

**MOLOKAI PLANNING COMMISSION
REGULAR MEETING
MAY 22, 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 12:00 p.m., Wednesday, May 22, 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, we have a quorum. It's noon. Thank you for coming all you Commissioners and staff from Maui. The meeting is now called to order.

B. PUBLIC TESTIMONY ON ANY PLANNING OR LAND USE ISSUE

Is there any public testimony? There being none, public testimony is now closed. Item C.

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:

- a. **MR. KENNETH FURUKAWA submitting a Special Management Area Assessment for the addition of a deck and carport enclosure to an existing single-family residence located at 241 Seaside Place, TMK: 5-3-006: 010, Kaunakakai, Island of Molokai. (SMX 2013/0077) (Valuation: \$25,000) (B. Sticka)**

The deck is approximately 223 square feet in area and the carport enclosure is approximately 378 square feet.

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

Mr. Ben Sticka: Good afternoon, Chairman, Members of the Planning Commission. It does look like our applicant, Luigi, is running late, however, I'll go through the presentation, and he just walked in so -- again, good afternoon. This matter arises from an application for an SMA assessment originally filed on February 20 of this year. The project is for a proposed addition of a covered deck and carport enclosure on an existing single-family residence. The deck is approximately 223 square feet, and the carport enclosure is approximately 378 square feet. The existing carport is built on an existing concrete slab. The deck will be constructed on new 4-by-4 inch posts, on 7-by-7 inch block over 16-by-16 inch concrete footings, therefore, minimal ground disturbance is expected on the subject site. The valuation of the proposed action is \$25,000. Standards for reviewing an SMA application are found under HRS 205A-26, and Sections 12-302-10 and 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, the community plan is single-family residential, and the 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 SMA exemption. The applicant, Luigi Manera, is here for any questions. If you have any questions of me, I'm also available. Thank you.

Chair Sprinzel: Thank you, Ben. Do any of the Commissioners want to hear from Luigi on this? Hands up if you do. You don't. Is there any public testimony on this matter? There being none, public testimony is now closed. Commissioners? No questions? No comments? Well, how about a proposal presumably to agree with director's --

Mr. Michael Jennings: I propose we approve it.

Chair Sprinzel: Okay, Mike. Secunder? Sherry seconds. Is there any comment on that before we vote? None at all.

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

It has been moved by Commissioner Jennings, seconded by Commissioner Tancayo, then unanimously

VOTED: to concur with the department's recommendation that the subject application is eligible for an SMA exemption.

Chair Sprinzel: Carried unanimously. Thank you. The next item.

Chair Sprinzel read the following agenda item into the record:

- b. MS. ILILANI SAWYER submitting a Special Management Area Assessment for the placement of 100 cubic yards of fill for a subsiding residence on property situated at 7940 Kamehameha V Highway, TMK: 5-6-001: 060, Ualapue, Island of Molokai. (Valuation: \$1,000) (B. Sticka)**

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

Mr. Sticka: Again, good afternoon, Chairman and Members of the Planning Commission. This project before you is to allow for the redistribution of 100 cubic yards of fill on the subject site. To give you a little bit of background on this, let me first state that -- start by saying that according to the SMA rules for the Commission, Section 12-302-16, SMA Emergency Procedures, Ms. Sawyer, the applicant, submitted the subject request via electronic email on March 8 of this year for the SMA emergency permit in order to add the 100 cubic yards of fill for the subject site in order to mitigate the subsiding residence. The applicant indicated that the foundation has been subsiding for approximately three to four years. The applicant also indicates that the 100 cubic yards of fill ultimately help stabilize her home. On March 13 of this year, myself and the Current Planning Supervisory, Jeffrey Dack, completed a site inspection at the property to confirm the need for the emergency permit work to protect life, safety, and property from further damage. On March 30, the Department of Planning approved an SMA emergency permit for structural damage sustained due to the subsidence of the existing single-family residence. Approval of the SMA emergency permit allowed the applicant to place the existing 100 cubic yards of fill on the subject site.

Standards for reviewing an SMA application are found under HRS 205A-26, and Section 12-302-10, 11, and 16 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, the community plan is rural, and the county zoning is interim.

Pursuant to the aforementioned findings of fact and determination, the department recommends concurrence with the findings that the subject application is eligible for an SMA exemption. It looks like our applicant, Ms. Sawyer, I understand she's on her way, but she will be here shortly and if there's any questions I can answer or she can answer for you. That'll be it. Thank you.

Chair Sprinzel: Is there any public testimony on this matter? Thank you, Ben. There being none, public testimony is now closed. Commissioners, do you have any questions on this?

Okay, can I have a proposal?

Ms. Kalanihulia: I move that we concur with the department's recommendation that the subject application is eligible for an SMA exemption.

Chair Sprinzel: Thank you, Janice. A seconder? Uncle Billy. Thank you. Is there any discussion on this?

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

It has been moved by Commissioner Kalanihulia, seconded by Commissioner Buchanan, then unanimously

VOTED: to concur with the department's recommendation that the subject application is eligible for an SMA exemption.

Chair Sprinzel: Carried unanimously. Thank you, Ben. Have set a world record for the length of meetings today?

D. CHAIRPERSON'S REPORT

And Chairman's report. I just want to thank everybody for coming. It's good to see so many Commissioners here. It's a bit unusual. Thank you. Clayton, Director's Report.

E. DIRECTOR'S REPORT

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

Mr. Clayton Yoshida: Thank you, Mr. Chairman, Members of the Commission. We have circulated our list of open and completed projects. We will report that, from the last meeting, there was a question about the Malama Cultural Park Hale Wa`a project, the status since the application was submitted in 2009, and staff talked to the consultant and recently it was discovered there's a delineated wetland on the property causing the plans to be revised. So they still have to finish up their final environmental assessment before we can bring the SMA to the Commission. Are there any questions on the open or completed projects report?

Ms. Kalanihulia: I'm sorry. What was found on the site?

Mr. Yoshida: A delineated wetland.

Chair Sprinzel: Any other questions, Commissioners?

- 3. Reducing the number of Molokai Planning Commission meetings when the complete applications justifies it**
- 4. Agenda Items for the June 12, 2013 meeting**

Mr. Yoshida: Our next meeting is scheduled for June 12 and -- oh, sorry. Reducing the number of Planning Commission meetings when the number of complete applications justifies it. I think we had approached the Commission maybe 2009, 2010 about maybe reducing the number of meetings to one meeting a month, I think probably when Joe Kalipi was the Chair of the Commission, due to maybe we can have less meetings but we can have more items per meeting, so probably as more productive use of the time. At that time, and this was like right after the great recession of 2008, so again we're approaching the Commission to see if it's okay if we try to group applications, maybe we can have four or five lighter type applications like we had today, on one meeting agenda rather than having two meetings in the month and having two on one and three on the other.

Chair Sprinzel: With this backlog, I would think if you gave us four, and we could do two a month, we'd clear this in a year wouldn't we?

Mr. Yoshida: Yeah. If again, if the projects were ready, some of these projects are ready to go to the Commission. Some of them are kind of waiting to get more information from the applicant before we can bring it to the Commission.

Chair Sprinzel: Well, maybe if you give us as many as you can and then we can skip a meeting while you gather some more together, that would sound fine. I don't like the idea of going permanently to one a month because we're so far behind on Molokai anyway that I don't think the Commissioners object to an hour or two every two weeks if we can clear this.

Mr. Yoshida: Okay, I guess we just wanted feedback from this Commission at this time.

Ms. Kalanihulia: How about a couple of thoughts. There's -- how much of a backlog is there? Do we -- everything there? And is the backlog because the department hasn't moved these things forward, are you waiting for people like the Malama Park? Was it 50-50?

Mr. Yoshida: Yeah, I guess in some cases we are waiting for responses from the applicant before we can bring them forth. We are trying to bring the older ones, if they're ready to go, like Mr. Ragonton's that was on the last Commission agenda, that was from 2009, but there were some issues about after-the-fact fee and so forth, so that got resolved. But

we're trying to deal with some of those or contacting the applicant and say, oh, you know, so many -- such amount of time has passed, do you still want to move forward with your application; if so, we need the following information from you.

Ms. Kalanihulia: So half of them are because people need to complete stuff and the other half is because the department is backlogged or -- ?

Mr. Yoshida: Well, I think we're waiting for things. We try to bring items to you as soon as they are -- we feel they're ready and their information is complete enough because we don't necessarily want to bring incomplete applications to you then you might just end up deferring it and then sort of we're wasting people's time. So I guess we are still kind of working towards some of the backlog, but I think we're catching up.

Ms. Kalanihulia: I guess I would not be opposed to having one meeting a month if the agenda was more robust, and I think that over the last, you know, this is my second time on the Commission, I don't see a great community, you know, attendance unless it's something terribly spectacular, so I don't feel like having it once a month would rob the community of their ability to be here or to testify.

Chair Sprinzel: Oh yeah, but when we get the slightest controversial proposal, we can be here till 4:00 on one item.

Ms. Kalanihulia: No, I've been here.

Chair Sprinzel: You've been there. We've all been there. But I certainly don't think we should do that permanently and I'm quite happy with the idea if we catchup of missing a meeting, I mean that's easy, Clayton will know, and he can just say there's not enough for next week or next time, but I don't think we should make it permanently once a month. I know we did that at the Urban Design Review Board once and that didn't work out too well because we started backing stuff up because you only need one thing like the church car park or something and we're way behind again.

Mr. Jennings: Mr. Chairman, why don't we try to just over the summer months look into this one meeting a month and then see how it goes, and then if we see that they catchup, and then we'll go from there? But I don't feel there's a problem with going once a month and it really helps I think all of us, you know, that, you know, have things to get done on their vacations and everything like this. So I would propose that we do it just over the summer months, go to one meeting a month.

Chair Sprinzel: Could we start at 10 in the morning on that one meeting?

Mr. Jennings: I think that's fine. I don't have a problem with that.

Chair Sprinzel: Anyone object to that idea?

Ms. Kalanihūia: And the reason would be is it better for the Maui folks to come in?

Mr. Yoshida: If our flight is not delayed, like it has been the past two times.

Ms. Kalanihūia: So you come in early and hang around till the ...(inaudible)... flight?

Mr. Yoshida: Yeah, we get here about nine. Well, if the plane is on time, we get here about nine, but the past -- last time it was delayed by an hour, today it was delayed by 40 minutes.

Chair Sprinzel: But I do think Mr. Oracle is going solve -- that was Hawaiian Island Air I'm assuming, yes?

Mr. Yoshida: We're on Mokulele.

Chair Sprinzel: Oh, Mokulele late. Oh dear. But I think pretty soon, when we've got Hawaiian, the new Island Air, and Mokulele, they're going to be pretty punctual, is my opinion. Oh, what about 11:00?

Ms. Kalanihūia: No. I'm fine with starting earlier. It's not a problem.

Chair Sprinzel: Right, so in the summer, one meeting a month, starting earlier. How's that sound?

Mr. Yoshida: Well, I think we can consult with the Commission and the Chair and we can kinda say what we have ready for the next meeting and you can decide if you want to kinda push it off or you want to have that meeting. But some of these things are somewhat time sensitive from the applicant's standpoint.

Chair Sprinzel: But none of the attending Commissioners are against the idea of one a month through the summer starting at 11:00 or 10:00. No? So you've got a yes from everyone.

Mr. Yoshida: I guess the problem is if the Tutu & Me uses this facility until 11, then I guess we'd have to find an interim space. Okay. Our next --

Chair Sprinzel: What was the agenda for the 12th?

Mr. Yoshida: On the 12th, I guess on page 1, the second item, Richard and Marva McFarland interior renovation on the West End, SMA assessment, 2013/0120, and then

on page 3, sort of a third of the way from the bottom, the Doug Matthewman poly invisible deer fence at Kamiloloa.

Chair Sprinzel: Okay, that's it. Anything else from anyone? Home time. I call the meeting adjourned and thank you very much.

F. NEXT MEETING DATE: JUNE 12, 2013

G. ADJOURNMENT

There being no further business brought before the Commission, the meeting was adjourned at 12:19 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
Janice Kalanihuia
Douglas Rogers
Diane Swenson
Sherry Tancayo

Excused

Ron Davis
Zhantell Dudoit

Others

Clayton Yoshida, Planning Program Administrator
Ben Sticka, Staff Planner, Molokai
Richelle Thomson, Deputy Corporation Counsel