

**MOLOKAI PLANNING COMMISSION  
REGULAR MEETING  
AUGUST 14, 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, 2200 Main St., Suite 315., 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, August 14, 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, we have quorum. It's noon. I call the meeting to order.

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

**C. APPROVAL OF MINUTES OF THE APRIL 24, 2013, MAY 8, 2013 and MAY 22, 2013 MEETINGS**

Chair Sprinzel: Is there any public testimony on an planning or land use issue? There being none, public testimony is now closed. And I would like to have approval of the minutes of April 24, May 8, and May 22. Mike proposes. Doug seconds.

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

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

***VOTED: to approve the minutes as circulated.***

Chair Sprinzel: The minutes are approved.

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

**D. PUBLIC HEARING (Action to be taken after public hearing.)**

- 1. MR. WILLIAM SPENCE, Planning Director, transmitting Council Resolution No. 13-66 containing A Bill for an Ordinance Amending Section 19.510.040, Maui County Code relating to Change of Zoning Protests. (J. Alueta)**

Mr. Joseph Alueta: Good afternoon, Commissioners. Again, my name is Joe Alueta. I'm your Administrative Planning Officer for the Planning Department. I handle all your ordinances and changes to Title 19 as well as any rule changes to the planning commission rules. There's two methodologies, and I think I've gone over this before, but just to remind you that there's two methodologies in which to amend Title 19; one is by director initiated in which I will draft the bill for the director which will amend Title 19 and we'll bring it before all of the different commissioners; the other methodology is via resolution done by the Maui County Council, and that's what you have here today. And prior to any changes to Title 19, the charter requires that all three planning commissions review it and comment back to council.

So today, we have a pretty simple amendment to 19.510, which is pretty much the process and procedures in which the County of Maui processes applications. It outlines, you know, how we process a application that requires a public hearing, how you process an application, or permit, land use permit, that doesn't require an application. In this case, it's amending a small section regarding protests for a change in zoning application. As you know, change in zonings will come to the Planning Department and the first public hearing that will be held is at the planning commission level. The planning commissions will then make a recommendation on the change in zoning to the Maui County Council before they act on it. Typically, when somebody comes in for a change in zoning, if somebody is opposed to the change in zoning, they can file a protest with the Planning Department prior to the Maui Planning Commission or the Molokai Planning Commission hearing. Currently, the way the rule state it is if you get so many percentage of the land surrounding within 500 feet of a parcel that is being a change in zoning, it kicks it up to a higher level. So if 40% of the landowners or land area surrounding a property opposes a change in zoning, it doesn't kill or it doesn't deny the change in zoning, all it does is it requires a higher level of or standard of voting at the County Council level or requires a super majority.

There was some ambiguity as far as how you calculate that and it pretty much came about during a very contentious case last year or couple years ago, the Hanzawa case, and so the County Council decided that they need to clarify how it does it, so this bill does help dramatically as far as improving how protests are counted, okay, and what it does is it, basically, says that it requires for the total number of parcels within 500 feet and it uses the number of parcels as being how you count it, and it also indicates that you include county-owned parcels in that calculation, okay, rather than land area. And what I -- this is a slight change but it makes it easier -- it makes it somewhat easier to calculate, but it also, as someone once said, you know, land doesn't vote, or a change in zoning doesn't impact land, the surrounding property; in fact, it impacts the people who live in the area. And so this kind of gives the voice more towards the people and count them because prior to -- currently, under the current process, if I was coming in for a change in zoning and a neighbor of mine, he owned on three sides, but he owned three-quarters of the land,

meaning he had like a 5-acre parcel, and then the other people around me had small 10,000 square-foot parcels. The person with the bigger parcel would outweigh everybody with the -- you may have 20 people opposed to it, and they all have 5 or 10,000 square-foot parcels, but together they couldn't overrule or their voice would be diminished, I guess you could say, because the neighbor who had 5 acres would trump them all. In this case, it basically gives -- you have one parcel, you get one vote, or at least as far as being calculated in the percentages-wise. That's one of the major changes, and it clarifies that. Before, it was questionable. How do you calculate this?

Some of the concerns -- some of the concerns that were raised by I guess by the Current Division at the time, and the department I guess is: How do you handle condos? Right now, a condo has an HPR number or TMK that goes to 13 digits. We are -- we recommend that you keep it as parcels 'cause that would mean that the TMK -- the condominium parcel would count as one rather than just doing it by the lot, by a land lot, a TMK, and I think that should be clarified that condos would count as one because that would be consistent with our current notification procedures, and so to give you an example, if you had a, stay in Kaanapali Beach on Maui, there was a change in zoning on a parcel, next door there may be a 200-unit condominium complex. So the land is one parcel, but you have 200 individual parcels, technically, of each individual owner. Currently, we notify all of those individual owners so, therefore, in this case, that condominium complex would have 200 different votes, I guess you could say. But at the same time, the 200 would be counted toward your calculation of the percentage of those who file a protest. Again, there was issues on whether or not, you know, a portion of a parcel, especially when you deal with a condominium complex, you cut it right down the middle of it, part of that building is -- half the building is counted, you bifurcate all of -- you count all of those individuals, and it would be difficult, but it would be -- it wouldn't be impossible to do and we don't think it would happen in many cases. But it should be clarified as to how you -- it should remain parcel and it should be clear that condominiums are counted as one parcel, each condominium property.

Let's see, in talking with our Corporation Counsel, there is a recommendation that we create a definition for "lessee of record," and so the department would recommend that also to the County Council and to you guys to go with that that way because right now it says, "the owners or lessee of record of 40% of the parcels" so -- it also creates the proposed amendments, we also create a methodology in which to withdraw a protest. We've had someone who will initially file a protest and then after learning more about the project, may say: You know what? I'm not opposed to it anymore. And so if they want to withdraw it, then we can recalculate it prior to going through the council change.

Again, it doesn't automatically deny a permit or a change in zoning; all it does is if there is that many people who protest, the council would have to have, in this case, they're proposing to have it as being six members of the County Council, before it was seven, but

they've dropped the standard to -- you have to get at least six members of the County Council to vote in favor of the change in zoning, so one more than just the majority of the council.

Another section of the change is on section 4 -- or paragraph 4, excuse me, of that change, and that is that it would exempt the Planning Director and the council from the protest provision because -- and part of the rationale is that normally when we do a comprehensive zoning or change in zoning, it's for a good cause, or comprehensive to implement the community plan, and in that ...(inaudible)... we do do public hearings but the -- we do not, per se, notify 500 feet from every single parcel, we'll do a blanket notification in the paper, but not necessarily do mass mailings, or if we do mass mailings, it will cover more than the 500 feet, and so, therefore, calculating each individual when you do comprehensive zoning. An example would be like say the business country town district where we comprehensively zone areas that where it's community plan BC-T, we comprehensively zone them to business country town. There were hundreds and hundreds of parcels that were converted to BC-T in compliance with the community plan, and they were all over the map, and, therefore, it would be unrealistic for the County Council or the Planning Department to then try to calculate who's within 500 of all those individual -- a mass amount of individual parcels so that's probably why that exemption was proposed by the County Council.

And that's pretty much all I have at this time. If you have any questions, I'm more than happy to answer it.

Chair Sprinzel: Any questions from the Commissioners?

Ms. Swenson: You know when you do the mass rezoning, is each individual property owner notified and given a chance to --

Mr. Alueta: Typically, they're the ones that's trying to get the change in zoning.

Ms. Swenson: No, I know, but sometimes it's not everybody is in unison that's why I'm asking if each owner is notified. I mean if each owner that's affected is notified.

Mr. Alueta: By the -- when we do -- you're talking about when we do like a comprehensive zoning?

Ms. Swenson: Yeah.

Mr. Alueta: I believe the department does or the council does try to do that using the water meter list or the tax records to notify them, say that we're going to do a comprehensive zoning, and we've had people who are opposed, who didn't want to be

included, and so let us know or they let the council know I don't want to be included and so they'll be excluded from the rezoning.

- a. **Public Hearing**
- b. **Action**

Chair Sprinzel: This being a public hearing, is there any public testimony at this time? There being none, public testimony is now closed. I don't know exactly what we're supposed to do next.

Mr. Alueta: You can recommend adoption or recommend approval of the proposed ordinance to the Maui County Council, you can recommend amendments, approval with amendments to the Maui County Council, you can recommend denial of the proposed ordinance to the Maui County Council, or, if you wish, you can defer action if you seek additional information prior to taking action.

Chair Sprinzel: I'm open to the Commissioners. Go ahead, Mike.

Mr. Jennings: I would make the motion that we adopt it, adopt that motion.

Mr. Alueta: To recommend approval to the County Council.

Mr. Jennings: Yes, recommend approval.

Chair Sprinzel: Do we have a seconder? Doug, thank you.

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

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

***VOTED: to recommend approval of Council Resolution No. 13-66.***

Chair Sprinzel: Carried unanimously. Thank you.

Mr. Alueta: Thank you.

Chair Sprinzel: Okay, now Doug is going to recuse himself from this next item.

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

**E. COMMUNICATIONS**

**1. SPECIAL MANAGEMENT AREA EXEMPTION**

**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. ABELINO MARCUSE submitting a Special Management Area Assessment for the proposed awning and carport addition to an existing single-family residence at Kahinani Place, TMK: 5-4-010: 004, Kaunakakai, Island of Molokai. (SMX 2013/0291) (Valuation: \$8,000) (B. Sticka)**

**The awning is approximately 360 sq. ft. and the carport is approximately 384 sq. ft. The carport is proposed to be built on a concrete slab.**

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

Chair Sprinzel: Before we start, this came to us without a site plan and Ben did provide me with one so you know where it is. Pass that down. Doug knows 'cause he lives next door. Ben?

Mr. Ben Sticka: Good afternoon, Chairman and Members of the Commission. The second item on your agenda is a request for a proposed awning and carport addition to an existing single-family residence. The awning is approximately 360 square feet and the carport is approximately 384 square feet. The awning is proposed to be attached to the rear of the existing home while the carport is located -- is to be located at the side of the home. Both the awning and carport will be approximately 12 feet in height, which will match the existing residence. The carport is proposed to be built on a concrete slab. The concrete slab will be poured in place and will not require any ground disturbance, therefore, no ground disturbance is expected on the subject site. Again, the valuation for the proposed action is \$8,000.

Standards for reviewing a 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 the Maui County Code, as amended, Title 19, Zoning, Section 19.02, Urban District zoning regulations. The state land use district is urban, 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 an SMA exemption. The consultant, Doug Rogers, is available or I am as well. Thank you.

Chair Sprinzel: Thank you, Ben. Is there any public testimony on this matter? There being none, public testimony is now closed. Doug, you know you can make comments; it's just you can't vote. Okay, Commissioners, any comments from anyone? Would somebody like to made a proposal?

Ms. Swenson: Sure. I move we approve the project.

Chair Sprinzel: Is there a seconder? Thank you very much.

Mr. Davis: Yeah, I second.

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

***It has been moved by Commissioner Swenson, seconded by Commissioner Davis, then***

***VOTED: to approve the project.***

***(Assenting: B. Buchanan; R. Davis; M. Jennings; J. Sprinzel; D. Swenson)***

***(Recused: D. Rogers)***

***(Excused: Z. Dudoit; J. Kalanihuia; S. Tancayo)***

Chair Sprinzel: Carried unanimously. Thank you very much. Okay, now we come to the second edition of *War and Peace*. I know you've all read this and there will be questions afterwards.

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

## **F. NEW BUSINESS**

- 1. MR. DILIP GUNDAWARDENA of LDE GROUP, LLC requesting comments on the Draft Environmental Assessment prepared in support of the Community Plan Amendment application for the**

**proposed Chopra Hale Apartments, a 16-unit apartment complex and related improvements on approximately 1.04 acres of land located at 190 Makaena Place, TMK: 5-3-004: 028, Kaunakakai, Island of Molokai. (EA 2011/0006) (B. Sticka)**

*The EA trigger is the Community Plan Amendment.*

*The accepting authority of the Final Environmental Assessment is the Molokai Planning Commission.*

*The public hearing on the Community Plan Amendment and Change of Zoning applications will be scheduled after the Chapter 343, HRS process has been completed.*

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

Mr. Sticka: Chairman, Members of the Commission, the third item on your agenda is the request for comments on the draft environmental assessment before you. The environmental assessment trigger is the community plan amendment. The accepting authority of the final environmental assessment is the Molokai Planning Commission. The public hearing on the community plan amendment and change of zoning application will be scheduled after Chapter 343, HRS, process has been completed, i.e. the draft EA and the final.

The community plan amendment request, which will be coming before you later, not today, is a change from single-family to multi-family, and a change in zoning request is proposed interim to A-1 residential district. The proposed Chopra Hale 16-unit multi-family apartment complex is intended to increase the inventory of affordable apartment rental on the island of Molokai.

The Commission may provide its comments on the draft environmental assessment. The consultant, Luigi Manera, is here if you do have questions, and at this time, we'll open it up for comments and thank you.

Chair Sprinzel: Is there any public testimony on this matter? There being none, public testimony is now closed. Commissioners? Diane.

Ms. Swenson: Well, Luigi, you're not going to be happy, but I've a got a couple of concerns. One is I didn't see, I went through the report and I don't see anything, any kind



of a study on the actual housing on the island and the need for this project. I mean like if the other low-income housing apartments are all occupied or --

Mr. Luigi Manera: Well, there is none. There's no --

Ms. Swenson: Well, there's the one in Maunaloa and like The Barns.

Mr. Manera: Yeah, I mean it's so -- it's so far apart. I mean it's so far from this place. In town, there isn't any affordable homes just by -- I mean we can do it if you want to, I mean I don't think it's a big deal, but the reason why we never got into that is because the closest affordable home is at Kilohana Kai and the other one is in Maunaloa. That's the closest to this vicinity.

Ms. Swenson: And then I have one other concern, and I don't know if this is the time to bring it up or not, but the group applying for this bought -- has purchased a lot of properties on the island, and they collected rents on the properties but didn't make their payments, and a lot of the properties have been foreclosed and have left the condo associations and lenders holding the bag, and I guess I would want some kind of reassurance that they're not going to do the same thing with this project.

Mr. Manera: I don't know about those things but I guess I can -- if you -- what you really want, I don't know. Make a recommendation and --

Ms. Swenson: No. All I want is them to be good citizens and --

Mr. Manera: Well, I hope so too. I mean that's why I got involved in this. I hope he's very sincere. That's all.

Chair Sprinzel: Uncle Billy.

Mr. Billy Buchanan: I notice that it says, "affordable," and there's no idea, financially, in here that says what they are considering "affordable." In other words, what are they going to be charging.

Mr. Manera: What is affordable is the County of Maui, they give you actually a list how you come up with the affordable is based at the mid-income of the whole county, unfortunately. It's not just Molokai. We have to follow the guidelines for the County of Maui on that. It's not like something we say, well, we cannot go over a limit. There is a limit we cannot go over, and I don't know what is the limit right now. But we cannot dictate how much it has to be. We have to follow the county guideline.

Mr. Rogers: Is it going to be eligible for Section 8?

Mr. Manera: Well, I really don't know. I cannot answer but I'm very sure. It is. Yeah. Yeah, the three-bedroom I'm very sure they will.

Chair Sprinzel: I am assuming that before this comes for final approval and stuff, the drawings and things will be aired in front of the community?

Mr. Manera: Yes.

Chair Sprinzel: 'Cause I'm amazed there's absolutely nobody here so nobody, I would think, they don't know about it, is my feeling.

Mr. Manera: Yeah. Not a problem. Well, there's a -- if I may, there's actually a few people they stop me from the last week, week-and-a-half, and asked me about this project, so I mean I don't know if everybody don't know but I can tell you all the people in Manila Camp they know about this, well most of them.

Chair Sprinzel: Well, as this is an environmental thing, we each take a turn now to make an opinion, there's not a vote or anything, it's just to --

Ms. Thomson: What I was recommending to John is that -- well, you know, you're actually kind of doing it now, and I see Ben taking notes, and just compile your comments that you want the applicant to address in the final final EA, and then you can vote to submit those comments from the Molokai Planning Commission as a whole. So you would vote to submit those comments as your official comments that you would like the applicant to address, and Ben can take notes as far as your discussion, and then read them back, and then you can take a vote on whether you'd like to submit those comments or you'd like to revise them. The other part of business today is concurring with the department's analysis of the draft EA that the project will not have a significant environmental effect, that you're anticipating finding that, so you can concur with the department or you can not concur if you don't agree with that.

Chair Sprinzel: Okay, we'll start at the end with Uncle Billy, please. Comments?

Mr. Buchanan: I have --

Chair Sprinzel: Microphone, please. No comments?

Mr. Buchanan: No, my only concern is always going to be the community and affordable for the community but at Molokai's level, and he kind of threw me a curve when he said we going do it Maui County, so that kinda puts a different perspective on the whole picture of what affordable means. You know, affordable might be different on Maui than it is here

so -- but my bottom line is just concerned about whether it's affordable for Molokai people or Molokai residents. That's the only thing that concerns me really is our community.

Chair Sprinzel: Thank you. Ron?

Mr. Davis: Yeah. My concern is the Fire Department did not respond to request for information, I know you folks asked and they never, you know --

Mr. Manera: Yes.

Mr. Davis: My concern is how much protection the building need; what's the fire flow requirements. That's the only thing I'm concerned about ...(inaudible)...

Mr. Manera: Yeah, we sent a -- we sent a few letters to the Fire Department. What they did -- the only thing they say, I think they sent somebody and they take a look at the fire hydrant located on the side of Manila Road and Mahalo, and they find adequate waterline and fire hydrant right next to -- right on the property, so far.

Mr. Davis: Okay, so you folks going just depend on the fire hydrant, you folks not going install sprinkler systems or anything like that?

Mr. Manera: I think we have to install a fire sprinkler system.

Mr. Davis: Okay. Thank you.

Mr. Manera: I think we have to. Yes.

Chair Sprinzel: Thank you. Diane?

Ms. Swenson: Well, I guess I've already said my comments, but I share the concern about affordability because here's what's happening right now on the island: Section 8 is paying way more money in rents, calling it "low-income house," than the average guy working in town in one of the stores or in the corn fields than the people who are working can pay in rent, so I guess I'd like to see a low-income housing project where -- that working people can afford because people that aren't working are living better in better housing under Section 8 than the working man and somehow I'd like to see that bridge gapped.

Mr. Manera: Well, as much I understand, but there is no guidelines just for Molokai, you know. That's the thing. I don't mind to look into that. I got no problem. But when you go on the county side, the only thing they say is County of Maui, the whole county, not just Molokai, so I don't even know how to get to that, but I can look into it.

Ms. Swenson: Yeah, and I guess I'd like to see something too about the necessity for this. I mean if we really need this additional housing or not.

Mr. Manera: Okay.

Chair Sprinzel: Doug?

Mr. Rogers: Yeah, I share your concerns about the necessity for affordable housing for working people. Absolutely. And environmentally, I'm wondering where the drainage is going to go.

Mr. Manera: Oh, if you -- there's a chapter in there talking about the -- for the drainage study and, actually, there is drainage onsite, on the main road, on Manila, there's a drainage provided by the county but we also have our own on the property.

Mr. Rogers: Yeah, I know that over there it's kind of limited to what you really can do when it does flood.

Mr. Manera: Yeah, because it's -- yeah, but there is a county drainage.

Mr. Rogers: Okay.

Chair Sprinzel: Mr. Vice?

Mr. Jennings: I would have to go along with -- with Ron. The fire issue. I know that's a big issue down on the west end, but the way things are right now and the way things could be, you know, the fire issue and if we don't have, you know, basically their blessing, or something from them, that really concerns me, and to go along with what Doug and Diane say, that too, but the big thing to me is the issue, you know, that's -- we had -- it had come within six feet of our house the last time there was a big fire and if we don't have the, you know, the ability to take care of it, then that really bothers me.

Mr. Manera: I agree with you and Ron, and I believe that during the process, when the building permit actually -- we apply for the building permit, I know the Fire Department they going have some, you know, very ...(inaudible)... review of the whole project and I know for sure we have to install a fire sprinkler system because of the square foot and size of the two-story building.

Chair Sprinzel: Now I think, Ben, have you made a note of all those comments? I guess that's it. You can sum up for us, please.

Mr. Sticka: So what I'll do right now is I'm going to go through and read each of the bullet pointed comments that were addressed by each of the Commissioners and Chair and please let me know if I'm missing something 'cause what will happen is I'll go and create a letter, the applicant's consultant will actually respond to the letter, and then each of the bullet points, and then we'll bring that back to you during the final environmental assessment on the project. So the first recommendation was for the applicant and/or consultant to provide a study on the need for affordable housing on Molokai. Is everyone okay with that? Okay? Okay. The second one was recommending some type of a financial statement or letter of commitment from the property owner and I guess his commitment, I think, Commission Swenson, that was -- you were inquiring about trying to get some letter from the -- I'm not sure how you wanted to craft that.

Ms. Swenson: Well, it's just that -- just something to the effect that they're financial viable to proceed with the project and that they intend to maintain the property and the payments on the property. Or I don't know how to word it.

Mr. Sticka: So, again, maybe something along the lines of recommend that --

Ms. Swenson: That they're going to maintain the property and ownership of the property. I mean I don't want -- I just -- I don't know how to word it or what to say but I don't want to see them do with this project what they've done with the other properties they've bought on the island.

Ms. Thomson: If I could maybe help add to that. So one of the significance criteria that you're looking at in the admin rules for Chapter 343, you would need to qualify for -- I mean not having to go and do a full-blown environmental impact statement, the project can't have a significant impact, and one of the criteria that's analyzed is whether the project substantially affects the economic welfare, socio welfare, and cultural practices of the community, so perhaps you're asking for assurance, one way or the other, that this project is not going to substantially negatively affect, and you're looking for some financial statements or other proof that it's going to contribute positively, not negatively.

Chair Sprinzel: Well, so it's easy for them to say, oh, yes, we'll do all that. We've heard that before over the years haven't we? You say but you don't do.

Mr. Sticka: Yeah. I agree. We will get a statement from the, a signed statement, from the applicant indicating that they are -- have the adequate financing to ensure that this project moves forward. The third comment I have is recommend to include a definition of the affordable rent rate in Maui County and perhaps -- or also include the average of what the actual going rent rate might be for the island of Molokai. The next recommendation I had was recommend a clarification on Section 8 housing. The next recommendation I have is recommend a comment letter from the Fire Department concerning adequate fire

coverage for the proposed project and any other fire comments or concerns for the project. And finally, I have a recommendation for clarification regarding any drainage concerns and/or issues that the project may bring. Were there any other recommendations that you wanted me to add to the list?

Chair Sprinzel: No. The question of how it looks now and how it fits in we'll discuss that when we get the application, I guess.

Ms. Thomson: I was going to suggest, you know, after the Section 8 versus market affordable, you could ask the applicant what percentage of Section 8 housing that is anticipated for this project because they probably have done those financial studies, whether it's going to be 100% Section 8, 80, 60, you know, you could ask them to give you that information so that you have a better understanding of the impact on the community.

Chair Sprinzel: Thank you. Well, all we have to do now is approve what we've suggested. Do we all approve what were suggested? Would somebody propose that? Yes, proposed. And second, please, that we accept the recommendations?

Mr. Rogers: I propose we accept what we said.

Ms. Swenson: I'll second.

Chair Sprinzel: Seconded.

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

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

***VOTED: to accept the comments of the Commission.***

Chair Sprinzel: Unanimous. Thank you very much indeed. We'll look forward to seeing this. I'm very surprised we didn't get more public input but I suspect they are waiting for when it comes up for approval.

## **G. CHAIRPERSON'S REPORT**

Okay, Chairperson's Report. Well, thank you all for coming all the way from Maui, and thank you, all you Commissioners, for coming. And now we'll have the Director's Report.

## **H. DIRECTOR'S REPORT**

**1. Meeting Schedule Till the End of the Year.**

Mr. Yoshida: Thank you, Mr. Chair, and Members of the Commission. As I had suggested earlier, now that we've gotten through some of the more involved applications, like the Grace Pacific asphalt batching plant, and the time extension on the Goodfellow Brothers rock quarry, and the Hotel Molokai, and Friendly Market warehouse, we'd like to try to cut back to one meeting a month, on the second Wednesday, and have more items on that -- on the agenda, and then use the fourth Wednesday as like a safety valve if we're not able to -- if the Commission is not able to reach a decision and it's time-sensitive at the one meeting on the second Wednesday for November and December, from now until the end of the year. November and December, we already have programmed one meeting a month because we run into the Thanksgiving holiday season and we run into the Christmas, New Year holiday season towards the end of November, towards the end of December, so we'd like to try that out and, you know, see how it goes and, hopefully, have more agenda items per meeting so it kinda evens out.

Ms. Swenson: ...(inaudible)... concerns today, Clayton. Okay, my concern is if we vote on that and approve it, then it's going to be cast in stone and then Maui County is going to just budget one meeting a month. And my other concern is, in addition to our meeting, you guys come over at 9 or 10 in the morning, and so anybody in the community that wants to do an application or has questions or anything, it's an opportunity for them to meet with you and have their concerns addressed. So even -- so if we said, okay, we're not going to have a meeting, I would like you guys to think about having one of the guys come over and be available the second time in the month to answer questions and to help people that want to do applicants and things and --

Mr. Yoshida: I don't think that precludes the Molokai Planner from coming over more than once a month to do site inspections, to meet with applicants or potential applicants, or whomever on the island of Molokai to answer their questions. And I would say that we probably could do it on a trial basis and say in November, we do an evaluation, see how it's working or not working, and we can change, but say from now until the end of the year, calendar year, we just try this, and if, you know, the amount of applications pickup significantly, we may have to have more meetings, but based on what we have now and what we've been able to do from the beginning of the year until now, I think we've kinda cut down on a lot of the backlog that we had.

Chair Sprinzel: Well, I'm on record as saying that I don't want it written in stone. If you want to cut out a meeting, fine. Today we could say we don't want a meeting next time, but we've got enough things so we have a meeting, and I think if we do it from meeting to meeting, we'll see how it works out, and I agree, absolutely, with Diane that we shouldn't make it a permanent thing because we'll regret I'm sure. Anyway --

**2. Agenda Items for the September 11, 2013 meeting. Public hearing on the following applications:**

- a. **MS. ELIZABETH H. JACKSON requesting a Short-Term Rental Home Permit in order to operate the Molokai Beach House Short-Term Rental Home , a 3-bedroom short-term rental home in the Interim District at 10400 Kamehameha V Highway, TMK: 5-7-001: 078, Kawela, Island of Molokai. (STMO T2013/0004) ( B. Sticka)**

This application is being brought before the Molokai Planning Commission because there is another permitted short-term rental operation located within 500 ft. of the subject property.

- b. **MR. PETER FUKUNAGA requesting a Short-Term Rental Home Permit in order to operate Peter's Paradise Short-Term Rental Home, a 2-bedroom short-term rental home located in the RU-0.5 Rural District at 10450 Kamehameha V Highway, TMK: 5-7-003: 005, Waialua, Island of Molokai. (STMO T2013/0005) (B. Sticka)**

This application is being brought before the Molokai Planning Commission because there is another permitted short-term rental operation located within 500 ft. of the subject property.

Mr. Yoshida: Moving on, if our next meeting is on September 11, then we have two public hearings scheduled on the short-term rental home permits on the east side, so if you'll all acquaint yourselves with the short-term rental home ordinance, 19.65, of the Maui County Code, and also we have the David Burrows special management area assessment for a new dwelling at Kaluaaha, found on page 4 of the open application report. So we have, on page 3, we have the, toward the bottom, we have the Molokai Beach House, Elizabeth Jackson, short-term rental home application, and the Peter's Paradise, Peter Fukunaga, short-term rental home permit application, and the David Burrows SMA assessment for a new dwelling at Kaluaaha. Are there any other items that the Commission wants scheduled for that meeting?

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

If not, we've circulated our list of open and completed Molokai application projects and if you have any questions on that report, I can try and answer them at this time. If not, that concludes the Director's Report.



**I. NEXT MEETING DATE: September 11, 2013**

**J. ADJOURNMENT**

Chair Sprinzel: Thank you, Clayton. Thank you, Commissioners. Thank you, Maui staff. We'll adjourn the meeting. Aloha.

There being no further business brought before the Commission, the meeting was adjourned at 12:45 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  
Douglas Rogers  
Diane Swenson

**Excused**

Zhantell Dudoit  
Janice Kalanihuia  
Sherry Tancayo

**Others**

Clayton Yoshida, Planning Program Administrator  
Joseph Alueta, Administrative Planning Officer  
Benjamin Sticka, Planning Staff, Molokai  
Richelle Thomson, Deputy Corporation Counsel