 2009/0316) (Valuation: \$10,000) (B. Sticka)**

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

Mr. Ben Sticka: Good morning, Chairman and Members of the Molokai Planning Commission. This project is before you for an after-the-fact construction of a covered deck. The covered deck is 6 feet above grade and is attached to the rear of the existing residence. The covered deck is approximately 12 feet by 26 feet in size. It should be noted that the owner has in fact paid their ATF fee of \$1945. That was paid on December 16 of 2010. The valuation of the proposed action is \$10,000.

Standards for reviewing an SMA application are found under HRS 205A-26, and Sections 12-302-10 and 12-302-11 of Chapter 302, SMA rules of the Commission, as amended. In addition, the proposed action is also subject to the Maui County Code, as amended, Title 19, Zoning, Section 19.02A, Interim District Zoning regulations. The state land plan land use district is urban; community plan is single-family residential; the county zoning is interim.

Pursuant to the aforementioned, findings of fact and determination, the department recommends concurrence with the finding of -- finding that the subject application is in fact eligible for an SMA exemption. If there any questions, the applicant for this project, Mr. Doug Rogers, is available for any questions, or if you have any questions for me, please let me know. Thank you.

Chair Sprinzel: Thank you, Ben. Doug?

Mr. Douglas Rogers: I have to -- I have to recuse myself on this one because I have an interest in it.

Chair Sprinzel: Fine. We still have a quorum without. We have a good attendance today. Thank you, Commissioners. I do have just one question. Why did they do this without applying? I mean we have so much of this and we get very cross, don't we, when the Commission gets after-the-fact.

Mr. Rogers: Basically, it just came down to frustration. They wanted to get it done before Ben retired and, in the past, things were a lot more casual before Carl Puhi retired as far as him saying if you already applied for your permit, just do it. Go ahead and start it. Obviously, that is no longer the case. But that was why they started it.

Chair Sprinzel: Thank you. Commissioners, anymore questions? Is there any public testimony on this matter? There being no public testimony, public testimony is closed. Zhanzell.

Ms. Zhanzell Dudoit: Okay, so, just for the record, I had talked with our Planning Department people and asked them to clarify on the record how monetary fees and fines were assessed, depending on what kind of projects, and I thought that it would be good for

us, as Commissioners, and the public to know so that we're transparent because this conversation had come up before, and it was told to us that the director has the ability to decide what the fee was based on all kinds of calculations, but we've clarified that with Clayton and I wanted to get Clayton on record for the Commissioners and the community since we've been questioned a couple of times as to how people are assessed the amount of fees versus fines that they pay for after-the-fact permits.

Mr. Clayton Yoshida: Mr. Chair, Members of the Commission, the after-the-fees are established in the annual county budget, approved by the council and signed by the mayor. I believe at the time that this application was dealt with, the after-the-fact -- and they were supposed to be related to the additional time staff has to spend in processing the permit due to the fact that it's an after-the-fact action. At the time that the application was submitted, the budget called for after-the-fact fees of \$1,000 plus 10 to 50% of the project valuation. So the project valuation being about \$10,000, it would be \$1,000 plus 10% of that, about \$2,000. Currently -- well, then in July of 2010, the department went in -- the after-the-fact fees were amended to, and since then, to be \$1,000 plus up to 50% of the project valuation. So it could be \$1,000 plus 0 to 50% of the project valuation. So the minimum from July of 2010 would be \$1,000. And again, it has to be related to the correlation -- the correlation to the additional time staff has to spend in processing the application due to the fact that it's after the fact action.

Chair Sprinzel: Any more Commissioner comments?

Mr. Rogers: Can I make a comment from the public side?

Chair Sprinzel: Certainly, even though it's closed.

Mr. Rogers: This was actually -- the only thing that they hadn't done at that point was come before the Commission. All the other -- the rest of their application was pau and --

Chair Sprinzel: ...(inaudible)... and everything.

Mr. Rogers: Yeah.

Chair Sprinzel: Oh, okay.

Mr. Rogers: I mean everything else had already been reviewed. The only thing that didn't happen was they didn't -- and nobody complained. There was no complaint.

Chair Sprinzel: No, it's just that in the years I've been here, we got very crossed with people who don't apply for --

Mr. Rogers: Well, some people are a lot more flagrant --

Chair Sprinzel: Oh, absolutely.

Mr. Rogers: That don't even bother to go through the process. They really did try to go through the process but they got a little bit impatient.

Chair Sprinzel: Thank you, sir. I'm ready to accept a proposal from any of the Commissioners to accept or to deny. Thank you. We have a proposal. Secunder? We have a seconder.

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

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

***VOTED: to concur with the Planning Department's recommendation.***

Chair Sprinzel: Unanimous. Thank you. Thank you very much. Next item.

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

**2. SPECIAL MANAGEMENT AREA (SMA) MINOR PERMIT**

**MR. MICHAEL SPALDING** requesting a Special Management Area (SMA) Minor Permit for the installation of a MECO power pole and the construction of a six-meter utility pedestal with excavation of a trench less than ten feet (10') in length, twelve inches (12") in width, and thirty six inches (36") in depth for utility conduit and excavation for power pole to a maximum of six feet (6') on property located at 7688 Kamehameha V Highway, TMK: 5-7-010:096, Kaluaaha, Island of Molokai. (SMX 2013/0138) (Valuation: \$8 ,000) (B.Sticka)

The proposed action was previously granted an SMA Minor Permit in January 2012 (SM6 2012/0001). Due to scheduling problems with Maui Electric, the Applicant was unable to initiate work in the given time frame.

*The Commission may take action on this request.*

Chair Sprinzel: Incidentally, we had a long discussion over this some while back and we were all horrified to find that there's open-ended permission on all these, planning permission, on all these lots, but that's another matter. Ben?

Mr. Sticka: Again, good afternoon, Chair and Members of the Commission. As previously indicated, this project was approved by the Molokai Planning Commission on January 25 of 2012. The applicant indicates that due to scheduling problems with Maui Electric Company, that they were unable to complete the work within the one-year time frame that was given to them. MECO has since indicated that they are able to proceed with the installation of the pole as soon as the SMA minor permit is approved.

Again, the project is for the installation of a MECO power pole and the construction of a six-meter electric utility pedestal with excavation of a trench less than 10 feet in length, 12 inches in width, and 36 inches in depth for a utility conduit, and excavation for a power pole to a maximum depth of 6 feet. The parcel has been previously cleared and has an installed water meter. The valuation of the proposed action is approximately \$8,000.

Again, standards for review an SMA application are found under HRS 205A-26, and Sections 12-302-10 and 12-302-11 of Chapter 302, SMA rules of the Commission, as amended. In addition, the proposed action is also subject to Maui County Code, as amended, Title 19, Zoning, Section 19.02A, Interim District Zoning regulations. The state plan land use district is urban; community plan single-family residential; county zoning is interim.

Pursuant to the aforementioned findings of fact and determination, the department recommends concurrence with the finding that the subject application is eligible for an SMA minor permit subject to these five recommendations. The applicant, Mr. Spalding, is available if you do have any questions of his, and I'm also here if you have questions. Thank you.

Chair Sprinzel: When it was presented to us, and we passed it, did it say 36 inches in depth?

Mr. Sticka: I can verify that.

Chair Sprinzel: Because, if so, anything over 24 inches needs an observer. That was okay'd was it? Okay, fine. Any members of the public have any comment on this? There being none, public testimony is now closed. Commissioners?

Ms. Dudoit: Okay. So again, I needed to just clarify and get on record, and I talked with the Planning Department with this as well, first of all, I just want to get you on the record

statement that, from what I'm reading here, none of the recommendations or conditions have changed from the original application to this one?

Mr. Sticka: Commissioner, that is correct. The only changes that you'll find are what is highlighted as the dates have changed in conditions no. 1 and no. 2, but everything else remains the same. That's correct.

Ms. Dudoit: Secondly, and I asked you this before if for the record you could state what the difference was between, so in our rule book of the Planning Commission, in 12-302-17C, which I looked up with Mike earlier, it talks about a 60-day time period in which an applicant has the opportunity to apply for an extension, and that the director also can add on to this extension or make that recommendation if he deems that necessary, and so I just wanted you to explain for clarification to the community and to this Commission, I'm noticing that this is not an extension, but we did in the past have permits that came to us with dates on them that did not clarify the 60-day extension period, but we were able to approve them as extensions, so can you clarify that for me?

Mr. Sticka: Thank you for the question, Commissioner. For the project that is before you, what had happened and what is indicated in the report is that the applicant did in fact miss the opportunity to apply for the extension of time for this particular project. So the item before you is if it would be a brand new project. In the previous extensions that you have heard, the issue has been that the extensions that you've seen again just be due to the timing issues, a lot of the applications that come in, they are within the letter of the law as far as requesting it prior to the deadline, but it just may be the fact that you are not actually seeing that item for, you know, a few months, up to, you know, possibly even longer after that point. So it's just really a timing issue. Everything's within the letter of the law. It's just typically a timing issue by the time it actually gets to Commission. Does that answer your question?

Ms. Dudoit: Yes. And can I also request, for future information, that when the Commission is asked to look at an extension, that the date in which the extension was filed is included in our information so that there's no discrepancy on whether or not that application was within the, you know, the legal time limit and then there's no confusion to the community as to which applications are deemed an extension or need to come in for a completely new application.

Mr. Sticka: Absolutely, Commissioner. We will definitely do that in the future.

Chair Sprinzel: Anymore Commissioner comments? A motion, please? Janice.

Ms. Janice Kalanihulia: I move that we accept the Planning Department's recommendation to pass this.

Chair Sprinzel: With the conditions.

Ms. Kalanihulia: With the conditions as written.

Chair Sprinzel: Seconder? Thank you.

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

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

***VOTED: to accept the Planning Department's recommendation to pass this project with the conditions as written.***

Chair Sprinzel: Unanimous. Thank you very much. Next.

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

- 3. MS. LINDA CHINN, Administrator, Land Management Division, DEPARTMENT OF HAWAIIAN HOME LANDS requesting comments on the Draft Environmental Assessment (DEA) for the Kiowea Park Phase II Improvements project at TMK: 5-2-009: 018(por.), Kalama'ula, Island of Molokai. (B. Sticka)**

**The Proposing Applicant is Ms. Gayla Haliniak-Lloyd, President of the Kalama'ula Homesteaders Association. The Approving Agency is the State Department of Hawaiian Home Lands.**

***The Commission may provide its comments on the Draft Environmental Assessment.***

Chair Sprinzel: Ben Sticka. We do, of course, we are just asked for our input on this. This isn't something we can actually rule on it. It's just they're asking our, I guess, opinion, advice -- "comments" is the word. Good job we have a lawyer here.

Mr. Sticka: Yes, Chair. As the Chair has indicated to the Commission, today is just comments. We do have Nancy McPherson, with the Planning Department for the Department of Hawaiian Home Lands to give a little bit more information on the project for you, and I'll be taking the comments of the Commission and then reading them back to you for clarification at the end. Thank you.

Chair Sprinzel: Hi, Nancy.

Ms. Nancy McPherson: Hi.

Chair Sprinzel: Welcome.

Ms. McPherson: Aloha mai kakou.

Chair Sprinzel: Are you going to read this all out from end to end?

Ms. McPherson: No. Actually, I'd like to defer to our esteemed council representative for Molokai, Stacy Crivello, she'd like to -- the Honorable Stacy Crivello, she's like to say a few words about the project, if you are willing to allow that.

Chair Sprinzel: Of course. Incidentally, Nancy, I'm assuming this is your work. Very thorough and excellent. We appreciated having the chance to see it. Welcome.

Ms. Stacy Crivello: Aloha. I'm actually wearing my homesteader's hat, not council woman's hat. Born and raised in Kalama`ula, it's pronounced. Kalama`ula, Molokai. And I'm here on behalf of the Kalama`ula Homestead Association 'cause actually the -- on behalf of our President, Gayla Haliniak, and the rest of our Kalama`ula residents here.

Basically, you have your entry date for this project dated 2013. For your information, it goes all the way back to 1998 when we've had the first phase, and people like Uncle Richard Negrillo and my late brother, Greg Helm, who worked on the initial planning for this pavilion that we're trying to have construction on at Kiowea Park. And, you know, we'd like to have a new pavilion, a certified kitchen, restroom facility, as well as the improvement of our septic tanks. And when the Department of Hawaiian Homes did their beneficiary consultation, the community prioritized Kiowea Park as one of the top priorities within the homestead community.

So, I think if you're from this island, you know how well Kiowea Park, or what we used to call, when we were growing up, just plain 'ole "Coconut Grove," and how it's been well used and it's continually overused at this stage. Every weekend we have reservations to utilize the facilities, and it's very minimal. So if you'll pass by, you'll see easy-up tents and everything else that goes with gathering, family gathering, which is a given for our island. And throughout the years, the Department of Hawaiian Home Lands have managed and now it's managed by the Kalama`ula Homestead Association. And we'd like to thank the department for allowing us the opportunity to work on this project and continue. So if you look through the EA, all the information that's in there has been contributed by us homesteaders, and the architectural work is something that was done from 1998, actually, and with all the improvements that we've expanded with the task team made up of



homesteaders. And it is, for us, it's to reach the goal of starting construction, hopefully, 2013. But, you know, in addition to that, we want to make home improvements and what have, but subjectively, and I say "subjectively" because we are who we are, we have our emotions, and for us, this is a special place for us, Kalama`ula and Kiowea Park, or what we call the "Coconut Grove." We have restored Kalaniana'ole Hall and that was a major milestone for us to -- and that too is heavily utilized, not only by the homesteaders community, but the broader community as a whole.

So, you know, in the 1920s, the Hawaiian people looked with hope to Kalama`ula as a place, i ka ho'o pulapula, a place for regeneration. And if you hear the song, you can, just in your mind, you know, feel for sure you are native, softly fragrant, Kalama`ula, "E ho`i kaula e noho i ka aina," "We are leaving to live on the land." "Me ka nani," "All `aina is beautiful." "He ho`i mai kaula," "We return to the splendor of Kalama`ula."

Kalama`ula homesteader's love for their `aina continues with the illumination of their kupuna and ancestors. The Kalama`ula Homesteaders Association, a nonprofit entity since 2010, was founded actually in 1961, with the purpose to embrace our kuleana, our responsibility to malama, to protect, and nurture our homesteaders and our ahupua`a. So we are reminded that the future is found in the past for us as a Hawaiian community, as homesteaders. I grew up there. I can say that's my turf, Kalama`ula, and as well as many of us out here. And so the comments I leave with you today as we approach you as the Molokai Planning Commission, we humbly ask for your support in helping us to move this forward in whichever manner that allows you through the process. And we've been waiting a long time, and we're anxious to get this done so that we can have an expanded pavilion, hopefully, with our kitchen, and we can continue to embrace what we value, which is family and friends, a place of gathering. Thank you. And I'm available for any questions. I'd like to say I kinda took over as the project coordinator for this project so whatever questions you may have, I'm quite available.

Chair Sprinzel: Commissioners, any questions? Janice.

Ms. Kalanihulia: So, Stacy, I completely agree with you that the facilities there are not adequate and I think it's a beautiful place for gathering. I've enjoyed it my whole time here, you know. Everyone's enjoyed that place. And I completely support this project. But beyond that, I just want to tell Nancy that I have suffered through, Nancy, many of these. Suffered through them. This is really a wonderful, wonderful piece of work. You should be very proud. It was a pleasure to read and it answered my questions anyway and I hope everyone else's, so thank you.

Chair Sprinzel: Zhantell.

Ms. Dudoit: I just wanted to make an additional comment and in appreciation for all the work that was done. I too have suffered through many environmental assessments and booklets like this that has not been half as informative or thorough as this study was, so I commend all of you for doing it. The other thing that I wanted to get on record, as part of the GPAC committee, is the importance of what this Kalama`ula Homestead Association is doing for the county as a whole. Their interest and their desire to make this Commission and the county a part of a process, which they are not mandated to do, is a step towards us becoming more efficient and being able to create a more comprehensive and accurate community plan for our entire island. Up until this point, much of what DHHL has allowed their homesteaders and their -- you know, is exempt from our opinion, it's exempt from those things, but I think having Aunty Stacy onboard and all the leaders, Gayla, and people who know the process understand the importance of what this does to help our community plan be more accurate and comprehensive, so for that, I hope that everybody else, including me in a different hat with Habitat, and homeowners that build homes on DHHL homestead would participate in allowing us to be a part of that 'cause then and only then will we be able to create a more comprehensive and accurate good plan for our entire community.

So I just wanted to say that, and I just wanted to also say that I looked through the -- where's Nancy? Nancy, I looked through the booklet, and there were, even though it was really, really thorough, there were some questions I had, and maybe it's not even questions, maybe it's just comments for later. The shoreline -- the shoreline items that were discussed and then how far from the shoreline they are, and all that stuff, in our last meeting, we had a workshop where they talked about very new and innovative plans for long-range planning for shoreline erosion, and I was wondering if maybe it would be beneficial for the Kalama`ula Association to link up with the county department in Long-Range Planning, they had a very good presenter, her name? What's her name?

Mr. Sticka: Tara Owens.

Ms. Dudoit: Tara Owens. She works with the University of Hawaii, I know she does some freelance work, but she was very good at talking about like natural plants and stuff like that that could be implemented now so that in the next 10 to 15, 20 years, you no more that erosion problem in that area. So that was just --

Ms. Crivello: Commissioner Dudoit, may I segue out from your comments in regards to that? Just so that you know that this is really community-based planning. The people you see out here, like Uncle Bruddah Boy Negrillo, Reena, and Henry, and Aunty Kanani, Aunty Nona, Gayla, Aunty Iwalani, and many more other homesteaders, that was one of the first things we addressed, our shoreline, and with that, we brought in University of Hawaii people, and we actually had like, you know, preparation of what you're talking about, and then we dealt and had conversation with the coastal zone management people. So just so

you know, we appreciate all of that because this is -- this is our home. It's something that we know what we need to do for the generations to come. So I appreciate you sharing that because it becomes more than just a pavilion for us; it's, you know, recording the history of Kalama`ula. And, you know, I appreciate Nancy finalizing this EA report, but I gotta give credit to Luigi and the community for putting this all together so that Nancy could continue to finish it all up for us on behalf of the department. So there are many -- when I say this is truly a community-based project, the community goes way back, so thank you.

Chair Sprinzel: Thank you. I must say in the 30 years I've watched that area, it's really just improved by leaps and bounds, so this is going to -- I mean the whole and all the buildings around it. It's quite an area now where as it was a little bit odd when we first came here. Anymore comments from --

Ms. McPherson: May I respond to the Commissioners?

Chair Sprinzel: Of course.

Ms. McPherson: Thank you, Commissioner Dudoit. Nancy McPherson, Senior Planner, Department of Hawaiian Home Lands Planning Office. In response, I'd like to say I have worked with Tara, and she is very knowledgeable, and the Department of Hawaiian Home Lands is interested in working with the community and if there's technical assistance available from County of Maui with that technical assistance to look at long-term shoreline erosion strategies for that area, as well as other areas on the island of Molokai for Hawaiian homes, so I can -- I will definitely take that mana`o back to Kapolei with me and, hopefully, we can get something going in that area because we all know that there are many places on the island that are experiencing erosion situations and we definitely want to deal with that in a more proactive way.

Ms. Dudoit: And not to discount any of the experts that have helped you so far, but the reason I was disclosing that information to you is she had said -- we had asked her earlier at that workshop why she hadn't been on Molokai yet to assess that while we were going through out -- in preparation for the community plan, and she said, well, nobody's really asked me to be a part of it, and it just seemed that even if you don't use her or her ideas, at least if we could incorporate some of her findings when we sit down to do the overall community plan it would be more consistent and so that was just -- because I'm pretty sure you have a lot of good people on your side who have helped you with your plan so far. But she offered and maybe Clayton get monies to send her so --

Ms. McPherson: Well, and I think the Department of Hawaiian Home Lands would like to, you know, consult with the County of Maui as the Molokai Community Plan is being prepared, so we need to make sure that that communication and coordination is happening with the Planning Office. One other thing I'd like to add is that we did, as someone who has

had some coastal zone management experience on Molokai, I did realize that we needed to identify the existing shoreline and we needed to calculate a setback for that, so that is on the site plan. What we don't have yet is we don't -- we have an estimated shoreline, so we -- I am learning all about the state procurement process and it takes a long time sometimes and we are poised right now though to hire a surveyor, licensed surveyor with shoreline experience, who's going to come to Molokai and survey that shoreline and so we will make sure that we are definitely outside of the shoreline setback based on the average lot depth, that we're observing that setback area. And again, thank you for your questions.

Chair Sprinzel: Commissioners, anymore comments? This is a very big project so we'd be delighted to hear what you have to say.

Mr. Rogers: Just it looks to me like this is a well thought out plan and that it will help to mitigate the consequences of usage there and I think it's great.

Chair Sprinzel: Alright. I will now open it for public commentaries if there's anybody who has something to say, now is your chance. There being none, public testimony is now closed. I'll have to ask our attorney here what we need to do, if anything.

Mr. Michael Hopper: Well, my recommendation is you're making comments on this and the process before, you've gone around, asked the Commissioners if they had comments that they actually -- what would happen was the Commission is making comments if it would like, and so for the comments to be comments of the Molokai Planning Commission, there would typically need to be a consensus among the group or at least a motion and a vote to have a certain set of comments forwarded, and what would happen -- an easy way to do this is to go among the members, if you had any comments you wanted submitted, voice the comments, the planner can get a record of what those comments are, and when the comments are concluded, he could read back the comments to you or summarize; if you are satisfied with the comments, the Chair could say, if there's no objections, those will be forwarded as our comments, and then the planner will prepare a letter for the Chair to sign, and that would be forwarded as formal comments on the EA. There's a comment deadline on any EA, draft, those comments are required to be put into the final EA with responses to those comments. If you cannot agree on a set of comments, then I think whichever ones you can agree on, you can approve essentially by unanimous consent, and the other ones you could have a motion and a vote on. I think that's the easiest way. So to start, if the Chair would like, he can ask for comments, and those comments be recorded by the planner.

Chair Sprinzel: So be it. Ron, any comments? Oh, Billy, any comments? No. Janice?

Ms. Kalanihuia: My comment would be that I am totally in favor of this project. I think it's a good project for the community and for Kalama`ula.

Chair Sprinzel: Excellent. Zhantell?

Ms. Dudoit: I'm in favor.

Chair Sprinzel: In favor. So we have no comments other than we're all in favor of it?

Mr. Michael Jennings: I agree with the rest of the Commissioners and would state here I think it's wonderful. I think it's great. And Nancy did a great job with this. And I can see nothing but good things coming out of this so I just can't say enough about it.

Chair Sprinzel: Well, congratulations on your plans and good luck with getting it all into action. And thank you for turning up.

#### **D. CHAIRPERSON'S REPORT**

Alright, the next item on the agenda is the Chairman's report. Two things. First of all, I'm happy to say that we did something good because the goose lady has told me lots and lots of birds have hatched out on that sanctuary that we approved. So we did good. And secondly, I just wanted to mention and congratulate Frances Feeter who's taken over my old job at the Urban Design Review Board, representing Molokai, and I'm sure she'll be a very effective person there because the Maui folk don't really know very much about Molokai, and when stuff comes up, it's good to have somebody who knows on that Commission. What? What? What? I can't hear you. I'm sorry. Okay, and now we will have the Director's Report.

#### **E. DIRECTOR'S REPORT**

- 1. Pending Molokai Applications**
- 2. Closed Molokai Applications**
- 3. Agenda Items for the May 22, 2013**

Mr. Yoshida: Thank you, Mr. Chairman, Members of the Commission. We have circulated our list of pending and closed Molokai applications if there are any questions from the members regarding the list.

Ms. Dudoit: Yeah, I have a couple questions. When we're looking at this open PD projects, they're projects that haven't yet come before the Commission, is that correct, or they're just open projects in general? They could have been permitted already or passed from this Commission?

Mr. Yoshida: These are projects that are open. Some of them the Commission has already reviewed but we're just waiting for the letter to complete the process.

Ms. Dudoit: Okay. I was just wondering 'cause I saw couple. The second is, so I was a little bit confused because we passed the Paddlers' Inn --

Mr. Yoshida: Yeah, this one is LPAP, so that's a landscape planting approval. The Commission reviewed the --

Ms. Dudoit: Okay, 'cause it says "parking lot," so I was just --

Mr. Yoshida: Yeah. The Commission reviewed the --

Ms. Dudoit: Roof.

Mr. Yoshida: SMA -- granted the SMA minor permit for that shed roof, which has been constructed, but it's a landscape planting plan for the parking lot. They wanted to sort of pave the parking lot and put in landscaping also.

Ms. Dudoit: Okay, so I just wanted to bring something up about that so you can give me information and then, Mr. Hopper, if I'm out of order or whatever, you can just tell me and I'll shut up, but when we approved to extend the roof that gave them more square footage inside of the building, right, so according to that square footage and how many people you can pack in there, I assumed that the parking lot was adequate for the amount of people based on the application that was presented to us. So my question now is: Did we pass an application and extend the square footage and the amount of people that were permitted inside that area without considering that the parking lot was too small or this is just an additional overflow that is not required because of some kind of noncompliance?

Mr. Yoshida: Well, I guess with the landscape planting plan, according to the off-street parking and loading ordinance in the code, they're supposed to plant one large crown shade tree per five stalls and put hedging, so what happens is after the SMA permit is granted by the Commission, then the applicant submits a landscape planting plan to comply with the off-street parking and loading ordinance to the department, and we would have to approve that. So it's kind of a after the Commission takes action on the SMA assessment, they have to comply with the off-street, you know, in detail relative to the amount of dining space, that additional dining space that they're going to have, they're going to have to comply with the off-street parking and loading ordinance and provide those number of stalls.

Ms. Dudoit: So the status of that application is coming up pretty soon?

Mr. Yoshida: It's still pending.

Ms. Dudoit: Okay.

Mr. Yoshida: That landscape planting plan.

Ms. Dudoit: And then this the one I always ask about and since she's here, maybe we can get -- what about Malama Cultural Park? It's been on there since 2009.

Mr. Yoshida: Okay, basically, because it is on -- I think it's on county lands, that triggers a environmental assessment requirement, that's one of the triggers for an environmental assessment, use of public lands, so they have done a draft environmental assessment, which has been reviewed and has been commented on. We're waiting for the applicant to provide a final environmental assessment, which will be accepted by the Parks Department because they've been identified as the approving agency on the environmental assessment. Once that -- and it has been reviewed I guess also by our Maui County Cultural Resources Commission, they were here in January of last year, to comment on the Malama -- that canoe hale project, but we cannot act on the SMA or we cannot bring the SMA to you until the final EA is submitted, accepted by the Parks Department, and after the 30-day challenge period.

Ms. Dudoit: So is there a time limit for how long an application can stay open? I mean because I'm assuming that nobody else can do a proposed plan on that area of land once an application is open for permits by the county, but it's been open since 2009, so I just wondering is there a time limit for an amount of time that an application can stay open.

Ms. Yoshida: Well, I guess it's in the applicant's ball court, you know, side of the court at this -- side of the court at this time. So the ball is in the applicant's court at this time. So we could check with the applicant as to what the status is in the completion of the final environmental assessment 'cause we can't get to the SMA permit until that's done.

Ms. Dudoit: And then just one more. Mr. Otsuka, 'cause I know was me that got him delayed, but Mr. Otsuka demolition of the -- his project is till open? You have a status update on that?

Mr. Yoshida: Yeah, I think we'd have to check on a status of that as to what happened. I know the Commission had deferred action due to the -- that lead paint issue, so we could check on the status of that.

Chair Sprinzel: Your query about the car park, I remember Jerry specifically saying that, when he was here over the roof, he said the car park had sufficient spaces for the total occupancy, that he did comply with that. I remember him saying that.

Mr. Yoshida: So any other questions on the open and close project report? If not, our next meeting is scheduled for May 22. We have two SMA assessments at this time for you to consider: one is on page 2, in the middle of the page, the Furokawa addition, Kenneth Furokawa, addition of covered deck and carport, and the other one is on page 3, towards the bottom, fourth one from the bottom, Sawyer residence, fill addition for subsiding residence, Iliani Sawyer. Any other items that the Commission wants placed on the May 22 agenda? If not, that completes our report.

Chair Sprinzel: Thank you, Clayton, and thank you, Commissioners, and sorry I kept you so long but thanks so much for coming. It's excellent to see so many faces. Aloha.

**F. NEXT MEETING DATE: MAY 22, 2013**

**G. ADJOURNMENT**

There being no further business brought before the Commission, the meeting was adjourned at 12:48 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  
Zhantell Dudoit  
Janice Kalanihuia  
Douglas Rogers  
Diane Swenson

**Excused**

Ron Davis  
Sherry Tancayo



**Others**

Clayton Yoshida, Planning Program Administrator  
Ben Sticka, Staff Planner, Molokai  
Michael Hopper, Deputy Corporation Counsel