

**MOLOKAI PLANNING COMMISSION
REGULAR MEETING
SEPTEMBER 24, 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, September 24, 2014, at the Department of Accounting and General Services (DAGS) Conference Room, 45 Makaena Street, Phase I, Kaunakakai, Molokai.

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

Chairperson Michael Jennings: Ladies and gentlemen, it's now 12:00, and so we will start the meeting, and first thing is public testimony. Is there anyone here that would like to say something? Diane.

Ms. Diane Swenson: You know, I just wanted to bring it up ...(inaudible)...

***** Due to technical difficulty, portions of the beginning of the meeting are deemed inaudible *****

B. PUBLIC TESTIMONY

Ms. Diane Adachi: ...(inaudible)... and we received a letter, certified letter, about the meeting for the 16-unit apartment complex ...(inaudible) Planning Commission, and our letter's on the second page. The new letter I'd like to propose is it says:

Aloha, we are here today to followup on this plan to change the zoning from single-family to multi-family. No. 1, we are concerned about how this affects or take care of property tax ...(inaudible)... are they're going to raise ...(inaudible)... no. 2, the current road is in a special flood hazard area, per FEMA. Our house is A+ on the flood zone map, three lots away from our only in and out of Manila Place. In an emergency how can hundreds of people get out safely? The addition of added traffic on our already overloaded road system needs to be addressed. Nothing has changed on this road since the '70s, before the housing was built above Manila Place. We have no problem with your apartment building plan, but if the current road conditions cannot be changed, the please do not pass this zoning change or project. Mahalo, Clarence and Diane Adachi.

We've been there 17 years. We know what the traffic is like. We know that Molokai needs housing. We know that families ...(inaudible)... but with Manila Camp setup the way it is, there is only one in, one out. There's been no change. And if you're down there, and you see the traffic, you see how people drive, for one thing; if you get into an emergency situation where we cannot and neither can the other people get out of the area ...(inaudible)... flood zones, then something needs to be done. If you're going to be adding and approving the complex, then there needs to be something else done on that road ...(Inaudible)...

Chair Jennings: ...(inaudible)... are there any other public testimony at this time? Go ahead, sir. Could you step up here and give us your name?

Mr. Solomon Chong: Yeah, my name is Solomon Chong. I was born, raised, educated on this island. I live in 130 Makaena Place, so the guys know this place as Chong Poi Shop, right at the corner of this highway that goes in and you guys call "Manila Camp Road." Well, anyway, when I lived there, there was -- that development in the back did not exist. Somewhere in the '70s or late '70s, they was built back there. When I used to live there, there was very little traffic in this area, using the same road now. The road has not changed. It's the same road. Nothing changed. And our poi shop is right at the corner of this road. The traffic start at 4:30 and it ended -- few cars living there and traffic is at a minimum right now. I took my camera out, my track camera, trail camera for looking at deers and animals in the wilderness, and I took it and set it up for two seconds on, two pictures, two seconds, and I found that in a eight-hour span, there's a total of about, as I counted the cars, there was about 500 cars passing there. Many cars are the same cars. But, you know, they travel back and forth. So with this added multi-unit family, you guys are going to create more noise and an accident waiting to happen. It's a really bad corner there and the younger -- for not the only younger guys, but some people don't really respect the speed limits and safety stuff that -- and there's a lot of close calls over there. People would gather there at the corner there and talk story. I'm there. I'm watching this. And I go, whoa. They're right at the corner. They're parking into our property thinking it's part of the city and county; that's not. That's our property you're parking in and talking story. So my concern is safety, again the flood that can happen, and that's why they built that big wall over there to protect us guys from the water the comes down from Kaunakakai Gulch. So my concern is more noise pollution, more -- more chance of getting into an accident, and what? You guys going wait until the accident happens? Somebody gets killed? Children get killed? Kids walking right there. They walking to Kaunakakai using Makaena Place, that's the road. There used to have a bridge back then that crosses that river. I don't know if you guys know that. There was a bridge before they built this storm retaining wall for the river.

So I not against the multi apartment units for families. We need the thing. But this is like the first, first step into multi-family housing there. I come from -- I mean I lived in Honolulu

for the last 35 years, and I see all the housing development turn into bad stuffs, you know, so this is sort of the stuff, a low-income stuff going to bring to this place. I have no problem with the people in the back. It's kind like they all single house dwelling, yeah. But this multi stuff and this one is for 16 units on a one-acre lot. And I correct? This is a one-acre lot with 16 units. Is this the first? I hope this not -- it looks like it's going to be the first stage of other one-acre lots because I live on a one-acre and my grandma's another one-acre lot, and it's all one-acre lots down there, is that going to be used also for expansion of this family what you call housing. Again, like she says, we need another access road. If I was them, I would put it on the other side, the end of Makaena Place, which is there's a corn -- there's corn, used to be Molokai Ranch where they raised alfalfa for the cattle way back in the '40s and '50s and '60. I born 1944, so I lived there all my life, until '65 when I left this island to go to Honolulu to make a life. I come back every year for my vacation and I seen the place grow, and I seen the amount of cars come in the front of our place. It's also very noise pollution, yeah. So if you guys can come up with a way we can get another exit there, we go forward. I mean everybody gotta live someplace. Another exit. I would say at the end of Makaena Place, there's a corn field that Monsanto used to use now, they've been sort of told to move. So use there. Put some bread out and go get the thing done. Mahalo.

Chair Jennings: Thank you, sir, very much. Are there any other -- yes, it looks like there are.

Ms. Colleen Cluney: Yes.

Chair Jennings: Could you please state your name and --

Ms. Cluney: My name is Colleen Cluney, and I am -- I wrote -- I submitted my written testimony. I didn't think that I would be able to come to this meeting but now I'm here. And I just want to reiterate what the Adachi's and what Solomon Chong said. You know, my mother -- let's see, I'm third generation owner of that property, and the amount of traffic that goes around that corner is pretty much unbearable. Years ago, when the county was planning on building the housing, the county housing above Manila Place, or Makaena Place, whatever it's called now, we were also -- my mother was also in opposition to the, not to the project, but to the fact that there was only one entrance to Makaena Place, and on exit, and the same concerns -- we had the same concerns like we did, now, like we did many years ago when that housing project was built, and it kinda fell on deaf ears, and maybe we didn't follow the process that is necessary, we didn't come to the Planning Commission, you know, we're kind of like, you know, new to the whole thing, but now that I'm a property owner, and I know that there is a process where -- you know, that can be followed, and that we have a voice, we're here in numbers just expressing our concerns, and we really hope that you take this into consideration because unless you live on the corner of Makaena Place, across from Chong's Poi Shop, you have no idea the amount

of traffic, the amount of noise, the amount of dust, the amount of accidents we have witnessed and endured. We've had property damage that each of us have had to assume the cost. Solomon has had to fix his fence. We have a tile wall that my mom and my aunty have had to fix over the years many times. And, yeah, please just think about that before you even consider approving this project. The infrastructure definitely has to be dealt with before anything else happens. Alright? So thank you very much.

Chair Jennings: Thank you. Thank you very much.

Ms. Mickey O'Connell: Aloha. I'm Mickey O'Connell, and I don't live down there, I'm a realtor, and it's my opinion that we don't need more affordable housing. There are so many vacant properties Section 8 approved based on the fact that many of the condo complexes are now renting out their units on Section 8 long-term because we're so desperate for tenants on this island. So I don't know that there's a need for 16 units, but I don't live there. I do respect the people who live there. That would be a lot of traffic down there. And right at the -- this is the subject property, and right at the end of that street where you're proposing, maybe getting the road to swing around. I sold that little lot to a gentleman, and he's not here, but he built a really cute little Hawaiian style home 'cause it was at the end of the lot, the end of the cul de sac. I don't think he'd be real happy about a road going on through there, you know, but he's not here to say that. And as you know, as a realtor, I have no shame whatsoever. There is a parcel for sale right behind the Paddlers', and that might be a great place to put an apartment building for affordable housing, and it happens to be my listing. And - I have no shame - and the low-income housing would be a great place for it and walk to the grocery store and back. That's all of your time I want to take.

Chair Jennings: Thank you, Ms. O'Connell, and you have no shame. Is that correct? Do we have anymore testimony? Anyone else want to make public testimony? Okay. Okay, if not, then we will -- oh, we have one more? Oh, excuse me, ma'am. I'm sorry. Here. Can you get -- here come -- Zhantell, here give her this.

Mrs. Molina: Good afternoon. I don't have a written paper to read, but I just say it short. I am Mrs. Molina and I live in that place, below that proposing -- that proposed, that you're asking for affordable housing, and I really oppose of that planning that you're -- that I oppose because I live below that area, and one lunchtime when I went to lunch, it's that big traffic there, and all of a sudden, my cement is a cement, my wall, my gate, it was bang by a car all the way to my garage. Lucky thing my car was not affected, yeah, only the wall and the gate and how much I went pay for that. So oppose because of the traffic in there. When there is an emergency, there is no place to go where in there. So this is my testimony for that. I really oppose to put this multiple housing there, house zoning, or whatever is that plan you are making. Okay, thanks.

Chair Jennings: Thank you very much. I appreciate -- we all appreciate your -- what you have to say. Yes, sir? Yes, sir, please.

Mr. Bill Feeter: Aloha mai, everybody. Gosh, I haven't seen so many familiar faces in a long time. We should do this more often. I wish to address the pavement of Highway 450, known as Kamehameha V Highway. I oppose this on the premise that this will increase flooding in the area west of the new bridge. I think that if there were appropriate drainage, and I don't have -- I just received the contract, or at the proposal, so I haven't had a chance to read that, but right now, with another four or more inches of asphalt, the highway, in our area, and I'm speaking of approximately about four-and-a-half miles east of Kaunakakai, that would raise the level of the highway and increase flooding. We have been flooded, at our house, in the -- since 1991, five times. We lost a car. We have had substantial damage to property, gardens, and structures from this, and not only us, but our adjacent neighbors. And so if there isn't appropriate drainage in this contract, I would like to have you certainly consider that and have a reevaluation because, right now, the highway slopes to the south and it is higher than the adjacent homes on the makai side of the road, and so that we have rains, and as I say, we've had, since 1991, we have had five rains that have caused flooding. Water comes down the road also from the county well, the Kawela county well, that acts as a conduit, and so combined with that plus the highway and the angle that the sheets off the road. And thirdly, there are -- have home been built that there has been a berm built in front of their homes on the highway side, then a retaining wall on top of that. Now, the only significant drainage is the one ditch that is maintained by the owner of that ditch periodically, which is once in 15 or 20 years, and so that I urge the group to really take a hard look at this before this highway is implemented. It's caused severe hardship and heartache for those of us that live in that area. And lastly, environmentally, this material is floating out and also doing significant damage to our coral reef, which is very, very essential to the good environment of this island. Thank you.

Chair Jennings: Thank you very much, sir. Is there anyone else that would wish to do public testimony? Okay. Oh, yes, ma'am?

Ms. Sue Hollands: ...(inaudible)... yes, I apologize. My name is Sue Hollands. I own two rental properties here on the island, both of them are Section 8 approved; unfortunately, one of them has been vacant for quite a long time and I, personally, would not like a lot of low-income housing coming in to add to the possibility of not finding a tenant because there are lots of rentals available right now. Thank you.

Chair Jennings: Thank you, Ms. Hollands. Alright, is there any further public testimony? Okay. Thank you very much. Thank all of you. If not, then we will proceed with the no. 1, public hearing is done, so you can go with that.

Mr. Clayton Yoshida: Yes, Mr. Chairman, I guess before proceeding, I guess I'd ask the Commission if they want to proceed with the agenda as written or they would like to move some of the maybe not as controversial items up front, so probably we can create more space, seating space in the room? Because I think the Chopra Hale item probably will take a while.

Ms. Zhantell Dudoit: Well, it looks to me like everything on here is a little bit controversial today. Well, I mean I have something to say about every single agenda item, so it doesn't look like there's really -- and people have come here --

Chair Jennings: Sure.

Ms. Dudoit: By big numbers. I think we should respect their time.

Chair Jennings: Okay. Well, I guess we'll just go right down the line here.

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

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

- 1. 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. Ben Sticka: Thank you. Good afternoon, Chair and Members of the Planning Commission. The first item on your agenda today is a request from Luigi Manera on behalf of LDE Group, LLC, requesting a community plan amendment to amend the property from single-family to multi-family, and a change in zoning application to rezone a property from interim district to A-1 apartment residential district on approximately one acre.

The application complies with the applicable standards for a community plan amendment, pursuant to Title 19, Chapter 19.510, general application procedures, Section 19.510.010(C). The Planning Director has determined that the application and department report meets the requirements of Section 19.510.011(D). The applications comply with the applicable standards for a change in zoning, pursuant to Title 19, Chapter 19.510, general

application procedures, Section 19.510.010(C). The Planning Director has determined that the application and department report meets the requirements of Section 19.510.010(D).

The state land use district is urban, the community -- the Molokai Community Plan is single-family, and the county zoning is interim. On August 14 of 2013, the Molokai Planning Commission reviewed the environmental assessment for the subject property, which the agency comments were made available during their review. The Commission accepted the final environmental assessment and issued a finding of no significant impact at their November 2013 -- I'm sorry, November 13, 2013 meeting, which is indicated as Exhibit 23 in your packet today. And as of September 19, the department had received the one letter, which is made available for the public here, against the project. There have been no letters of support.

At this time, I'd like to hand over the meeting to the applicants. I'm available for questions as well. Thank you.

Mr. Luigi Manera: Chairman and Members of the Commission, Luigi Manera. Thank you very much for coming today. Based on the previous comment by somebody, I want to clear a couple things. One, when they're talking about the traffic, we did an intensive traffic study. We hired a professional engineer in Honolulu. They came during the busiest time of the year, during the school activity, and they, like I think everybody have this, at least you guys have the traffic study, and they find a minimum trip, they call it "trip," the increase in like .7 trip to the main highway, and they say it does not -- it's too insignificant to even think about it to either enlarge or make a right lane, widen right or left lane. And I think I have the report over here for whoever don't have it. And the other issue came up in regards to the flood. Well, for the past three, four years I've been doing -- and going to Maui for different meetings on the flood zones and happen to be, couple weeks ago, September 8, the final meeting on Molokai in regard of the flood study, and the property, this particular property, and among few other in Manila Camp, in September 2015, they no longer a flood, so I think the story of the flood is out of commission. Now, everybody talking about a lot of traffic, people driving fast, I do understand that. But whether we do this condominium or not, or this apartment or not, the problem is still there. If somebody want to improve the road, what they should do, they should get together, have a meeting with the County of Maui and try to do something about it because whether this condominium happen or not, they're going to have the same problem. That's -- any questions? I'd be willing to answer.

Chair Jennings: Any -- council, do you have any -- anybody has questions for Luigi? Oh, excuse me. Is there anymore public, excuse me, public testimony that you would like to give to Luigi? Seeing none, members of the board, any questions? Yes, sir? Oh, Luigi, please?

Mr. Manera: Luigi Manera. I'm representing Mr. Dilip, the developer.

Unidentified Speaker: No. Please.

Chair Jennings: God no. He's not. He's like an architect, a planner.

Mr. Manera: That's the last thing I want to be but ...(inaudible)... no offense.

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

Ms. Dudoit: Okay, point of order.

Mr. Yoshida: You have to comment in the microphone or you will be noted as inaudible in the transcript.

Ms. Dudoit: Can we ask Luigi a question or is it still public testimony?

Chair Jennings: No, I -- we're done with the public testimony so it's, Zhantell, it's the board. Go ahead.

Ms. Dudoit: Luigi, the developer, can you tell us a little bit about what -- is this a private person, a corporation, a company?

Mr. Manera: It's a private person but he's under the corporation. He's an LLC corporation. But he's the president, of course, yeah.

Ms. Dudoit: And then because this is for affordable housing, now it's listed as rental, but at anytime, because Section 8 has you can converge from a Section 8 rental to a Section 8 home ownership program, at anytime will the residents of this apartment building be afforded the opportunity to purchase the apartments?

Mr. Manera: I want to -- I want to --

Ms. Dudoit: 'Cause, for me, that would make a huge difference.

Mr. Manera: The first choice is to have people qualify under the guidelines of the affordable homes to purchase, not to rent.

Ms. Dudoit: Not to rent?

Mr. Manera: Not to rent. That's the first choice. If not, if I only have one or two sales, then I have to do something about it, of course.

Ms. Dudoit: So, just so that we're all on the same page, so when it's introduced to us, it's introduced as an affordable rental unit, but that would play a huge difference on the way we take this project on as a whole whether, you know -- okay so -- just so that everybody here and you understand me, when you have a rental apartment, and I'm calculating at \$1500 per rental unit if everybody in there was Section 8, okay, on an average, 1200, whatever, you're looking at \$30,000, approximately, a month that somebody can collect in revenue rent from there, who's not from Hawaii or Molokai, and who -- most of those -- that income is supplemented by taxpayers, like us, so if you told me this was apartment buildings that could be under the Section 8 program, it would give those low-income people purchasing power because Section 8 would help to supplement the cost but that would eliminate -- so in 10 years, you could have 16 Molokai families that own that apartment building. That's a very different way of looking at things, and I think the people of our community would look at it in a very different way too because then infrastructure changes would warrant us looking at the roads and permanent improvements on the facility so --

Mr. Manera: Well, first, it's under the same guideline. It's just about the same, Zhantell, it's just the first choice is to ask to -- it's for sale under the guideline of the low -- not low-income, but affordable housing, but on previous projects before, like the Kilohana Kai, we did that under the same thing, it used to be two-story -- was horizontal condominium, who was able to purchase the home was only two or three people, so then we have to go to something else, so we went to the rental until somebody came along again and was able to purchase the rest of the houses. This is the same thing. I don't want to be in the rental business. I don't think nobody want to be in the rental business but sometimes you have to.

Chair Jennings: Ms. Adachi, if you would step to the microphone, please.

Ms. Adachi: Luigi, does this owner plan to development more apartment houses in the area?

Mr. Manera: No.

Ms. Adachi: Is all the empty lots ...(inaudible)...

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

Ms. Adachi: This is the only one?

Mr. Manera: Yes. Remember, we're asking only for this ...(inaudible)... to change the zoning, just one lot to change the zoning ...(inaudible)...

Ms. Adachi: So it doesn't affect the rest of the area. How does this affect, in the future, the taxes on the property?

Mr. Manera: You know, maybe -- I don't think you're affected by it. Does somebody know about that? ...(inaudible)... let somebody else answer on that, particularly.

Ms. Adachi: How would this apartment complex and the changing of the zoning affect our present tax on the property tax?

Chair Jennings: That --

Ms. Adachi: I'm told it will go --

Chair Jennings: Richelle?

Ms. Thomson: I don't have specific information on how it would affect individual -- other properties, but each property is evaluated on its use, so if you're being evaluated at a single-family residential homeowner valuation, it's going to be valued in that tax class. So I don't know that another neighboring apartment building would have a direct affect on your tax bill or not. That question would have to actually be directed to our tax review board, but, you know, off the top of my head, I don't think that it would have a significant impact.

Ms. Dudoit: I have a couple more questions, Luigi.

Mr. Manera: Sure.

Ms. Dudoit: On the July 31 correspondence from the Department of Environmental Management, they cite that a wastewater contribution calculation are required before the building permit is issued. I think, as a Commissioner, my question would be: Is a calculation being done now and is there a chance that we might be able to take a look at that especially because this is in a flood zone area?

Mr. Manera: The reason why we didn't is because, specifically, they said before --

Ms. Dudoit: Only for the building?

Mr. Manera: It's already four year. I don't even know how long more before we get to the ...(inaudible)... in any case, just off the record, I was talking to Scott Rollins on Maui and for a 16-unit apartment, I think we have a letter saying there is sufficient sewer capacity.

Ms. Dudoit: And then it's just I might have missed it, but on the drawings, it says over here, "To show or list minimum slope of new sewer lateral on the elevation map." Is it somewhere in here?

Mr. Manera: There is only one lateral.

Ms. Dudoit: There is only one lateral.

Mr. Manera: I never got the ...(inaudible)... because the construction plan, well, he never start doing it yet. He's taking too long.

Ms. Dudoit: Oh, okay.

Mr. Manera: But there will be one lateral. They're only allowed one anyhow.

Ms. Dudoit: And then my last question would be: Are the apartments going to be air conditioned?

Mr. Manera: Okay, let's say this, we have a two million dollar budget. I don't know. We tried to do the best, you know. Originally, we was to do everything in concrete so that help a little bit. That would be our first goal. Let's see what --

Ms. Dudoit: Okay, the reason why I was asking, and then 'cause you're a better expert at this than me, but it also is citing in the environmental letter that non-contact cooling water and condensation should also drain into the wastewater system plan, so I guess as just a normal resident, I'm thinking, you know, flood zone already, you increasing wastewater capacity by a significant amount with that amount of rooms and people that's going to be in that building, and then if you add on air conditioning or any additional water, wastewater drainage, that's a pretty significant amount for something that is already in the flood zone.

Mr. Manera: That's correct, but for many years, we're not allowed, in any situation, to take the air conditioning, the air cooling water in the sewer. It has to be -- we normally run that to landscaping or a dry well separate from the sewer. It's still illegal to do that.

Ms. Dudoit: 'Cause on the environmental review, it doesn't address -- that's why I was asking because it looks like it gives you an option here but on the environmental assessment, it doesn't address where that runoff would go and how you would ...(inaudible)...

Mr. Manera: We normally go landscaping all the way.

Ms. Dudoit: Okay, thank you.

Chair Jennings: Marshall.

Mr. Marshall Racine: This might be a pretty basic question and maybe answered in the future or before my time, you're asking us to concur with an amendment to our community plan and rezone property, is that because there is no other property within our community that is already zoned for apartments and that is of similar size and value?

Mr. Manera: I, you know, I don't think there is any apartment zone, I may be wrong, but not in town, nowhere, not that I know.

Mr. Racine: I ask the department?

Mr. Sticka: Off the top of my head, I do not have an answer for that regarding, you know, but I can speak to what's in currently in the Manila Camp area, it's strictly single-family.

Mr. Racine: So we're creating something new?

Mr. Sticka: Correct.

Mr. Racine: Okay.

Mr. Doug Rogers: There's an abandoned one right across the street from me.

Mr. Manera: No, no, but he -- wait. Wait. He asking if there is something zoned like that. There is not.

Mr. Racine: Okay. Still, I've got my concerns 'cause I'm hearing there's empty low-cost housing, we're being asked to rezone some property, and it almost sounds like it's opening a door. And just a couple months back, we rewrote some regulations for the use of the property -- of allowing short-term rentals in apartment districts. We're going to create an apartment district, and we're going to create a hotel district in the back of Manila Camp. I'm just concerned. Does anybody else wanna speak to that or am I just looking for spooks behind me?

Mr. Manera: Well, I not creating one hotel, that's for sure.

Mr. Racine: Okay, but again, we've just -- it's a reasonable chain of thought. We just allowed short-term rental in the apartment districts. Is this following on the heels of that? Are we opening a door? That's my concern.

Mr. Yoshida: I think the resolution that came from the council was dealing with short-term rental use in the apartment district if the building was constructed prior to 1989 when the

law changed because, before, motels were allowed in the apartment district, but since then, they were, in 1989, they were excluded. So if the project were built tomorrow, it would -- short-term rental would not be an outright permitted use.

Mr. Racine: Thank you for the clarification.

Chair Jennings: Okay, Zhantell.

Ms. Dudoit: Just for clarification, is the A-1 apartment zoning designation specifically for apartment rentals or should, at some point, these guys sell and offer those low-income families to buy, would that zoning have to change again or does it stay in that A-1? Yeah, 'cause it wasn't clear in the --

Mr. Manera: No.

Mr. Yoshida: Well, they could do the use in the, well, apartment district for long-term rentals or they could sell the units for long-term use.

Ms. Dudoit: What does that mean "sell the units for long-term use?"

Mr. Yoshida: If I buy a condominium unit, I can use it for long-term use in the apartment district, or I could rent it.

Ms. Dudoit: Okay, so then now I want to tap on to what Marshall just said though.

Mr. Yoshida: Yeah, I could rent it.

Ms. Dudoit: If you leave it in an apartment building A-1 designation, and then it can be used as a purchase and long-term use, who's to say that that person cannot turn it into a vacation rental property? Because the permitted use is single-family dwelling, but we're doing that in a ohana type situation already, so that's why I want to know, if you're asking us to vote on a change of zoning, we need to be clear that, one, we not going have to redo this should the apartments be owned instead of rented, and, two, that we not sticking ourselves into a situation where a permissible use would be that just 'cause I own the property, I can rent it out when I want to.

Mr. Yoshida: Well, you would have to, in the apartment district, you would have rent long-term, as defined by the code, 180 days or more, and they could sell the units for -- as a condo unit, which they would use for long-term. Or the owner could rent it out long-term.

Ms. Dudoit: Is there a zoning designation that prohibits that? Can this be stuck into another type of zoning apartment building that was specifically for single-family dwelling,

that's it, not vacation properties, no condominium type usage? No verbiage of long-term -- I not oppose to long-term rental 'cause I know exactly what he's saying, I'm just saying that, for me, the apartment building would be more beneficial to everybody in this community if eventually it was owned by those families. So I want to know that this Commission is doing its due diligence in appropriately rezoning if we were to make that decision and not have to come back again because there's some kind of technicality. And then, on the other hand, I want to make sure that we're not opening this up so that people can start to buy it and then rent it out. I mean 180 days. A construction company could come every 180 days and renew a long-term lease. The selling point of this apartment building to this Commission has always been affordable housing units for Molokai families. How do we ensure, when we redesignate this property, that that is the specific use it'll be intended for, aside from I know Luigi will give us his word and that's exactly what he'll do? How do we do that?

Ms. Thomson: I wanted to take a look at page 14 of the staff report, it kind of starts on page 13, at the very bottom, and those are all of the uses that are allowed in the A-1 apartment district, A-1 and A-2, so you can kinda take a look at -- those are the uses that would be allowed under this change of zoning.

Ms. Dudoit: And that's why I'm asking because on that alone, it's a scary thing and we would have -- I mean would we have to deny the entire application because that's the only choice that the applicant has?

Ms. Thomson: That's the application before you. Yeah. So -- and if I could, Chair, just for clarity, what you're doing today is you're making recommendations to the county council, so the county council is the final decision-maker on a change of zoning and the other application.

Chair Jennings: Council -- I mean, excuse me, Commission, is there any other questions for Luigi, or anything else? Marshall, anything? Diane, Bill? Okay. So, thank you, Luigi. What we need to do is -- staff to give us a recommendation.

Mr. Sticka: Thank you, Chair. The application before you does comply with the applicable standards for a community plan amendment, as found in Sections 19.510.010(C) and 19.510.010(D), as listed in the accompanying department report for this project. The applicant also complies with the applicable standards for a change in zoning, as found in Sections 19.510.010, 19.510.040 and 050, as listed in the accompanying department report this project.

The Maui County Department -- Planning Department recommends that the Molokai Planning Commission recommend to the Maui County Council approval of the community

plan amendment from single-family to multi-family, and a change in zoning from interim to A-1 apartment residential district.

In consideration of the foregoing, the Maui County Planning Department recommends to the -- that the Molokai Planning Commission adopts the Maui County Planning Department's report and recommendation memorandums prepared for the September 24, 2014 meeting as its finding of fact, conclusion of law, decision and order, and, further, to authorize the Planning Director to transmit said recommendations to the Maui County Council.

On a side note, if the Commission were to deny the subject application, staff has included objectives and policies from the Molokai Community Plan, which will be found on page 18 of your staff report, which would be used for findings of a denial recommendation. If you have any other questions, I'm available. Thank you.

Chair Jennings: Yeah, Diane?

Ms. Swenson: Ben, if we were to recommend approval, can it have a caveat that it's only recommended providing the traffic issues can be addressed? Or I'm not saying that's what we want to do, I'm saying is there a way to do that or?

Mr. Sticka: Any conditions that the Commission wishes to add, obviously we'd want to, you know, check with Corporation Counsel to see if those conditions can be enforced or something that can be legally binding or maybe --

Mr. Thomson: Yeah, so your choices are, so you heard the Planning Department's recommendation, they recommend approval, and, you know, subject to the finding in the staff report, so your choices are also to recommend approval to the county council with conditions, and you can basically list any of the concerns including traffic, you know, and other concerns if you have them; or you can recommend that they deny these applications, and then it's -- you need to put your -- the reasons why you would recommend denial, so I would put all those, your reasons, either both for or against, on the record so that it's clear when it gets up to county council exactly what this body feels about the applications.

Chair Jennings: Okay, counsel, thank you. Commissioners, do I hear a vote on -- is there a motion? Yeah, Diane, do you want to make a motion? I hear no motions. Zhantell.

Ms. Dudoit: So just for clarification, we need to make a motion before we can start to discuss it anyway, right, so I would have to make a motion just to be able to discuss the options with our fellow Commissioners?

Ms. Thomson: Not necessarily.

Ms. Dudoit: Oh, we can discuss before?

Ms. Thomson: You know, you can continue to discuss now and then, you know, get to a point where you feel comfortable making a motion one way or another.

Ms. Dudoit: Okay. Can we do that then?

Chair Jennings: Yes. Zhantell, go ahead.

Ms. Dudoit: So, Ben, I'm not sure that I'm directing this to the right person. Although there are several different things that make me want to deny this application, there are also a lot of good positive things that can come out of this project. Addressing the roads and flooding issues has always been something that we put on the back burner because our county doesn't have the proper resources or funding to do that. But if an apartment building like this were to motivate and activate those necessary things because now there's a need for that, then this is a positive project. The other part of it is if it were to be an apartment building that eventually could be owned by those low-income families, that would be a positive economic and social economic opportunity for our community. However, if, to me, the rental unit was simply a money-making entity for some out of state corporation or LLC, then that's not a good thing either. So there's a lot of good and bad stuff about this. I think where being that we have to stick to the non-emotional components of this application and then try to look forward, my question to you would be, the A-1 apartment designation is really a vague, general description, and I guess I would like to know if there are other apartment-type that would be better suited or fitted to this specific purpose.

Mr. Sticka: Hopefully, I can answer your question. You know, as Corporation Counsel previously stated on page 14 of your report, you know, A-1 and A-2 districts, you know, it does list what is actually permitted. Now, there is no other zone other than A-1 or A-2 that would permit what is before you today. So, you know, all your concerns --

Ms. Dudoit: And then the designation is merely based on the structure of the type of building, or the use of? So it's A-1 because is A-1 separate from a regular residential type because it's an apartment building, or can it be a residential designation?

Mr. Sticka: Correct. There's a single-family designation, and then there's obviously an apartment designation, and the apartment designation is going to get the -- what the applicant is proposing today the density of 16 units that they're proposing per acres, whereas, typically, you know, you'd only see for a single-family residential zoned property, you know, the maximum of, you know, a guest house -- or, I'm sorry, the primary dwelling and an ohana, so that's where we have the two so --

Ms. Dudoit: So if somebody applied for a 16-home single family dwelling in a subdivision, what would that the zoning be called? What kind of zoning would that be, like Kilohana Kai? If you had 16 different single-family dwelling homes, what would that zoning designation be called?

Mr. Sticka: I believe it would be a single-family residential subdivision.

Ms. Dudoit: Okay, so then my question is: What can't this be a single-family residential? Okay, well, whoever.

Chair Jennings: Diane?

Ms. Swenson: Kilohana Kai was built under the 201E program, and it was built as a condominium project. They have CPR numbers. So I think if this project was to go that way, they would have to CPR it, and maybe they are going to CPR it, and they would be condominiums as opposed -- for planned unit development as opposed to single-family residences.

Ms. Dudoit: Okay, my second question is: If this were permitted, and hearing the public's obvious -- so I think everybody sitting in this room agrees that nobody wants to down every single project that comes through but we do want to have responsible types of development, so for the people of that Manila Camp area, if this project was to be passed, would the county then be liable to improve the roadways and the flood and wastewater and all of that, and is the county prepared to do that? I mean the department is making a recommendation of that, but are you financially and otherwise prepared to assume responsibility of a hundred more people in that area on safety, wastewater, plumbing, all those kind -- roadway standards and all those kind of stuff, is that something that the county's prepared to do?

Chair Jennings: That I think is, you know -- and that's a really good question, Zhantell, but we can't -- we can't say. I mean the county's, once we either deny or go forth with this, it's in the county's hands. Is that my understanding, Ben? I mean that's --

Mr. Sticka: Correct. I mean, again, the Commission today is, you know, recommending to the county council. Obviously, if the county council, you know, were to approve this, obviously, you know, they're deeming that this use is appropriate, you know, in this location; obviously, there's the building, the plan check process, you know, for -- to look at things like, you know, traffic, look at wastewater, but, you know, other than that, you know, it's again --

Ms. Dudoit: So how are we going to respectfully address all these people's obvious concerns and needs?

Mr. Sticka: They could be directed to, you know, comments that you could forward on to the county council as part of, you know, your recommendation today, you could include those as comments.

Chair Jennings: If we did go aye or nay -- if we did, you know, to direct, and I agree with Ben, and I'm not trying to -- you know, I'm just voicing my opinion, to put in there what all these people had to say. I think that's the way to do with this. Again, when we vote on it, let's -- these people, you know, came to voice their opinion. Why not get it in there somehow?

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

Chair Jennings: Yeah, with what we had there so I think we have to do that.

Ms. Dudoit: My problem is, I was part of, in my first five-year term on the Commission, they asked our Commission to approve a wastewater flood runoff plan for the whole Kaunakakai Town, which, by the way, ten-plus years after the fact, has still not been done, okay, so now all the businesses in Kaunakakai suffer because of an inadequate county system for flood runoff. That's the not business's fault because there's nothing wrong, and the county approved those businesses to go into business, to have their structures to do all of those things, so now we're at another standpoint where we're being asked to approve possibly a necessary structure and necessary thing for the community, and the county has a very significant partnership and role in the quality of life for the residents of this particular area, and before you, not you, Ben, but before anybody puts the burden of a recommendation on behalf of the people of Molokai on me or on anybody on this Commission, I want to know that our partners are solid. Is the county solid? When we send you our comments that these people are saying the roadways are unsafe, they're too crowded, flood runoff, all these issues, will you address it or is it just stacked up as comments? So we have that opportunity now. It's ashamed that we would have to deny a perfectly good building for a perfectly good purpose because, as a partnership, what is publicly necessary from the county standpoint, there's nobody here to address whether or not those things could be addressed and fixed, and I think if they were, we would be more comfortable in helping to approve.

Ms. Thomson: I think that would be a very -- that's actually a completely valid comment. You know, if you were planning to go this route, you could recommend approval of the applications for the change in zoning, community plan amendment, except that the county council would need to address traffic, flooding, you know, that you feel that these are major concerns and unless those concerns are adequately addressed, then, you know, then you wouldn't be in favor of the project. Those are valid comments to go up so --

Ms. Dudoit: Okay, I'm sorry. I don't mean to -- but since you're on that subject, so then you put -- you put the burden on the applicant because the county, whether it's whatever department it is within the county, just stood here to recommend that we approve an apartment building; then we would make the recommendation that the council tell the brother of the person who just told us yes, to please say whether or not you can or you can't do these improvements, and if you can't, then the answer will it be no. Why can't it just be that the whole county talk story first and then bring it to us with a foolproof plan, or at least something worthwhile and then -- 'cause I don't want to deny this. I don't. I don't want to deny it based on the fact that we cannot have adequate support from the county.

Ms. Thomson: I think that part of it is that the county wouldn't go out and do certain improvements until there's the need for it, so that might be part of it, but Public Works has -- Public Works has taken a look at this application, if I'm correct, and you could also recommend that the county council request that Public Works specifically look at the roadway, drainage, and things like that in their -- in county council's decision-making process on the applications.

Ms. Dudoit: If we defer, it would specifically have to be a deferral based on specific inadequacies or things we wanted to be addressed the applicant, right? So the county couldn't be party to any of those deferral issues?

Ms. Thomson: I think at this stage, you may not be able to get confirmed plans from Public Works, you know, that yes, they will do this or no, they won't do, you know, improve roadways and things like that. I don't know that they're going to be able to have the assurances at this stage, so, you know, I would include that as a condition or recommendation to council, either way council's going to get this application and be the final decision-making authority on it, so your recommendations will make up a body of information that they consider and they'll -- council will have very similar questions to the ones that you're raising, and what you're providing them is the specific input and the specific questions to make sure that they followup on so they that they have a comfort level when they either approve or deny it.

Chair Jennings: Between a rock and a hard spot here. Do I hear a motion to? Do you want to defer on certain items and -- Zhantell.

Ms. Dudoit: Never mind.

Chair Jennings: Well, maybe we should defer?

Ms. Dudoit: No, but you have to have specific reasons to defer.

Chair Jennings: And on -- for the reasons of -- I will -- go ahead.

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

Ms. Dudoit: No. Then it would be approved.

Mr. Yoshida: Well, I guess the Commission could, you know, send it up without a recommendation if, you know, they feel that they're unable to make a recommendation, and that's within the purview of the Commission.

Ms. Dudoit: Okay, I'm going to make a motion. I want to make a motion to defer this -- to defer this based on the lack of adequate proof that affordable housing is necessary on Molokai, and also based on no adequate flood or wastewater -- proof of wastewater drainage in this flood designated area, and also to address -- yes, to address the traffic and emergency route concerning the existing population and then how that would -- because I don't think the adverse environmental impacts include evidence -- okay, so the social -- let me start all over. I'd like to make a motion to defer based on the lack of proof that we need more affordable housing, because in the social economic impact that doesn't state where or any data showing that, also in the environmental impacts, there's inadequate proof of traffic -- of the adverse effects of traffic or parking, lack of proof or emergency route planning for the current and then new population of Manila Camp, and then to include the calculations for the wastewater drainage and runoff. Don't make me look for more.

Chair Jennings: No. I won't.

Ms. Dudoit: Okay.

Chair Jennings: Okay. Zhantell has made a motion, and I wish I could just -- she's made a motion. Is there a second to this motion? Second by Marshall. All in favor from the Commission?

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

Chair Jennings: Oh. Excuse me. Is there any discussion?

Ms. Dudoit: Yeah, so I would like to make the deferral because I think, in four years time, the applicant has worked really hard to try to provide us with every single thing that we asked for. I am very happy too that there was adequate notice to the -- which is what we asked Luigi for that the people came out to speak in that area, so I think that most of our lack of confidence or problems stem from a partnership between the existing county systems and plans, and those kinds of things, and that should be part of the application and it should be put -- the burden should be put on the applicant or us. If the department recommends something and says that this is a good project, then all departments within the county should be able to support that recommendation before it becomes a matter of

the public or the Commission being burdened to make a recommendation. So that would be my comment for the record.

Mr. Rogers: I think everybody in that area that has made their concerns about the traffic, in particular, something does need to be done at some point, and it's not their fault, but should we approve it without addressing that issue? So I think we should defer it just on that.

Chair Jennings: Well, we have a motion out there, seconded, and let's --

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

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

VOTED: to defer the project based on the lack of proof that more affordable housing is need; in the environmental impacts, there's inadequate proof of the adverse effects of traffic or parking; lack of emergency route planning for the current and then new population of Manila Camp; and that the calculations for the wastewater drainage and runoff be included.

Chair Jennings: Motion carried. Thank you. And I want to thank everybody that came today and voiced their opinion. We really, really appreciate it. Thank you.

Ms. Dudoit: Shucks, I'm sorry. Can I just ask -- can I ask the department, yeah, on this issue? Before the next meeting, is it possible to get Public Works and some of the partnership people concerned with public safety in on this meeting so that we can make a decision when this comes up on the agenda again, so somebody who is already familiar with that and addressing those concerns so that the people can hear from the County's Public Works, Wastewater, you know, those kinds of questions instead of you guys having to try to figure it out?

Ms. Swenson: Zhantell, you know, I was on the Commission at the same time you were, and we sat and we listened to the county about the drainage and all being done, and we saw all the plans and all the bells and whistles, and it's never happened, so even if they sit here and tell us straight in the eye, look us in the eye and tell us what they're going to do, that doesn't mean it's going to happen.

Ms. Dudoit: Yeah, but I think it then makes them accountable, and that's what I think, with all of this, that would be something that would help that at least, as a matter of public record, looking us residents in the eye, you become accountable for the people that you

are elected and hired to serve, and that's all we can ask. I mean if you not a man of your word, you're not a department of your word, what we're going to do? But at least we all heard you say it and I think, for us, that would be important as Commissioners.

Chair Jennings: Okay, thank you all again. Now we go to special --

Mr. Yoshida: Does the Commission want to proceed or take a short recess?

Chair Jennings: Does the Commission want to take a break or proceed? Let's keep on rolling. Okay. Sounds good.

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

D. SPECIAL MANAGEMENT AREA MINOR PERMITS

- 1. MR. PETER FUKUNAGA requesting an After-The-Fact Special Management Area (SMA) Minor Permit for a 330 square foot deck addition to the existing single family residence on property located in the State Rural District at 10450 Kamehameha V Highway, TMK: 5-7-003: 005, Waialua, Island of Molokai. (SMX 2014/0078) (Valuation: \$6,000) (SMX 2014/0078) (B. Sticka)**

The Commission may take action on this request.

Mr. Sticka: Thank you. The second item on your agenda is a request for an after the fact special management area minor permit for a 330 square-foot deck addition to an existing single-family residence. The subject site has been previously graded during construction of the existing residence; minimal grading has occurred as only five posts were dug for the deck. An ATF fee of \$1,000 was assessed for the deck. The fee was in fact paid on August 28 of this year. The valuation of the proposed action is \$6,000.

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, rural district zoning regulations. The state land use district is rural, the community plan is rural, and the county zoning, again, is rural.

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 conditions listed in your report. The representative, Luigi Manera, is here is you have any questions you may have as I am as well. Thank you.

Ms. Dudoit: Was the deck built because there was an emergency reason why they couldn't get a permit first? I mean like flooding or damage from the storm or --

Mr. Manera: This is not an emergency permit.

Ms. Dudoit: Oh, no, no, no. I'm asking why would it have to come as an after-the-fact? Why didn't they go to get a permit first? Okay, that's all I wanted to know.

Mr. Manera: I don't know.

Ms. Dudoit: And then, Ben, the thousand dollars is a fee or a fine? No, I heard him say "fee."

Mr. Manera: They changed to fine so they ...(inaudible)...

Ms. Dudoit: It's a fine. So it's a thousand dollar fine.

Mr. Yoshida: He paid a after-the-fact fee of in total of a thousand dollars.

Ms. Dudoit: So when you apply for a building permit to build this, what kind of fees are they looking at if you were just to apply for this to build?

Mr. Yoshida: They would pay the after-the-fact fee --

Ms. Dudoit: No, no, no. If they went to apply, and they wanted to build something like this, how much would it cost?

Mr. Manera: \$110.00

Ms. Dudoit: For the plan review.

Mr. Yoshida: For the building permit fee.

Ms. Dudoit: Okay.

Ms. Swenson: Luigi, I think this property belonged to the dad, and this boy inherited it, so I don't know if the dad may have built it or something and this boy's just trying to do the right thing.

Mr. Manera: Yeah, I think somebody told him what he was doing was -- you need to have a permit so I think that's what happened.

Chair Jennings: No, go ahead.

Ms. Dudoit: No, I was going to make a motion.

Chair Jennings: Yeah, that's --

Ms. Dudoit: I want to make a motion to approve the after-the-fact permit for this --

Chair Jennings: Zhantell, just a minute. Is there any public testimony on this item? Seeing none, okay. Zhantell.

Ms. Dudoit: Okay, I want to make a motion to approve the after-the-fact special management area minor permit for the 330 square-foot deck addition to that TMK: 5-7-003:005 in Waialua.

Chair Jennings: Bill seconded the motion. Is there any questions or -- okay.

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

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

VOTED: to approve the after-the-fact special management area minor permit for the 330 square-foot deck addition at TMK: 5-7-003:005 in Waialua.

Chair Jennings: Motion carried. Thank you. Thanks, Luigi.

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

E. 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 a Special Management Area (SMA) exemption can be issued for the following:**
 - a. MR. FERDINAND CAJIGAL of the STATE DEPARTMENT OF TRANSPORTATION submitting a Special Management Area (SMA) Assessment application or the resurfacing of Kamehameha V Highway, Route 450 (MP: 0 to MP: 27.51) and associated improvements at TMK: 5-3-006, 5-4-002, 5-4-007, 5-4-**

008, 5-5-001, 5-5-002, 5-6-008, and 5-7-001, Island of Molokai, (SMX 2013/0567) (SMX 2014/0048) (Valuation: \$4.5 million) (B. Sticka)

The project also includes pavement markings, replacement of existing signs, and adjustment of water valves and manhole covers.

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

Mr. Sticka: Thank you. The third item on your agenda today is a request for concurrence with the determination SMA exemption for the resurfacing of Kamehameha V Highway and associated improvement from Mile Post 0 to 27.51. Specifically, the applicant is proposing to remove and replace the top two inches of the highway. The scope of the work includes resurfacing of two inches of the existing pavement, cold planing road surfaces, rumble strips, installation of replacement signage, pavement markings, and striping, adjusting of survey monuments, application of cracked seal and longitudinal stabilizer. During the cold plane operation, all materials will be hauled and stored away from the vicinity of the project location. The applicant indicates that goal is to resurface six to ten miles of highway each fiscal year. The applicant has provided a timeline, which corresponds with the proposed improvements, which has been included as an exhibit in your packet today. Again, the valuation on the proposed action is 4.5 million.

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 19.02A, interim zoning regulations. The state land use district is urban, the community plan is single-family, and again the zoning was interim.

Pursuant to the aforementioned findings of fact and determination, the department recommends concurrence with the determination that the subject application is eligible for an SMA exemption. The representative with the Department of Transportation is here, and I am available for questions as well. Thank you.

Chair Jennings: Diane.

Mr. Swenson: Yeah, I have a question. You know, Mr. Feeter was here saying that you're going to raise the road four inches, that I just heard Ben say that you're taking off the top two inches and replacing the top two inches.

Mr. Chris Della: First of all, my name is Chris Della. I'm the designer for the project. And that is correct. We're going to just take out two inches of the existing highway and replace two inches, so we're not doing any altering of the roadway, so it's just a typical repair and maintenance project.

Mr. Ferdinand Cajjal: My name is Ferdinand Cajjal, but there is no four inches at all. All we're doing is lowering the elevation by two inches, and then pave it back two inches, so that will address Mr. Feeter's questions about flooding, so there will be no additional -- we're not elevating the road any higher than what it is.

Chair Jennings: Chris, I have a question. On the West End, you're doing some patching and some paving, so you're going down -- will this be very similar to that, going down two inches, and then filling it in two inches, is that basically what's happening here?

Mr. Della: It's similar but I think Freddy would want to touch basis with that.

Mr. Cajjal: It's -- what's happening out there is we will be cold planing on there but only about inch down. What we're doing right now, what you see out there is just reconstructing all the bad areas and the really bad spots, that's why you have a lot of patches, and then from there we're going and just to cold plane the rest of the highway just to have a better bonding, and then we pave back two inches to have a nice riding surface on it so you don't have that patchy patchy look.

Chair Jennings: Okay. Okay. 'Cause I see that and then I see how far down you're going to go and I just wondered about that --

Mr. Cajjal: That's just to strengthen the existing road right now.

Chair Jennings: Okay. Thank you. Diane.

Ms. Swenson: You know, like out by our Lady of Sorrows Church, by the pond, part of the highway is falling into the pond, and then like at Puko`o, on the stream, there's a big hole and every time we have a big rain and a big flood, part of the road caves in and the state just comes out and keeps patching it, are there going to be some kind of permanent fix in those two areas?

Mr. Cajjal: There are by the Lady of Sorrows; in fact, we do have a shoreline erosion project that's -- it's under a statewide program, we're just a little too slow, we're a little slow in getting it done, but it's in the book. I believe it's already in the book for this, maybe in the next two or three years I believe, but we do have the funding for at least the design and construction of that portion by the Lady of Sorrows right now. But we are -- we do these things problematically, as they -- we're always behind, as you guys know, and I'm not --we

are always behind with these things, especially on erosion. We do have them on Maui, we have them all over the place, and all we're doing is trying to see if we can prioritize every area given the funding that we have.

Ms. Dudoit: Okay, so I have a question. When you look at the diagrams that are in Exhibit 3 and I think that's 4, they show the elevation and the up slope from your cold planing to the actual last layer, but I think the reason Mr. Feeter was concerned is that the existing height of the roadway already had flooding, so when your department looks at improvement, road improvements, do you also look at improvements on that area too, on the flooding issue and what kinds of recommendations can be made so that the existing flooding gets improved as you start to improve?

Mr. Della: Yeah, we probably might just look into that while we do the initial cold planing and --

Ms. Dudoit: 'Cause one of the things I didn't see in here, so I've been through several of these roadway projects, but one of the things I didn't see in here, at this point, was an elevation drawing compared to what the current -- like the numbers of what the current or the diagram of what the current -- 'cause you don't even have anything in here from the Department of Environment - well, I didn't see it - that talks about wastewater and flood issues concerning your project, or is that not something in your -- that you've had to previously?

Mr. Della: So, like I touched upon on before, it's just a routine maintenance project so we're not -- we're not looking into that right now.

Ms. Dudoit: Okay.

Chair Jennings: I forgot to ask for public testimony. I have the gentleman over here that wants to speak. Yes, go ahead, sir, please.

Mr. Mike Spalding: Mike Spalding. I would suggest that you make a condition of the approval that the contractor use best efforts to hire local workers in this project.

Chair Jennings: Thank you. Did you state your name and I missed it? Please. I'm sorry.

Mr. Spalding: Mike Spalding, from Maui.

Chair Jennings: Thank you, Mr. Spalding. I'm sorry.

Ms. Dudoit: And just to make it clear, because on your application, when we go all the way to the back page where it has a list of checked off of all the agencies and areas of concern

that you addressed, it does address flooding, it does have a box checked off for flooding and wetlands, so that was the reason I was asking, so because you have that, usually when you check the box off, we have some kind of a -- some kind of proof of authority giving, you know --

Mr. Della: When I applied for the SMA permit, the county wanted a low-rise analysis, and so I had an application with the county regarding any flood hazard areas, and they did a study on Kam V and it's all in the SMA zone area.

Ms. Dudoit: But your low-rise analysis is -- you did that?

Mr. Della: The county did that. But it's not usually what you put in our packet? Oh, okay. So I'm just trying to -- I'm just trying to make sure that we're consistent. I just wanted to know because flooding is an issue and it came up from a community member, it probably would have helped if the low-rise flooding elevation diagram or proof of that was done on here so that it could satisfy all of our -- okay, thank you.

Chair Jennings: Doug?

Mr. Rogers: Yeah, the guy that was worried about the highway being a little bit higher, that area floods, and it's going to flood no matter what you do with this highway. It's going to flood again. Guaranteed. Hundred percent. That area floods period. And you guys aren't raising the highway anyways, yeah? When it's all pau it's going to be the same so -- oh, I motion to approve.

Ms. Dudoit: Second.

Chair Jennings: All those in favor? Any discussion? Excuse me. Seeing none.

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

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

VOTED: to concur with the SMA exemption determination.

Chair Jennings: Okay. Thanks you guys. I appreciate your time. Thank you very much. Okay.

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

F. UNFINISHED BUSINESS

1. **MR. MICHAEL SPALDING** requesting a Special Management Area (SMA) Minor Permit in order to construct a 320 square foot (16 ft. x 20 ft.) single family residence 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) (previously discussed at the August 27, 2014 meeting.)

The Commission may take action on this request.

Mr. Sticka: Thank you. Since our last meeting, everyone should have revised drawings that are much clearer this time.

Ms. Dudoit: Yeah, our exhibits are blank but ...(inaudible)...

Mr. Sticka: We can look and see if there's an original copy, but let me just go back and reiterate what's changed on this. The only thing that has changed since your review on August 27 is the storage shed has been changed to a single-family dwelling so, therefore, the request includes a 320 square-foot single-family residence, the septic tank, leach field, excavation of the trench to a depth of 24 inches, and the electrical conduit with a 5-foot easement for electrical, telephone, and cable are all the same from the last time this came before you. The valuation is the same at \$10,000.00.

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 rural, and again the zoning is interim.

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

If you have any questions, the applicant, Michael Spalding is here, and I am as well. Thank you.

Chair Jennings: Is there any questions or public testimony? Oh, excuse me, Mr. Spalding, since I found your name and I'm, you know -- Mr. Spalding, please.

Mr. Spalding: Thank you. This property's been in our family for close to 90 years, and I have two awesome daughters and two grandchildren, and we come to Molokai by boat, and we camp on this property, and this is an opportunity for us to kind of upgrade our ability to come here and enjoy Molokai. So it's a small lot, and it's a small structure, and I'm 67 years old, my kids are young, I'm helping them through the process. This is the fourth time we've been here to get this project rolling, and I apologize last -- I missed the meeting last week having a lengthy lunch with a good friend, and you guys sped up the agenda, but I'm here to try to create a legacy for our family to be able to come to Molokai and enjoy this island that we love very much, and we've been coming here for many, many years, and we have lots of friends and family on this island, so I would appreciate your support of our effort to create this dwelling.

Chair Jennings: Thank you, Mr. Spalding. Is there any public testimony? If not, I would entertain a motion for Mr. Spalding's --

Ms. Dudoit: I'd like to move to approve the application for an SMA --

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

Ms. Dudoit: Discussion.

Chair Jennings: Any discussion? Yes, go ahead.

Ms. Dudoit: Okay. So I just wanted to thank Mr. Spalding for coming back and for revising the application as a single-family dwelling as opposed to a storage shed. That was really nice of you to come back, and thank you for participating in our process, I know it can be sometimes frustrating and long, but I think all of us here do have good intentions and want our island to be the best that it can be, and so I appreciate your continued support of our process.

Chair Jennings: Thank you, Zhantell. Mr. Spalding, I hope you and your family have a great time and the kids want to come back and be a part of the community. We thank you very much.

Mr. Spalding: Thank you very much, all of you, for the approval. I appreciate it.

Chair Jennings: Oh, excuse me, Mr. Spalding, I'm going to have to call for a vote before I make all those nice comments.

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

It has been moved by Commissioner Dudoit, seconded by Commission Swenson, then unanimously

VOTED: to approve the application for an SMA minor permit.

Chair Jennings: You can stay, Mr. Spalding.

Ms. Dudoit: Chair, I'm sorry. The rest of the agenda items, we don't have to vote on, right, 'cause I have to leave, but I wanted to make sure we're okay? Just his report, right? Okay. Thank you.

(Commissioner Dudoit was excused from the meeting at 1:43 p.m.)

G. DIRECTOR'S REPORT

1. Reports from Commissioners who attended the 2014 Hawaii Congress of Planning Officials (HCPO) Conference - September 10-12, 2014, Sheraton Maui, Kaanapali, Island of Maui.

Mr. Yoshida: I guess had the reports from the Commissioners, under Director's Report, reports from the Commissioners who attended the 2014 Hawaii Congress of Planning Officials Conference, September 10 to 12, at the Sheraton Maui. So I don't know if any of the members who attended the conference want to report to the body on the conference.

Chair Jennings: Would the members that were there, would you like to report on how everything was? Doug?

Mr. Rogers: Yeah, the trip to the Lanai was very inspirational actually. The people in Lanai City are much more optimistic than they were the last time that I was in Lanai City. It looks like they're hearing in the right direction. I wish Molokai Ranch was headed in the same being as far as building bridges with the community and working with the community, which the new ownership on Lanai is doing. And there's a lot going on in Lanai City now. I mean before it was like people were bummed out when pineapple left. And it looks like Ellison's got a plan that's going to involve more community involvement and the people are more optimistic. And the conference, also, they had some really good examples of shoreline restoration. What they did over at Iroquois Point I think we need to do something similar to that down here by the bird sanctuary where road's about to be eaten by the ocean. We gotta do something there soon because it's up to the pavement right after the brand new bridge. And Willie K was awesome.

Mr. Racine: The hospitality of the county was awesome. The staff ...(inaudible)... I've been to conferences all over the Mainland, some pretty big national American Water

Works conferences, and this was right up there with them in terms of organization, the quality of the presenters and materials, the variety information that was provided to us. It was an awesome conference. I tried to tape a little bit of everything in the workshops, and ...(inaudible)... everything we have to scale back, you know, Toronto is not -- I mean Molokai is not Toronto, but ...(inaudible)...

Ms. Swenson: ...(inaudible)...

Chair Jennings: ...(inaudible)...

Mr. Racine: ...(inaudible)... they were really different, but not that much different.

2. **Agenda Items for the October 8 , 2014 meeting**
3. **Pending Molokai Applications Report generated by the Planning Department (Appendix A)**
4. **Closed Molokai Applications Report generated by the Planning Department (Appendix B)**

Mr. Yoshida: Under item 2, our next meeting is scheduled for October 8. Unless the applicant gets back to us with the information on the Chopra Hale, we have no items for that meeting. However, we do have a November 12 meeting, and we have public hearings on two council resolutions introduced by Councilmember Guzman: one regarding roadside stands in the county ag district and, two, allowing for childcare homes as a permitted use in the county ag district as well as we have various land use applications for the Molokai High School science building, so that will be on November 12.

We have circulated our list of pending and closed Molokai applications if there are any questions on those lists. Seeing none, that concludes our report.

H. NEXT MEETING DATE: October 8, 2014

I. ADJOURNMENT

Chair Jennings: Okay, any -- let's -- is there a motion to close the meeting? Seeing none. I'm going to close the meeting. Okay, you guys, thank you very much. I appreciate everybody coming. Thank you.

There being no further business brought before the Commission, the meeting was adjourned at 1:43 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions

RECORD OF ATTENDANCE

Present

Michael Jennings, Chairperson
Douglas Rogers, Vice-Chairperson
Billy Buchanan
Zhantell Dudoit
Marshall Racine
Diane Swenson

Excused

Ron Davis
Lawrence Lasua
Sherry Tancayo

Others

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