

**MOLOKAI PLANNING COMMISSION
REGULAR MEETING
NOVEMBER 13, 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 Chairperson, John Sprinzel, at 12:00 p.m., Wednesday, November 13, 2013, at the Mitchell Pauole Center Conference Room, Kaunakakai, Molokai.

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

Chair John Sprinzel: Aloha, everybody. It being noon, we have a quorum, we are now in session, called to order, and thank you everybody from Maui for coming a long distance to Molokai, and thanks for all you Commissioners for turning up.

B. PUBLIC TESTIMONY ON ANY PLANNING OR LAND USE ISSUE

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

There's one added little thing. We have to vote on two small changes in the agenda, and we need everybody to vote yes in order for me to be able to do this 'cause we need a two-thirds vote. Item a. of the special management area minor permits, the number is not "055," it's "005." Okay? And item b., Peter and Yukali are not requesting a minor permit, they're requesting an exemption. Is there anybody that object to these changes, if so, speak now?

There being no objections to the changes, it was voted unanimously to accept the changes.

Unanimous carried. Thank you.

C. APPROVAL OF MINUTES OF THE JUNE 26, 2013, JULY 10, 2013, JULY 24, 2013, and AUGUST 14, 2013 MEETINGS

Chair Sprinzel: Okay, the next item is approval of the minutes, and we have a lot of them, and while I went through, I did find one kind of mistake on the July 24, on the very last page, that's page 42, the last item at the bottom of the page, it says, "Chair Sprinzel:

Sure," and lots of stuff. Well, the lots of stuff was Lori Buchanan, to whom I said, "Sure," when she asked about can the public comment, so that has been changed. Okay? Has anybody any other problems with any of the minutes? In which case, can we have somebody accept? There are four -- four. Yeah. And seconded.

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

It has been moved by Commissioner Jenkins, seconded by Commissioner Rogers, then unanimously

VOTED: to accepts the minutes of June 26, 2013; July 10, 2013; July 24, 2013, as amended; and August 14, 2013.

Chair Sprinzel: The minutes are adopted. Thank you.

Chair Sprinzel read the following agenda item into the record:

D. COMMUNICATIONS

1. SPECIAL MANAGEMENT AREA MINOR PERMITS

- a. **MR. GLENN CORREA, Director, DEPARTMENT OF PARKS AND RECREATION, requesting a Special Management Area (SMA) Minor Permit for the proposed improvements to the Mitchell Pauole Center Facility located in the Interim District at 90 Ainoa Street, TMK: 5-3-002: 055, Kaunakakai, Island of Molokai. (SMX 2013/0269) (Valuation: \$300,000) (B. Sticka)**

The proposed improvements include the expansion of the existing lanai, a new freestanding lanai, approximately 2288 sq. ft. of renovations, and Americans with Disabilities (ADA) improvements.

The Commission may take action on this request.

Chair Sprinzel: Ben, can we hear from you?

Mr. Ben Sticka: Good afternoon, Chairman and Members of the Molokai Planning Commission. The first item on your agenda is a request for the proposed improvements to the Mitchell Pauole Center facilities. The proposed improvements include the expansion of the existing lanai, a new freestanding lanai, approximately 2,288 square feet

of renovations, and Americans with Disabilities improvements. Grading for the proposed action will include approximately 80 cubic yards of cut with a depth of 1 to 2 feet. The area of disturbance will cover approximately 2,000 square feet. The Department of Land and Natural Resources, State Historic Preservation Division, indicates that there will be no effect to cultural -- to historic properties. The valuation of the proposed action is 300,000.

Standards for reviewing an SMA application are found under HRS 205A-26, and Sections 12-302-12 and 12D 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 land use district is urban. The community plan is public/quasi-public. 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 minor permit subject to the four conditions indicated in your staff report.

The consultant, Morgan Gerdel, is here today as well as April Shiotani, with the Department of Parks and Recreation. They're available. And I think Morgan is going to do a presentation. And I am also available for questions. Thank you.

Chair Sprinzel: Thank you, sir.

Mr. Morgan Gerdel: Good afternoon, Members. My name is Morgan Gerdel, and I'm a principle architect with Nishikawa Architects. We're serving as project architects for the Mitchell Pauole Center expansion and ADA improvements projects for the Department of Parks and Recreation. Also assisting on the design team is Engineering Dynamics, providing civil and mechanical engineering; structural engineering is provided by Scot Listavich Structural Engineering; and electrical is by ECM, Inc.

Just to give some context to the project, this aerial view shows some of the surrounding properties: Kaunakakai Elementary is makai of the project, south; there's senior housing to the east; and the Cooke Memorial Pool and Kaunakakai Gym are mauka of the center.

This project is part of the County of Maui capital improvement program to improve the community facilities for Molokai. There's been demand for use of the outdoor space so providing a covered area would better serve the users. The existing kitchen requires improvements to function for the community. The restrooms also need ADA improvements and repairs. ADA improvements are needed throughout the facility for better access for the various users.

These photos show the existing outdoor seating area. It's ...(inaudible)... right outside this room and it's had limited use since it's not covered. These photos illustrate some of the ADA access improvements needed. On the right side, the walkways to the restrooms are too narrow, so they don't meet ADA standards. On the left, the water fountain doesn't meet the ADA requirements for access. And this is just some photos of the kitchen. The cabinets are deteriorated and the appliances need to get replaced to meet ADA compliance.

So for the project repairs, we're making the following improvements to the Mitchell Pauole Center: ADA improvements and repairs to the parking lot; assembly hall; restrooms and kitchen for better safety and access; we're building a new freestanding covered lanai pavilion at the eastside of the assembly hall; and various lighting and electrical replacements to the -- improve the efficiency and reduce the operating cost to the county.

This site plan shows the center in relation to the surrounding county buildings. The civil plan illustrates the walkway and repairs and drainage improvements for the project. Next to the lanai pavilion, there's a new subsurface retention system that will allow the runoff from the gutters and paves areas to infiltrate into the ground. This floor plan shows the new lanai pavilion, highlighted in green, with the existing building in tan. We've aligned the columns for the new structure to provide a visually cohesive space. In addition to the covered area, an accessible sidewalk will be provided to allow the disabled users viewing performances under the pavilions.

For the design of the pavilion, we focused on complimenting the existing building with our design. The exterior details match the existing lanai columns. We have the same CMU slip block base and wood cap detail. The hip-roof and overhang match the profile of the existing roof at the Mitchell Pauole Center. We have included a triple-layer asphalt roofing that offer improved durability while visually corresponding with the existing roofing.

These elevations show the new freestanding lanai pavilion in relation to the existing Mitchell Pauole Center. The new columns of the structure are 13 feet high to allow for portable stage to be installed in the pavilion while maintaining the head height clearance. The large overhang matches the existing building and maximize protection from the sun and rain. The new pavilion structure also has the concealed gutters similar to the existing Mitchell Pauole Center. We'll be using aluminum gutters and down spouts with a bronze finish.

This rendering shows the approximate scale of the new pavilion in relationship to the existing building. The columns and wood trims will be painted the same finish as the existing. And this is another view looking into the hall.

For the materials of the pavilion, we're looking at using a simple color palette to work with the existing building. We've created a sample board that I can pass around. And this concludes my presentation. If I can answer any questions the board members might have, please let me know. Thank you.

Chair Sprinzel: Thank you, sir. Before we go any further, any public input, commentary on this? There being none, public commentary is now closed. Commissioners?

Ms. Zhantell Dudoit: I have a question actually for you and then -- and then for you. So the lanai that you're building outside, is that an ADA requirement too or is that just for additional shade and expansion in that area?

Mr. Gerdel: Right. It's just to provide additional protected space for events and --

Ms. Dudoit: So what about like -- so what about like trees instead of structure?

Mr. Gerdel: I think the existing trees are going to be maintained. The structure is going to be going between those trees and the center itself.

Ms. Dudoit: The reason I was asking is this is really the only gathering place that we have for our community so if you're ever here doing an event, this whole big gathering spot is like where everybody congregates and where we have everybody be able to kind of be contained in one area, but according to your drawing, you have pillars that now block pretty much three-quarters of the area out there, which would make it sort of an additional room and take up a whole lot of space and view, so I'm just wondering if there was any input given to you guys about what we use this existing lanai or lawn area for and it seems to block a lot of the, which is now open, area for events and functions that we have in our community.

Mr. Gerdel: Okay. Yeah, I guess the direction for the design came from the Parks Department, it was a need they mentioned to provide a covered space for events. We did eliminate -- it's not ten columns, it's only eight columns, so there's a wider space in the center of the pavilion, so it's a little more open than these columns of the existing building.

Ms. Diane Swenson: I can't tell that if it's raining, are you going to be able to go from one structure to the other because they aren't tied together?

Mr. Gerdel: Right. They overlap so you would be fully covered walking from this lanai to the pavilion. The reason we separated it was to create the additional height and also kind of respect the existing building. It would have been harder to make them look ...(inaudible)... if they were touching.

Ms. Dudoit: Thank you. Can we ask the department a question? Actually, I'm not -- I guess I'm a little bit disheartened because I don't think we have much jurisdiction over anything except for to say yes or no to the SMA request, right? So as far as the design and the intent and what the county is allowing and spending money on on this is really out of our realm, right?

Mr. Sticka: I mean what's before you is, you know, the plan as it's designed and shown in the packet of information that you have and, I guess, it sounds to me that, you know, from the consultant that the design was handled through the Parks Department and --

Ms. Dudoit: Okay.

Mr. Sticka: It's my understanding.

Ms. Dudoit: So I guess then maybe I have a question and I'm not sure if it's for you or just the county in general, but I have two concerns. One concern is that we're spending a whole lot of money to make outside improvements when it's obvious that the inside of this building needs some improvements and that seems pretty silly. The second thing is we continue to list places like Mitchell Pauole as a evacuation shelter and -- or we hold it as a public gathering place. It confuses me as to why the county would allow hundreds of thousands of dollars to keep being poured into a facility that is obviously in an inundation and flood zone. It also confuses me that they would continue to put addition improvements that are not consistent with civil defense or any of those multi-use type things that this building was intended to be for. And so when you talk about making improvements for the community center, I would hope that all aspects and departments that are involved in what the intent of this center was for have been consulted so that our money is being spent in the most efficient way possible. So I'm not sure if I just giving one comment 'cause I don't exactly know who to direct my frustration at, and it's just kinda sad that now we're being asked, as the spokes people for our community, to come and give an approval for a project that, in my opinion, is a waste of money or not prioritizing the needs of this community center for this community at this point. So that would just be my comment.

Chair Sprinzel: Zhantell, I agree with a lot of what you say and by the nods from the people on the Commission, they do too. Who we really need to talk to is the people who decide this. I don't think the architect, he's just following instructions, and our Planning Department, they don't decide this sort of thing, so I'm not sure who you and I need to talk to.

Ms. Dudoit: Aside from the review board for the design committee on our community buildings and stuff, is there a public process for intended uses or improvements on community structures?

Ms. April Shiotani: That's a Planning question. I'll let Ben.

Mr. Sticka: Well, no, I can really only speak to, you know, the project as we have it today and today is obviously part of that public hearing process for community input, and as far as what was done before, I can't really speak for what Parks has done and maybe April can get you up to speed on what has kinda transpired to get us to here today so --

Ms. Dudoit: Just to clarify, so your official answer is that up until right this moment, there has not been a community process for which the community would be able to voice their opinion or talk about the design or talk about the intended improvements to Mitchell Pauole Center?

Mr. Sticka: I would have to let April from Parks answer that. I think she can answer better than I can.

Ms. Shiotani: Good morning, Commissioners. My name is April Shiotani. I'm with the Parks Department. This project came -- started off as an ADA improvement. The Mayor and former Council Chair, Danny Mateo, had requested that we -- or worked with Parks to add in the community center improvements to the kitchen, we're also replacing -- redoing the floor, and we're painting, redoing lights, new lighting and fans in the hall as well as the community center -- I mean the restrooms. And the Mayor, Danny Mateo, and Molokai Parks worked with Maui Parks and a need was addressed or brought to Parks that more covered area outside was a desirable thing for the community center. I can't address the civil defense portion of that. That's not -- I don't have any information on that. But it did come, not just to the Parks Department, it was brought to us, to the Mayor, and Danny Mateo. I guess during a lot of the performances, they put up a small shade and a temporary stage that was I guess deemed not maybe the best for the public use and they wanted to improve this with something more. But this is the first time that it's gone to the public.

Chair Sprinzel: Madam, I have the impression that we would happily approve all the work you've discussed regarding the ADA and the painting, the electric, the kitchen, and the floor. I don't think anybody wants anything built out there. That's the feeling I have. I don't know whether any other Commissioners agrees or disagrees.

Mr. Michael Jennings: John, I agree with you on that, on the ADA portion of it. As far as the structures, I agree with what Zhantell said. I think the public needs to be brought into this so that we can, you know, see exactly what they want. But as far as the ADA, John, I would approve that without a doubt.

Chair Sprinzel: Anymore Commissioners? Should we perhaps delay this, postpone this decision until they've had a chance to have a public meeting on it?

Ms. Dudoit: I don't think that -- I think our role is just to approve or disapprove the SMA permit, right?

Ms. Richelle Thomson: Right. And what's before you today is the SMA minor, so if you have further information that you're missing that you would like to request of the applicant related to the SMA minor application, you know, you could do that and that's valid grounds for deferral. If you would like to deny it, you know, you did take a look at the SMA rules and, you know, give your opinion on how it does not meet those rules, you know, so the denial is supported by the findings of the record, you know, or approve it, and, you know, this body can request that the Planning Department forward your comments regarding the design separately, you know.

Ms. Dudoit: Well, can I ask you is the relevance of us approving or disapproving an SMA minor permit dependent upon the actual intended use of this structure in this particular zone 'cause if that's the case, then the information we're missing is what was the actual intended use of the Mitchell Pauole Center for the Molokai community, and then that would give us grounds to defer or deny for right now because we wouldn't have all the information that we needed.

Ms. Thomson: You know, that's possible. If you're missing that information and you don't have sufficient information to make your determination, you can request that that information be brought back to you.

Ms. Dudoit: But is that aspect the intended use of the center is that part of that would allow us the deferral or is it not relevant to the decision we're trying to make?

Ms. Thomson: This is working just a bit on needing to go into executive session to talk about your, you know, rights, responsibilities, etcetera, so if you'd like to, we could take a -- I could either look at the rules and, you know, take a look at that in the next couple of minutes. We can defer this item until later on in the agenda, or we could go into executive session and discuss the grounds that you might wish to either deny the SMA minor or defer it.

Ms. Swenson: Can we not approve everything except the pavilion today so --

Ms. Thomson: No. It's the application that's before you.

Ms. Dudoit: You know what I think is our frustration, yeah, I was going to say, I was thinking we don't want to hold back the ADA stuff at all. I mean that's necessary and we know we need it. I think where we're stuck is we also wanna ensure that \$300,000 is a lot to be putting into improvements if it's not being used in a proper way that fully compensate for the intended use of this center, and then it also doesn't give room for the

community to have a say in the design aspect or how we're going to utilize it. I mean this is a big deal. This is the only community center that we have in the main town. So, I don't know. I'm stuck.

Chair Sprinzel: I'm a little surprised we didn't have any public input on this if this is -- it's a pretty big deal and I'm quite happy to reopen the public commentary if -- yes, please. I'll bring you the microphone.

Ms. Judy Caparida: This is the first time we hear this. I think that we should ...(inaudible)... Aloha, everybody. Nice to see you guys. My name is Judy Caparida, and I've read this that's why I'm here to see what's going on. And if it's the first time that this has been brought up, I don't think that we should pass it because I know for sure this is the only place that we have where we get together and have all kinds of activities here. So I think that we need to look more into it and see how we can finalize it. Thank you.

Ms. Ruth Manu: Since my sister went on. Well, we're very surprised. Good morning, Board, Molokai. We're here, right, to find out what's happening within our community, and a part about this that we don't believe in the last minute kine. Hello. We don't. When you come this meeting, you have to be on top of it, whether you like it or not. We, as community for Molokai, is here to find out what is your guys' intention. And we know that Mitchell Pauole is very important to us and we need to know what's going down. No bring any secreting on your agenda. I don't think that's right, or county or whoever. We have a right, as a community, to knowing why we coming to this meetings all the time. So if you folks want us to be pono, you better be pono too. I think defer for a while until we get, you know, the facts, what's happening. It's only right. Thank you.

Chair Sprinzel: Can we defer this because we haven't enough information on why and how this was included in the -- right, my proposal would be that we approve everything that is in the terms of ADA and repairs and renewals, and do not allow a completely new structure, which has had no public input and should not be part of the same thing. Yeah, what we're going to do is we're going to postpone this till the end of the agenda and our legal authority is going to do some checking, but I'm pretty sure that's what we will do. Okay, that being put to one side --

Chair Sprinzel read the following agenda item into the record:

- b. PETER and YUKALI-OHNO DAVENPORT requesting a Special Management Area (SMA) Minor Permit for the construction of a 680 sq. ft. single-family residence and a 500 sq. ft. ohana dwelling for property located in the Interim District at 336 Kaiwi**

Street, TMK: 5-3-010: 066, Kamiloloa, Island of Molokai. (SMX 2013/0285) (Valuation: \$177,000) (B. Sticka)

The Commission may take action on this request .

Mr. Sticka: The second item on your agenda is a request for the proposed construction of a 680 square-foot single-family residence and a 500 square-foot ohana. The residence is proposed to include 480 square feet of living space and a 200 square-foot lanai. The ohana is proposed to include 360 square feet of living space and a 140 square-foot lanai. The Department of Land and Natural Resources, State Historic Preservation Division, indicates that no historic properties will be affected by the proposed project. The valuation of this proposed action is \$177,000.

Standards for reviewing an SMA application are found under HRS 205A-26, and Sections 12-302-12 and 12D 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 land use district is urban. The community plan is single-family residential.

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 applicant, Mr. and Mrs. Davenport is available for questions if you need, and I am as well. Thank you.

Chair Sprinzel: Thank you, folks. Is there any public testimony on this matter? There being none, public testimony is now closed. Is there speed skating in your family? Never mind. Ohno is a famous speed skater. Okay, Commissioners? Speak.

Mr. Jennings: I'll make a motion that we approve. Seconded? Okay. Any discussion? Zhantell?

Ms. Dudoit: Mrs. Davenport, just for the record -- just for the record because we always ask this just to be sure that you're not going to run one vacation rental from your home, are you going to be living in the residence or is this intended for you to live in it to include the ohana? Can you just state it on the record for me so I can sleep well tonight?

Ms. Yukali-Ohno Davenport: No. We don't intend to use for a vacation rental.

Chair Sprinzel: Name for the record, please.

Ms. Davenport: For the record.

Chair Sprinzel: Your name, for the record.

Ms. Davenport: Oh, Yukali-Ohno Davenport.

Chair Sprinzel: Okay. Thank you, ma'am. Now, anymore discussion?

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 concur with the Planning Department's recommendation.

Chair Sprinzel: Carried unanimously. Thank you.

Chair Sprinzel read the following agenda item into the record:

- c. **MR. KALANI FRONDA, Property Manager of KAMEHAMEHA SCHOOLS, requesting a Special Management Area (SMA) Minor Permit for the removal of two (2) wooden camping structures and related improvements including concrete pads and an exposed above-ground one-inch plastic waterline located at HC1-479 Kamehameha V Highway, TMK: 5-6-006: 008 (por.), Keawanui, Island of Molokai. (SMX 2013/0204) (Valuation: \$10,000) (B. Sticka)**

The Commission may take action on this request

Chair Sprinzel: We did have a site visit so we know exactly what this is about, so it can be short and precise. Thank you.

Mr. Sticka: The third item on your agenda is a request for the removal of two wooden camping structures and related improvements, including concrete pads and an exposed above-ground one-inch plastic waterline. The combined area of the slab and camping structures is approximately 70 square feet. The existing slabs are approximately 6 inches in depth, 12 to 18 inches of excavation is anticipated for the removal of the structures. The length of the exposed one-inch waterline to be removed is 1200 feet. The applicant has indicated that an archaeologist will be present during all ground disturbance activities. The valuation of the proposed action is \$10,000.

Standards for reviewing an SMA application are found under HRS 205A-26, and Sections 12-302-12 and 12D 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 19.30A, Agriculture District Zoning Regulations. The state land use district is agriculture and conservation as well as the community plan.

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 the seven conditions indicated in the staff report.

The applicant, Erin Mukai, is here on behalf of Kamehameha Schools, she's available for questions and I am as well. Thank you. Erin?

Ms. Erin Mukai: Hi. Good afternoon, Chair and Members of the Commission. Thank you for the opportunity to be here before you today. My name is Erin Mukai. I work for Munekiyo & Hiraga, on Maui, together with Mark Roy from our office. Also here is Kalani Fronda, from Kamehameha Schools. I am going to be referring to a handout for my discussion today. We have a few extra copies with Suzie if there are people -- members from the public who would like to follow along.

As some of you may recall, over the years, Kamehameha Schools has been working to address after-the-fact permitting requirements for an aquaculture facility built on their property in Keawanui. If you turn to Figure 1 in your handout, you'll find a photo of the property. The facility was originally built without permits by Kamehameha Schools' previous tenants, Ohia Shrimp Farm Corporation, and it was later improved by D&J Ocean Farms. As part of its efforts to bring the project into compliance, the Schools filed an after-the-fact SMA assessment application with the Department of Planning in December of 2010, and this is for the development of the overall shrimp farm. The Commission conducted several meetings; went out to the property; conducted a site visit. As a result, at the end of 2011, the Commission granted an after-the-fact exemption for certain improvements as well as an after-the-fact minor permit.

As part of the minor permit, conditions were established by the Commission. Condition no. 7 was added specifically to address the concern that came up during the site visit. So condition no. 7 says, "That the applicant shall obtain necessary permits for the removal of the two small camping structures on the island of TMK: 2-5-6-8. So Figure 2 in your handout is a copy of the TMK map of the area. The gray shaded area is parcel 8. Figure 3 is an aerial photo of the island. The yellow circle is the location of those camping structures. And Figure 4 provides some photos of these structures on the property.

So in compliance with this condition, Kamehameha Schools kindly request the removal of the two camping structures and the related improvements, which include concrete pads and an exposed above-ground one-inch waterline.

Thank you so much for your time today. We are available for questions if you have any. Thank you again.

Chair Sprinzel: Thank you, ma`am. Commissioners, we did request that all stuff that was lying around was removed. There was a quite a lot of asphalt, which was liable to go into the ocean and we didn't like that so, hopefully, you'll cover that in your report, will you, Kalani?

Mr. Kalani Fronda: Yes.

Chair Sprinzel: Yes. Good. Commissioners?

Ms. Dudoit: Was any of the material or is it even a factor that there were lead testing done on the structure or anything associated with whatever you're removing?

Mr. Mark Roy: Sorry, just to repeat the question, the --

Ms. Dudoit: Lead testing.

Mr. Roy: Lead testing. There has not been any testing on -- sorry, let me introduce myself. I'm Mark Roy, with Munekiyo & Hiraga. I'm here with Erin today and certainly available to answer any questions that the Commission Members may have. There has not been any lead testing for these structures. They were put in place quite a number of years ago and the Commission -- I know some of the Commission Members weren't at the site inspection but when the site inspection did occur several years ago when the permits were issued for this facility, this was an observation when we went out to the island over in Keawanui that the Commission had requested that these items be removed from the island so it can be in a more natural state. We don't have very good background in terms of how these structures were used, but they were put in place several years ago or quite a few years ago and we believe they were used to, you know, just people camping down in the area. There doesn't seem to be too much paint on the structures, from what we've observed.

Ms. Dudoit: Okay. 'Cause I guess my next question was going to be because we're not exactly sure what they were used for, and I think there were toilets, I'm wondering if some consultation during some portion of your removal and where you dispose those things should -- you should consult the Department of Health and also the Coastal Zone Management people?

Mr. Roy: Certainly for the removal of these structures, there will be a best management plan put in place by the contractor, that is specified by the civil engineer that put together these plans, and certainly the appropriate waste disposal authority will be consulted so getting rid of, you know, what is removed from the site, that certainly ...(inaudible)...

Ms. Dudoit: Where are you going to throw all that stuff?

Mr. Roy: Well, you know, certainly the hope would be for wood that can be reused to some extent, we would probably try and work with the tenant to reuse, but, you know, other materials that come out, they will likely have to be disposed of in the landfill or something like that.

Chair Sprinzel: Commissioners, please?

Ms. Janice Kalanihulia: I'd like to applaud the systematic way you've approved the issues on that TMK. I think you've done a really good job thus far. And with that said, I'd like to make a motion to approve the recommendation by the Planning Department and with that recommendation, there are seven conditions and I would like to include those in my motion.

Chair Sprinzel: Is there any public testimony? Thank you.

Ms. Judy Caparida: We know about -- my name is Judy Caparida. And we have made a site visit when they were having problems, and I think they already got up to all the things they needed to do. Right now, they want to remove all the junk, all the junk that they left there. That's what they want to do. So I think that, you know, we should let them remove them.

Chair Sprinzel: Anymore public testimony? There being none, public testimony is now closed. Commissioners, we have a proposal. Do we have a seconder. Oh, you did, Zhantell? All in -- anymore discussion? No.

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 approve the Planning Department's recommendation with the seven conditions.

Chair Sprinzel: Carried unanimously. Thank you. You may remove it.

Mr. Roy: Thank you.

Chair Sprinzel: Okay, if I can find -- we got so many bits of paper today, which is good, which is good.

Chair Sprinzel read the following agenda item into the record:

2. **KAMEHAMEHA SCHOOLS** submitting their 2013 Annual Report (October 24, 2013) as required by Condition No. 11 of their Special Management Area Minor Permit for after-the-fact (ATF) improvements for an aquaculture operation of a former lessee D&J OCEAN FARMS consisting of construction of a 1,680 square foot storage building and hatchery, 160 square foot pump house structure, 2200 linear feet of road improvements, and grading for shrimp ponds, ditches, and drainage improvements at TMK: 5-6-006: 008, 024, and 034 Keawanui, Island of Molokai. (SMX 2011/0002) (SM6 2011/0004) (Valuation: \$26,400) (B. Sticka)

The Commission approved the SMA Minor Permit by action taken at its November 9, 2011 meeting.

Condition No. 11 of the SMA Minor Permit reads:

“That the applicant shall submit an annual report to the Department and the Commission for review addressing the status of compliance with each of the conditions set forth in this SMA Minor Permit. Said report shall be submitted each year prior to the anniversary date of this SMA Minor Permit for a period of five (5) years.”

The Commission may provide its comments on the 2013 Annual Report and file the report or take some other action.

Chair Sprinzel: We did, as a Commission, inspect all this and we're the ones who asked them to do and here it is.

Mr. Roy: Good morning, Chair, Members of the Molokai Planning Commission. My name is Mark Roy, representing the owner of the property, Kamehameha Schools, joined today, as Erin had mentioned, by Kalani -- with Kalani Fronda, Senior Asset Manager with the Schools. Before I start, I really would like to thank the Commission again for the opportunity to be here today, and what we're doing is presenting the second annual compliance report for --

Chair Sprinzel: Roy, can I just one second interrupt?

Mr. Roy: Sure.

Chair Sprinzel: Commissioners, have we all read this report? Is there anybody who hasn't? Okay, so you needn't go into as much detail seeing as we've all read and memorized it.

Mr. Roy: Okay. Sure.

Chair Sprinzel: We had a test yesterday.

Mr. Roy: Okay. Sure. Is it fair for me to assume all Commissioners understand the background for the permitting for this particular project? Okay. So I won't go into the background. Thank you, Chair. So we're happy today to present the second annual compliance report. Commission Members may remember that we were before the Commission back in February of this year with the first compliance report, so it was about nine months ago that we were here before you presenting on where the Schools was in terms of complying with the conditions that were attached to the after-the-fact SMA permit that was issued back in 2011.

So what's before the Commission today is the second annual compliance report, we also have a very brief handout that just has very simple timelines, some background for the permitting, just recognizing some of the Commission Members who weren't on the Commission at the time of the after-the-fact permitting process, and then we have a very simple aerial photo map just showing the ocean, the aquacultural facility that is currently in operation over there by John Austin.

So we're happy today to respond to any questions that the Commission Members may have. We did report on the progress back in February of what had been achieved in 2012 following the 2011 approval. Subsequent to February, there has been quite a bit of progress on working with the conditions and demonstrating compliance with the conditions. There are some conditions that certainly will require some more work and Kamehameha Schools is absolutely committed to going through the correct process to cleanup the land and make everything right that was put in place a number of years ago. But maybe I can just summarize some of the progress that has been made over the last nine months.

We continue to work with the county on the next step, which is the processing of after-the-fact building permit applications for several of the structures that are over there that remain unpermitted. We were told a year or so ago by DSA that the Schools had to apply for new building permits. There had been building permits filed by the Manaba's, the

previous operators of the facility, but with the adoption of the International Building Code, a new building code, the county had required the Schools to file new building permit applications. So ahead of that actually taking place, the Schools, recognizing that due diligence is absolutely necessary, they hired an architect, Nishikawa Architects, from Maui, to do an assessment of the structures and really figure out what it would take to bring those structures up to today's code, and the results of those study -- that study has become available this year. It has been reviewed by the Schools. And it seems like retrofits to bring those existing facilities up to code are possible, it is going to cost the school quite a bit of money to go through that process, but they are, at this point, fully committed to doing that. We had a meeting fairly recently back in September with the Development Services Administration, the division of the county that processes building permits, to make them aware that the commitment was to move forward and try and retrofit these structures and process the building permit for the necessary retrofits to the structures to be building permitted, essentially, and so the hope is, at this point, that the Schools will be able to move forward and actually process building permits for those structures. The other alternative that was considered was obviously removing those structures, which again is quite a significant operation in itself, but the preference at this point is for the Schools to retain those structures in place recognizing there is a tenant on the property, John Austin, and one of those structures is the farm dwelling that exist next to one of those shrimp ponds. So we are absolutely committed to continuing the after-the-fact building permit process. We had hoped to be able to report more progress than we're doing today, to be quite honest, but there has been quite a bit of movement forward on this issue over the past nine months and we're hoping, during the next compliance report, next year that we're able to report those building permits being, hopefully, almost complete from a processing standpoint.

A couple of other items of progress, you may recall at February's meeting I had reported that a full topographic survey had to be completed of the land, which is actually quite a big parcel of land, so that has been completed and the next step, once the topo survey was complete was preparing a shoreline certification application, and that was really understanding where the limits of the shoreline is along that Keawanui parcel, so we're happy to report that a shoreline survey has been completed and a certification application is currently pending with the State of Hawaii. It's typically a six to eight month process to obtain a certified shoreline and we actually had the state surveyor come out with the surveyor that has been hired by the Schools to walk the shoreline and our understanding at this point is that there is a simple resubmittal that is required and then the state will conduct its final reviews and, hopefully, certify the shoreline. So we'll have a certified shoreline map at that point from the state.

That will be used to the Chair's question in terms of one of the other conditions within the compliance report is Kamehameha Schools had committed to removing some of the gravel deposits that had been placed along the shoreline by the previous tenants, we

believe, and we can't really move forward too much on the SMA application for that special component until we have a certified shoreline. A certified shoreline in the State of Hawaii is really important because it delineates the limits between different jurisdictions between the county and the State of Hawaii, so we're hopeful, certainly within the next year, to be able to file an SMA application for that -- or, excuse me, to address the necessary permit requirements in order to remove that gravel from the shoreline, but we won't know exactly what we need to do until we have a stamped shoreline certification map from the state.

We also have an after-the-fact grading permit application in with the county at this point, and it's currently under review. We have received comments from the county and we're working to address those comments. It did trigger, in itself, some additional requirements, and that was mostly a procedural requirement of doing a survey along the shoreline, similar to shorelines though it's actually called a "dune delineation," and it really is confirmation of whether or not there's a dune present along that area of the shoreline. There are a lot of mangroves along that section of shoreline, as I'm sure Commission Members are aware, but nonetheless, it is a procedural requirement that we have to have a consultant actually complete that survey.

I'd like to thank you all very much for approving the SMA minor permit to allow the Schools to move forward with the removal of the wooden camping structures. We are very happy and thank the Planning Department for allowing both the annual compliance report and that application to be placed on the agenda today in a single meeting. I know there had been a comment raised during review of the annual compliance report last year or in February to see if we could have more than one item on the agenda at one time so that we could make definitive progress on some of these conditions, so we thank the Planning Department for that.

And lastly, I'd just like to touch upon some of the wetland studies that have been completed in compliance with the conditions that were attached to the after-the-fact SMA approval, Commission Members will see in Exhibit C and Exhibit D, in the annual compliance report, there had been couple of studies undertaken by a wetland expert, AECOS, a pretty well-known biological consultancy firm in the State of Hawaii, they have come out and done full assessments of the property and have put together both a wetland mitigation compliance report for the Schools, and that really is an assessment of where the previous tenant had left off in terms of complying with the wetland mitigation plan that was approved by the EPA quite a number of years ago; the next step in that process is having the wetland mitigation report itself submitted over to EPA, and so we're hopeful that Wendy Wiltse or one of the staff members from the local office of EPA will be able to do a site visit so that we can review the status of the wetland compliance efforts with the EPA. And the second of those two wetland reports was a wetland assessment report, and the Commission or the Commission Members that were present a few years ago,

during the after-the-fact permit reviews for this project, may recall there were some questions raised in terms of the drainage improvements on the property, there's a drainage channel that had been created by the previous tenant to avoid drainage runoff entering some of the shrimp ponds, and it actually goes around and allows some of the runoff to enter the wetland area that is down just below and to the side of the shrimp ponds. The question had been raised by the Commission, well, did that realignment or that drainage improvement actually impact the wetland functions in any way. So that was a condition that the Schools took very seriously, and we've put a lot of work into it the last year, and we wanted to make sure that we had right people on that particular question, and so AECOS really are the right consultants to go to in the sense of understanding wetlands and how they function and whether or not there was any impact to a particular wetland, so that report is actually included in your report today, the annual compliance report, and the conclusions that were derived from that report, I'm not from AECOS and I don't want to pretend to be a wetland expert today, but what I can tell you is that they did a thorough research process. They went in. They looked at the background of the wetland and how it had evolved over time. What the inputs were for the wetland resource and the primary input over there is groundwater, which is ultimately recharging that wetland resource. And the conclusion that they had derived was the additional sedimentation that comes down the drainage channel, it certainly does add to the sedimentation within the wetlands, but their conclusion was that with the additional groundwater that's adding to the wetland over time, because there is a gradual increase in sea level rise, that that wetland is actually functioning pretty well at this point, and so their conclusion was that that drainage channel did not significantly -- does not significantly impact the functions of the wetland. They actually went one step further, and I found this kind of interesting, that the water that's used from the groundwater wells to actually breed the shrimp and is put into the raceways, the drainage system around the aquaculture facility, there's no direct connection to the ocean, but what it's actually doing is also feeding the wetland resource itself, so it's actually in pretty condition, from what we read in the report itself. They did note that kiawe and mangrove had had a pretty I think negative impact on that wetland over the past, you know, several years, but that the wetland is -- there's actually dead kiawe within the wetland these days, which I think is probably a good indication that the wetland is actually functioning pretty well. But as I said before, that was the conclusion of the report so we wanted to make sure that the report was included in today's annual compliance report, and we're certainly here, myself and Kalani, to address any questions that you have either on that condition or any of the other conditions that were attached to that after-the-fact SMA permit.

And before I finish, it looks like -- oh, there's Kalani. I was looking beyond Kalani. Kalani just wanted to say a few words from the Schools to you today, if that's okay.

Chair Sprinzel: Very welcomed. We didn't want him to come all this way and not talk to us.

Mr. Kalani Fronda: Aloha, Chair and Commissioners. Mahalo for the opportunity to be able to share the progress that we've had, and what you've seen and what you've heard from Mark has been an investment approach to make sure that things are being done in a pono, and so we'll continue to do that and assure you guys that this will be completed, all the conditions that have come up during that approval process back in 2011, and we'll continue to be back here again until all of this is done. So mahalo again for your time, mahalo for your concerns, and we, once again, want to assure you guys that we want to make things right. So thank you.

Chair Sprinzel: And thank you very much, Kalani, for all the efforts you've put in to making this right. Thank you. Is there any public input on the -- public testimony on the annual report? There being none, public testimony is now closed. Commissioners? Billy?

Mr. Billy Buchanan: I have a question for Kalani. What kind of timeframe that you looking at to accomplish all of this work? I mean it starts from the highway all the way in, from the culverts and stuff. I read the report and that's a bunch of work. So I was just wondering what kind of timeframe you guys have in mind to get this all done.

Mr. Fronda: I'm going to ask my colleague here to answer that question and he'll be able to provide you a schedule as well as some of the line items that we've been addressing and what's kind of coming down the docket very shortly. Thanks.

Mr. Roy: Thank you for the question. That's something that's a top of mind for us moving forward on this is how long is it going to take to essentially bring the schools in compliance with the permit requirements. We do have a condition to come back to the Commission. I think we've got a period of five years to report on compliance and where we are with the specific conditions. I think it's fair to say that the intent, recognizing it is difficult to put absolute time frames on some of these conditions, but the intent is certainly for the Schools to be able to demonstrate compliance with most of the conditions within that five-year period, and for those conditions that may warrant a bit more work, you know, we're certainly hopeful that it won't take too much work beyond that time frame.

Ms. Dudoit: I have one question for you. First of all, I just want to commend you and Kalani for coming back, I know we gave you guys a hard time, but I really enjoyed your report and I commend you guys on that. I just had one question. You mentioned that part of the things that you guys gotta get up to speed eventually would be the dwelling that -- the home dwelling on the property?

Mr. Roy: Yes.

Ms. Dudoit: Okay, 'cause that's not listed under the improvements that we have here, so I don't know if that's a department error or if that wasn't put in there. And then, if it is part of that, that valuation of 26,400 seems a little bit low, so I was just wondering if that valuation has changed and is this now more a special -- is this now a more SMA major permit than a minor?

Mr. Roy: Yeah. I'll try my best to respond to that question based on what I know and it seems to be the case. I'll look to the department for providing any other information on how this was agendized for today's meeting. So in terms of the farm dwelling, what you see on the agenda today is the SMA minor permit that was issued. There are actually two approvals that the Commission had issued. The other one was the items that were deemed to be exempt, and the farm dwelling was one of those items that was deemed to be exempt, that's why it's not on the agenda today. The other item, I believe, in terms of the valuation, we can go back and double-check, but I'm pretty sure that that valuation, 26,400, was essentially a duplicate from a previous agenda when we were actually before you requesting the after-the-fact permits, and so it may not necessary need to be there today because it's not part of this request, but I think that was -- the background there is that I think it came from the actual previous after-the-fact permit that was issued by the Commission. So we don't believe it's changed at this point.

Ms. Dudoit: We don't need to vote on this, right?

Mr. Roy: Correct. That's my understanding.

Ms. Dudoit: We just need to clap for you?

Chair Sprinzel: No. We can make comments and we can file the report or take some other action, but there's nothing we need to do. Personally, I would like to really thank Kalani and Mark and his mob because they are doing what we asked them to do, slowly, but this is Molokai.

Mr. Roy: Thank you very much for your time today.

Chair Sprinzel read the following agenda item into the record:

E. NEW BUSINESS

- 1. MR. DILIP GUNDAWARDENA of LDE GROUP, LLC, requesting acceptance of the Final Environmental Assessment (FEA) 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 Commission reviewed and commented on the Draft Environmental Assessment at its August 14, 2013 meeting.

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 accept the Final Environmental Assessment as a Findings of No Significant Impact (FONSI) or take some other action.

Mr. Sticka: Thank you. The final item on your agenda is the final environmental assessment for the proposed Chopra Hale Apartments. On August 14 of this year, the Commission reviewed the draft EA and outlines the -- and the -- I'm sorry -- and the outlined environmental assessment. The Commission provided comments related to the draft EA and those five major comments or questions were: First was the recommend that the applicant should provide information summarizing the need for affordable housing on the island of Molokai; the second was that the applicant should provide a signed statement of financial commitment from the applicant property owner; the third being the applicant should provide definitions of "affordable housing," "Section 8 housing," "average rent rates in Maui and Molokai;" and the fourth being that the applicant should obtain a letter from the Fire Department addressing fire coverage and requirements for the proposed project; and finally, that the applicant should demonstrate that the proposed project adequately addresses drainage on site as well as the adjacent properties. The applicant has since answered those questions and they are all in your final EA that is before you today.

The department has reviewed the final EA document and finds that pursuant to the Department of Health and Office of Environmental Quality Control, the document meets the requirements of the final EA. The Commission today may take action, may take the three action alternatives as listed on page 2 of your report and those being to either accept the final EA and issue a finding of no significant impact; number two would be a

deferral of the final EA; and the third alternative would be to -- for the preparation of a environmental impact statement, and those definitions and detail is included in more detail, as you can see, on page 2. The applicant, Luigi Manera, is here to address any questions or concerns you may have, and I am as well. Thank you.

Chair Sprinzel: Luigi, are you going to read all this through?

Mr. Luigi Manera: No. Please don't. Anyhow, thank you, all of you, for being over here today. Any questions? If you guys have any questions or --

Ms. Kalanihulia: So many questions. I guess I want to start by talking about the idea of affordable -- summarizing the need for affordable housing on Molokai, and then sort of the process that you went through, and then what the, you know, the outcome.

Mr. Manera: In question of the affordable housing on Molokai was raised by Commissioner Diane, I believe, Swenson. We went to the County of Maui, Human Concerns, several times, and numerous communication but none was able to give us a definite answer of affordable houses on Molokai, just for Molokai. They always include County of Maui. So we, basically, went to the state and the state more worse, they don't have nothing at all for Molokai, only for Maui County as a whole. So what we did, at the bottom of the page, under conclusion, we're still fully committed to provide rental units in the most affordable rate for the local Molokai standard. I mean that was the best thing I can come up with. And we will pursue the project under the guideline of the affordable housing, but nobody was able to provide us with some guideline for Molokai.

Ms. Kalanihulia: So we believe there is a need then? I mean you're operating then on the --

Mr. Manera: Yeah.

Ms. Kalanihulia: On the idea that there is a need for affordable housing on Molokai? Go ahead.

Mr. Manera: Well, we do believe so. We asked numerous people and so far there is only two housing, affordable housing projects in the whole island of Molokai, and they're all full.

Ms. Kalanihulia: Maunaloa is full?

Mr. Manera: Yeah...(inaudible)... Maunaloa is the one.

Chair Sprinzel: Is there any public testimony on this matter?

Ms. Judy Caparida: Yeah.

Chair Sprinzel: Okay, Aunty Judy.

Ms. Caparida: Bruddah, we don't know what you're talking about. We need to be informed what you're saying. I only know it's going to be a 16-room apartments, right? Is it for the low-income, medium-income, high-income?

Mr. Manera: That's for the low-income.

Ms. Caparida: And so what, how many rooms is it going to be?

Mr. Manera: Excuse me?

Ms. Caparida: How many rooms?

Mr. Manera: Oh, well, we have 16 units and there is 8 two-bedroom, and 8 three-bedroom units. They're all two and three-bedroom units.

Ms. Caparida: Oh, they're two and three bedrooms. We like know that's why.

Mr. Manera: Yeah.

Ms. Caparida: You can say it's low-income and then we get people that come in and invest in it. Do you know what I'm saying?

Mr. Manera: No, I know what you're saying.

Ms. Caparida: Yeah.

Mr. Manera: But the first shot is for low-income; definitely it's for affordable -- under the affordable guidelines.

Ms. Caparida: But we need to know. We need to know because a lot of them come here and then they abuse what was said from the beginning, so that's why I need to know, because Molokai do -- we did, but the first thing I know is that every time Molokai is out, somebody else from the outside gets it, so that's why I needed to know, Bruddah, okay?

Mr. Manera: Okay.

Chair Sprinzel: Anymore public testimony? There being none, public testimony is now closed. Commissioners?

Ms. Dudoit: Is there a time line on when we would need to approve the -- or make comments on this? Is there -- or is it something that's gotta be done today?

Ms. Thomson: If the report's not complete, you can request that they provide addition information if you're missing something to be able to analyze that under Chapter 343, but you'd really want to tie your questions to the factors in an environmental assessment under Chapter 343.

Ms. Dudoit: Okay, because I, personally, believe that the report is incomplete. It has no guidelines or standards for affordable housing. It doesn't commit that this project is, aside from their word, there is no guidelines from the Maui County or that direct what price cap that is or how the process will be done to qualify people for affordable housing. And then the next comment I have is we do have affordable housing here on Molokai. It's like halfway empty. And so the fact that we would build a brand new structure that is not government owned or related, and it's not a nonprofit entity for charitable causes, it's kind of scary to me if it's a private entity trying to build affordable housing because we do have affordable housing on Molokai that is very affordable, and there is a guideline and process for those housing up in Maunaloa, and half of those units are empty. And so if there is a need, then I'd like to know where that need is and what is the basis for needing more houses if the ones if the ones we already have is not filled.

Chair Sprinzel: Not wanting to be at all argumentative, I promise, but do people want to live in Maunaloa or do they want to live in Kaunakakai where their jobs may be?

Ms. Dudoit: Honestly, if you're being subsidize by my tax dollars, you don't have a choice. I mean, honestly, those people are paying \$35.00 a month to rent a unit, and the problem is that the Housing and Urban Development, the HUD and Section 8 are allowing people to live in \$1500 a month rental units and pay \$78.00, \$115.00 a month while the rest of our tax dollars pay for that affordable housing supplement, so if you asking me if they have a choice, yes, they do, you can pick unit one, two, or three, and it was created on Molokai by public process to have those affordable houses up there in Maunaloa; they are available; they're beautiful. Maunaloa is part of this Molokai Island and we need people in Maunaloa. There needs to be people in Maunaloa. And this is a good time for us to stick together, as a community, and encourage that to happen for the economic benefit of the entire island.

Chair Sprinzel: But these new proposed 16 apartment block is not part of HUD or anything like that, is it? I mean this is a private enterprise and they can charge really what they think --

Ms. Dudoit: Well, they're making a statement that it's going to be built for low-income affordable housing. So low-income affordable housing is a designated bracket for

housing, I mean even the county has an affordable housing, you know, definition and protocol, so does the Department of Hawaiian Home Lands. So to say that a private person could come in and build a unit and just say I'm going to have affordable housing but I couldn't find any structure or any policies or template to follow, I think is -- is kind of absurd, and I think that would deem this report to not be complete.

Mr. Manera: Can I reply to that? Can I reply to that?

Chair Sprinzel: Sure.

Mr. Manera: If you take a look on the page at the end of that, I think you got every single rental, how much is this, how much is that. In regard to the Maunaloa housing that you're talking about. There is 61 available apartment at Nani Maunaloa, 9 are vacant; however, they say will be completed in the near future, and the reason why they're not occupied because it's under remodel. That was the first thing. Second, the 12 Maunaloa Vista home, all occupied, has long-term lease. Rents from 650 to 720. Toward the end of my booklet, under the reply. I mention every single -- right there ...(inaudible)... right there.

Chair Sprinzel: Luigi, where is this, please?

Mr. Manera: Excuse me?

Chair Sprinzel: Where is the page you're referring to?

Mr. Manera: It's ...(inaudible)... it's the last chapter. It's what I call - let me see. It's comments and reply on the draft EA. There's three pages there explaining how much is the rent, how much we have, how much we don't have. I went through a pretty intense study on this. It's not just like I come up just like that. And I don't think they can make a ...(inaudible)... project in Manila anyhow. I no think so.

Ms. Dudoit: Okay, so just to clarify. You guys are going to sell these apartments. They're not rentals.

Mr. Manera: This is rental apartment, but if something along the line happen, we also we selling this under, still under the guideline.

Ms. Dudoit: 'Cause what I don't see included in here is the state and federal housing numbers.

Mr. Manera: Well, I know, but I -- we went to -- the first thing we did we went to the state, and then we went to the Housing, the Human Concerns, which they follow the federal guideline anyhow. This all the number we pull out. They give us those number.

Ms. Dudoit: Okay.

Mr. Manera: They give us everything.

Ms. Dudoit: No, I appreciate what you did already, but what I'm saying is, 'cause this is also the Vistas and the Nani Maunaloa, it's affordable housing but it's still owned by a private entity, my concern was that where it is vacant is the federal and state housing that is also available in Maunaloa.

Mr. Manera: There is nothing available so far. They said there was six, seven unit in the particular -- the only reason why it was empty is because they was under remodel. That's -- I mean I just say what -- I did what they say.

Chair Sprinzel: In the report, Zhantell, they say, "According to the County of Maui, Department of Housing and Human Concerns, Housing Division, there is no waiting list for affordable housing. All current Section 8 applicants are waiting for voucher approval, and those that have been approved are able to immediately find a home to rent." It says.

Ms. Dudoit: Where are you? Where are you? Well, I want to know who put that statement there 'cause I have almost 80 people in line waiting for Habitat homes that would qualify for affordable housing. So unless there's a --

Mr. Manera: That's a little bit different though.

Ms. Dudoit: So unless they're not applying for affordable housing or whatever, I think those numbers are wrong, and it's still -- it still is not clear to me that there's no guidelines to keep it consistent. So what I'm looking for actually is just a consistent template for how a developer or somebody can come in, whether it's state, private, whatever, what are those guidelines that mandate how much somebody spends a month for it, what -- specifically for Molokai, what is allowable and what is within that affordable housing definition.

Mr. Manera: Well, there is nobody on Maui or anybody can tell you what we got on Molokai. The only thing they say is what is existing on Molokai and they tell you we have so many housing, and they tell you which is available, which is not, how many are occupied, how many they are in, you know --

Ms. Dudoit: Yeah, Luigi, you know I love you and I totally not disagreeing with you but -- 'cause my next question is going to be the I want to know, you know, we give people a hard time to add on a bathroom in Ranch Camp, but you want us to let, the driest place in Kaunakakai, Manila Camp, to allow a 16-unit, three and two-bedroom houses over there that probably going get two and one-and-a-half bath, or whatever, and then be okay

with approving something like this when we haven't even considered that. I mean we sit here debating over if somebody can have an extra bathroom because the parking's not available and we don't know if get enough water and they're using too much water, and now we're going to decide on a 16-unit facility. I'm just ...(inaudible)...

Chair Sprinzel: There is reference to -- just go back to your last question, the above project is subject to Chapter 2.96, Maui County Code, Residential Workforce Housing Policy, and the reply in their review is, "The project will be in compliance with Chapter 2.96." So they have agreed to comply with the Maui --

Mr. Manera: Absolutely.

Chair Sprinzel: Which is something you did ask.

Mr. Manera: They even told me -- they told me you better go have them go through this because despite of what we cannot say to you, we need affordable home no matter what. I mean this is --

Ms. Sherry Tancayo: Well, I think everybody here has -- I mean we all know, we're all in this community, I mean how many vacant houses are even still here, but my concern is on a already busy neighborhood that has a problem with parking, and you know that people aren't going to have just one car, and you have 30 parking spaces?

Mr. Manera: We have two per, two cars ...(inaudible)...

Ms. Tancayo: But that's not even -- you got a three-bedroom unit and there's -- and I mean I have four cars --

Mr. Manera: No, no --

Ms. Tancayo: You know, and, poor Mike knows that, but, you know, this is a really busy, busy neighborhood, for one, that's next to a river, that's in a flood zone, and no other way out except one way, one exit route, so being in the emergency response, like Zhantell also, you know, there's other concerns that you're going to slap this apartment building in there and I mean, to me, it's all wrong. I mean we got the apartment building that's vacant down there; we have the Barns that are still vacant; I know Maunaloa's got vacancies; I get two vacancies on my street where I live now. I just, especially in that neighborhood, I just don't see it. I mean I think we're going to have a war on our hands if the community finds out about that.

Ms. Dudoit: I have one more quick question for the county. Why isn't Joanne or anybody from the Housing Department like standing here to agree or disagree or support

affordable housing on Molokai if it's necessary and if it's something that the department would encourage us to approve? I mean unless our departments are not talking story with each other and having a conformity of ideas and how we're doing things, I mean I think that's how people like us on the Commission have such a hard time because they're not working together as a department within our county.

Mr. Clayton Yoshida: Yes, not speaking for the Department of Housing and Human Concerns, but they were asked to comment on the draft EA, the community plan amendment, and change in zoning, and by letter dated June 26, 2013, they made the comments that, which is in Appendix G of the draft EA, that the project is subject to 2.96, Residential Workforce Housing Policy of the County Code, and that the housing agreement needs to be fully executed and record prior to final subdivision or building permit approval, whichever is applicable and occurs first. I mean those are the comments from the Department of Housing and Human Concerns.

Chair Sprinzel: Yes?

Ms. Kalanihulia: A comment and a question, Luigi. So I did call a couple people who live across the street from that lot and one is very aware of what's going on in the community, the other probably not so much, but they both had no idea. And when I first started asking them about it, they thought I was talking about the cornfield behind because they're sort of poised and waiting to see what's going to happen to that. So I think the people in the area probably don't know that this is something sitting out there, maybe some do, but the people I talked to don't. So that's the comment. And then the question is: I just want to try to get this straight, so there's 16 apartments that will be offered on a sliding scale or people will pay by their income is that -- the payment by their income?

Mr. Manera: Yeah. We had to follow county guidelines as ...(inaudible)...

Ms. Kalanihulia: Okay. And then will Section 8 be available for those units?

Mr. Manera: I'm not sure about that. I really -- I can't answer that because the Section 8, there's a big difference between the Section 8 and being affordable home. Then they have to be the chapter right there, one is -- that's why we're a little confused over here. When you say Chapter 8, there are different type of, you know, guidelines for those. But in regard of this, we have to follow affordable home guideline of the County of Maui.

Ms. Kalanihulia: But an affordable home could become a Chapter 8 unit? I mean a Section 8 unit.

Mr. Manera: Yeah. It could. It could be.

Ms. Kalanihūia: Could. Okay. Because that, I think, has really -- Section 8 has really wreaked havoc for the people that are working, not really poor, but kinda poor, they're not able to access Section 8, and they can't afford to pay 1500 bucks for a house in Manila Camp, which has not happened, so I think that's, you know, that's probably another problem. But so, okay, so if you don't have enough people to rent these units, then they're going to be sold as condos or what's the --

Mr. Manera: Well, the first shot is going to be affordable home. If, let's say, we only got few of those, we can go back to Section 8. If that don't work either, then they're going to be sold, but even if you do that, there's a guideline, there's a limit how much you selling those units.

Ms. Kalanihūia: So it would be sold, the whole -- all of them would be sold, it wouldn't be that some would be rental and some would be owned by someone?

Mr. Manera: Well, I think you can set one rent, the other one or -- it's not like you get rid of them all, it could be, but I don't think that would happen. I don't think so.

Chair Sprinzel: In reply to your question, when we heard this at the meeting a few months ago, I said I'm amazed that there aren't dozens of people here questioning this and asking about it. I mean, you know, you put a 16-apartment thing in a field right up to a housing complex, you know, where lots of people -- I just don't understand why there isn't interest, it's alright to have the interest afterwards, but then it's too late. That's just a comment only.

Ms. Kalanihūia: And I had another comment about the traffic impact because, I don't know, unless I have a degree in urban planning, I have no idea what this means, but as a person who drives by there in the morning and at 5:00 every day, I just can't imagine being increased traffic what that will do to that little intersection. It'll make it much more busy than the intersection at the wharf and ...(inaudible)...

Mr. Manera: Okay, that was one of the major thing for us too, so we hired an engineer, a study traffic engineer. They come. They stay over here for a week, I believe. And they did this during the school period when there is more traffic. That's what they say. It's just insignificant. It's just like two -- I think it's one trip a day or two trips a day. Something minimum. It's just something we did. We just hire somebody to do those things.

Chair Sprinzel: Can you just tell me where this traffic thing is in your -- I'm sorry. I'm a bit stupid. Appendix F. Okay.

Mr. Manera: Appendix F.

Chair Sprinzel: It would have been really fun if they'd numbered these pages.

Mr. Manera: Appendix F. I'm sorry.

Ms. Dudoit: Chair, while you're looking, I have a question. How would the community know about this? I mean I know before the practice was that anytime you had a major development that you notified your -- it was a condition of the Commission that the applicant had to notify people within a five-mile radius or I forgot how many -- 500 feet radius or whatever so that the existing community members had the opportunity to come and testify. So I don't know if that's been done, but I was wondering how else would the community know so that they could testify? It was in the paper?

Mr. Yoshida: I guess one would be the Planning Commission agenda. Again, there are several steps in the process: one is the Commission reviewed the draft environmental assessment several months ago, the community could testify at that time; that you're reviewing the final environmental assessment today, community can testify today; if you accept the final EA at whatever point, then the next step is the public hearing on the community plan amendment and the change in zoning, for that, there is a formal public hearing requirement that the department will publish a notice in the newspaper, the applicant will send a notice to the people within a 500-foot -- landowners within a 500-foot radius; and the applicant will process -- publish the notice of hearing, with a location map for both the community plan amendment and the change in zoning, once a week for three consecutive weeks. So that would be -- you would have a formal public hearing on the community plan amendment and change in zoning. We're not there until the environmental document is accepted.

Ms. Swenson: So all we're doing today is accepting this report. Is that correct?

Chair Sprinzel: Yes. That's correct. And we have to give reasons if we don't accept it. I mean you can't just say we don't accept it. We have to say because so and so. Yes, ma'am?

Ms. Tancayo: I have one question on Attachment B, where it talks about the traffic. It says up here, "16 residential condos," so I don't know if that's a typo or that's what you guys intend to do and that would be the same rules as doing an apartment building. And I think I agree with Zhantell that this thing is just too vague. There's just too much ...(inaudible)...

Mr. Manera: It's just a typo. I don't why. It's the engineer comment. I mean Jesus. Take it easy.

Ms. Tancayo: You know, it sounds easy but there are typos and paperwork, legal paperwork, that mean mountains and molehills, so sorry but my police background knows that all too well.

Mr. Manera: I mean. Sorry about his typo. Yes.

Chair Sprinzel: I think it would be fun if we could persuade our local paper to do a little bit of a tale on this EA and what they're proposing to do and with perhaps a picture, and just see what happens. I think that would be doing a good service. Thank you, ma'am. If anybody has any real questions to ask as to why it shouldn't be passed today, please ask them now.

Ms. Swenson: Yeah, you know the report pulled in the things we asked for last time so I would move to approve the report. I'm not approving the project. I'm just approving the report.

Chair Sprinzel: Is there a seconder for that? Okay, we have that. I won't ask for discussion because we've done a bit of that. Anybody in favor of this accepting this report, please raise your right hands. Just the report. Yeah. That's all we're doing. I'm sorry, folks.

Ms. Thomson: You've already moved to accept the report but you need to decide whether or not the report is -- you're going to be issuing a finding of no significant impact. Do you accept the final EA and issue a finding of no significant impact?

Ms. Dudoit: Okay, wait then. I didn't understand that. So the no significant impact has to come with the approval of the EA?

Chair Sprinzel: The Commission may accept the final environmental assessment as a finding of no significant impact or take some other action. I guess we could accept it without saying it --

Ms. Dudoit: Okay, Clayton, then I have one question. How do we justifiably say there's no significant impacts if the community hasn't yet had a chance to talk about the social impact and all those kind of things? I mean how are we held to that obligation when we haven't had a chance for the community to review this and voice their opinions on the impact it's going to make in their community?

Chair Sprinzel: And I might also say that we, as the MPC, has the final environmental say on this. We are the authority. It's nobody else.

Ms. Thomson: Just to add to that though, Clayton was saying there are other steps of this project so this environmental impact assessment is an information document upon which the other decisions along the process will be made. So this is an informational document more than anything so the decision is that the document currently contains sufficient information regarding the significant criteria in Chapter 343, so the report has been accepted by this body ...(inaudible)...

Ms. Dudoit: Well, I disagree because a report was accepted before we realized that we had to accept it and it continued on to say that we had to say there was no significant impact. So how would we correct that? Because the statement she made was to accept the EA but it said nothing about --

Mr. Yoshida: ...(inaudible)... on page 2 of the memo report, there are the action alternatives, so action alternative no. 1 is to accept the final EA and issue a finding of significant impact determination, that you are determining that the proposed action will not have a significant impact on the environment and that potential impacts had been adequately mitigated and, therefore, issue a findings of no significant impact determination. I mean there are other alternatives: you could defer finding that additional information's required to make a determination on the final EA, or action, alternative no. 3 is to prepare an environmental impact statement, that the proposed action may pose significant impacts and require the preparation of a more detailed environmental impact statement. So I guess these are the three action alternatives before the Commission.

Ms. Dudoit: No. My question was if we already recorded it as taking a vote, yeah, how do we backup because I don't want to vote yes

Chair Sprinzel: Well, I do understand the system. We are just approving this EA, according to the recommendation of the Planning Department. That doesn't mean to say when there's a public hearing and when it comes up before us, we can't say no or we can't bring stuff up, is my understanding.

Ms. Swenson: No. You know what? You're telling us two different things. When I asked the question I said all we're doing is approving the report, and I was told yes. So I made the motion. But now you're saying no, that additionally we said that it has no impact, and we don't -- so I'm --

Chair Sprinzel: Okay. I think --

Ms. Swenson: We're being told two different things.

Chair Sprinzel: I think the legal explanation was that we have -- I mean it's in the minutes that you've got, and it says what we can do and what we can't do.

Ms. Dudoit: Okay, so what do we gotta do to dismiss everything we just did in the last five minutes so we can start all over?

Chair Sprinzel: You'll have to ask the staff on that. Okay, why don't we have a three-minute break and then it can be looked up. So we're now in suspension.

(A recess was called at 1:37 p.m., and the meeting reconvened at 1:43 p.m.)

Chair Sprinzel: Okay, I'll call the meeting back to order. We can rescind that vote. We have to make a motion to rescind that vote, so let's have a motion and a seconder. That last vote. So is somebody going to do that?

Ms. Tancayo: I'll make a motion that we rescind the acceptance of the final environmental assessment.

Chair Sprinzel: Okay. Secunder? Any discussion? Okay, a vote please.

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

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

VOTED: to rescind the acceptance of the final environmental assessment.

Chair Sprinzel: All in favor. Okay, have nobody against, so we have rescinded that vote, and now you have an option. You can and Richelle was first.

Ms. Thomson: So if you feel that you don't have sufficient information to be able to make a decision on the final EA, so you're missing information and you can request that the applicant get that information and include it in his report. There's been some discussion that the applicant may be willing to do some community outreach if that's necessary or provide other information that you're looking for that would affect the information and your ability to consider this final.

Ms. Swenson: You know, I'm not getting this because he's done what we asked him to do on the report, and the report is acceptable. I think our issue is endorsing this as not having any impact on the community when we haven't heard from the community or on the -- I mean so I don't know what we can do.

Chair Sprinzel: Would you, Luigi, have the client refer this to a public meeting before we make a decision?

Mr. Manera: Okay, I want to say one thing, and I'll show it to you. On page 4, I say it, I sent a certified mail to every single resident in Manila Camp, every single one of them. I mean this is not -- it's not like nobody is aware of this thing. I mean this is what's done. Nobody said nothing. Nobody called. But we only have couple --

Chair Sprinzel: Yeah, 'cause when we had it at the meeting, I mean nobody ...(inaudible)...

Mr. Manera: I gave ...(inaudible)... all the information what happened. The only people that stopped me, they say, "I hope this one go through." Well, I hope so too. I never heard any negative, nothing. Not one. And now we come up with this. I mean that's a little bit off the wall.

Ms. Dudoit: So what I was going to say is, and maybe it's just a matter of us deferring and going back into the EA and looking it over extra thoroughly because one of the concerns that I have, and I know Sherry will agree with me, is that if there's a huge storm and the Manila Camp River overflows, there's only one access in and out of that place, and it's already a nightmare with the population we have in there already, so to say that there's no impact by the increase of population that you going have in that area, I think it's hard for us to swallow, so I don't know if it's a recommendation from a specific governing agency or department?

Mr. Manera: I mean they asked us to have a traffic study. We hire a professional engineer. I don't know what else to do.

Ms. Tancayo: Maybe we should talk to -- get the fire captain and the police captain involved because traffic's not going to tell you what to do when we have enough problems on the island as it is coordinating emergency problems here because mostly our roads are on the coast, we have the exact same problem, now we're going to add a hundred plus people in a place with no other route to get out except for one that is next to a river in a flood zone. And besides the people are going to park on the streets there and it's going to limit even more access, I think we just -- you know, you can send me a certified letter, bring back the certification that all these people got it.

Mr. Manera: Sure.

Ms. Tancayo: Because there's people in there that probably live in there that granted don't own their houses, you know. And I'm not doing it to be mean or anything else, I mean we have legitimate concerns. We just went through this, you know, with the

tsunami warnings and stuff that we've had and, you know, it is. We're very concerned about the community putting something else up in there that could cause more problems. I mean, you know, it's a real nightmare when it especially involves storms and stuff ...(inaudible)...

Mr. Manera: I understand. All the -- in regard to the certified mail, all the copy was sent to the county. Every single one of them. And they go to the owner of the place and whoever have a recorded lease, whoever that be. So they all was sent out. In regard of the Fire Department, if you take a look at the last page, that was a letter sent by the Fire Department, and the only concerns they have was in regard to the fire flow and the fire hydrant and the drainage. I mean that's --

Chair Sprinzel: Luigi? Luigi? As the Commission seems to be a little bit worried about this, why can't we just find one reason to defer it, and in the meantime, there'll be a lovely story in the paper outlining it, but you can talk to them about it and make sure that it's fair on both side, and then we'll see whether there's a public reaction.

Mr. Manera: Because this project was already published in the newspaper for the last meeting. It was three months published.

Ms. Dudoit: Sorry, Luigi. Again, it's not about the applicant or the EA, I think what we're fussing over is a department decision. Are we bound to tie our decision or approval of this EA to say that we see no impact, no adverse impact?

Chair Sprinzel: As I understand from our legal representative, we cannot do anything other than those three things, so we've either gotta say a reason why we won't say there's no impact, so say a reason. I mean if we put into the minutes ...(inaudible)...

Ms. Dudoit: But, see, it's not as easy as that because whatever we asked Luigi, he did. Whatever we asked him, he did. But the component that's missing out of here is maybe we're not asking the right questions, and that's what scares is we're committed to making a statement to say this project has no adverse effect on our community, and we're not equipt with the right questions, and it's not Luigi's fault, we just don't know exactly who to address those questions to or what to say.

Chair Sprinzel: We don't know what questions to ask is what you're saying.

Ms. Dudoit: Not -- I mean we know what issues we have.

Ms. Thomson: Take a look at page 50 of the EA, and those are the Chapter 343 significance criteria, and those are the criteria that you use to make your decision, and so what you're weighing right now is whether or not this EA has sufficient information for you

to be able to analyze that under those significance criteria, and at the end of the day, you make a decision if this does have a significant impact on the environment and adequate mitigation measures are not in place, you can require the applicant to do a full EIS. You know, again, those are informational documents so it's not an approval of the project, per se, but it's what will be used to make those decisions for the change in zoning and the community plan amendment.

Chair Sprinzel: On that page, it clearly says, "The proposed action will not involve an irrevokable commitment to the loss or destruction of natural, cultural resource, and the proposed action will not curtail the range of beneficial uses of the environment." I mean it does have the recommendation of the Planning Department, and they're not going to recommend something if they think it's totally bogus or if it's -- I mean they are responsible people who can be well sued. I mean I'm quite happy to entertain a deferral providing you can give reasons. I mean if you can say we don't have the information on this, we don't have the information on that, then it's easy. It's a no-brainer. But if we don't have anything we can actually say -- I mean we say there's not enough water, and there's always stuff from the Water Department saying there is. You know, we can't invent stuff.

Ms. Tancayo: Well, if we're going to go that way, let's go to no. 6 where it says 16 units with 51 persons, which if they're two and three bedrooms, and they're not one-bedrooms, I mean that's already probably over that, but no. 11, where it says, "The proposed action will not substantially affect or be subject to damage by being located in an environmentally sensitive area, such as flood plain, shoreline, tsunami zone, erosion-prone areas, estuary, fresh waters," blah, blah, blah. It is in flood zone and a tsunami zone. I think it's in AE of the new standards that they just put out. I'd like to get more on that because of all ...*(inaudible)*...

Chair Sprinzel: Well, you could certainly -- you can certainly propose a delay on those items.

Ms. Tancayo: Well, I propose a delay because with only one evacuation route exit, which runs right next to the river that does flood in heavy rains, without any adverse effects from high tides, and it compounds it if we have a high tide because the river won't flow, and then that's just a regular heavy storm. We know the bridge closes. We know that that cuts people off so I would like some more input on that particular thing.

Mr. Manera: In regard to the tsunami zone, it's not tsunami zone. In regard to the flood zone, only half of the property, the bottom half of the property, is in flood zone. All the map is from the FEMA. They're all part of the --

Ms. Tancayo: Is this the new one that just came out or is this based on the old one that came out -- that had been out for a few years? 'Cause there's a new one that's --

Mr. Manera: No. I think this is the most recent map. When we applied for it, we used the most recent map.

Ms. Tancayo: Well, half of it is. If you're proposing 21 people and half of it's in the flood zone you said? Half of it in the flood zone you said?

Mr. Manera: Yeah, little bit, less than half. Less than half.

Ms. Tancayo: Okay.

Ms. Kalanihuia: Chair, if we go back to our original vote, what happens after that? What opportunity do people have?

Chair Sprinzel: Then there is a succession of stuff, which happens. It triggers the community plan amendment, it --

Mr. Yoshida: I guess if there is an acceptance and finding of no significant impact, that determination will be sent to the Office of Environmental Quality Control, individuals have 30 days to challenge that determination, otherwise, it's deemed accepted. Once that is done, we will schedule a public hearing on the community plan amendment and change in zoning where the applicant will have to -- department will have to publish a notice of public hearing in the newspaper at least 30 days prior to the hearing. The applicant will have to send out notice to the landowners within the 500-foot radius 30 days prior to the hearing. The applicant will also be required to publish a copy of the notice of public hearing and location map for both the community plan amendment and change in zoning in the newspaper once a week for three consecutive weeks. The Commission will have a meeting, a public hearing. The department will prepare a staff report and recommendation memorandum. The public can testify at the public hearing. The department will make its recommendation. The Commission will make its recommendation, and the Commission's recommendation will be transmitted to the council, and the council will make the final decision on the community plan amendment and change in zoning. So it'll be referred to the Land Use Committee. They'll have at least one meeting on it. And it'll have to pass two readings, and the Mayor would have to sign the bills before it becomes an ordinance. So there's still involvement of the Commission, and the council, and the public.

Ms. Dudoit: So this approval of the -- if we approve this, it's only environmental impacts that we're looking at, not social or safety or public?

Ms. Thomson: Take a look at the significance criteria, and there are references to, you know, cultural and other than strictly environmental. I'm looking at page 50. The no. 4 is the proposed actions will not substantially affect the economic welfare, social welfare, and

cultural practices. So there are other non-strictly environmental criteria. I think the thing to remember is that this document is it's informational in nature so what you're looking at is the information enough complete, and if it is complete, you can decide whether a full environmental impact statement is required because there are significant effects, so you go through the significance criteria, and if there are significant effects, and you look at the mitigation and you need more information, and EIS is much more information, so it's very much more in-depth, you know, and obviously time consuming and expensive process for the applicant. But prior to that though, if you don't have enough information to decide if this environmental assessment is complete, you can let the applicant know and they would have to come back with that information for you. You're not approving the entire project or building permits or any other entitlements. This is strictly whether or not this document has enough information to base other subsequent decisions on its content.

Mr. Jennings: Excuse me. Do we have to state why we will not accept it? I mean --

Chair Sprinzel: That's the whole point. We have to ...(inaudible)... we want more of because at the moment --

Mr. Jennings: Okay. But we have to make that statement, John, what do we want?

Chair Sprinzel: As it stands, Luigi has done everything that the environmental thing requires. The fact that we don't perhaps with some of it, we would have to state we don't agree with the water or we don't agree with the traffic. We want more information. If we do that, we can delay it, defer it. But I suspect the answers will come back the same.

Ms. Tancayo: I gotta look at the real colored map because the way I look at even the map you gave me, AE, the whole thing's in AE and A, 'cause AE is gray, X is white, and AE is a flood zone.

Mr. Manera: No, A, only that A.

Ms. Tancayo: Well, AE is also a flood zone also, I believe. Okay. Okay. No, I'll look that up 'cause I can do that later.

Mr. Manera: ...(inaudible)... I give you a colored map.

Ms. Dudoit: So the deferral can only happen because we have inadequate information? We cannot defer based on we not prepared to make the decision because it's too whatever intense? What if you didn't have a quorum or what if we all didn't read our report book? Could that be a basis for deferral?

Ms. Thomson: You know, the body can not pass it. You know, it can be automatically deferred if there's no action taken on it. But if you --

Ms. Dudoit: Yeah, okay. That would be my next question. So if there is no action, is it an automatic deferral or is it an automatic acceptance?

Ms. Thomson: If you don't vote on accepting it, it's deferred to the next meeting. But you have specific information that you need to the applicant, whether it's in the form of, you know, traffic studies or fire, you know, you feel that some concerns are not adequately addressed in this document, it would be good to provide that question to the applicant so that they can followup, you know, so they have something to go and work on. You know, the other thing to consider is whether the mitigation measures, you know, that they have proposed, whether you need more information or feel they're not adequate or something like that.

Ms. Swenson: I think we're all satisfied with the report. I think that where we hung-up is that you're telling us that if we accept the report, we're endorsing this project and we think that everything's fine. I think that that's where we're hung-up.

Chair Sprinzel: I think we're endorsing the report. I don't think we're endorsing the project. We're just saying that we can't find any environmental damage, if you like, or any effect.

Ms. Dudoit: And, Clayton, what seems to be backwards is why would us, like regular community residents with no real experience in environmental assessments or whatever, review and approve something first before it goes to an authoritative agency that's equipped to handle those kinds of issues and come up with legitimate questions and concerns to just like rebuttal or deny or approve what we said? Why wouldn't it be the opposite way around?

Chair Sprinzel: Because the rules kind of say we're the authority on environmental reviews. I mean I --

Ms. Dudoit: But then that doesn't make sense either because if we are the authority, then why do you need to go to another authority to say that we're wrong after we've already done that process?

Mr. Yoshida: In formulating the environmental -- draft environmental assessment, the applicant did go through a pre-consultation, he sent pre-consultation letters to various agencies who provided some guidance as to what they would like to see or what issues they would like to have addressed in the draft environmental assessment. When the draft environmental assessment was produced, the draft environmental assessment and the

community plan amendment request and the change in zoning request were circulated to agencies again, and the applicant, which is Appendix G, and the applicant did provide responses to those various agencies who commented on the draft EA, and the community plan amendment, and the change in zoning. So there was this agency review --

Ms. Dudoit: I'm sorry, Clayton. No, I wasn't talking about that. When you was explaining what the process was after we approve, you said it goes from us to where?

Mr. Yoshida: It goes -- the determination goes to -- of the acceptance of the final EA goes to the Office of Environmental Quality Control.

Ms. Dudoit: That's what I mean. Like how come it's not at the environmental control experts first to review, and then allow us their findings, as the experts of the environment, for us to have a comprehensive look at what somebody like them would deem as important to look at?

Mr. Yoshida: Well, again, they may have circulated it to the Office of Environmental -- I mean the Department of Health, which is Office of Environmental Quality Control comes under the Department of Health, but the Commission is the accepting authority on the document. So the department has reviewed the document and feels that, you know, there is sufficient information and addressing of concerns as an information document to accept it as a -- accept the final EA and issue a findings of no significant impact. But that's the recommendation to the Commission.

Chair Sprinzel: We have one more legal bit of advice to help clear this.

Ms. Thomson: This is to address the question about what does "acceptance" mean today. So "acceptance," and I'm just going to read the definition because it's pretty instructive. It means a formal determination of acceptability of the document that's required to be filed under Chapter 343 that it fulfills the requirements of 343 and adequately identifies environmental impacts and satisfactorily responds to comments received during the review of the statement. "Acceptance" does not mean that the action is environmentally sound or unsound but only that the document complies with 343. A determination of acceptance is required prior to implementing or approving the action. So again, it's an informational document, so if it's lacking information, that's a basis for asking the applicant to provide it to you and to complete this document. If it's missing mitigation measures or you feel they're not adequately addressed, that would be something you could ask the applicant to do prior to taking action on it by accepting it or not.

Chair Sprinzel: Zhantell, if you have a look at the Appendix G, Replies, on the draft EA, just about everybody and his uncle has a reply and said, yeah, fine. But we do have lots

of stuff after this. If you're not happy at this stage, I can understand that and I sympathize, but for it to go on at all, we've gotta make a decision. That's just the way the law is.

Mr. Sticka: Chairman, if I may? You know, a common theme that I'm hearing from a lot of the, you know, Commissioners is, you know, there's a multiple issues that have been brought up and I don't know if an option of having some type of a community meeting might help alleviate some concerns or confusion on your part too; it would also help flush out any additional questions that the consultant might be able to answer at that time. It's just an option of something that you guys may choose to do, and that would be part of a deferral to get more information. But, you know, that's an option.

Chair Sprinzel: But even with that option, we have to state a reason.

Ms. Swenson: You know what? My problem is that I've gotten three different answers to the same question. I mean first you say all we're doing is approving the report. Then you said, no, if we pass this so we're endorsing the project. And now you're saying, no, now you're back to if we're just approving the report. So I think that's my confusion. I don't have any problem. I'm supportive of approving this report.

Ms. Thomson: I don't want to give the impression at all that this is an endorsement of the project one way or the other. It's simply your decision on whether it complies with the environmental -- Chapter 343, which looks at all the environmental significance criteria and whether this document provides sufficient information. So it's really going to be the document that other agencies and departments and you will look as this project goes forward, so it's the informational document.

Ms. Kalanihulia: So let's say that I don't know anything about traffic patterns, but intuitively I don't believe that there's not going to be any impact, and so I don't believe what's here. I can't see that. So what do we do about that? Let's just give that as an example of the question mark.

Ms. Thomson: I think one of the comments that I hear was that it's a sole ingress/egress and that the increase of traffic, you know, during like an emergency event when that whole area would need to be evacuated for ...(inaudible)... if you don't feel that that concern has been adequately addressed, you can ask the applicant to address it and come back.

Chair Sprinzel: It's kind of what I've said all the way along. You have to give a reason. That's all. I mean if you can say we don't agree with the water supply, say it, and then -- I mean it's not the end of the world either way.

Ms. Tancayo: Okay, now I was looking at the flood zone map that is the data, the imaginary data, which is this, it's from 2005, and there is a newer map out, a flood zone

map, so I propose that the applicant get the current flood zone, the new one that came I believe just this year, the beginning of this year or the end of last year, I'm not sure exactly, get the newest flood zone data and have the more information on the traffic pattern during an emergency if that is flooded in the flood zone, because it's not current because I know a lot of people's insurance went up and stuff because the flood zones were redone, so I would just -- I'm going to base mine on not accepting this and proposing that you get the more current flood zone map. 'Cause we're not ready to vote. I mean there's numerous reasons. But that, I think is a legitimate reason.

Mr. Manera: Well, we have the map available when we applied for the permit. The one they asked me when we applied for it, that was the map. Now, by the way, I can bring you the map that's less flood zone than that. Up to you. I mean I don't mind. But you can defer that because of that, I think you're wrong.

Ms. Tancayo: Well, Luigi, I'm just saying we -- there's a number of things that all of us want to discuss to make ourselves feel better also, so I'm just saying that's my reason that I think this is an outdated map and I'd like the current one put in to place, therefore, I'd like it deferred.

Mr. Manera: That map was a legal map when we applied.

Ms. Dudoit: You know what? I think where we're having a hard time too is that it's like we're being forced to hand pick out the little itty-bitty things that we want to talk about and the bottom line is we just are not comfortable to say it has no impact. And I think if we just take no action, and have this automatically deferred so that we can address those things and come to the next meeting with specific areas of concern, that would be more organizationally tactical, I think, than us trying to -- you know, he's getting upset. He's justified for it because we asked him several questions, he brought it back, he did it, and then now we're being forced by policy to kinda go through and try find these mistakes that he's made, and I don't think he's made any mistakes. I think it's just we're not comfortable with it and maybe we should just all not take action so that it's automatically deferred, and then we can go ahead and have legitimate questions to ask him the next time we see him.

Chair Sprinzel: You're happy with that, Luigi?

Mr. Manera: ...(inaudible)...

Chair Sprinzel: If we just delay it so everybody has a chance to read more?

Mr. Manera: No, that's -- first of all, I'm not getting upset. I mean I more disappointed in the meeting that they trying to pick something and they cannot find nothing. And I never

did this under the table. I sent the notice certified mail. It was in the paper. I mean what more you want to do? That's my point. Now, whether they decide to defer it, whatever.

Chair Sprinzel: No, if we don't decide --

Mr. Manera: I, personally, don't agree, but whatever. I mean --

Chair Sprinzel: But you would have no really hard feelings if we did nothing and then it comes back to the next meeting, by which time folks will have had a chance to really --

Mr. Manera: I mean I wish they'd find a serious reason why, you know, because there is none and that's not fair. And by the way, when you say -- when Clayton explained one, two, three, four process to go, we're going to have at least two public hearing. I mean what is the problem? This is just for a book. I mean we have two public hearing ahead of us before we even get close to having any permits at all. So this is just -- it seem to -- it's too weird, that's all.

Ms. Swenson: No, Luigi, I think our concern is that our attorney is telling us that if we approve your report, that we're endorsing the project and putting a rubber stamp on it. And I mean she says that one time and then she says something else the next time, so I'm like what are we --

Ms. Thomson: I need to make it very clear that I don't believe I said that, and if I did give that impression, a Chapter 343 review has nothing to do with endorsing or not endorsing a project. It has to do with providing enough information for those bodies who will examine the project details in the future. So I just want to be clear on that. This body, through the 343 process, is not making thumbs up/thumbs down decision on whether the project is worthwhile or not.

Ms. Dudoit: Yeah, and I think we've been around this circle a thousand times already and again, I just wanted to make clear that the reason I'm asking for no action is because I appreciate and know Luigi's, you know, integrity and his intelligence, and so I think that by us being forced to try to come up with a reason right now to poke hole into the report he's made is just disrespectful 'cause I don't think we can come up with any now but we're being forced to do it by policy, so that's why I was saying if we take no action, and we go back and read things so that we're more equipped to just say yes or no at the next meeting, that would probably be the best. I also want to just make a comment that one of the reasons I'm having difficulty with it is your explanations, when we voted first, was kind of confusing whether or not it had that little tag that we were approving and endorsing that there was no impact. But also, when you're reading the paperwork that we've been given on today's agenda, it clearly says that it's an acceptance of the -- to find that there is no - let's see, I'm sorry - environmental -- it specifically says no environmental impact.

So and then when we go back to the book, on the report that Luigi gave us, it says environmental and then it's subject to whatever codes and standards they have that includes other cultural and those things. So again, we have two different documents with two different wordings and so I just think that that's part of the confusion too.

Chair Sprinzel: Can I just hear from each Commissioner, do you want to take action or no action? Mike?

Mr. Jennings: Well, I just have a question. If we do take action, there are still two to three more processes that need to happen before this thing is official?

Chair Sprinzel: Yes. We've said that all the way along, yeah.

Mr. Jennings: So, yes. I mean I say yes to it.

Chair Sprinzel: Janice?

Ms. Kalanihulia: I say no action.

Chair Sprinzel: No action. No action. Doug?

Mr. Rogers: ...(inaudible)...

Chair Sprinzel: Can you speak in the mike 'cause I can't hear? I'm deaf anyway.

Ms. Swenson: I don't have a problem with the report. I'm okay with it.

Mr. Jennings: Excuse me, John? That's what I meant.

Chair Sprinzel: Billy, do you want to take action or are you happy with the report? I'm just doing a survey. Mike?

Mr. Jennings: Yeah, what I meant was I am happy with the report and I want to go forth with it.

Chair Sprinzel: Okay, so let's have -- go back to that original proposal and let's have a vote on it. Who's going to propose a motion to accept? A seconder?

Ms. Dudoit: Wait. Please make the motion very clear as to what we're accepting.

Chair Sprinzel: Okay, I will read it, if I can find it: The Commission may accept the final environmental assessment as a findings of no significant impact or take some other action.

Ms. Tancayo: ...(inaudible)...

Chair Sprinzel: Sure.

Ms. Tancayo: I'm sorry. You know, I went through all the letters in here that --

Chair Sprinzel: We keep going over the same ole thing over and over again.

Ms. Tancayo: I know. I understand that. But this is supposed to be -- we're supposed to accept this and a big problem I have is there is testimony in here that is hearsay. These letters that he says are from Maui County and from County Police Department --

Chair Sprinzel: Well, you can vote against it. I mean --

Ms. Tancayo: I know, but I'm saying that's one of my issues is they're hearsay. It says, "Thank you for your letter. We have incorporated your comments into the draft EA." And the letters aren't in here. And this is supposed to be a document and I get that, you know, and I just -- I'm just uncomfortable with this whole thing to me. It's not good.

Chair Sprinzel: Well, for the past hour, we've all been uncomfortable with it but I'm trying to clear it. Let's have a vote either yes or no.

Ms. Dudoit: Okay, read the motion one more time?

Chair Sprinzel: One more time. Yes. Accepting the final environmental assessment as a finding of no significant impact. That's the proposal. Is there a seconder? We have a seconder. We're not going to have anymore discussion.

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

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

VOTED: to accept the final environmental assessment as a finding of no significant impact.

(Assenting: B. Buchanan; M. Jennings; D. Rogers; J. Sprinzel; D. Swenson)

(Dissenting: Z. Dudoit; J. Kalanihuia; S. Tancayo)

(Excused: R. Davis)

Chair Sprinzel: It's carried.

Ms. Dudoit: For the record, can you ask for those who disagree so that we can be counted on the record.

Chair Sprinzel: I beg your pardon. Okay. Those who disagree raise your hands? Janice, Sherry, and Zhantell. It's not that any of us are being difficult. We're uneasy about it.

D. COMMUNICATIONS (CONTINUATION)

1. SPECIAL MANAGEMENT AREA MINOR PERMITS

- a. **MR. GLENN CORREA, Director, DEPARTMENT OF PARKS AND RECREATION, requesting a Special Management Area (SMA) Minor Permit for the proposed improvements to the Mitchell Pauole Center Facility located in the Interim District at 90 Ainoa Street, TMK: 5-3-002: 055, Kaunakakai, Island of Molokai. (SMX 2013/0269) (Valuation: \$300,000) (B. Sticka)**

The proposed improvements include the expansion of the existing lanai, a new freestanding lanai, approximately 2288 sq. ft. of renovations, and Americans with Disabilities (ADA) improvements.

The Commission may take action on this request.

Ms. Shiotani: Hello, Commissioners. Thank you for letting us come back. I did talk to my supervisor and the Parks as well as Richelle about what the -- what are options are. The bid is opening for this project, and we have lapsing funds, so it needs to be contracted by the end of the year or we lose the funds and we have to start over. We can't take out the roof, per Finance, because it's too big a portion of the project. So if we -- if you guys make a decision today of no, then even the ADA and everything else stops and we will have to go back around and try again.

I believe there's other options where we could defer until your next meeting and either have a community meeting or get community support so that you understand it wasn't just the Parks Department who came up with this and there were other input from the community. I believe Richelle said there was also -- she would explain what your options were for approving the project as is or with conditions.

Chair Sprinzel: But in view of the public testimony, which was against, absolutely, not against the work, but against the hut outside, and that's been, I guess, the Commission's feeling, and you've explained that you can't separate it.

Ms. Shiotani: Not to move the other portions forward, correct. The way the bid has gone out, it's too big a portion to be taken out and the contract move forward. We would have to cancel the bid and since the funds lapse at the end of the year, we would have to get them re-appropriated, so we're looking at the next fiscal year, 18 months from now.

Chair Sprinzel: Commissioners, please?

Ms. Kalanihuia: What was the other input that you received to this?

Ms. Shiotani: I'm sorry?

Ms. Kalanihuia: You said that you could -- there was other input, not just the Parks Department, so what was that ...(inaudible)...

Ms. Shiotani: So, this -- this started off as just an ADA project, and the Mayor came over and had one of his community meetings with Danny Mateo, and at that point, we were told that this covered lanai was a need of the community as well as the certified kitchen, so those two pieces were added into our ADA project and funds were -- I'm sorry, we received funds from the council, and my deputy director says that she couldn't -- if we defer it and come back before you or we had a community meeting, she would have some of the people who were part of that initial decision come in explain and talk, not just me.

Ms. Dudoit: I have two comments. The first one is that it's very interesting how we're public servants on a commission asked to make approvals for the welfare of our community yet we're bound to little -- limitations, like all of a sudden the time is going to lapse and this comes before us, conveniently, when we're not able to have a public hearing first because then you going lose the money and so now we gotta feel guilty that we can't have all these improvements. That's the first thing.

The second thing is it bothers me that if you're not ADA compliant, that that's against the law and so for your director to tell us that that is combined with another portion that has nothing to do with the ADA and you going lose all your money because you can't do it, I think it is -- I don't know what kinda word to put to it, but if you're not ADA compliant, and you need to do things, those are things that you just gotta do. So to make us believe that that has to be tied to a bigger portion of the project because it's something that was written in your contract, then, for me, the idea is just go back and change your contract and tell them that you going be fine if the community is not ADA compliant. We shouldn't be held to having to put up one roof that the community had no input to just because your

running out of -- your on a deadline schedule and somebody went in and put ADA with a big roof out there that has no significance to any kind of ADA requirement. I mean I don't really get it.

Chair Sprinzel: I sympathize with that, I must say.

Ms. Shiotani: So there is a transition plan that the Parks is following and this is one of the facilities that is on that plan that we're doing the ADA projects for. So as far being no legal, we're working through 30 or so facilities that is part of a -- I'm sorry -- that was agreed that Parks would address the ADA things on those right away, so this is being addressed. I'm not saying that we'd have to wait 18 months for the ADA stuff, we would just have to rearrange things; this one couldn't move forward without the roof. It was tied together because construction's cheaper if we bundle things, we get more bang for the buck, so we was tying improvements with -- that were to update the facility as well as ADA improvements so that we could get more done as opposed to do lots of little projects where the overheads of the contractor eats up so much that we don't get as much accomplished.

Chair Sprinzel: Well, you'll still have enough money to do all this stuff except the outside, presumably.

Ms. Shiotani: Yes. I'm not saying that we don't have the money, but we may not have the money to start immediately. This is scheduled to start construction --

Chair Sprinzel: Well, this is Molokai, nothing starts immediately. Yes, ma'am?

Ms. Swenson: Did the architect do a model for the county? Did you do a model of the project?

Mr. Gerdel: I guess all we have is a computer model, but we could show additional views or a walk-through if that would be helpful to visualize ...(inaudible)...

Ms. Swenson: Well, for me, it would be helpful if we just deferred till next meeting and some of the people who made the decision to do this, come to the meeting, maybe Danny Mateo or the Mayor's office or somebody, and explain the rationale behind it, and to have more views of the project so we can better understand the pillars and the relationship of the building.

Chair Sprinzel: Does the local paper have the stuff on this project? Suzie, can we get that to --

Ms. Dudoit: If we defer, your timeline is what? How soon do you have to have a decision?

Ms. Shiotani: If we defer, there's no -- we will contract by the end of the year and move forward in the hope that we will move forward. We can always cancel the contract if we don't get approval because this is required, you know, for our building permit we need Planning approval. So if we don't, then we would -- if we had a community, we'd come back and if it's not approved, then Parks will go back and adjust to that decision. If -- right now, we're scheduled to start in February; that's pending all of our approvals coming in before that date. We're closing the facility until the end of the year right now just in case things push back because we don't want to cancel anybody's reservations since we don't know exactly when we're going to start. So if we --

Mr. Jennings: So, excuse me?

Ms. Shiotani: I'm sorry.

Mr. Jennings: So you've already found a contractor or you're going to get bids?

Ms. Shiotani: So we're in bids right now.

Mr. Jennings: You're in bids for contractors right now?

Ms. Shiotani: Right. It was out for bids. We opened and we have the contract by the end of the year to --

Chair Sprinzel: Did you think you might have come to us before you put it all out to bids? You're coming here saying, look, we've got six weeks. If we don't get it done by then, you gotta pass it. I mean this getting a bit fishy.

Ms. Shiotani: No. Honestly, we didn't expect to have issue or I would have had some of these people here this time. And I'm sorry.

Mr. Jennings: So what you're saying, and I'm not trying to be a -- that you would come here and say, okay, here you go. You guys are going to -- you guys are going to do it and we're going to leave here fat, fat, and happy? You know, I just --

Ms. Shiotani: No. We didn't -- we didn't expect opposition, but we want to work with the community and the Commission on other projects. We'll make modifications as necessary to make everybody happy. Unfortunately, with this one, all projects with lapsing funds fall in this fall window so we pushed everything to get -- so we didn't lose lapsing funds. It doesn't mean the project won't move forward; it just won't move forward with a February start date.

Ms. Dudoit: So I just want to apologize to you 'cause this the first time, yeah, you stood before us?

Ms. Shiotani: ...(inaudible)...

Ms. Dudoit: We're like this to everybody so please don't take it personally, and it's more a frustration with the department that gets to us sometimes. But what I was going to say is so you can commit to, if we deferred this, to bring people like Danny and the -- or a comment from the Mayor or to kinda get a background of why they would have thought that it was okay to have a plan like this and just push through without a community process first and a design element that was so huge out there in our only community facility that didn't warrant a community talk-story session?

Ms. Shiotani: Our Parks administration director -- director's office will -- told me that we would come back with more information with the Mayor's office and Danny if at all possible, you know, if we can get them here at that time, but I believe that was the intent was to show that -- or it was more than just Parks.

Ms. Dudoit: Because, since you're doing that, I mean 'cause I kinda agree with Diane that the deferral would be best, but it would also probably warrant talking to the Mayor to talk about the initial intent of the community center, what it was supposed to be use for, the multi-purpose community centers that are created and are part of our charter and are part of all those kinds of things. If you read that thoroughly, it is designated as an evacuation zone even though it has been taken off because of the improvements that were made to the hall. So, initially, it was a evacuation zone but they took it off because the improvements made, glass doors, and so that took away that availability. So I guess what I'm asking is to maybe come back with some comments of you gotta be consistent within what you asking us to do, so on one side, if you're going to do improvements, then we're hoping that it's improvements that is consistent with the intent of the community center that was for the community that's during the charter and all kinds of agreements and public process we agreed to as a community.

The second thing I wanted to ask, 'cause I kinda agree on the deferral, but if we approve the special management minor permit for this, could we approve it with conditions that eliminated the roof?

Ms. Thomson: No. And I checked this with Mike Hopper also, and because at such, you know, it's not a minor alteration that the applicant can agree to now, you know, materially if that's the entire project, so that's not route that I would at all recommend going.

Chair Sprinzel: Okay, I'm going to just go down the Commissioners. Is anybody in favor of this project or the alternative being deferral? Mike? Defer. Janice?

Ms. Kalanihūia: I don't know. You know, I've been in this position before where if the -- if for some reason it takes a very long time to get the other work done here, it doesn't get done at all. It will come back that this Commission did not approve something, whether it's something appropriate or not, so I'm going to say defer but I am feeling unsettled.

Chair Sprinzel: Sherry? I'm just taking a poll. Just --

Ms. Tancayo: No, I'm with Janice. I defer.

Chair Sprinzel: Doug?

Mr. Rogers: I hate to do it but I don't think that we should -- I think we should defer.

Ms. Swenson: Yeah. I'd like to defer it so -- and I'd like to see other views of the building and understand the project a little better.

Chair Sprinzel: Zhantell?

Ms. Dudoit: And I'd like to defer and just make a comment that my deferral is mostly based on, at some point, somebody's gotta take a stand for government conformity so that we stop wasting taxpayers' dollars, we stop wasting our money, and everybody talk-story to ensure that we all on the same page, and so that would be my reason for deferring.

Chair Sprinzel: Uncle Billy?

Mr. Billy Buchanan: You guys are putting me in a bad spot. I'm the young kid on the block. I really not for deferral or passing but, please don't get mad at me, please be patient because I'm going to say something that has obviously has gone on all afternoon long for the last two hours, I believe that the Commission would like to be more part of the planning process --

Chair Sprinzel: Amen.

Mr. Buchanan: Okay. It seems to me that we're being left out of the planning process and we're becoming to be the Molokai review commission.

Chair Sprinzel: No, they came to us like six weeks before the monies --

Mr. Buchanan: I don't mean to be a smart-A, but this is what I feel strongly about being the new kid on the block, looking from the outside in right now, that we -- especially for our public facilities, obviously we're not getting enough input from the community or just right

here, the board. So as for where my head's at right now, I'm going to go either way; wherever the majority goes, I'm going to go.

Chair Sprinzel: Okay. Interesting what you say because the harbor people over whom we had absolutely no authority at all, were kind enough to come here and seek our opinions well in advance, even though we may not have agreed with it, and I think you should have done that. Okay, so in general, somebody should propose a deferral.

Ms. Dudoit: I'd like to make a motion to defer approval of the SMA minor permit for the Department of Parks and Recreation.

Chair Sprinzel: A seconder, please? Mike. Any discussion?

Mr. Yoshida: Other than having people that were involved in the planning of that covered lanai come to the next meeting, is there any other information the Commission needs that would help them make a decision?

Ms. Swenson: The architect offered to bring us some more computer views so we can understand the relationship of the buildings better, and the space, and I'd like to see those.

Ms. Dudoit: I also would like to know that there was community input as to the use of the outside facility and how the building structure that they're going to put up affects the capacity that we can hold after its being built, the type of -- how it's going to change the type of entertainment or activities that we have out there 'cause it looked like it's kind of going to take away a lot of seating space. So I mean I think more effort can be made into looking into what we use that place for, and it's going to fit, and how much seats is actually going to be taken away by that structure for our community. And then the second thing is just the conformity of know what the actual intent of this place was. If it was intended or, in the future, it's still being intended as with all county community facilities to be able to multi-use as a evacuation center. I know this is in a flood zone, but it still was for a certain an available evacuation center for different kinds of things for our community. So getting input on that and knowing that the improvements are consistent with what this community center was intended for is probably where I would like to see more information and input.

Chair Sprinzel: Okay. Can we have a vote please?

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

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

VOTED: *to defer the special management area minor permit for the Department of Parks and Recreation.*

Chair Sprinzel: Unanimous. Thank you very much.

F. CHAIRPERSON'S REPORT

Chair Sprinzel: Okay, Chairperson's Report. Well, Mike did a great job, I understand, and I had a nice trip to England, and all the houses I restored are still standing. Chairperson's Report, please.

G. DIRECTOR'S REPORT

1. Reports from Commissioners who attended the 2013 Hawaii Congress of Planning Officials (HCPO) Conference, September 18-20, 2013, in Kona on the Big Island.

Mr. Yoshida: Yes, I guess if there are members who attended the 2013 Hawaii Congress of Planning Officials Conference, in September, on the Big Island, would like to provide their reports at this time?

Mr. Rogers: Yes. Yeah, the Big Island, it was very interesting. Billy Kanoe addressed the exact issue that we're dealing with right now about bringing it to the community first. That was the most enlightening thing, I think, of the whole thing. And the Big Island hospitality was phenomenal.

Chair Sprinzel: Yes. It was a very, very useful and run meeting. One always learn so much and you don't know what you've learned till it crops up here and then you think, oh yeah, they explained that. But we should hear a lot of stuff before it gets to the stage where they just present it.

2. Reports from Commissioners who attended the 2013 Hawaii Water Works Conference, October 23-25, 2013, in Makena on Maui.

Mr. Yoshida: The next one was the Hawaii Water Works Conference on Maui ... (inaudible)...

Ms. Tancayo: Yeah, that was held at Makena, and it actually was good because it integrated, not only the Planning Commission, but all the waterworks guys too, so you have everybody there from the treatment plant guys to everybody, and they had three different seminars every hour so whoever it pertained to would go to the different

seminars. The biggest thing that they were talking about was because so many people cutback on water now and that are useful that they're not making enough money to support everything. So the big thing across the board was raise the rates. So people, you know, that might be something for us to think about that we are doing really good on our water – conserving our water but they're going to probably, if this keeps up, they're going to have to raise rates just to keep everything functioning.

Chair Sprinzel: Drink more water.

Ms. Tancayo: It would be ...(inaudible)...

- 3. Agenda Items for the December 11, 2013 meeting.**
- 4. Pending Molokai Applications Report generated by the Planning Department**
- 5. Closed Molokai Applications Report generated by the Planning Department**
- 6. Comments from the Commission on holding meetings once a month since August 2013.**

Mr. Yoshida: Okay, our next meeting is on December 11 and we have the item that you just deferred, the Mitchell Pauole Center improvements, facility improvements, the SMA minor permit, and I think a few other SMA assessments.

We did circulate out list of pending and closed Molokai applications if there are any questions on either report.

Seeing none, again, we did, on a trial basis, we are trying to hold one meeting a month unless two meetings a month are warranted so, since August, and we're just wondering if the Commissioners have any comments to have less meetings but longer meetings. Okay, seeing none on those, yeah, we might have to relocate, we plan to relocate starting in January if the Mitchell Pauole Center improvement project is approved. Okay, that's all we have.

H. NEXT MEETING DATE: December 11, 2013

I. ADJOURNMENT

Chair Sprinzel: Again, thanks, Commissioners. That was not an easy day but thanks for all your input. And thanks to the Maui staff. I call the meeting closed.

There being no further business brought before the Commission, the meeting was adjourned at 2:50 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions

RECORD OF ATTENDANCE

Present

John Sprinzel, Chairperson
Michael Jennings, Vice-Chairperson
Billy Buchanan
Zhantell Dudoit
Janice Kalanihuia
Douglas Rogers
Diane Swenson
Sherry Tancayo

Excused

Ron Davis

Others

Clayton Yoshida, Planning Program Administrator
Benjamin Sticka, Staff Planner, Molokai
Richelle Thomson, Deputy Planning Director