

**MOLOKAI PLANNING COMMISSION  
REGULAR MEETING  
AUGUST 27, 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 12:02 P.m., Wednesday, August 27, 2014, at the Kualapuu Community Center, 1 Uwao Street, Kualapuu, Molokai.

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

**B. PUBLIC TESTIMONY**

**C. APPROVAL OF MINUTES OF THE MAY 14, 2014 and JUNE 12, 2014 MEETINGS**

Mr. Doug Rogers: Thanks, everybody, for coming. Let's call to order. Do we have any public testimony? Alrighty, I guess the next order of business is approval of the minutes for May 14. Okay, I have a motion, and second.

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

***VOTED: to approve the minutes of the May 14, 2014 meeting.***

Mr. Rogers: Okay, that takes care of May 14. June 12? Do we have a motion to approve? Alrighty, a second?

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

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

Mr. Rogers: Alright. That takes care of that. So next order of business, Ms. Dixie Van Der Kamp.

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

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

1. **MS. DIXIE VAN DER KAMP requesting a Short-Term Rental Home Permit in order to operate the Aloha Hookipa Short-Term Rental Home - The Original Waialua Beach House, a three (3) bedroom short-term rental home located in the RU-0.5 Rural District at 10456 Kamehameha V Highway, Waialua, Island of Molokai. (STMO T2014/0001) (B. Sticka)**

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

Mr. Ben Sticka: Thank you. The first item on your agenda today is an application for a proposed short-term rental home permit, again called "Aloha Hookipa," filed on March 4, 2014 by the representative, Mikal Torgerson on behalf of Dixie Van Der Kamp.

Pursuant to Chapter 19.65.060.A.2.E, of the Maui County Code, the STRH before you is required to be submitted to the Commission as the existing short-term rental home is operating within 500 feet of another short-term rental home. Again, there are three permitted short-term rental home operations within 500 feet of the subject property. The locations of the three existing permitted short-term rental homes are shown on Exhibit 2. The two homes -- I'm sorry. The three homes are: first is the Puko`o Cottage, the second is -- and that's located at 8974 Kamehameha V Highway, the second is the Herling short-term rental home and that's located at 10440 Kamehameha V, and finally, the Molokai Beach House, which is located at 10400 Kamehameha V Highway.

There have been -- there are no protest letters related to the short-term rental. There are currently nine short-term rental homes that have been permitted and approved for the island. Again, no letters of approval or protest have been received by the department for the proposed short-term rental home. The application does comply with the applicable standards for a short-term rental home in accordance with Chapter 19.65.030.

And in consideration of the foregoing, the Planning Department recommends that the Molokai Planning Commission adopt the department's report and recommendation prepared for the August 27, 2014 meeting as the finding of facts, conclusion of law, and decision and order, and authorize the Director of Planning to transmit said written decision and order on behalf of the Planning Commission.

I'm available for questions. Mikal Torgerson is here on behalf of Ms. Van Der Kamp. Thank you.

Ms. Zhantell Dudoit: Who manages the property on island?

Mr. Mikal Torgerson: Hello. Mikal Torgerson, representing Dixie Van Der Kamp. The manager is Ray Miller. He's a real estate agent.

Mr. Rogers: Okay. There doesn't seem to be any public testimony. Doesn't seem to be any objection. Commissioners?

Ms. Dudoit: I'd like to move to approve.

Ms. Richelle Thomson: You could, since the Planning Department didn't do their recommendation yet on the record, did you want to hear the recommendation first and then move to approve, or the recommendation's in your packet so you could also move to approve as recommended in your packet?

Ms. Dudoit: I'd like to move to approve as recommended in our packet.

Mr. Rogers: Second? Okay, seconded.

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

***VOTED: to approve the department's recommendation.***

Mr. Rogers: Okay, looks to me like it's approved. Next?

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

**E. SPECIAL MANAGEMENT AREA MINOR PERMITS**

- 1. MS. ROCHELLE SHANG on behalf of MR. KARL BEWLEY requesting a Special Management Area (SMA) Minor Permit for the Chevron environmental soil and water testing and possible installation of monitoring wells in the State Department of Transportation right-of-way at 85 Kaunakakai Place, TMK: 5-3-001: 065, Kaunakakai, Island of Molokai. (Valuation: \$120,000) (SMX 2013/0013) (B. Sticka)**

**The testing will include the drilling of eight (8) test holes (borings) dug to a depth of five (5) feet. The test holes will be dug in order to assess the existing condition of the soil and ground water, if encountered.**

***The Commission may take action on this request.***

Mr. Sticka: Thank you. The second item on your agenda today is a request for environmental soil and water and groundwater testing, and possible installation of monitoring wells in the Department of Transportation right-of-way. The testing will include the drilling of eight test holes dug to a depth of five feet. The testing will aid in the identification of potential impacts of petroleum released into the soil and groundwater. The Department of Land and Natural Resources, State Historic Preservation Division has accepted an archaeological inventory study, and a condition has been added which requires a monitor present during all ground-disturbing activities. The applicant has also agreed to the aforementioned condition.

Again, the valuation of the proposed action is \$120,000. Standards for reviewing an SMA application are found under HRS 205A-26, and Sections 12-302-10 and 11, of Chapter 302, SMA rules of the Commission, as amended. In addition, the proposed action is also subject to Maui County Code, as amended, Title 19, zoning, Section 19.02A, interim district zoning regulations. The state land use district is urban, the community plan is light-industrial, and again, the county zoning is interim.

Pursuant to the aforementioned findings of fact and determination, the department recommends concurrence with the finding that the subject application is eligible for an SMA minor permit subject to the seven conditions listed in your staff report. Again, the applicant or, I'm sorry, the representative, Ms. Shang, is here today for any questions you may have as well as Karl Bewley and myself. Thank you.

Mr. Rogers: Public testimony?

Ms. Dudoit: I'd like to -- I have some questions for the applicant.

Mr. Karl Bewley: Hello.

Ms. Dudoit: Hi. So just so that I'm clear on this, you represent Chevron, right?

Mr. Bewley: Yes.

Ms. Dudoit: Okay. And when you do a study like this, how long does the study actually take, from start to finish, when you start to dig, and dredge, and take samples, till you're ready to release a final report?

Mr. Bewley: For a scope of work like this, from start to finish, it would be like 45 days, probably. Yeah. There's a lag that has to do with the lab samples being shipped and analyzed, and then the reporting process. The actual field work is probably about a week, week-and-a-half.

Ms. Dudoit: When you're done with this report, does that become open to the public?

Mr. Bewley: Yes.

Ms. Dudoit: So those numbers and things, data that you collect can be used for other environmental studies and purposes?

Mr. Bewley: Oh, yeah. Absolutely.

Ms. Dudoit: Okay.

Mr. Bewley: Yeah, we work with the DOH and it's a public report.

Ms. Dudoit: Okay. Thank you.

Mr. Lawrence Lasua: Sir, I know depending on your studies that you're going to evaluate and that makes a determination whether you guys are going to set a monitor in there. Is that right?

Mr. Bewley: Correct. Yeah.

Mr. Lasua: So how long will that monitor be there?

Mr. Bewley: It depends on what we find.

Mr. Lasua: Okay.

Mr. Bewley: It depends on the, you know, they could very well just be perimeter monitoring wells that determine the extent. If there is data that suggest that we need to continue monitoring, then they could be there at least a year.

Mr. Lasua: Oh, okay. So it depends -- it makes the difference when you're going to decide to remove it based on the monitoring system then.

Mr. Bewley: Correct.

Mr. Lasua: Okay.

Mr. Bewley: It's kind of a dynamic process - you evaluate the data, we monitor the wells up to like a quarterly basis, but it could be semi-annual as well.

Mr. Lasua: Okay. So like Commissioner Dudoit said, you can use that information as well then --

Mr. Bewley: Oh yeah.

Mr. Lasua: On the ongoing?

Mr. Bewley: Oh yeah. Absolutely.

Mr. Lasua: Okay.

Mr. Bewley: Yeah, that's --

Mr. Lasua: Okay. Thank you.

Ms. Dudoit: So sorry. Just so that I'm clear. So when we're looking at this approval for the environmental permit, does it come with -- I don't have my glasses so I'm trying to see all the blurry words, but does it come with a -- I mean does the time fit the amount of time he needs or will he have to come back in for an extension or how does that work?

Mr. Sticka: Condition no. 6 in your staff report does indicate that the project shall be initiated by August 31<sup>st</sup> of 2016, and shall be completed within one year, so I would assume that should be adequate time.

Mr. Marshall Racine: You stated if you find something, then you're going to go with continued periodic monitoring, right? Would you install permanent monitoring wells with various -- see, all of these are right at the edge of the road in an area where there's no sidewalk; this now becomes, you know ...(inaudible)... during your testing, barricades, whatever you use in the construction, but if you do find something, then you're going to have ongoing monitoring. You know, my concern is that, you know, it's in a -- where folks walk in that area and sometimes, during the parade, there's horse traffic in there. What kind of bollards, barriers, what are you -- when you go -- if you go to long-term monitoring, what kind of facilities will your be installing?

Mr. Bewley: Oh, okay. It would help to understand is that the well are flush mount with a surface, and we wouldn't be necessarily putting them in the road, we'll put them on the side of the road.

Mr. Racine: I see they're on the side of the road --

Mr. Bewley: Yeah, on the side of the road.

Mr. Racine: But that's for foot traffic.

Mr. Bewley: Yeah.

Mr. Racine: And again, during the Aloha Parade, that's where everybody gathers and ends the parade. It's going to be something that's going to, not in the right-of-way, but there's traffic there.

Mr. Bewley: Correct. And we have similar types of monitoring wells next to the facility that have a concrete, I guess what you call it, sort of monument around them to maintain their stability, but we do inspect and we made repairs of them when we have noticed that there's cracks so we can correct for any trip hazards, etcetera.

Mr. Racine: It's a flush mount --

Mr. Bewley: Yeah.

Mr. Racine: With access holes.

Mr. Bewley: Right.

Mr. Racine: Anything above ground?

Mr. Bewley: No. No. Yeah, it's flat with the ground.

Mr. Racine: Okay.

Mr. Bewley: Yeah.

Mr. Billy Buchanan: Yeah, did the -- was there a monitoring on this piece of property prior to this application?

Mr. Bewley: For the prior facility, yes.

Mr. Buchanan: In other words, with the ground's condition as it is now.

Mr. Bewley: Correct. Yes. We have monitoring wells on the terminal and immediately around the terminal.

Mr. Buchanan: And their findings?

Mr. Bewley: Yeah, we've been conducting monitoring recently and the groundwater in the area is a bit below action levels in those wells so we have other data to suggest there could be other data that's of concern that's driving our assessment for this scope of work.

Mr. Buchanan: And who's going to determine whether the monitoring of the wells are satisfactory to our approval or not?

Mr. Bewley: The State Department of Health, the HEER branch is who we work with, the caseworkers that are out of Honolulu and Hilo that we work with.

Mr. Buchanan: Okay, thank you.

Mr. Rogers: Anybody else? Do we have a motion?

Ms. Diane Swenson: If it's going to be monitored by the State Department of Health, I'm good with it, and move to approve.

Mr. Rogers: Second?

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

***VOTED: to approve the SMA minor permit for this project.***

Mr. Rogers: Alright.

Mr. Yoshida: I don't see Mr. Spalding in the audience, though we did ride over together on the same plane, maybe he's still trying to locate the meeting site, so if we can move on to item F.

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

## **F. CONCURRENCE WITH SPECIAL MANAGEMENT AREA EXEMPTION**

- 1. MR. WILLIAM SPENCE, Planning Director, requesting concurrence from the Molokai Planning Commission pursuant to their Special Management Area Rules, as amended, that a Special Management Area (SMA) exemption can be issued for the following:**
  - a. MS. HAUNANI OLDS, Assistant Race Director of the Na Wahine O Ke Kai Canoe Race submitting a Special Management Area (SMA) Assessment for the placement of 15 cubic yards of**



**cinders to improve sections of Hale O Lono Beach Road to improve access and facilitate the transportation of canoes to the Hale O Lono Harbor for the upcoming Molokai to Oahu canoe races at TMK: 5-1-002: 004, Maunaloa, Island of Molokai. No grading will occur as the project includes filling potholes and spreading a layer of cinder to even the existing right-of-way. (Valuation: \$5,800) (SMX 2014/0391) (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 fourth item on your agenda today is a request for roadway improvements on the Hale O Lono Beach Road related to the Molokai to Oahu canoe races. The cinder will be donated and will be used to improve sections of the road including filling potholes and spreading a layer of cinder to even the existing right-of-way. No grading is associated as a part of this permit. Again, the valuation of the action is \$5,800. 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 19.02.A, interim district zoning regulations. The state land use district is agriculture and conservation, the community plan is agriculture and conservation, and the county zoning is interim and agriculture.

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. We do have a representative if you do have questions, or I am as well. Thank you.

Ms. Penny Martin: Aloha kakou. My name is Penny Martin. I was asked by Nani Olds to represent her today because no one could get from the -- to get to Molokai from the Na Wahine committee. I'm a long time Na Wahine participant. I've also participated in hauling the canoes down to Lono, and I've also sat on their Na Wahine committee as well, so I hope I can answer your questions. I did look over the SMA and I can tell you that this improvement is much needed. As one of the canoe clubs that regularly hauls canoes down there, we have been very hesitant to do that because of all the holes and the dangers that those holes represent to hauling the canoes, it's really difficult. I do know that not only the canoe clubs will benefit from this, and Na Wahine and Molokai Hoe, but also Molokai businesses as well. There's buses that haul the paddlers down there. There's car rentals that go down there. There's local people that help transport paddlers down there. And all -- everybody complains about the road every year. So this is an improvement that will benefit everybody, not just Na Wahine or the Molokai Hoe, and it's much needed, and I believe that Molokai Properties is donating the cinders from their, not in use, but existing

quarry out on the West End, and I know that Dayton Bicoy, I guess he's the manager for Molokai Properties, and Shannon -- not Shannon, but Kaniela laea will be doing the work, hauling the cinders to the needed areas. So any questions? I hope I can answer them.

Ms. Dudoit: Actually, I had a question for the department. If -- so I was going to ask you why cinder, because in that area, when it rains, I mean you could put it down in a night and it would probably wash away --

Ms. Martin: Because it's being donated.

Ms. Dudoit: Because it's donated.

Ms. Martin: And Na Wahine, as you know, is not very wealthy.

Ms. Dudoit: But on the current permit, if somebody were to come in at the eleventh hour and offer something that was a little bit more binding or -- would they have to come back and include that, or can somehow this permit be blanketed to several different types of material so that is could be -- the help and need to fill could be ongoing?

Mr. Sticka: I would expect that you would be able to amend the recommendation, and maybe with the help of Corporation Counsel, maybe we could see how we could possibly have that open to allow for different materials so they would not have to come back.

Ms. Thomson: It sounds like a fairly minor change. It's really, because it's an SMA exemption though, it would be the applicant's change since it's being exempted. So as long as it's okay with the department, it's cinder or similar material, you know, something to that effect, not a hard surface, but a dirt or rock surface doesn't seem like a problem.

Ms. Dudoit: So when you say "cinder or similar material," like gravel or say a base course or something, as long as it's not -- so I'm thinking like they're tearing up all the roads in Maunaloa, yeah, and all that stuff is being dumped away, and thrown away, but I do know that they've used it in several occasions to fill places, the county uses it often, I mean is that something, or because of the oil component, would that need to come back for review?

Ms. Thomson: I don't know the answer to that. I'm going to --

Ms. Dudoit: I just ask because I know that if we were in so many feet from the shoreline, it would be a necessary, you know, come back and have to do all this kind of environmental stuff, but I'm assuming that where they're going to fill, the major part, is far above the highwater mark, yeah? Around the corner and around the turn where it's difficult to --

Ms. Martin: If I remember correctly from last year, most of the holes occurred not at the sea level --

Ms. Dudoit: The very bottom. Yes.

Ms. Martin: But just before you went down there was a major -- and they hoped to repair those major ones that provide the most danger.

Ms. Dudoit: Okay.

Ms. Martin: Propose the most danger. And, you know, I guess they're limited as to how many holes they can fill according to how much Molokai Properties will donate, is what I'm guessing.

Mr. Rogers: So can -- what if we just say it's alright with the Commission to use the recycled asphalt that they're taking from the road up there?

Ms. Martin: It says here that --

Mr. Rogers: Is that -- is that --

Ms. Martin: I'm sorry to interrupt. It says here that they have seven tandems maximum needed, 15-yard loads per tandem of cinders.

Mr. Rogers: That part of the road belongs to Molokai Ranch, yeah? Or is it DLNR?

Ms. Martin: You know, I'm not sure 'cause I know like when you go Kamakou, there's Hawaiian homes, there's Molokai Ranch, there's state, so I'm not sure how the road -- I'm not clear on who owns that road.

Mr. Racine: The oil in that waste pavement is a light material and you go anywhere within a mile of that coastline and the grade is sufficient that I would carry that oil and we'd be buying all the wildlife on that coastline. I was really hesitant to -- if it was further up the road in the clay, no problem. But when you get on that hill where the really back washouts are, we should stick with cinder or gravel if we can get Tri-L or somebody to pitch in. But, yeah.

Mr. Rogers: Stick with cinder or the crushed stone.

Mr. Racine: Yeah. And ...(inaudible)... materials rather than the oiled waste.

Ms. Thomson: And, you know, just to clarify too, because it's an SMA exemption, it would be the applicant who would request a change and the type of material, you know, procedurally, and this is something I was going to add later but I might as well add it now, the -- because of your rule changes with SMA exemptions, your rules changed so it's not -- it's no longer concur or not concur with the director's decision, but you either make a motion to waive review, which, in essence, means you concur, so it's just a change in terminology. So if you do want to approve this, the motion would be that you would move to waive review. So that's all I had to add on that.

Mr. Rogers: Any other public testimony? Or anymore questions for Penny? I think that concludes public testimony.

Ms. Martin: Zhantell, you can tell them they dump it in my driveway. I have a lot of holes. I could use it. But thank you for offering that.

Mr. Rogers: Commissioners?

Ms. Dudoit: Okay, I'd like to make the motion to approve and to waive review.

Mr. Rogers: Second?

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

***VOTED: to approve and to waive review.***

Mr. Rogers: Appears to be unanimous.

Mr. Yoshida: I guess moving to Director's Report, item G.

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

## **G. DIRECTOR'S REPORT**

- 1. Notification of the issuance of a Special Management Area (SMA) Emergency Permit in accordance with the provisions of Section 12-302-16 of the Molokai Planning Commission's Special Management Area Rules:**

**Written Special Management Area Emergency Permit by letter dated July 11, 2014 issued to MR. LUIGI MANERA to repair 5,800 square feet (sq. ft.) of cedar shake roofing and 3,200 sq. ft. of torch down roofing**

**with copper flashing on the existing buildings due to structural roof damage caused by high winds and rain at the Hotel Molokai property located at 1300 Kamehameha V Highway, TMK: 5-4-002: 001, Kaunakakai, Island of Molokai. (SM3 2014/0002) (B. Sticka)**

*This report is submitted to the Commission for review.*

Mr. Yoshida: The written SMA emergency permit approval letter is -- has been circulated to the Commissioners, and this item is for Commission review.

Mr. Rogers: Everybody reviewing? So we really don't have to do anything on this then? Moving right along. Looks like the next item is the approval of the meeting schedule for 2015.

Mr. Sticka: Pardon me, Chair. I don't see Mr. Spalding, however, it is up to the Commission if you guys wanted to hear the third item your agenda for Mr. Spalding's project.

Mr. Rogers: Sure.

Ms. Swenson: I think he's here, I think he can't find this, and I'm good with hearing it.

Mr. Sticka: Okay.

Mr. Rogers: By all means.

Mr. Sticka: The administrator --

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

**E. SPECIAL MANAGEMENT AREA MINOR PERMITS** *(Continuation)*

2. **MR. MICHAEL SPALDING** requesting a Special Management Area (SMA) Minor Permit in order to construct a 320 square foot (16 ft. x 20 ft.) storage shed and septic tank and leach field including excavation of a trench to a depth of twenty-four inches (24") for electrical conduit with a five-foot easement for electrical, telephone, and cable television on property located within the Interim District at 0 Ehukai Road, Moana Beach Lots, TMK: 5-7-010: 076, Kaluaaha, Island of Molokai (Valuation: \$10,000) (SMX 2013/0579) (B. Sticka)

*The Commission may take action on this request.*

Mr. Sticka: Thank you. Just to give you a little bit background on this, if this is seeming familiar to many of you, it's probably because on May 8 of this year, the Commission approved the installation of a MECO power pole at this exact location and address, and also was approved during that time was for a meter pedestal with excavation of a trench for utility conduit and power pole. The applicant has since decided to add the extra improvements to his property, which is a 320 square-foot storage shed, septic tank and leach field, including excavation of another trench for electrical conduit, and a 5-foot easement for a telephone, cable television, all in preparation for a future home. SHPD has indicated that no historic properties will be affected. The valuation of the proposed action is \$10,000. Standards for reviewing an SMA application are found under HRS 205A-26, and Sections 12-302-10 and 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 19.02.A, interim district zoning regulations. The state land use district is urban, the community plan is rural, and the county zoning is interim.

Pursuant to the aforementioned findings of fact and determination, the department recommends concurrence with the finding that the subject application is eligible for an SMA minor permit subject to the five conditions listed in your report today. Thank you.

Ms. Dudoit: Okay, so my question is, I'm looking at the drawings that were submitted, and I'm looking at the square-footage, and then I'm looking at the fact that he wants to dig conduit for a cable TV, and a septic tank, and just a storage shed, and it just doesn't -- so he says he wants to build a storage shed but he's equipping himself that just in case he wanted to sleep in the storage shed, you could hookup cable TV and a toilet and stuff like that. I mean who monitors that people saying they're going to build a storage shed keeps it a storage shed?

Mr. Sticka: The actual structure would obviously have to be, you know, subject to building permit inspection and final. As far as an inspection of that, it would really be complaint driven; other than that, you know, the understanding and what the testimony that has been given to me from the applicant is that all of this is in preparation for the future home, and the storage shed, from my understanding from the applicant, is that it's just going to be used for materials to be held for the construction of the home. So that's my understanding as it's not to be used for a residence or defacto residence.

Ms. Dudoit: Okay, so saying I trust Mr. Spalding and that's just a storage shed, are we able, because it's an application for an SMA minor permit, to approve portions of it and not approve the septic tank? Because my problem would be I have no idea why you would put in a septic tank and know how much gallons of water, how big the size is, unless you anticipated that you were going to have a building there, and how much water use, you know. I can't understand why you would put in a septic tank and be prepared for that without actual drawings of either a living facility or bathroom included in your storage

room, so that bothers me a little bit and it's kind of a red flag. So I just want -- I don't want to be the girl you stuff in the corner because I talk too much, I want to be -- I want to be active in allowing permittable use of that property but I also want to be smart about this, so we did have lengthy discussions over the type of electrical, you know, thing that he wanted for six units, we ultimately approved it and said, yes, we trust you, but then we get a storage shed with a septic tank and the ability to run wires so that you can hookup cable TV and all kinds of other good stuff. So is there the option for us to approve certain things in this SMA, and not others?

Ms. Thomson: No. I think that you would need to consider the application as submitted, so probably no to that question. As far as a septic tank and what would be allowed later, whatever size septic tank he puts in is going to limit the size of the dwelling and what's connected to that septic, so the house is going to be -- the size of the house is going to be dependent on what size septic he puts in. So that's, you know, that's one consideration. You wouldn't be approving a house that's too large for the septic tank, it's going to be dependent on the size he puts in. My understanding is there's really just two sizes of septic for --

Ms. Dudoit: ...(inaudible)...

Ms. Thomson: That I don't know.

Ms. Dudoit: Am I missing it or is there specs for the septic tank?

Mr. Sticka: Yeah, I apologize. The plans that were submitted were in drawings so the copy didn't come out very well. The specs that see on the septic tank look like -- yeah, I can hand it to you and have you take a look at a little clearer copy.

Ms. Dudoit: So normally a septic tank will tell you how many -- how big it is or how many gallons or what kind of -- and does this have a wastewater treatment plant attached to the septic tank?

Mr. Sticka: They did indicate the leach field, so I would assume that would be part of the -- that.

Ms. Dudoit: Maybe I'm just a little bit naive but I might want to ask Luigi, if you don't mind, can I ask Luigi as an expert? Okay. In my experience, we always attach any septic or wastewater to a wastewater approved wastewater plan that would come through and approved architect connected to a building, so I've never seen it separated from anything before.

Mr. Luigi Manera: Well, this is a very unusual situation. Normally, they don't approve a septic tank if you don't have a home. They'll never be approved. On another issue, normally when you apply for a home, they always ask me for the State of Hawaii approval before coming to the Planning Commission on this thing. I don't know what he did, but he will never going to get approved like that. It's impossible.

Ms. Dudoit: So I'm sorry, Ben. I was trying to be -- I was trying to just, you know, make sure that I wasn't just denying it, but I complete, from everything I know about contracting and building and permitting, and all those kind of things, I have never ever, in the last five years that I've been with Habitat, seen a septic system be approved, of any kind, without it being attached to a dwelling or to a facility, so I'm not sure if this means that the department would like to defer and go back and ask and clarify what the intent was, it could be just a misunderstanding and maybe this was a one-bedroom cottage and forgot to put the drawing of the bathroom?

Mr. Sticka: Unfortunately, since Mr. Spalding isn't here, I hate to speak on his behalf and guess, so it's probably best to defer it to a future date until he can, obviously, attend the meeting and speak for his project.

Ms. Dudoit: And then, I just also wanted to say I was under the impression that any building structure that you put storage shed, whatever, was supposed to have been on a certified blue print done by an architect and then -- so that it could later be submitted to the building inspector for proper regulatory permitting. So a simple drawing like this of a storage shed, 16-by-20, is not exactly the type of permissible structure that we would, I would think, that the Commission would approve for anybody.

Mr. Sticka: Well, as far as the Commission approving any type of plans, the Commission isn't approving an actual building, you know, we don't ever ask for, the Planning Department does not ask for certified engineered or architectural drawings, so oftentimes what we get is, you know, proposed before they actually submit for an actual building permit so you're not going to see --

Ms. Dudoit: So how do you get the valuation of the building?

Mr. Sticka: We get the valuation that is given to us from the applicant.

Ms. Dudoit: Okay. So that was -- I guess that was kinda my point. But -- okay. Okay, thank you.

Ms. Swenson: I have another question. You know, the sketch we need says that the building is 12-by-20, and in here it says, "the proposed action consist of a 16-foot by 20-foot, or a 320 square-foot storage shed," so I mean things aren't jiving.



Ms. Dudoit: I would like to move to defer this item to our next meeting.

Mr. Rogers: Yep.

Ms. Dudoit: So I was going to defer just 'cause I thought that was the fair thing to do for Mr. Spalding, but if the Commissioners thought that this was just a plain out denial because of the information that we got, I mean it's up to you, I would amend.

Ms. Swenson: I'd like to defer it till we have all the information because the information is conflicting, and if he is going to sleep in it, I'd rather he go in the septic tank than in the bushes, so I'd like to get that straightened out.

Mr. Rogers: Yeah, and it says he does plan to build a house in the future, yeah? So --

Ms. Swenson: Yeah, I mean it's ...(inaudible)...

Mr. Rogers: But, yeah, if you want to move to defer. Motion?

Ms. Dudoit: ...(inaudible)...

Mr. Rogers: Alrighty. Alright.

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

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

***VOTED: to defer the item until the next meeting.***

Mr. Rogers: Looks like the majority. It is deferred.

**G. DIRECTOR'S REPORT (Continuation)**

**2. Approval of the proposed meeting schedule for Calendar Year 2015**

***The Commission may act to approve the proposed meeting schedule with amendments.***

Mr. Yoshida: Yes, moving back to Director's Report, item 2, we have circulated our proposed meeting schedule for calendar year 2015, hopefully, in the Mitchell Pauole Center Meeting Hall. So if the Commission want's to take action on this, then we can talk to the Parks Department about reserving facilities for calendar year 2015.

Ms. Dudoit: I'd like to move to approve the 2015 Molokai Planning Commission schedule.

Mr. Tancayo: Second.

***It has been moved by Commissioner Dudoit, seconded by Commissioner Tancayo, then unaimously***

***VOTED: to approve the 2015 Molokai Planning Commission schedule.***

Mr. Rogers: Schedule's approved.

**3. Agenda items for the September 24, 2014 meeting at the DAGS Conference Room in Kaunakakai:**

**Public Hearing on the following items:**

**MR. DILIP GUNAWARDENA of the LDE GROUP, LLC requesting a Community Plan Amendment from Single-Family Residential to Multi-Family Residential and a Change in Zoning from Interim District to A-1 Apartment District for the Chopra Hale Apartments project, a sixteen (16) unit multi-family apartment complex and related improvements to be used for affordable rental units on 1.04 acres of land located at 190 Makaena Place, TMK: 5-3-004: 028, Kaunakakai, Island of Molokai. (CPA 2010/0005) (CIZ 2010/0007) (B. Sticka)**

Mr. Yoshida: Okay, the next item is the agenda items for the September 24 meeting at the DAGS conference room in Kaunakakai. We have the Chopra Hale community plan amendment, single-family to multi-family, and change in zoning from interim district to A-1 apartment district public hearing scheduled. Hear anything else?

Ms. Swenson: You know, on that one, the neighbors claimed that they didn't know we were hearing this issue so -- and I think it's in fairness to the neighbors they should be notified somehow that this is going to be on the agenda.

Mr. Yoshida: Again, as part of the change in zoning and community plan amendment procedures, the applicant is required to send a notice to property owners and recorded lessees within a 500-foot radius of the property 30 days prior to the hearing plus publication notice of the public hearing for both the community plan amendment and change in zoning in a newspaper of circulation within the county once a week for three consecutive weeks. So that's part of the notification process. So the neighbors, if they're a neighboring property owner within a 500-foot radius, they should have received a notice.

4. **Pending Molokai Applications Report generated by the Planning Department (Appendix A)**
5. **Closed Molokai Applications Report generated by the Planning Department (Appendix B)**
6. **September 8 and 9, 2014 Molokai workshops on the new flood insurance rate maps**

Mr. Yoshida: If there's anything else? If not, we have the list of pending and closed Molokai applications. Any questions on those? Okay, if not, we circulated this flyer today regarding an informational meeting on Monday, September 8, from 1 to 5, on the new flood insurance rate maps, which are available online, and there will be personnel from the Federal Emergency Management Agency, Maui County, State Department of Land and Natural Resources, and the U.S. Army Corps of Engineers to provide a short presentation on these new flood maps and insurance ramifications, and be available to answer questions. So if you have any questions about this informational meeting, you can contact our zoning staff, either Carolyn Cortez, Avelina Cabais, or Paul Critchlow to get more information. So if there's any questions on this information meeting on the new floor insurance rate maps.

Okay, if not, we have the statewide Hawaii Congress of Planning Officials Conference coming up September 10 to 12, and so far we're sending three members, Commissioners Rogers, Swenson, and Racine. There is -- Commissioner Tancayo had intended to go but now cannot make it, so if there's any member who wants -- is interested in attending, again let Suzie know. Okay, if not, that's all we have for the Director's Report.

**H. NEXT MEETING DATE: September 24, 2014**

**I. ADJOURNMENT**

Mr. Rogers: I think that wraps it up. I think we're adjourned. Thanks for coming. Aloha.

There being no further business brought before the Commission, the meeting was adjourned at 12:50 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA  
Secretary to Boards & Commissions

**RECORD OF ATTENDANCE**

**Present**

Douglas Rogers, Vice-Chairperson  
Billy Buchanan  
Zhantell Dudoit  
Lawrence Lasua  
Marshall Racine  
Diane Swenson  
Sherry Tancayo

**Excused**

Ron Davis  
Michael Jennings, Chairperson

**Others**

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