

**MOLOKAI PLANNING COMMISSION
REGULAR MEETING
MAY 14, 2014**

*** 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, Michael Jennings, at 12:00 p.m., Wednesday, May 14, 2014, at the Department of Accounting and General Services (DAGS) Conference Room, 45 Makaena St., Phase I, Kaunakakai, Molokai.

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

Chair Michael Jennings: Good afternoon. We have a quorum. And we're going to start out and everything's called to order, and public testimony?

B. PUBLIC TESTIMONY

C. APPROVAL OF MINUTES OF THE FEBRUARY 12, 2014 MEETING

Unidentified Speaker: ...(inaudible)...

Chair Jennings: Yes. Okay. If you cannot stick around or have to leave for the item in which you want to give testimony on, you may now make public testimony at this time. Is there anyone that wish to do that? If not, we will move on to approval of minutes of the February 12, 2014 meeting.

Ms. Diane Swenson: I move to approve. I move to approve.

Chair Jennings: Diane moves to approve. Is there a second? Sherry? Okay. So it's been moved and second.

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

VOTED: to approve the minutes of the February 12, 2014 meeting.

Chair Jennings: Okay, we shall go on. Concurrence of special management area exemptions.

Mr. Clayton Yoshida: Thank you, Mr. Chair. Clayton Yoshida, Administrator, Current Planning Division, Planning Department. Since we have so many people from the county here, let me introduce them. You have Deputy Corporation Counsel, Richelle Thomson; Secretary to Boards & Commissions, Suzette Esmeralda; your Molokai Planner, Ben Sticka; the Administrative Officer, Joe Alueta; the Coastal Resources Planning, Jim Buika; our Maui Sea Grant Agent, Tara Owen; also here is Paul Critchlow, from our Zoning Administration and Enforcement Division; and one of our new Staff Planners in the Current Division, Sybil Lopez, who's from Kalamaula.

Mr. Yoshida read the following agenda item into the record:

D. CONCURRENCE WITH SPECIAL MANAGEMENT AREA EXEMPTIONS

- 1. MR. WILLIAM SPENCE, Planning Director, requesting concurrence from the Molokai Planning Commission pursuant to their Special Management Area Rules, as amended, that Special Management Area (SMA) exemptions can be issued for the following:**

- a. MR. LUIGI MANERA on behalf of RICHARD and SUSAN WESTLUND submitting a Special Management Area (SMA) Assessment for an interior remodel of Unit G-2 at the Paniolo Hale Condominium in the Hotel District at 100 Lio Place, TMK: 5-1-003: 011-0022, Kaluakoi, Island of Molokai. (SMX 2014/0048) (Valuation: \$60,000) (B. Sticka)**

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

Mr. Ben Sticka: Thank you. Before we get started, there's just one quick point of clarification. The TMK that's listed in your staff report today was transcribed and is incorrect, however, it is correct on the agenda, so I just wanted to state that for the record. Good morning, Chairman and Members of the Molokai Planning Commission. The first item on your agenda is a request for a proposed interior remodel of an existing condominium unit, specifically unit G-2, which is located in the Paniolo Hale Condominium complex, which one of 76 units within the entire complex. The valuation of the proposed action is \$60,000.

Standards for reviewing an SMA application are found under HRS 205A-26, and Sections 12-302-10 and 11 of Chapter 302, SMA rules of the Commission, as amended. In addition, the proposed action is also subject to Maui County Code, as amended, Title 19, zoning, Section 19.14, hotel district zoning regulations. The state land use district is urban, the community plan is hotel, as well the zoning is hotel.

Pursuant to the aforementioned findings of fact and determination, the department recommends concurrence with the finding that subject application is eligible for an SMA exemption. The consultant, Luigi Manera, is here for questions, and I'm as well. Thank you.

Chair Jennings: Luigi, do you care to say anything? Okay. Is there any public testimony on this? Okay. Does the Commissioners have any questions? If not, I will have a motion to pass it. You want to say a motion, Marshall?

Mr. Doug Rogers: I move that we concur.

Chair Jennings: Okay.

Ms. Swenson: Second.

Chair Jennings: Is there a second? Diane. Okay.

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

VOTED: to concur with the department's recommendation.

Chair Jennings: Motion carried. Thank you.

Mr. Yoshida read the following agenda item into the record:

- b. MR. REYNALDO ARTIEDA on behalf of ROGELIO and MARIA AGBUYA submitting a Special Management Area (SMA) Assessment for the proposed 432 sq. ft. carport addition to an existing single-family residence located in the Interim District at 274 Kokio Street, TMK: 5-3-008: 095, Kaunakakai, Island of Molokai. (SMX 2013/0069) (Valuation: \$19,000) (B. Sticka)**

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

Mr. Sticka: Thank you. The second item on your agenda is a request for a proposed 432 square-foot carport, which is attached to an existing single-family home. The subject site has been previously graded during the construction of the existing home. No grading will occur and the carport will be located on an existing concrete slab. The valuation of the proposed action is \$19,000.

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

Pursuant to the aforementioned findings of fact and determination, the department recommends concurrence with the finding that the subject application is eligible for an SMA exemption. The consultant, Reynaldo Artieda, is here for questions and I am as well. Thank you very much.

Chair Jennings: Is there -- excuse me. This is all new until I, you know, find out which side of the horse I'm going to fall off of. Is there any public testimony? Okay, seeing none. I would ask: Any questions from the board? Okay, then we will -- motion, please? By Doug. Second to that motion? Sherry. Okay.

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

VOTED: to concur with department's recommendation.

Chair Jennings: Motion carried. Everything -- everything is good. Thank you.

Mr. Yoshida: Thank you, Mr. Chair. As a note, I just hope with the enactment of the amendments to the special management area rules that the Commission worked on in March, applications such as these can be brought to you in a faster manner than the current process.

Mr. Yoshida read the following agenda item into the record:

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

- 1. MR. WILLIAM SPENCE, Planning Director, transmitting a proposed bill amending Section 19.65.080.D of the Short-Term Rental Home ordinance in the Maui County Code concerning Enforcement to be consistent with the Maui County Code Enforcement provisions in Section 19.530 and to ensure appropriate due process. (J. Alueta)**

Mr. Yoshida: And the Administrative Officer, Joe Alueta, will present the department's report.

Mr. Alueta: Good afternoon, Commissioners. I'm Joe Alueta. I'm the Administrative Planning Officer, with the Planning Department. As some of you don't know, there's two methodologies in which you can amend Title 19. One method is via resolution, which occurs...(inaudible)... the council in which it is sent down and the planning commissions have a timeline in which to review before being transmitted back to the County Council, and that's a council initiated change to Maui County Code, Title 19. The other methodology is by the administration, which is where either I or the director would draft a change to Title 19 and then bring them before the planning commissions. Today, you have one of those where the director has initiated the change to Title 19.

About a couple years ago, the County Council adopted Chapter 19.65, with regards to the regulations and establishment of the short-term rental home permit process. This is kind of an offshoot of the bed and breakfast. But as you remember, the prior iteration of that was called "transient vacation rentals," and then they changed the name to call it "short-term rental homes." At that time, they established some criteria where they established a process in which you can be granted a permit. Council wanted to have -- to I guess encourage people to file and not wait, and so they said that if you did not -- if you were caught operating without a permit, you would then be prohibited from applying for a permit for a period of five years. All intentions are good to try to get that, however, they sort of setup their own -- they did not setup any process in which -- some type of due process. We currently have an enforcement section in Title 19.530, of the Maui County Code. This is a very simple amendment, basically, we're just clarifying that if you do get -- if you do find they had or we suspect somebody of operating a short-term home operations without proper permits, we would go through the normal enforcement process. Once that normal enforcement process has been completed, then we would then -- the five-year period would start on the prohibition. There's been some concerns that some people may not -- may wait till they get caught, they'll operate till they get caught, before they even apply for a permit, the department, we understand that concern, however, we think that relatively low or is a high-risk low-reward for anyone who operates in that manner, meaning, one is that you would be able to -- you may not -- there may be a cap, in many of the communities there are caps, and if you wait to apply for a permit, you may not make the cap, therefore, that's one risk. The other risk is, as anyone who's established a business, if you establish a -- build a business up, legally or illegally, if you get caught operating your business, and you're shutdown, to try to come in and get the permit after the fact, you would have to shutdown, and that could damage your reputation. As you know, the internet moves like wildfire, so once people know that this person, you know, took my money, took my reservations, then when I show up, they were shutdown, they -- most likely, no one's going to stay there again. So we feel that the risk, on that part, is relatively low. But, however, I guess for the most important thing for this amendment again is, one, we want consistency on how this provision of the code is enforced, and that's in 19.530; second, we want to preserve the right of due process for anyone who's been accused of some type of violation, and that's what the main focus of this amendment is.

The Maui Planning Commission did review this item yesterday. They did pass it out. If you are interested, I can tell you what they did vote on as far as amendments. They did make a few changes. One of the changes was to include, as part of the evidence, such as guest testimony, rental agreements and receipts, complaints by neighbors would also be included. We do have a catchall, which is or any other information deemed relevant by the department. That's sort of a catchall. But the commission did want to include complaints by neighbors as evidence.

The second amendment came in was, in the last paragraph on Exhibit 1, you have -- it reads, "If the county issues a notice of violation for unpermitted short-term rental home occupation, and the violation is not overturned," they wanted to add "and all appeals has been exhausted," "then for the following period of five years," so that was a recommendation by corporation counsel. Something in that language basically to note that a person has a violation, they have the right to appeal, I mean they have -- their violation and get it overturned. If the appeal -- if the violation is overturned, then it's like nothing happened. There was no violation, okay. However, we want to make sure that they run their course, have their right to due process before the prohibition on the five years from them applying. The application, as we previously noted, if someone is -- we go through the violation of someone's property, the violating owners or the violating operators would be prohibited for five years from applying for a short-term rental. And that's all I have. If you have any questions, hopefully, I can answer them. No? Okay.

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

Chair Jennings: Is there any public testimony? Okay. Anything from the board? Okay. Do any -- go ahead.

Mr. Yoshida: Yeah, I guess the department would recommend that the Commission recommend adoption of the proposed changes.

Mr. Alueta: With the noted amendments that I talked about.

Ms. Swenson: This might be a little unrelated. I'd like to ask, we have a licensed vacation rental myself, and we just had to renew our -- we just to renew it, and I was told, at that time, that Molokai has no provision for any extensions of licenses beyond two years, is that -- that there's just a drop dead for vacation rentals for Molokai at the end of two years?

Mr. Alueta: I'm not familiar with the -- with that provision of the short-term rental --

Ms. Swenson: No. I'm not either. That's why I'm asking the question.

Mr. Alueta: If I can ask, if I may, Mr. Chair, ask one question? Is yours a short-term rental home permit or is it a conditional permit with a special use permit?

Mr. Swenson: No. It's a home permit.

Mr. Alueta; It's an STRH permit? Okay. There is a revision coming -- that will be coming before you that is going to comprehensively look at 19.65, and Planner Gina Flammer is that handling that, and that's part of the requirement under the code, under 19.65, that after two years, that the department come back to the County Council with proposed revisions, and so that's what's happening right now, and so she's current, and Clayton can correct me if I'm wrong, is current doing the road show right now. I think they had Hana, and I think they will be coming around to the planning commissions to get your input on their proposed amendments. But I will check on that, on your question separately, and I'll get back to you.

Ms. Swenson: Thank you.

Chair Jennings: Okay. Are there any other questions for Joe? Okay, all those in favor of this -- excuse me. I need a motion? Lawrence. Second by Sherry. Okay. Do we have any -- excuse me, are there any discussion by the board?

Mr. Marshall Racine: The motion, just take it as it is or with the amendments ...(inaudible)...

Mr. Lawrence Lasua: We already passed it with the amendments ...(inaudible)...

Mr. Racine: And that's option 2.

Mr. Alueta: Yeah, with the amendments that I read into the record.

Chair Jennings: The motion and the second was with the amendments and everything that Joe ...(inaudible)... okay, we'll call for the vote again. I'm sorry.

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

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

VOTED: to recommend adoption of the proposed amendments.

Chair Jennings: Thank you. Motion carried. Thank you, sir.

Mr. Yoshida: Thank you, Mr. Chairman.

Mr. Yoshida read the following agenda item into the record:

F. UNFINISHED BUSINESS

- 1. MR. WILLIAM SPENCE, Planning Director, transmitting the proposed Rules of the Molokai Planning Commission relating to the Special Uses in the State Agricultural and Rural Districts on the Island of Molokai (Section 12-303-1, et. seq.). (J. Alueta) (Public hearing conducted on March 27, 2014 meeting and matter reviewed again at the April 9, 2014 meeting. Commissioners: Please bring your documents.)**

The Commission may take action on this matter.

Mr. Yoshida: And Joe Alueta is the Administrative Planning Officer.

Mr. Alueta: Good afternoon, Commissioners. I'm sure you're tired of your rules. You've spent probably four years amending and working through these rules. You did finally adopt the majority of your rules. The one rule dealing with special use permits in the rural and agricultural districts, and again, these are your -- you have existing rules that were adopted back in September of 1989, okay. You were the -- actually, you're the only planning commission to have the foresight in adopting your own rules with regards to the regulations and being pretty groundbreaking, and they actually are very good, and Maui is pretty much going to copy a lot of what Molokai has done with their rules. But since the adoption in '89, which has been many many moons ago, at least 20 or more, you -- we have adopted other rules and there's been basically a different numbering system that was established, and for the most part, your new rules just fall into a standard -- are now coming under the -- your MC-12 rules and Chapter 303, okay. As many of you probably know, Maui is 202, and then there's 203 for Molokai, and 402 Lanai so -- sorry, 303 for Molokai. So anyway, the main -- for the most part, nothing has changed. There's a couple of changes, I guess, there were comments on. Under -- one question was, under the old rule, under 12-3-4, section (e), they used to be requiring it for a shoreline, that basically was done because if a property is within the shoreline area, those requirements are going to be required regardless, okay, so that's the reason for it to be taken out.

The other section that we -- that's actually in the memo report that we want to make sure was also changed and is not in the draft before you is section 12-303-4, paragraph (7), currently under that provision, the state land use district boundary description, community plan designation, county zoning designation, and any other special designation would be submitted. Since that time, the Planning Department has instituted what we call a "zoning and confirmation form," "zoning and flood confirmation form," and so we are

recommending that that language be put in there which basically is -- that a zoning and flood confirmation form completed and sign by the department be -- replace that section, okay, of your rules, of the proposed rules; that way, that's pretty standard. We also have that in your SMA rules. We have that in other commission rules also. That zoning and flood confirmation zone form is a little more comprehensive, it covers, like I say, state, zoning, community plan, but it also covers if the project's in the planned unit development, if it's in a flood zone, and all that, and so that's -- that's why we'd rather have that form be used rather than the applicant providing some general description of what those are.

The other issue that we noticed on our draft is that we took out "Severability," and that's basically, and we talked to our corp. counsel that had drafted these, and that actually should have stayed in. Someone got a little quick on the cutting of the documents. And, basically, that provision is in your old rules, it's basically the last thing there, under 12-3-11, essentially what that means is if any portion of the rules are found to be illegal or in violation of some other -- you would just remove that section of the rules, it doesn't invalidate the entire rules. It's there to protect that -- so, you know, if somebody finds some portion of the rules, which we don't think it is, if some portion is determined to be unconstitutional in some fashion and is stricken, you don't strike the whole rules, you just strike that section that has been found to be incompatible.

And those are pretty much it on the rule and -- the ag rules for special use permits. And again, this is just your administrative rules for your board in the processing and review of state special use permits in the state ag and state rural districts. If you have any questions?

Chair Jennings: Is there any public testimony?

Mr. Alueta: Oh you've had it ...(inaudible)...

Chair Jennings: Okay. Okay. Thank you. Like I say, you're dealing with which horse is going to ...(inaudible)... thank you. Thank you very much. Any questions by the board? Okay, I guess we're going to call for a -- is there amendment to adopt --

Mr. Racine: ...(inaudible)... then I'll make the motion.

Chair Jennings: Thanks, Marshall. Is there a second to that motion?

Ms. Swenson: Second.

Chair Jennings: Oh, hold on just a minute, please.

Ms. Richelle Thomson: I just want to clarify that the motion is to adopt the rules with the amendments as noted by staff and the additions.

Mr. Racine: Yes.

Chair Jennings: Thank you. Is there a second to that motion?

Ms. Swenson: I second.

Chair Jennings: Diane. Okay.

It has been moved by Commissioner Racine, seconded by Commissioner Swenson, then unanimously

VOTED: to adopt the rules with the amendments, as noted by staff, and the additions.

Mr. Alueta: Thank you very much.

Chair Jennings: No, thank you. Thank you.

Mr. Yoshida: Okay, our next item, Mr. Chairman, is the Orientation Workshop No. 2. We have our Coastal Resources Planner, Jim Buika, here, as well as Maui Sea Grant Agent, Tara Owens, to talk about coastal zone management, sea level rise, your special management area rules and shoreline rules, and that will be followed by flood hazard districts, by Paul Critchlow, from Zoning Administration and Enforcement Division. I'll turn it over to Jim and Tara.

G. ORIENTATION WORKSHOP NO. 2

1. Coastal Zone Management Introduction - Jim Buika, Coastal Resources Planner

Mr. Jim Buika: Good afternoon, Chair, Commissioners. My name is Jim Buika, Planner with the Planning Department. I'm the lead shoreline planner for all of Maui County, and I'd like to introduce also Tara Owens, who is the University of Hawaii Sea Grant Program Agent, who's located at the County of Maui with us, who is a coastal geologist, coastal process expert that consults with the county pretty much on a full-time basis for shoreline issues, and we support Ben Sticka, the Molokai Planner, for any of the shoreline issues.

So what we'll do is I'll introduce the agenda. First I'll have Tara talk about some of the coastal erosion and the shoreline issues from a coastal process, coastal hazard

perspective, and she will also introduce a project that we have underway, it's a grant with NOAA, it's a coastal storms project. We're looking at how would, not only Molokai, but also Maui island and Lanai, how would we recover, reconstruct from a -- from a large coastal event, say either a hurricane or even a coastal storm. So Tara will give you a little snippet about that. What we are doing also this evening is, along with Sybil Lopez, who is our -- from Molokai, who's a planner, and also Suzanne Fru in the audience, who is a consultant, we are hold a public community meeting tonight at 4:30 at the armory to -- for three hours to get community input on our reconstruction protocols that we are developing, so the whole idea behind it is to think ahead before a damaging event, how are we going to reconstruct the island in an expeditious manner, and, obviously, that involves you. I'll go over the SMA rules because you are the -- you are the final authority for the shoreline rebuilding and the special management area. You are the environmental authority here. So if we had many problems along the shoreline, like reconstruction issues, our thinking is to help support the Planning Director. We cannot -- we would not get very far if we had to come to the Commission for every single reconstruction, rebuilding issue, so we want to work with you over this next year to figure out at least some guidelines, at this point, they're not going to be part of the rules or policy, but guidelines, protocol for how would we get our reconstruction, rebuilding after an event underway very quickly and involve the Commission so there is a role for you. So what we're doing tonight is we are going to hold a community meeting, and it's at the armory, and you certainly are invited all to come, so we have about 30, 35 in attendance. So what I'll do is I'll turn it over to Tara. Our machine went on -- went down, are we ready?

Ms. Tara Owens: Yeah, it's coming.

Mr. Buika: Okay. So I was just filling some dead air space there but trying to explain the project at the same time so -- so Tara will talk about that, then I'll talk about the SMA rules and your shoreline rules and have any questions because these are the rules that you use so I'll give you the regulatory --

Ms. Swenson: Well, while we're waiting --

Mr. Buika: Certainly.

Ms. Swenson: Can I ask a question?

Mr. Buika: Certainly.

Ms. Swenson: You know on your website, on the Maui County map, if you go to the Maui County map and then click on the flood to see where a property is in the flood zone?

Mr. Buika: Yes.

Ms. Swenson: What you see on the screen is not what prints if you want to print a map. Is there -- I don't know --

Ms. Owens: You're talking about the flood hazard assessment tool website or --

Ms. Swenson: No, no. The --

Ms. Owens: The tax assessment website.

Ms. Swenson: The tax assessment website.

Ms. Owens: And you're looking -- you're looking specifically for flood zone information? Well, what I would ideally do is direct you to -- there's another website that actually is better for flood zone information. It's called "flood hazard assessment tools Hawaii."

Mr. Buika: ...(inaudible)...

Ms. Owens: Oh great. Okay. Well, Paul, in his orientation session will be able to direct you there and that's a better place to get that kind of information.

Mr. Buika: So with no further ado, I'll introduce Tara to lead off our presentations. You all have copies of the rules? I assume you got at some point, that's the shoreline -- I mean you don't have them here today but you have a copy ...(inaudible)...

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

Ms. Owens: Good afternoon. Old equipment means unreliable -- unreliability I guess that we're working with. For those who don't know me, most of you heard from me before, but I'm Tara Owens, and I am a Coastal Hazard Specialist with the University of Hawaii Sea Grant Program, and as one planner put it recently, I'm on loan to the county indefinitely, which is great. It's a great partnership. So I will talk to you a little bit about coastal hazards and planning for coastal hazards, and then, as Jim said, we can kind of followup with how we deal with that in a regulatory -- from a regulatory perspective in our rules.

And I'd like to start with the recent examples from Oahu. This is a situation, probably some of you saw it in the news before Christmas time, and thankfully it's a scenario that have somewhat resolved itself since then, but there was some major erosion up on the North Shore of Oahu ...(inaudible)... beaches along the Sunset Beach area. And it was a fairly long stretch of shoreline with houses built very close to the shoreline. In fact, if you look closely at the picture, you'll notice this one in the foreground is a pool that was undermined, and what you see under the pool, you notice a lot of sand. So these homes were actually

built literally on top of the coastal dune, which, of course, normally would serve a very important natural function, providing sand for the beach during high wave events. In the winter time, as you guys know, the north shore gets lots of high waves. These homeowners are kind of accustomed to the situation. The seasonal change on their beach, from winter to summer, but this happened to be an extreme situation this year, and I like to use it as an example because it's something we'll probably be seeing more often in Hawaii in all the islands. So different section of that shoreline. Notice the blue house right here, just as a point of reference, and the piers underneath that home. Of course, the question became, while this was happening, from the homeowner's perspective: What can we do to protect our home? And the state, as a temporary measure, allowed the homeowners -- well, they hired people to push sand up on the beach from the lower beach areas to create a temporary berm or dune, if you will, just kind of to mitigate the erosion for the short-term, and it actually worked well until the high waves disappeared. This is the process of going through that, and this is after. And here's that same -- the same blue house with the post and piers ...(inaudible)... so this did eliminate some of the pressure.

The question really then becomes: What do we do about this situation in the long-term? And this is just an example of what we're facing all throughout the islands. And in this case, it was an extreme event with typically seasonal erosion from wave occurrence, but what happened on top of that is we had unusually high tide in September and October. So this is actually data from the Honolulu tide gauge, and what you see, the blue curve lines, represents the predicted high and low tides, and the green curve represents the actual high and low tides, and so at the high tide, you peak, you'll notice there's a difference between the green and blue. So this high tides were actually quite a bit higher than expected, and it was in matter of maybe three to six inches. Three to six inches of extra water causes the waves to be able to go that much further inland, which increases erosion. So a little of vertical translates to quite a bit of horizontal change. And so this is a very good -- I use it as a very good analogue for what we might be expecting in the future with sea level rise projections for accelerated sea level rise, and we've seen it happen before in the Hawaiian Islands. When we have short-term increases in the water level, we have these extreme erosion events. So one that's pretty notable for Maui is this Kaanapali event from 2003. So you see between March and July, went from having a nice very wide beach to no beach, and the hotels were responding with emergency protection measures. And then about two weeks after that picture was taken, the beach returned. And that also tells you something about what we might expect in the future and also tells you something about response. We want to be careful in these types of scenarios to respond appropriately because sometimes the tendency is to have a reaction and we want to maybe harden the shoreline or do similar things that can have environmental impacts. We have to be careful.

You've heard some of this from me before, we obviously have an erosion situation throughout the islands, and especially on Maui. This is from *The Maui News* probably

about a year or more ago. Maui has lost more than four miles of sandy beach in the past century, and this report or this news article was based on this report, which was research done by the University of Hawaii and the U.S. Geological Survey. So from that, we know, most of this is very specific for Maui island, but of course the trends we see on Maui island may translate for Molokai as well. We know 85% of Maui's shorelines have been eroding in the long-term, and 76% in the short-term. What's most interesting is that Maui, compared to Oahu and Kauai, has the highest rates of erosion and the highest percentage of beach lost, and that's probably related to the fact that we actually have higher rates of sea level rise on Maui, and I'll come back to that in a few minutes.

So how this somewhat translates to you as a Commission and what you do. One of things that my hazards coworkers and I always preach is looking at hazards, assessing them, and planning for them in very early planning stages. So here is sort of, if you think of it, a list of the early planning stages down to the later planning stages, and it can be really important if you have an opportunity to plan in the early stages because that's when the market value of a given property is lower, therefore, the investment back expectations are lower, and you have more opportunities for community input, and more opportunities for decisions, like land use decisions.

So one of those early planning stages is the general and the community planning process, and I bring it up because the community planning process for Molokai is going to be taking off in the very near future, and you, as a Commission, and community members will have the opportunity for input in that community plan. So there will be a section that will be devoted to hazards, and there will be an opportunity then to think about what guidelines you want to setup in the community plan. So that's going to be coming your way.

And then what you deal with on a more regular basis, through the SMA assessments that -- and the SMA permits applications that you see and make decisions on here, are these later planning stages, and those are important too. But again, once you get down there, you have, you know, once you're deciding on a proposed new home or commercial development, you're down here, the market value of the property is high, the investment in the property is high, and our options, because the land use has already been designated, the entitlements are already there, the options are fewer. And so if you start noticing hazard issues, the options to deal with them are more limited, but also important. And so that's where our setbacks, our building setbacks and those kind of provisions come into play, and they're very important.

So again, for the community plans, it's in your rules, 12-302-12, when you're actually doing an SMA, a special management area assessment, so evaluating a permit for a proposed activity, it does -- it is required to be consistent with the community plan, so this goes back to the community plan being a very important process for the community in thinking ahead about hazard issues.

Mr. Lasua: You got 402 in there.

Ms. Owens: Yes, I made -- I'm sorry. This is the correct reference. I didn't -- I corrected it this morning. Sorry about that. Good. Very good point. Thank you for pointing that out. 12-302-12 is correct for Molokai.

And then of course, once you get to those later planning stages, and there's a proposed development, you do have shoreline setback rules, and your setbacks, a little bit different from Maui, on Maui we have erosion rate setbacks as well as lot depth setbacks, here on Molokai, we don't have erosion rates for the entire island so the lot depth setbacks is what is applied and you have generally a minimum setback of 40 feet, and then larger if you have a larger lot depth. Those are very important rates. These are the things that are providing this buffer between development and the shoreline, especially during high hazard times, if we have a high wave event or a coastal storm.

When you're making planning decisions, the rules are important, and Jim's going to get more into the details of those, but understanding the causes of these hazardous situations are really important too and that's really why I'm here. So coastal erosion we know we have an issue with that. It's going to continue. It may accelerate. There are three, generally, three causes of erosion. One is human impact to the sand supply. Two is sea level rise. That's really something we're facing more of in the future. And the third is current and seasonal wave conditions, and storms are included in that category that moves sand. So we'll just take a quick closer look at each of these.

Human impacts. Particularly on Maui, the response, historically, the response to erosion has been to harden the shoreline, and you have some of that here on Molokai as well, but not as extensively as we face it on Maui island, and I'm sure that I probably don't have to tell you that hardening a shoreline can have negative consequences, and so this is just a cartoon that shows you how a beach behaves. We're in a period of sea level rise. As sea level rises, shorelines retreat. They move landward, and the beach will be okay as long as there's nothing in its way, so it'll maintain itself, it'll just migrate landward. However, if there are things in its way, development, and particular sea walls, there typically is -- the result is loss of beach for a variety of reasons - we impound the sand, it's no longer available for the beach; you increase rate erosion in front of the sea wall; and you may have sort of the impact of focusing erosion on adjacent properties. So those are the downsides of stabilizing beaches and this is a real life example of that. Generally, if you harden the shoreline, you can protect a property, but typically the beach is lost. So this is a revetment here, to protect the property, here the shoreline has continued to migrate landward, so the property has eroded but the beach has remained. And generally, in most case, it's choice. It's often very difficult to save the land and save the beach - it's one or the other, typically. Okay, so that's just some examples of human impacts.

The second cause of erosion, sea level rise, change in sea levels. We have a tide gauge at Kahului Harbor, so we've been monitoring the level, the ocean level since about 1940s, and we know that it's rising, and it's been rising at about a rate of nine or so, maybe even ten inches over the past century. You extrapolate that over centuries. That's the rate for Maui. It's a little bit lower actually for the other islands of Oahu and Kauai, and higher for the Big Island because of subsidence. And you probably see a lot about climate change in the news. So we're expecting sea levels to accelerate, the change in sea level to accelerate, and the current projections are 3 to 9 inches by 2030, 7 to 18 inches by 2050, and 19 to 55 inches by 2100. Those are global projections. And so I relay this back to that first scene we were looking at with Oahu where we had high tide in the winter time, and our high tides were 3 to 6 inches above normal and we had all that erosion. So if these projections pan out, those are going to be the scenarios we're facing.

We have some nice new data for the Hawaiian Islands. There's a NOAA digital coast sea level rise viewer you can get to at the ...(inaudible)... and it's an interesting tool. You can go there, you can use the slider bar, and you can raise sea level from today's level up to 6 feet additional water on top of that. It doesn't factor in waves. It's just taking, like filling up a bathtub and adding water ...(inaudible)... high tide basically. And this is available for all the island, so it's something interesting to look at and see, look at your most vulnerable areas, and this might be a discussion you want to have again when you're reviewing the community plan and looking at hazards and how they might impact Kaunakakai with its very low line area and it will be highly susceptible to rising sea levels.

You may be following if you follow the legislative session, there's been a couple of provisions for climate change over the past 12 years. Act 286 was actually signed - was that two sessions ago? July 2012. And it amended the Hawaii State Planning Act, HRS 226, by adding ten climate change adaptation priority guidelines, and our State Office of Planning has been working on taking those and trying to turn them into guidance for the counties and how to implement those. And last I checked, for this session, companion bills, HB1714 and SB2344 had passed first reading, and if these go all the way for governor signature, they will establish a Hawaii climate adaptation initiative act, which as a quick summary, would develop a statewide plan that will discuss climate impacts to its communities, develop policy recommendations, and I think my favorite part, it will establish an interagency climate council, so that will be people from the state, all the different state departments, county departments, probably people from the community, researchers at UH, and a whole variety of people to really focus on thinking about these issues and how we're going to deal with them.

Okay, so then back to the cause of erosion. We're on no. 3, seasonal waves. You guys probably know our beaches on Maui are very seasonal and it depends on the orientation of a particular section of coastline, so is it on the north side of the island, the south side of the island, east or the west, and which wild window, if you will, that that section of coast is

exposed to because we have north Pacific swell during the winter, we have our trade wind waves during the summer, and we have our southern swell during the summer, and we have occasional Kona storms that come through, and all of those can affect the coastline and our beach patterns, depending on how that shoreline is oriented. One good example on Maui of an extremely seasonal beach is Baldwin Beach Park, which is on our north shore. In the summer time, it experiences extreme erosion because of our trade wind conditions there, and a couple of years ago, we had our county park comfort station actually succumb to erosion. Papohaku Dunes, I assume -- I don't get to observe the beaches here on Molokai as well as I do Maui island, but I'm assuming because Papohaku Dunes is sort of on the western side of the island, it faces north swell sometimes, and south swell others, so I'm assuming it's probably a very seasonally dynamic beach.

And then I'm going to wrap up here with -- we have the seasonal waves, and then we also episodic events, like coastal storms, and Jim was describing, while he was filling our void there for a few minutes, this new project that we've been working and we'll be interacting with the Molokai community on tonight. And so this is a graphic showing the storm tracks that have come through island since 1950, so these named tropical storms and hurricanes. And the two sort of infamous ones that everybody remembers well are Iwa and Iniki, and even though they crossed over the island of Kauai, they did cause damage on the other islands as well, including beach erosion and flooding. This is an example from Keawakapu Beach, which is in South Maui. If you happen to know to the area, there's Mana Kai Condominiums, there's a restaurant here called Sorento's, and our condominiums Hale Hui Kai, and this is today, you know, this is the lay of the land today. Pay attention to this condo here. And this is the impact from looking on the ground at that condo complex from Hurricane Iwa. So, you know, these are scenarios that can be very real to us here in the Hawaiian Islands, although they, you know, they sometimes get forgotten because they're only periodic episodic events.

So again, I bring this back to the situation we started with on Oahu in the winter. While that was a high swell event and an elevated high tide event, it could have been the impact of a coastal storm as well. So then the question becomes: When homes are impacted during an episodic event, and we have entire stretches of the island with damage to our infrastructure and our houses and our condos, what will we do? How will we respond? Right now, there is no governing rules or laws or guidelines to help guide us through a scenario like that for any of the islands. This is a situation we faced with a condo complex right on the beach in West Maui a couple of years ago. And this is very common with older condos that were built very close to the shoreline. A lot of them have sea walls or, in this case, it's the lanai that was built right on top of the sand, and over time, those walls began to fail. The sand that stabilizes them from below, becomes -- it liquefies and just, you know, get carried off into the water, and they fail. So this lanai failed; the building had to be condemned for a period of time until it could be reinforced. This is another type of

situation that we could face on a large scale if we have a coastal storm event. What would we do? How would we respond?

So Jim and I actually we partnered up UH and the county and we got a grant from the NOAA Coastal Storms Program to look at this issue, and the idea is we want to develop post disaster reconstruction guidelines and protocols. We won't pull the force of law initially. These are just we're working through the processes of looking at scenarios and trying to decide how we would want to respond to them and how we could make the authorization or permitting process efficient and quick. So within the recovery coordinating structure, we want to think about how the county regulators can expedite rebuilding; triage recovery actions for immediate and long-term needs; protect sensitive environmental and cultural resources. So in sensitive areas, we want to be careful about the decisions we make because we want to protect our resources at the moment and all the way into the future so that we don't repeat these situations again. We want to respond in a planned manner so that we don't have arbitrary decisions and we're not faced with lawsuits. And we want to encourage, where possible, relocation, retrofitting, and/or adaptation. And so this slide sort of represents the crux of the project that we -- conceptually. We want to develop guidelines that will evolve into protocols that will evolve into streamlined actions. So the way we've at least planned to do this is we're developing a decision matrix, and we're using the communities to help us with this, and we want to look at the possible damage scenarios. Maybe you just had your roof blown off because of the wind from the storm, or on the other end of the spectrum, maybe you actually had more than 50% of your building damaged and you have to essentially rebuild. And then we also -- we have different types of shoreline environments and some of the are more sensitive than others, so maybe this shoreline type here is something like a bluff shoreline, so the infrastructure is kind of elevated above the inundation zone, but it's still in a wind zone, down to the type of shoreline where you have a really pristine nice sandy beach with development behind it and you want to be careful about how you manage that so that you don't damage the beach in the future. We want to look at the scenarios and we want to decide then, along with the community, are there scenarios where we can expedite authorization? Your roof is damaged, you're on a relatively non-sensitive shoreline, sure. Go. Repair your roof. You don't need to go through a lengthy permitting process. Right, this is in a disaster scenario where we're going to have to make decisions quickly. After Iniki, for Kauai, since there were no guidelines in place, it took the county 24 days to make a decision about how they want to handle the scenarios, after which they ultimately decided to allow people to rebuild without requiring the modern building code and provisions like that that we would for sure want to -- we want to make sure that are in place so that we're not rebuilding in hazardous locations and in hazardous ways. So rebuild -- but we'll have BMPs that will guideline -- that will guide those rebuilding processes. We'll tell you what's the best way to rebuild your roof. There are guidelines for that. And we would have public service announcements associated with that so the community would know what to do right away ...(inaudible)... there are maybe scenarios on more sensitive shoreline areas, but maybe

you don't have tide damage, so you might fall in this inspection tract. We want you to wait, we want an inspector to come out, and then we'll give you some guidance on how to move forward. Or there might be extremely sensitive areas where we want to still be very, very careful and maybe we want to follow the permitting processes as it is today, or something similar, and involve the community and do an environmental assessment. And, of course, the response is, whether it's in a storm scenario or it's an erosion scenario today, are the same. We have options and we just want to look at all the options and make sure that we're using them in the correct way, so we want to preplan that. Certain mitigation strategies, like retrofitting with hurricane clips, so you have a continuous load task on a home and you may be -- if there's another storm, you won't -- your roof won't blow off again. Rebuild to code if you're having to rebuild. Elevating buildings and potentially, in some cases, armoring may be the right response, but you want to be using it carefully. What -- I've had the privilege, recently, of coming to Molokai and looking around in the context of this project and the existing development, and what is really compelling to me is that, I think compared to Maui, Molokai has been developed in a relatively sustainable way. Most of the houses on the shoreline are modest in size, they're setback away from the shoreline, and many of them are elevated rather than being on grade on a concrete slab. Those are very good characteristics for hazard resilient homes, and we don't see a lot of that on Maui. We don't see elevated structures. So if that's a practice that the community continues on Molokai, that's a good way to go. There are also -- aside from mitigation, there are adaptation strategies, so rather than reinforcing your structure, they're moving it away from the shoreline, if you can, or restoring the shoreline area.

I will turn it over to Jim here in a second, he'll get more into the regulatory side of all of this, and I -- do I have time to take questions? Any questions from the Commission?

Ms. Lasua: When you were talking about the setbacks part of it, you know, if you're a hundred, what, a hundred feet or, you know, when you consider the setbacks, is it where the wave comes to a higher point, or are you just measuring the lot?

Ms. Owens: For Molokai, it's simply based on the measurement of the lot, so you would take the average lot depth ...(inaudible)... calculate the average lot depth, and then if your lot depth is 100 feet or less, so a relatively small lot, so that's the depth of the lot, right, then your setback is going to be either 25 or 40 feet, depending on then where the structure was built, and the wider your lot is, the larger the setback, but the idea of the setback is to create a buffer zone between the development and the shoreline to give the shoreline some room, it migrates ...(inaudible)... it's going to continue to migrate into the future when we have these high waves and things like that, so it's a hazard buffer to protect the development behind it. Now, on Maui, we do have an additional provision. Our setbacks are also based on erosion rates, so UH has done studies around the island based on historical positions of the shoreline and how fast they've migrated landward, and

we use that information to translate that into setbacks as well. We just don't have that here for Molokai. Does that answer your question?

Mr. Lasua: Yes, it does. But do you think the setback is, like the first 100 feet or less, do you think 25 feet is sufficient?

Ms. Owens: That is a very good question. No. I don't. It's a very small minimum, and we have the same thing on Maui our minimum setback, if you have a very lot erosion rate, is 25 feet, and it's something we've been talking about in the Planning Department, talking about these future conditions and maybe looking at whether that's an adequate buffer, and from a hazard perspective, you know, it probably isn't. Twenty-five feet actually is within what the state, 20 feet is within what the state would consider imminently threatened. The structure is within 20 feet of the shoreline or an erosion start, that structure is considered imminently threatened and it can go through certain emergency procedures. So if you're allowing a new structure to be built 25 feet from the shoreline, it's within 5 feet of what the state considers imminently threatened.

Mr. Lasua: Yeah, I think you guys may want to change that. In the 54 years I've been here on Molokai, and I'm talking about the ...(inaudible)... area --

Ms. Owens: Okay.

Mr. Lasua: Okay, the ...(inaudible)... for instance, the waves have done a lot of damage there, they had those ...(inaudible)... down there, and the trees, and that used to be on the shoreline, so the land is further out.

Ms. Owens: And is there any development that's threatened there?

Mr. Lasua: Not now, but I'm saying that it's slowly taking the shoreline, and its possible cause could be from the, what do you call all the plants that's growing, especially when they put the harbor there, it stopped the water from going to shore so now it goes around ...(inaudible)...

Ms. Owens: Yes, just like sea walls, other types of structures can affect sand dunes and along the beach, which can cause ...(inaudible)...

Mr. Lasua: So are they looking at that as well, that kind of things that causes some of these erosion?

Ms. Owens: Well, actually for Molokai, there hasn't been a lot of research. We don't have a ...(inaudible)... for Molokai. Nobody has done a real extensive, you know, study around the island, in different areas, on what the historical erosion have looked like and what the

cause is. Conceptually, we know things like ...(inaudible)... do have impacts, but we don't have -- we don't have the research for Molokai. And with respect to your original question about the 25 feet a good enough buffer, something to look at, I think the Commission has the ability to request a revision, don't quote me on it, but I think it can be generated as a request from the Commission to look at the setback.

Mr. Lasua: ...(inaudible)...

Ms. Owens: Oh, okay.

Ms. Thomson: I think this is one of the questions ...(inaudible)... that the Commission wanted to look at changing their shoreline setback rules, we just went through it ...(inaudible)...

Mr. Yoshida: Yes, that was one of the set of rules that the Commission had a public hearing on back in March of this year, and we'll circulate the amendments ...(inaudible)...

Ms. Owens: And Jim also mentioned he wanted me to bring up that Kauai County is going through the process right now of developing a shoreline setback ordinance. Interestingly, Maui shoreline setback rules and Molokai shoreline setback rules are authorized by the planning commission. On Kauai, they're going through a process where the county council is developing an ordinance. But regardless, they are also adopting erosion base setbacks, so they commissioned a study by UH to look at their erosion rates, they now have them available for the island, and they're basing their setbacks on those erosion rates, and they're going even one step above what Maui has, our calculation is 50, which is a lifetime -- was the presumed lifetime of a structure, times the erosion rate of 25. So let's say your erosion rate was one step per year, that would be 50, plus 25, so your setback would be 70 feet -- 75 feet for an average erosion rate. It would be then larger if you have a higher erosion rate. For Kauai, the equation is proposed to be 70, instead of 50, times the erosion rate, plus 40, so their minimum setback would be 40, and on Maui our minimum setback is 25, and in some cases, on Molokai, your minimum setback is 25. Any other questions? You can always, you know, if you have any need to continue the conversation, you can always email Jim or I at any time.

Chair Jennings: Thank you. Thank you very much. Any other -- any questions? Okay, Jim, I think you're on.

3. Special Management Area (SMA) Rules - Jim Buika, Coastal Resources Planner

Mr. Buika: Thank you, Chair. Again, my name is Jim Buika, with the Planning Department, the Shoreline Planner, and I'll go over the rules for the Molokai Planning Commission

relating to the shoreline area as well as the SMA rules for the Molokai Planning Commission, Chapter 302, for the SMA rules, and 303 for the shoreline rules.

Just to let you know, so the Coastal Zone Management Act is a federal law. It's been enacted by all the states, which have coastlines, back in 1977-78, and the reason for it, back then at the federal level, they realized that as a country grew, there would be a large migration to the shoreline, to the coastal zone, and that we needed to do something to protect the coastal zone as development occurred along the shoreline, the coastal zone. So that's the ultimate reason, from the feds, that has authorized the states to create a Coastal Zone Management Act, which we have, and then ultimately, through our Coastal Zone Management Act, Hawaii Coastal Zone Management Act, they have authorized each of the counties to have a home rule and via our Maui County Charter, it designates the planning commissions as the authority in all matters relating to the coastal zone management law for their island, and this is Section 8-8.4 of the Maui County Charter. So you are the final authority for any project that is -- comes before Molokai in the coastal zone and the special management area, which I will describe, it is not the County Council, it is this body right here. So it's a very important role that you have.

The Coastal Zone Management Act and the special management area are part of the state planning frame work. You can see the, throughout the top, the four main, under our Constitution, we have our Planning Act, which does all of our general plans, community plans, which is done at the county level; land use commission, that's mostly managed at the state level; the zoning, and managed at the county level; but the Coastal Zone Management Act, parallel with this, is administered by you, as the Molokai Planning Commission under the special management area rules, 12-302, and the shoreline rules, 12-303, for the Molokai Planning Commission.

So the Coastal Zone Management Act, again, it was codified in '77, and approved in 1978 here in Hawaii. It is our state's resource management policy umbrella, and it manages all the Hawaiian Islands, and so this is our -- by resource management policy umbrella, what I mean is pretty much it's our main environmental law. This is where we have some teeth in terms of protecting the environment. So you are key to making decisions with respect to the environment as the islands develop, and how we do that is through the permit process, through the special management area permit system and what's called the "shoreline setback variance." You can do very limited work right on the shoreline, limiting what can be constructed there, and to do construction, such as sea walls, someone would need a variance because sea wall or something large along the shoreline is not allowed under your shoreline rules, you would need a variance to the rules.

So the special management area, it is a subset of the coastal zone delineated by the county authority, you can see it here in pink or red, up on the Kalaupapa, on the east side, or north shore, from the east side Halawa, east end, coming around, you can see it's pretty

much along the highway on the east end, there are very thin sliver of land, and coming back to Kaunakaki area, and the out on the west side in the area of the Papohaku Dunes. So you can see it is limited in nature and that can be changed to be an amendment to the rules, so you can include other lands, but back in the day when they created the special management area, it's pretty much along the coastal highway, so the coastal highway to the shoreline. Obviously, on the east end, we have -- we don't have much land there. We have a similar situation on the island of Maui in some areas. So that's where you are regulating via the SMA.

So the goal of the SMA rules is to further the state policy through the, again, this coastal zone management program, to preserve, protect, and where possible, restore the natural resources of the coastal zone. So we want to keep our coastal ecosystem intact as much as possible. This is an example here of Kamaole Beach Park, on Maui, this is a project that Tara and I worked on for a couple of years. What had happened here is the shoreline -- you can see the beach here was encroached upon by large hao plants and about 30 years of private homeowners watering, creating a vegetation barrier, and actually consuming probably half of Kamaole Beach Park. So over a year two-year project, the homeowners worked with the county to remove it, so this is kind of just one image of how that has change, and it's pretty extensive, about 150-200 feet of vegetation that we removed and restored. The dunes are moving back and the beach has pretty much doubled in size. So this is pretty much the goal of our SMA rules is to preserve, protect, and where possible, restore our coastal ecosystem.

So again, the purpose of the rules here is really to put in special controls through our permit process to design projects in a proper way, such as setbacks, to be aligned with the coastal zone, and we do that through objectives and policies that are set at the state level, and SMA guidance, which is set at the state level, and then they translate into your rules. So I'll just quickly go through the -- these are the objectives as defined in the state law. These are our impacts -- resources that can be impacted by development along the coastline, and just going down that column there, obviously, recreational impacts, recreational resources can be impacted; a large very, very important category, no. 2 there, is historic and cultural resources; scenic and open space can be compromised; our ecosystems can be compromised; economic uses; coastal hazards; managing development in a proper way through a permit system; it requires public participation; protection of beaches and access; and protection of marine sources -- resources offshore. So those are the general objectives that we're trying to manage via the Coastal Zone Management Act.

And so applying the Coastal Zone Management Act to the SMA permit rules, again, all the lands and water in the state are in the coastal zone, the law regulates all development within the coastal zone, and the SMA area is a subset of the coastal zone, so we're looking at the development in the SMA that is more important.

So when a permit comes to the Planning Department here on Maui, it's called a "proposed action," and we require an assessment, and that's what Planner Ben Sticka brings before you. Before the projects come to the Commission, they are assessed according to the SMA rules and your criteria. And so the Commission is the authority for any major permit, which I'll explain, and any minor permit, and then, like today, the Commission concurred on the director's recommendation on two SMA exemptions, and there are -- I think you understand the exemption rules to the SMA, so some projects are exempted from the SMA rules, and I'll explain a little more about that.

The director, the Planning Director, is the authority still for emergency projects but -- so the reason for that is an emergency permit really is an emergency permit, something needs to be done right away, we can give them verbal or written authority to proceed with a project, a lot of times on the shoreline, I'll look at it, Tara will look at it, Ben would look at it, and we would ask the director to, yes, go ahead and do it. What we do is we then come and give you, the Planning Commission, a report at the next regularly scheduled meeting, and we have had conditions put on some of those emergency permits that have had ...(inaudible)... to the future where a project must have strategic planning for moving out of the shoreline. You know, a lot of times it's when development stretch right on the coastline for emergency permits.

So your role in the permit process is to, this is done by the Planning Department, but it's your role to assess what is a definition of "development." There are definitions. There are 16 exempted categories for development, so not everything is considered development in the SMA, so I'll go over those exempted categories regardless of project size. So first we assess it. If project that's deemed a development, a new development that's greater than half-a-million dollars, then it requires a public hearing where neighbors are notified via certified mail, 500-foot radius, they're notified of the meetings, they're allowed to come and testify under public testimony, and then you make your determination from the assessment. If a project is a development but is less than \$500,000, it doesn't require a public hearing but it is part of your regularly scheduled agenda so it does -- everything, such as minor permits, less than half-a-million dollars does come before you but it doesn't require that public hearing process and notification.

So when we assess a project, it comes in, if it's development, what we want to do is, in your rules, there are 12 criteria to evaluate a proposed action, and it's very similar to those objectives, those kind of objectives of the Coastal Zone Management Act, and the idea is to minimize any impact as much as possible, so it's an evaluation criteria where we want to -- we work with the applicant and say, hey, can you change this part of the project because -- or can you add drainage or improve the project so that it minimizes the impacts on the coastal zone. So they have to be consistent with the SMA guidelines, which again are at the state level, and those 12 criteria. These are generally what we're trying to do. We're trying to make sure we keep our beaches, wildlife areas, natural reserves, recreation

areas open to the public. We don't want them privatized. We want to make sure that they're adequate; they're located in the right areas. This is a major one that we look at is adequately controlled, managed, and minimize impacts from pollution and runoff. We all know that runoff pollution is a major issue here on Molokai and the other islands, so that's a big emphasis of our criteria when we look at these projects. And, of course, we want to make sure that our water resources, scenic resources, recreational amenities are not impacted. And we want to make sure, again, the question to the setback, we want to make sure that we place new development, we want to make sure it's not at risk to coastal hazards in the future, especially with sea level rise on the rise.

So, to say it again, really, these are in our rules, these are the SMA guidelines, the Molokai Planning Commission shall seek to minimize, where reasonable, dredging, filling, altering coastal areas; reduction in the beach size; impediments to public beach access and coastal recreation; loss of coastal view planes; adverse affects to water quality, fisheries, wildlife and habitat; loss of existing or potential agricultural uses. So these are -- by the time a project comes to you, it has been vetted through the Planning Department so that we have made sure that these guidelines are met and that the impacts are minimized. So you're not seeing usually a raw or original project, you're seeing a modified project where we have, behind the scenes, improved the project so that we meet these SMA criteria.

So the bottom line really is, through these SMA guidelines above and your rules, what we seek to do is to minimize, where reasonable, adverse impacts to the environment. We all know every time we put a shovel in the ground, we're having some sort of impact; we want to minimize that impact where reasonable.

These are the actual SMA assessment criteria that we go through, I won't go through all of them, I'll start out with a few, but these are listed from the SMA rules, and the first one is extremely important, it involves irrevocable loss of natural or cultural resources. If we start digging the ground, we want to make sure archaeology, iwi and cultural resources are preserved. That's a extremely important one. Going down to no. 10, affects environmentally sensitive areas, such as a flood plain, shoreline, tsunami zone, erosion-prone area, coastal waters, fresh waters, not altering natural land forms, etcetera there. So then the last one is a catchall, no. 12 is: Contrary to objectives and policies of the Coastal Zone Management Act. So we go back to the state law and look at all those objectives and policies. So just to summarize, the permit rules that you have, the major permit, again the authority is this Planning Commission, that's where you have a new development over a half-a-million dollars; a minor permit, less than half-a-million dollars. The difference between a major and minor is that public hearing, notification of the public around it. And then there's this emergency permit where it's defined as imminent and substantial harm to public welfare or to prevent substantial physical harm to persons or property. We can give them, as I explained, oral approval but they must submit a report to the Commission and that is a conditional permit that expires within 180 days. So they

have to come in quickly with a resolution. An emergency permit is a temporary permit to usually sandbag in front of a hotel or house that's potentially going to fall into the water; that would be one example where we would authorize something very quickly.

Any questions so far? Keep going?

Chair Jennings: Sure, Jim. That's fine.

Mr. Buika: Okay.

Chair Jennings: Unless somebody has a question?

Mr. Buika: I saw some quizzical looks ...(inaudible)...

Chair Jennings: No, I -- oh.

Mr. Buika: Okay. I'll keep going. So then there's these things that are defined as "not development," which are the exempted categories, and again the Planning Commission here concurs on the director's recommendation, two things we did today, where -- are not considered development. On Maui, these type of projects do not come to the Maui Planning Commission. We have about, on Maui, we have about 5 or 600 exempted type of projects of that or SMA permits that come to the Planning Department and are authorized administratively without coming to the Maui Planning Commission. So that's a difference between the Maui Planning Commission and here, you do want to look at all of these minor -- yes, Diane, you have a question?

Ms. Swenson: Well, I don't know if it's a question or a statement, but it's always bugged me that Ranch Camp is in the SMA because these poor people up there, I mean the poor guy wants to put in a carport and so he's gotta do all of this paperwork, he has to hire somebody to represent him, he has to come to the meeting. I mean it seems to me like staff could administer things in Ranch Camp. Why you put these people through it or why they're even in the SMA, I don't know. I'd like to see that changed.

Mr. Buika: My comment: That's a valid statement for sure. And some things are --

Mr. Rogers: The previous Commission Members thought that was appropriate.

Mr. Buika: Right, and you do have that -- your procedures here so --

Ms. Thomson: ...(inaudible)... the change in the rules will allow the Commission to waive review so that the permit, the SMA exemption can be approved administratively unless you

want to take a look at them, so it's going to be a little bit of a different method than in the past ...(inaudible)...

Mr. Buika: Thank you.

Mr. Rogers: I absolutely agree with Diane. I mean I run into that a lot myself; that's one reason I got on the Commission.

Mr. Buika: So anyway, even if a project, in the SMA, is not deemed a development and it's in an exempted category, like a major exemption category is a single-family home, maybe not for Molokai as much, but for Maui island, if we had to look at every -- if the commission had to look at, as a development, every single-family home, it would be an onerous task, as you know, but it doesn't mean -- they still have to come in for an SMA assessment in an application, and what happens is, with the planner, it's done behind the scenes in the Planning Department where such things as archaeology, view plains, drainage, any historic resources, we look at the impacts on the coastal zone, any cumulative impacts, so we take that -- again that initial project and we modify it, especially the ones along the shoreline. We work with the applicant to improve it. Again something Tara eluded to is if you're very low line, we know you're in a tsunami zone, the applicant wants to put in a house on a concrete slab that's six feet above sea level, we know that's in a coastal hazard zone, we recommend how about post and pier; how about getting it up three feet; how about getting it up five feet, you know, just so when that event occurs, it's not going through your living room; it's going underneath your house. So that's the one simple example. Drainage. We try to contain all drainage as much as possible from -- any drainage going into the ocean, making sure that all petroleum products and even any sediment, any runoff is managed on the property as much as possible. Those are two very important items. Obviously, archaeology. We can't allow -- so we cannot actually exempt a permit until we have mitigated it. So, in a way, an exemption is being mitigated by the SMA rules, so there's a lot of behind the scenes good work being done by the Planning Department to improve projects, so it doesn't mean it just gets a rubber stamp and it's on its way; there is a lot of mitigation under the Coastal Zone Management Act to do best for the environment as much as possible. So those are the categories, and there are some inconsistent projects that can be denied. So again, emergency permits are reported to the Commission at its next regularly scheduled meeting. And then there is an appeal process where, within ten business days or two weeks, anybody can appeal that decision by the Commission or the Planning Department. So those are the permits.

Again, just to reiterate exemption versus a permit. An SMA exemption cannot have conditions because it is exempted from the SMA permit application process, but how we condition an exemption is exactly what I just said, make sure -- well, we're not going to exempt it until you add drainage, until you elevate, you do these good things for the environment, protect your property, and there are 16 categories of this exemption, and I

list a few in the next slide. So again, just what I was explaining, a proposed action may be exempted if it includes measures to avoid, mitigate, or minimize adverse impacts. Another example is approval from State Historic Preservation Division for archaeological monitoring during ground altering activities. So even if you're doing like a house that may be exempted, if you're digging three, four, five feet in a sensitive area, you need to -- we work with DLNR, State Historic Preservation Division, get their approval before we exempt it.

In contrast, an SMA use permit may contain formal conditions to avoid, mitigate, minimize adverse impacts. These are our, on a major permit, these are our standard conditions and/or project specific conditions usually recommended from the planner as they bring the project before you working out with the consultant or the applicant.

So again, some common exemptions, real quickly, single-family residence not part of a larger action; structural and nonstructural improvements to existing residence; repair and maintenance of roads; routine dredging of streams; repair and maintenance of utilities, underground utilities; repair and maintenance of existing structures; and demolition of some structures that are 50 years. So these are some of the -- you know, this is a lot of the stuff that's going on on a daily basis anyway, so these are exempted categories that aren't having a large impact on the environment because they're limited in nature, except for the first one, single-family residence.

4. Shoreline Rules - Jim Buika, Coastal Resources Planner

So just quickly turning to the shoreline, so your rules for the Molokai Planning Commission Relating to the Shoreline Area for the Island of Molokai. Again, the goal of the shoreline rules, now we're moving down into the shoreline, rather than the SMA area, right down into the shoreline, we want to regulate development so that shorelines are protected, beach resources are conserved, visual and physical access is preserved along the shoreline, and, of course, landowners do not incur unnecessary risk of shoreline hardening expenses, shoreline hardening being revetments, rocks, sea walls to protect their property.

So, again, the shoreline objectives are a subset of the Coastal Zone Management Act objectives, I highlighted them in white there, coastal ecosystems, coastal hazards, beach protection and access, and marine resources. So we're right down in the coastal zone. And again, the shoreline rules are kind of parallel with the SMA rules. We're down in that shoreline setback area right on the shoreline.

So there are four objectives. Ultimately, we want to move out of harms way because down at the shoreline, we're in harms way. We want to move back whenever we can as much as possible. The second one is these older structures that are being threatened, can we move them back? They get damaged. They want to reconstruct. We'll say, hey, why don't you just demolish that old mildew weathered termite-eaten plantation home and move it

back 50, 60, 70 feet. You got a big large lot, that makes a lot more sense instead of putting a couple hundred thousand dollars right on the water when we know it's at risk so -- unfortunately, on Maui, the old plantation homes are being replaced by big large expensive homes, but at least they're being setback, so we are setting them back. They demolish the old home and make setbacks, so that's the trend. We want to ensure shoreline access. Shoreline -- our lateral shoreline access gets privatized, we lose access to many, and every section of the Hawaii shoreline is a public resource, so we fight hard. Me and Tara and other planners, we fight hard to keep both vertical access, access to shorelines, and lateral access as much as possible. It's a very, very difficult task, as you can imagine. And we want to limit the types of structures and activities in the shoreline area. So the shoreline setback area right on the shoreline, we allow only very small minor things within that setback area. Major projects are set back.

So then these rules provide for a setback area, Tara went through them. Again, it's for health and safety reasons, provide minimum protection from coastal hazard, ensure that the public does have use of the shoreline and that lateral access is not removed, and then there is a -- you know, we have our simplistic shoreline setback line of 25 feet for a very small lot, 40 feet for a lot of 250 feet, anything deeper than 160 feet, you know, 160 divided by 4 is 40, so then after that, if it's 200 feet, we just divide it by 4 so it becomes 50 feet, so a 300-foot lot, you divided by 4 ... (inaudible)... gets larger and larger. So it's not a, you know, it's not an equitable setback, but it does allow a small lot of 100 feet or less at least a 25-foot setback. And like Tara mentioned, in Kauai, they're creating a law or setback that creates minimum 40 feet even on a 100-foot lot.

Again, these were just the calculations that I just described. I won't go over the actual calculations, but it's in the rules.

And then again, the for the shoreline rules, there are four things we can do, three of them are concurred upon by the Molokai Planning Commission. What we do internally a lot of times, the first one is shoreline setback determination. Tara or myself or Ben will work with an applicant when they just got a raw piece of land or they want to develop, they want to know what's our shoreline setback area, so they'll do -- we'll do a setback determination. You don't really need to concur on that. We're just telling them it's 40 feet, it's 50 feet, etcetera, so that they can plan their project behind that line. Shoreline setback approval with conditions is the second. Sometimes this will require an environmental assessment. But we can approve small activities in the setback area, such as maybe a shower, or benches, or barbeque, or nothing big and massive in the setback area. And then the variance. The third one is the key one, shoreline setback variance, which does require an environmental assessment. It requires a public hearing and notification of landowners, and it requires the state certified shoreline. So these variances also require a hardship clause to it. Private homeowners cannot just build a sea wall in front of their property because they think that their property value will go down if they keep losing land. It has to be a

physical hardship - my building is threatened, my home is threatened. It can't be a financial hardship. So it does have to prove hardship, and I have a little bit on that.

So these are some -- these are in your rules. These are permissible structures within the setback area. You can do, you know, grand-fathered in structures before building code 1989, ag activities, nonconforming structures that's from 1970, before the rules, any older than 1970 that was already built; boating; water sports facility; beach nourishment restoration projects; minor structures; and repair of legal structures up to 50% that don't expand, enlarge, or intensify the use. So some older homes that, again, are weather beaten that are down by the shoreline, they may be in the setback area, you can repair them, and you can only repair them up to 50%, so the whole idea is eventually we want to make those older homes actually move back, if possible, but obviously we have to allow some provisions for repair of existing structures that are grand-fathered in.

So we can allow certain things that do not affect beach processes. There's really no dollar limit on the Molokai rules. And any new structure has to comply with our flood elevation rules, one foot above base flood elevation. The county has be held harmless. It cannot harden the shoreline.

So your role in approving a shoreline setback variance. Again, these are the categories, these are things that you can, that are in your rules, some movement of sand; drainage improvements; crops, aquaculture, and landscaping; public facilities can be repaired in the setback area; private facilities that are in the best public interest; you can protect the legally habitable structure; private facilities or improvements cannot adversely affect beach processes, artificially fix the shoreline, and that would not result in a hardship -- would result in hardship if not approved, so that was the clause I was talking about. Hardship cannot be financial hardship. So there are certain things. There's a variance process. I don't know how often variances come across, but if we have a variance, we can all work together so that you are fully informed to do training on that type of a larger project. So are a lot of the projects that I do.

So there are mandatory conditions with every variance: lateral access; minimizing risk to processes; minimize risk of structures failing; complying with our flood rules; and minimizing adverse impacts to public news to, from, and along the shoreline. So any variance that's approved must have those conditions.

So in conclusion, finally, your Molokai shoreline, you know, it provides for tourism, economy, recreation, fishing and food, cultural practices, and our quality of life. We all know that. Our shoreline is threatened with coastal erosion that, currently, is accelerating. Our shoreline and coastal erosion processes are a system that needs to be studied and fully understood to make sound, scientifically-based planning decisions. We shouldn't just be looking parcel by parcel; we should be looking at the ecosystem, that's where Tara

Owens' role comes in to kind of look at the impact of each project on the ecosystem. And again, you know, the bottom line is this Coastal Zone Management Act, through your -- through the SMA guidelines and your rules seek to minimize, where reasonable, adverse impacts to the environment. So that's your role. You're kind of the environmental stewards, the only one, for Molokai through the permit process so there's a heavy weight on your shoulders and we all trust that you will do a good job as you move forward, and this is our coastal zone management team: myself, we have another planner, Keith Scott; Tara Owens, who's the Coastal Hazards Specialist; and our environmental section supervisor, Jeffrey Dack. This is a ADA compliant dune walkover that was built on Kamaole Beach Park III, down on South Maui, and, you know, that's just to kind of -- the bottom line for a lot of the work we're doing is to get people down to the beaches and enjoy our recreational resources and I know we'll all collectively try our best to do what we can for Molokai and Maui Nui. Thank you. And I'll take any questions from you. I'll turn it over to the Chair.

Chair Jennings: Yes, thank you. Said I didn't need this but I guess I do. Thank you very much. It was very informative and anything from the Commissioners? Okay. Well, I guess --

Mr. Yoshida: We have Paul Critchlow to talk about flood hazards.

Chair Jennings: Go ahead, Paul.

5. Flood Hazard Districts - Zoning Administration and Enforcement Division

Mr. Paul Critchlow: Hello. My name is Paul Critchlow, Planning Department, Zoning Administration and Enforcement. I'm going to talk briefly on these five items: the national flood insurance, the community rating system, Maui County Code 19.62, flood standards, and your role.

The National Flood Insurance Program was established in 1968 with the purpose to protect human life, protect property from flood damage, and to reduce the public cost for flood control relief and rescue. There are three components to the National Flood Insurance Program: insurance, mapping, regulatory. The county participates in the regulatory aspect of this, not the insurance or the mapping. The National Flood Insurance Program, it provides the federally backed flood insurance. In order for the community residents to get that federally backed flood insurance, the community, in this case the county, is required to participate in this program.

Diane, the answer to your question. That is the website screen shot to -- where we go to view and look up the flood zone for people's properties. So when we do a flood zone confirmation, we use this website here, the link is at the bottom. When you go to that

website, what is important to remember - I'm going to use the mouse here - right there is where you type in the TMK. You can also, if you click here on the zoom in, then you can just zoom into an area of interest. Once you find the property you're interested in, there is a layers tab here, and it's real important, when you click on that, to turn on the imagery layer. There's many other options, and they're all pretty interesting, some historical, but what's important about the imagery is you're going to see the parcel layers, and you're going to see the flood zones. The parcel layer is not matched to the flood zone, it could be shifted, but the imagery layer is. So when you turn on the imagery layer and you view a line, you see a flood zone boundary line go right through a tree, that's where it is. You keep going through the corner of a house, that's where it is.

This is a zoomed in area of that tool without the imagery for Kihei, and you'll see there's various colors representing the various flood zones. Generally, all the A flood zones have to do with riverine flooding, raising water. And the VE zone or V zones deal with coastal and velocity.

Community Rating Systems. This is an optional program that the county participates in. It's an incentive program that encourages flood plain management activities that exceed the minimum national flood insurance requirements. You have to have higher regulatory standards. You have to participate in the National Flood Insurance Program. And as a reward for doing that, the community, the people who need insurance get discounted flood insurance. A number of Maui County residents pay an average of about 5 -- let's see, I think -- yeah, 5 million in flood insurance and that translates to about 500,000 in savings on the premiums that they, you know, stays in the community. The higher standards, just before I go on, some examples of what we do that's a higher standard is buildings have to be elevated higher than the minimum standard, we manage development in areas that are not mapped, we attempt to preserve and restore natural functions of flood plains, we help insurance agencies determine what the flood zone is, and try and encourage people to get flood insurance.

Maui County first adopted flood hazard ordinances in 1981, and we recently revised the code in 2009. Maui County Code 19.62 defines a development as any manmade change, so any manmade change to improved or unimproved real estate including, but not limited to, walls, buildings, structures, filling, grading, excavation, mining, drilling, dredging, paving, or storage of equipment or materials. A flood permit is required for all development in a special flood hazard area except ...(inaudible)... carnivals; luaus; fairs; camping tents that are temporary not in a floodway; unfenced, below grad pools; signs; demolitions; and temporary structures not in a floodway.

There are generally two sets of standards if you're in a A flood zone or a V type of flood zone. The A -- and the design standards are a little different. The A flood zone with our code requires structures to be elevated one foot above the base flood elevation, and that's

measured to the top of the bottom floor, and I'll show you a diagram of that in a moment. Design structures, they need to be designed to withstand flood forces. Utilities need to be protected, for example, a water heater would have to be elevated, it can't be on the ground in the carport. No rise in BFE, base flood elevations. If you put a house in an area that has a flood zone, that's going to displace some water, you have to design it in a way to not cause the water elevation to raise. And you can have solid walls, enclosures, but there needs to be flood vents opened sporadically.

The V zone, you need to be elevated one foot above BFE and that's measured to the bottom of the lowest horizontal beam holding up the house, not to the floor itself, but to the lowest beam that holds up the floor. Similar, need to be designed to withstand flood forces and storms and waves, and utilities need to be protected.

This slide kind of compare the two side-by-side. On the left, you have the V zone, house is up on stilts, it's open below; on the right, the A zone, the house you can have solid wall enclosure but there's openings there.

If the area were to be flooded, you'll see that, in the V zone on the left, the measurement goes -- it's one foot above on both, but the measurement goes to the bottom of the horizontal beams holding up the house, whereas on the right side, the measurement goes to the bottom of the first floor.

Planning commission rule. So, Commissioners, what is your role in regards to development, preventing flood damage, protecting life, property, reducing public cost for flood control, and rescue relief efforts. This is -- the section there is from Maui Planning Commission rules. The only difference though, yours would be 12-302-12(e)(2)(j). Same thing, with the same requirement. It requires an evaluation on the potential adverse environmental and ecological effects on sensitive areas, such as flood plains, shorelines, everything we were talking about today, tsunami areas, erosion prone, geological hazard areas, estuary, fresh and coastal waters.

This here is a definition of open space in the community plan. One way that you have an affect is in helping to encourage open spaces from being developed or to discourage open space from being developed. For example, you may have in front of you a community plan amendment to change the community plan from open space to single-family; in many cases, the open space areas, you see on the left here, this is from a Kahului area, Wailuku, on Maui, coincides with a FEMA defined floodway, and when you see open spaces, there's a chance that there might be a floodway associated with that. And that's it. Quick. Any questions?

Chair Jennings: Are there any questions from the board members? Go ahead, Lawrence.

Mr. Lasua: Just a point of interest question. I appreciate all your displays and stuff, but in the future, do you think we could use Molokai as an example?

Mr. Critchlow: I would have loved to. I put this together yesterday afternoon, about one hour worth of time, I had to grab existing slides. I was told though that that picture on the left is somewhere here on Molokai, but that's the only one.

Mr. Lasua: It doesn't look like my house. But there's an area on Kapaakea, which is on that side, and they're really close to the shoreline, I mean they're in the shoreline I think, but, you know, what you're seeing there, that's probably what's happening to them, and it's all Hawaiian homestead lands, that's why I wanted to see the areas. So, you know, if you're going to move them back, they're going to have to go where the graveyard is.

Mr. Critchlow: Right. Thank you.

Chair Jennings: Lawrence, that was a good point. Good point. I guess, Clayton, you're up.

Mr. Yoshida: Again, I'd like to thank Jim, Tara, and Paul.

H. DIRECTOR'S REPORT

- 1. Cancellation of the September 10, 2014 meeting due to the 2014 Hawaii Congress of Planning Officials (HCPO) Conference - September 10-12, 2014, Sheraton Maui, Kaanapali, Island of Maui. *The Commission may take action on this matter.***

Mr. Yoshida: Trying to wrap the meeting up, moving to Director's Report, item no. 1, the annual planning conference is rotated amongst the four counties and the state, so we host the conference once every five years, but due to the economic recession in 2008, the 2010 conference was canceled, so it's been six years since we last hosted the conference, however, the department has selected the dates of September 10th to the 12th, of this year, for the annual Hawaii Congress of Planning Officials Conference at the Sheraton Maui at Kaanapali, so we have our regularly scheduled meeting for September 10, and we're asking the Commission if we can cancel that meeting and, typically, there are representatives from the Commission who go to these conferences. I think last year Commissioners Rogers and Sprinzel went to the Big Island, the HCPO Conference at the Sheraton Keahou Beach Hotel. So we'd like to ask if the Commission might take action to cancel that September 10 meeting due to the annual planning conference. Okay, so we cancel the -- okay, September 10th meeting. Okay, thank you very much.

Chair Jennings: All those in favor? Okay. Meeting canceled.

2. Commission meeting site for July and August if renovations to the Mitchell Pauole Center are not completed.

Mr. Yoshida: Okay, the item is we're displaced from our regular meeting site at the Mitchell Pauole Center due to the renovations from the Department of Parks and Recreation, which started in February, if, and this is an election year, so if we are not able to -- if Parks is not finished with the renovations by July, this room will be used as a voting, absentee voting area for the primary election, which is in August, so they have to kinda set things up, so if we have meetings in July and August, and the Mitchell Pauole Center is not ready, we will have meetings at the Kaunakakai School. Nina's made arrangements to have meetings at the Kaunakakai School. Okay.

3. Agenda Items for the June 12 , 2014 meeting

No. 3 is agenda items for the June 12 meeting, realize that June 12 is a Thursday because June 11 is a state holiday, Kamehameha Day, so we have one item, one public hearing item scheduled, which is a council resolution allowing for transient rentals in the apartment district if it was constructed prior to 1989. Now this is coming from the council, amendments to the apartment district zoning section of the code. So we'll have a public hearing on that, and it has to go to the three planning commissions, plus maybe some SMA assessments. And then for the July meeting, as Joe had mentioned earlier, the department is required to make -- provide a report and make recommendations to the council and to the planning commissions two years after the adoption of the short-term rental home ordinance, so that's when we're going to have that review of the short-term rental home ordinance and the bed and breakfast home ordinance, and the department will be proposing recommendations for revisions to that ordinance, to those ordinances. Okay, questions on that?

- 4. Pending Molokai Applications Report generated by the Planning Department for the April 9, 2014 meeting (Appendix A)**
- 5. Pending Molokai Applications Report generated by the Planning Department (Appendix A-1)**
- 6. Closed Molokai Applications Report generated by the Planning Department for the April 9, 2014 meeting (Appendix B)**
- 7. Closed Molokai Applications Report generated by the Planning Department (Appendix B-1)**

Okay, the next item is pending Molokai applications report. We submitted these reports either because lost quorum at the last meeting, April meeting, either -- Commissioners have questions about either Appendix A or Appendix A-1, which is the open pending Molokai applications report? Seeing none, we also generated the closed Molokai

applications reports, which are Appendix, attached as Appendix B and Appendix B-1, so any questions on those?

Chair Jennings: Any questions?

Mr. Yoshida: Okay, if not, thank you very much.

Chair Jennings: Thank you, Clayton. Is there anything other than Ben and Joe want to pass around their toy over there? Okay, seeing none, no questions. Again, Tara, Jim, thank you. We really appreciate it. It was very good.

I. NEXT MEETING DATE: June 12, 2014 (Thursday)

J. ADJOURNMENT

Chair Jennings: And do I hear a motion to adjourn? Lawrence. Do I hear a second? There is a second. Doug.

There being no further business brought before the Commission, the motion was put to a vote.

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

VOTED: to adjourn the meeting at 2:05 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions

RECORD OF ATTENDANCE

Present

Michael Jennings, Chairperson
Douglas Rogers, Vice-Chairperson
Lawrence Lasua
Marshall Racine
Diane Swenson
Sherry Tancayo

Excused

Billy Buchanan
Ron Davis
Zhantell Dudoit

Others

Clayton Yoshida, Planning Program Administrator
Joseph Alueta, Administrative Planning Officer
Jim Buika, Coastal Resources Planner
Paul Critchlow, Staff Planner
Ben Sticka, Staff Planner, Molokai
Tara Owens, Coastal Hazard Specialist, UH Sea Grant Program
Richelle Thomson, Deputy Corporation Counsel