

**MOLOKAI PLANNING COMMISSION
REGULAR MEETING
JANUARY 14, 2015**

*** 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 12:04 p.m., Wednesday, January 14, 2015, at the Mitchell Pauole Center, Meeting Hall, Kaunakakai, Molokai.

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

Chair Michael Jennings: So let's get started, it's a little after noon, so we'll start out with -- we're going to start out this afternoon, excuse me, with public testimony. Is there any public testimony to come before us? Rob, you want to step up to the mike and please state your name.

B. PUBLIC TESTIMONY

Mr. Rob Stephenson: Good afternoon, Molokai Planning Commission Commissioners, Chair Jennings. I appreciate the opportunity to be here. I'm here as an observer, and I know most of you personally, and each of you I hold in the highest personal regard, so I hope you understand that my following comments are not of a personal nature, rather a procedural nature. And the project I want to speak on today is, as an observer, of the Chopra Hale project. I have some observations and concerns over the project and its unnecessary delays, and we actually see that it's been delayed past the statutory 120 days.

Much of the information that the Commission has been asking for was provided during the draft environmental assessment process, and it's a process in which the Molokai Planning Commission accepted the draft environmental assessment as a project having a finding of no significant impact, so that was a time period where a lot of these questions could be asked, and some of the information that's being asked for is premature in this stage process because it's handled during the building permit process through the Development Services Agency, so we're not even to that process. We're a little premature. And it's my understanding, and I could be mistaken, but even though this project has come before the Molokai Planning Commission, it's not necessarily the Molokai Planning Commission's job to approve the project, rather determine whether or not the conditions have been met to satisfy the requirements for a change in zoning and a community plan amendment. And these unnecessary delays are affecting the landowner in his ability to move forward with

the project, they're affecting the contractors and the employees who rely on these types of projects to feed their families, and the many families who are waiting for an increase in the inventory of affordable rentals.

So with all due respect, I do appreciate all the work that you folks do, but, and I may have a misunderstanding, but it might be useful to review the specific roles and responsibilities of the Molokai Planning Commission to ensure that if this is a normal process, then everyone can go through it; and if it's not a normal process, that we don't have these type of unnecessary delays in the future. So I thank you for your time.

Chair Jennings: Rob, thank you. Are there any questions that the board would like to ask at this time to the -- to Rob? Is there any public testimony at this time, any further testimony?

Mr. Stephenson: Thank you.

Chair Jennings: Thank you, Rob. Thank you. Okay, if there isn't any further public testimony, we will close public testimony at this time.

C. APPROVAL OF THE MINUTES OF THE SEPTEMBER 24, 2014 and NOVEMBER 12, 2014 MEETINGS

Mr. Clayton Yoshida: The next item, Mr. Chair, is approval of the minutes of the September 24, 2014 and November 12, 2014 meetings.

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

Chair Jennings: Is there a second?

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

VOTED: ***to approve the minutes of the September 24, 2014 and November 12, 2014 meetings.***

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

D. UNFINISHED BUSINESS

- 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) (Public hearing was conducted on September 24, 2014 and another meeting conducted on November 12, 2014)

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE COMMISSION TO CONSULT WITH ITS ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES, PURSUANT TO SEC. 92-5(a)(4), HRS.

The Commission may take action on these requests.

Mr. Yoshida: The Staff Planner is Ben Sticka.

Mr. Ben Sticka: Thank you, Mr. Yoshida. Good afternoon, Chair and Members of the Molokai Planning Commission. The first item before you, again, was deferred from the November 12 and September 24 Planning Commission meetings. The Commission requested or has requested additional information to be provided in order to make a recommendation on the proposed community plan amendment and change in zoning requests. Specifically, the Commission had asked for to provide additional information regarding representatives from the Department of Water Supply, to provide data on the need for affordable housing on the island of Molokai, provide data on flood and wastewater calculations, provide data on related traffic impacts, and provide data on addressing response times for emergency services, included fire and police.

Since that meeting, staff did reach out to the Department of Water Supply, Public Works, Police and Fire. The Police and Fire both confirmed that they would either be in attendance or have a representative here today; also, we will have a representative available via conference call from the Department of Water Supply and Public Works during the meeting today for questions of the Commission.

And just as a refresher to the Members of the Commission and the audience today, this request is again 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 to rezone a property from interim to A-1 apartment residential district on approximately one acre.

On August 14, 2013, the Molokai Planning Commission review the environmental assessment in which 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 13, 2013 meeting. And as of November 7, the department has received only one letter against and one letter of support for the project. At this time, I'll turn it over the applicant. Thank you. I guess the applicant has nothing further to add. Thank you.

Chair Jennings: Okay, thanks. Thank you, Ben. Is there any questions or any discussion from the Fire or Police Department that's here? Did they have anything they would like to say?

Ms. Dudoit: Actually, Chair, do you think it would be appropriate for, since I asked the questions specifically, to disclose that so that when they come up, they're clear about what we were asking? Okay.

Chair Jennings: Zhantell, that's fine.

Ms. Dudoit: So, in lieu of the public testimony today and then also in addition to the 12 people who testified previously in September and November of 2014, I would just like to make clear that, and so we cut through all the stuff, you don't need to say "the Commission asked," I asked. Commissioner Dudoit asked for several important areas and has been reluctant to pass this project forward and -- but I want to make something clear. The initial draft assessment was supported by the Commission and comments were recorded that there was concern about parking, and flooding, and issues that we are now able to discuss. When we initially heard the project, Fire sent, Fire Prevention, which specifically -- and Water, and all of the reports that we have, specifically deals with the building itself. What we are concerned about is if we, as a Commission, are given the responsibility to recommend to the county council a change in zoning, which, one, would be an amendment to our community plan, and, two, would affect and impact the surrounding areas, are partner agencies, Wastewater, Public Works, Fire and Police, emergency response, are they able to carry the liability and now the additional population and traffic that goes into having this new apartment building? So I just want to make that clear. The Commission was never against the project, just trying to be responsible for what this change in zoning implies to the existing residents, and that the existing residents came out to testify that they too, numerous times, had no opposition to the project itself, simply wanting the county to address existing problems that have been predominant since 1974. So, specifically, the questions we asked was that we wanted to have representatives from Wastewater and Public Works to discuss potential impacts and current and future concerns in regards to the Manila Camp area and the project, that it would be good to have people who specifically knew water flow, flood, not just on maps, because one of the examples I'll use is it says it's in a flood zone X, which is not a flood zone, yet it's right on the tip of the inundation for a

tsunami, and when we just had this recent rain, the entire Manila Camp was under water. And then we asked to provide -- that we wanted to know if -- so, from the beginning, this project was cited as a necessary need for Molokai. We need affordable rental units. We wanted, as a Commission, I wanted, because I work with affordable housing, to know how do you suggest in a -- and that was the purpose for the community plan amendment and for changing the zoning, how do we know, where is the documented proof that we needed a change in zoning because we need affordable rental units. So these were some of the questions we asked, and I really appreciate all of the work that the planning staff and department has done. We do know, as a Commission, that today is the day we need to make a final decision, so we appreciate all of you and I thank you very much.

Chair Jennings: Is -- would the Fire Department or the Water Department, would they like to answer Zhantell's questions? Yes.

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

Chair Jennings: Okay, Zhantell? Would you -- sir, would you come to the microphone, please, and please answer if Zhantell has a question for the Water Department.

Mr. Jace Miyabuchi: Hi. My name is Jace Miyabuchi, I'm the District Engineer for the West Maui, Upcountry, and Molokai areas for Maui County, for the Department of Water Supply.

Ms. Dudoit: Jace? Oh, hi. Thank you so much for coming. One of the concerns that the residents in the current Manila Camp area have was what is -- what was the projected plan, as far as wastewater elevation and runoff and all those kinds of things, and the capacity for which your drainage system now holds, and what is your future plans, and does a complex like this affect those plans and will it affect the surrounding areas as far as the quality of life that they're living right now, and, for me, will it affect your department and add more of a burden, financially, or manpower for you to accommodate a project like this?

Mr. Miyabuchi: Yeah, so I'm from the Department of Water Supply, so that wouldn't be under our purview but --

Ms. Dudoit: So water. Talk to us about water, current use, planning for future use; does a project like this affect it? Do you have the capacity to provide the water needed in this area?

Mr. Miyabuchi: Okay. So we looked at data, as far as the sustainable yield of the aquifer that this project would be pulling from, so that will be the Kualapuu aquifer. We have our Kualapuu well, it pumps out of that aquifer, it feeds Kaunakakai tank, and Kaunakakai tank, it comes down to feed, you know, the Kaunakakai areas. So, again, we've looked at data as far as the sustainable yield for that aquifer goes, and from what we're seeing, currently,

about 29% of the sustainable yield of that aquifer is being pumped right now. So what that means is, it's not so much of an issue as far as the amount of water that's able to be extracted, now that doesn't seem to be the case, but as far as our department goes, for pumping out of that well, we do have limitations, which are set by, you know, CWRM, the Commission on Water Resource Management, as far as how much we're able to pump out of it, you know, per our pumping permit, so that is an issue. Currently, our allocation is about a little over half-a-million gallons a day. So as far as when this project comes through, I mean there's no water meter serving the property, so there's going to be some issues when the building permits are submitted, and one of them is we're going to have to look at that, you know, water availability. Because this project proposes more than four dwelling units, by Department of Water Supply County Code, it's going to be deemed a subdivision, meaning it has to follow our Department of Water Supply Code, subdivision standards for fire protection, and those types of things. One of the other issues you're going to run into is the water availability code, meaning that the department is going to have to write that this project has a long-term reliable supply of water. So at this point, that's going to be one of the snags in this project because, again, there's no water meter currently, county water meter serving the property, and at this time, we wouldn't be able to write, you know, the fact that this project has a long-term reliable supply of water. For other -- there are exemptions in that part of the code, but they only speak to central and west Maui as far as, you know, you're saying this is going to be 100% affordable housing, so as far as that goes, a couple things have to happen there, it would have to be deemed 100% affordable by Housing and Human Concerns, that's one thing, but also the fact that the code would need to be amended in the fact that Molokai would need to be added into one of the exemptions if you're trying to hit that 100% affordable housing exemption 'cause, currently, the code doesn't speak to Molokai. So that's a couple issues right there. As far as the pumping, the allocation that we're allowed right now by CWRM, there may be a possibility to acquire additional designation but, you know, and that's on our radar, that's something we're kind of looking into, and so that's something we're discussing at this point in time. So there are risks going forward with the building permits. Yes. To be honest.

Mr. Marshall Racine: So at this time, you do not have the allocations to provide water to this project?

Mr. Miyabuchi: Well, we a certain amount of allocationS, again --

Mr. Racine: Okay, what percentage are you operating at now of your allocation for your peak day ...(inaudible)...

Mr. Miyabuchi: Yeah, so sometimes we're under our allocation, sometimes we're over, so that's why I'm saying --

Mr. Racine: Okay, your annual average, can you supply this project at this time?

Mr. Miyabuchi: At this time, no. That's why I'm saying we won't be able to write that this project has a long-term reliable supply of water so --

Mr. Racine: Okay, so you're counting on the fees and all the other amendments that go along with this project to give you the allocation?

Mr. Miyabuchi: No. Well, as far as changing the code, as I was saying, an exemption can be written and amended into this code and the fact that this project would be exempt from the water availability code and -- but the other option again, like I was saying is, if we are able to purchase additional allocation from another water purveyor, then we can -- our director, he may be able to sign a letter of that nature, yeah ...(inaudible)...

Mr. Racine: Okay, did we already see documentation or data that your infrastructure can carry the extra load ...(inaudible)...

Mr. Miyabuchi: Yeah so -- yeah so we have the infrastructure as far as pumping, the transmission lines and whatnot --

Mr. Racine: So you have the capacity in your wells and your distribution system?

Mr. Miyabuchi: In the distribution system, yes. Again, as far as the aquifer itself, we're only at 29% of the sustainable yield so yeah --

Mr. Racine: Oh yeah, that water's in the ground.

Mr. Miyabuchi: Yeah.

Mr. Racine: I mean do you have the pumps and the storage capacity to meet this --

Mr. Miyabuchi: Currently.

Mr. Racine: Okay.

Mr. Miyabuchi: But, again, but caveat to that, when the building permits do come in, like I just said, there's going to be other requirements, possible water main upsizing based on our subdivision code, you know, are we able to provide water protection to that property, so there might have to be main upsizing on Makaena or Manila Place, I think that is, there's only small pipes in that road, and I think that's the only road that's fronting this property, if I'm not mistaken, so that would need to be looked at definitely; maybe some other lines leading into that -- into that subdivision may need to be upsized too, we have to check pressure losses, what we're going to end up getting as far as for fire protection.

Mr. Racine: Thank you.

Chair Jennings: Zhantell, do you have any further questions that you'd like to have answered?

Ms. Dudoit: No. Thank you, Jace.

Mr. Miyabuchi: Alright. Thanks.

Ms. Dudoit: And actually, Chair, if there's a representative from the Department of Housing and Human Concerns that can address the second question, that would probably be appropriate at this time.

Chair Jennings: Do we have a representative from the Housing here?

Ms. Dudoit: Okay, then --

Chair Jennings: Seeing none. Go ahead.

Ms. Dudoit: Just as a side note, Chair, if I may?

Chair Jennings: Yes. Please.

Ms. Dudoit: So Jace brings up one of the reasons that I asked for documentation proving the need for affordable housing, so right now, what I can see clearly is this project is under affordable housing designation and there is a desire for us to pass this through because at the time the building permit comes up, they would then be able to seek an exemption under the 100% affordable housing unit, so I just wanted to put that on the record as the reason why we asked for documentation of the need for affordable housing rental units on Molokai.

Ms. Richelle Thomson: I just wanted to -- is it on? I just wanted to add, as far as I'm aware, the project has not been designated by any official body as affordable, so it's been described as affordable housing, but whether or not they wanted to pursue an official acceptance as an affordable housing project, and what the Water Department is referring to is there are exemptions from the show me the water ordinance that apply to affordable housing, but currently in the code, that doesn't apply to affordable housing projects on Molokai.

Chair Jennings: Would either of the Fire Department or the Police Department like to come up and say anything at -- at this time?

Captain Kekoa Puhi: Good afternoon everyone. Zhan, you got any questions for me?

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

Captain Puhi: Captain Kekoa Puhi, Kaunakakai Fire Station.

Chair Jennings: Thank you.

Ms. Dudoit: Hi. Okay, so let's start with calculations and the availability of water for fire, since you're here. Can you tell us a little bit of whether or not the current capacity is able to, under your guidelines and policies, take care of the existing residents and would this complex still -- would you still be able to do your job with the existing water that you have through the hydrants or whatever to be able to take care of the additional people and facilities?

Captain Puhi: At present, we just did a preliminary flow test last week, and I'm still trying to get those numbers corrected; there may be a correction factor. But if you just take one of the buildings and the square footage and how we determine required fire flow, just for one floor, the capacity would make it for the hydrant that's just on the bottom east -- southeast corner, excuse me. If you look at the map, there's one at the southeast corner and one at the northeast corner of that property, just above it, so we did our testing on the southeast corner. The preliminary calcs that I got from the guys I work with, and I haven't confirmed this with Fire Prevention yet, I still have to do that, is 1500 is the most water we're going to get out of that pipe. With a correction factor, maybe the building itself may be protected, one of the buildings, but at present, it would take 2400 GPMs to put out that -- for one structure since it's a two-story. That particular building is 30-by-120, two-story, so --

Ms. Dudoit: Okay, so the current that you have right now would not be able to provide enough water for both stories?

Captain Puhi: No.

Ms. Dudoit: Okay.

Captain Puhi: But I still gotta get that clarified with my Fire Prevention Bureau on Maui.

Ms. Dudoit: Okay.

Captain Puhi: Send them the -- the data we have.

Ms. Dudoit: And then the second question was with the current entrance and exit routes, and size of the road, and the current population, and then adding on the additional amount

of people and cars that would come with the facility, tell us a little bit about your concerns, if any, to response time and availability of your equipment and those --

Captain Puhi: Right now, from Kaunakakai Station, from the time we get the call, it's actually the time we get on the truck, it should take us about three to five minutes to get there, bright sunny day, nobody on the road. We're only allowed to go so much over the speed limit, if we're allowed, if the road is safe, so three to five minutes from Kaunakakai Station, which is right up here. Hoolehua would be about 10 to 12. Pukoo Station would be approximately 20 minutes. The reason I'm bringing all these three engines up, stations up, is because if we have any kind of structure fire at that facility that they're proposing, they would call our station -- call our apparatus out at the same time, so that's why you would get that. Now, as far as just that little access road they have, Manila Place Road, I believe it's called, any of you guys know there's the dead river right next to it, so anytime there's a lot of rain, tropical storm, hurricane, what have you, that river starts to flow, that main highway, Maunaloa Highway, is blocked off. We may not be able to cross in to get to the access road. Also, what happens is, when it rains enough, if you guys look on your guys' map, there's the main river that comes in on the east side of that roadway, and there's another river that's unnamed that comes and flows also, and water -- when the land gets saturated, those two rivers start flowing, and they all end up basically right at the same spot, which is at Manila Place Road. So even if Engine 9 came down, they might not be able to get through that access road when it's raining profusely and the land is saturated. So our response time will either be delayed or nonexistent because we'll have to wait for that river to subside before we can get in there.

Ms. Dudoit: I have no further questions.

Chair Jennings: For Captain Puhi, is there any other questions for Captain Puhi? Hold on, sir, just a minute.

Mr. Lawrence Lasua: Kekoa, you stated 24 gallons GPM for a building of that size, is that what you were saying?

Captain Puhi: Preliminary calcs come out to 2400.

Mr. Lasua: 2400. And you're saying 1500 is what is now?

Captain Puhi: What we -- when we did our preliminary flow test, and we did our calcs, and we did some graphic analysis, if we did it correctly, which I think we did --

Mr. Lasua: So you --

Captain Puhi: At present, the most we're getting out of there is at 1500.

Mr. Lasua: So if you brought in the other tankers, that would increase the amount of water to the fire?

Captain Puhii: We have one tanker, and we may be able to get tanker-to-tankers from the county or one from Public Works, but they would have to travel outside of that area probably to Maunaloa Highway, fill up over there and do a tanker shuttle.

Mr. Lasua: Okay. Thank you.

Captain Puhii: And that -- that process is quite long.

Ms. Dudoit: I just thought of something. Okay, so in aspect of the whole subdivision, do you guys do calculations per square footage of how much water is necessary in the subdivision? 'Cause now, if what Jace said is true, it would be two subdivisions next to each other under the current fire policy.

Captain Puhii: We usually just take either households, just the structure itself that it's concerned with, so if one of the other structures in a subdivision, since that one structure is on fire, had an incident with fire, we just roll up and we get a fast -- most of the houses are about 11,000 -- 1100 square feet, so we do 1100 square feet, divided by 3, we come out to, basically, two something -- 200 GPM. If we take each structure, individually, and so as far as that subdivision up there, that was is more than adequate for those houses if one is on fire.

Ms. Dudoit: The current water you have?

Captain Puhii: Yeah, the amount of water, yeah. It's more than adequate, so long as one structure is one fire and then ...(inaudible)...

Ms. Dudoit: But what happens if the apartment building's on fire and it sweeps through the whole subdivision, do you have enough water to take care of one fire that takes out all the houses on the top row or the two rows on the top?

Captain Puhii: We may not have enough water, but then we may not have enough men either 'cause we only have, on a day, usual day, we have 13, if everyone shows up to work, nobody's on vacation, nobody's sick. On a day on minimum manning, we have 11, and we'll have the trucks, and a tanker, and then we have to call back personnel. Just like any wild land fire you see over here, if that's going to go, it's going to go. The building, I spoke with Mr. Manera, and the proposed construction of the building is supposed to be CMU two-story high with the adjacent walls going all the way up to the roof, so that kind of compartmentalizes what we have to deal with.

Ms. Dudoit: Okay.

Captain Puhii: So instead of the whole building being on fire, probably that section or that one unit will have the fire and, hopefully, it doesn't travel up to the second floor. But because it's CMU and all the adjacent walls should be CMU, if I'm not mistaken, and go all the way up to the roof, that should hold that fire in those two units with no horizontal spread, if everything goes right.

Ms. Dudoit: Okay.

Captain Puhii: But if that whole -- now his proposed and what they actually build, may be something else, so that's why we take the building in itself as just a building.

Ms. Dudoit: And then just to educate us, are there any documented calculations to subdivisions or a specific subdivision where the Fire does an assessment of how much water for the whole square footage of the subdivision is required because if we're hearing from Jace that, currently, there's not enough drinking water, right, that can -- or, I'm sorry, not not enough, but at its current capacity and flow, it wouldn't be adequate, and we listening to you and now this is not adequate, so then my concern is --

Captain Puhii: Preliminarily, not adequate.

Ms. Dudoit: Preliminary, it's not adequate, so now my concern is I just would like to be educated on is there enough water to take care of the people, and maybe that's not the question, maybe the question is is there enough infrastructure, pressure, and flow of water to be able to take care, because they're so close together, if one house catch on fire, say it's not the structure, but the concern from the residents is there's one access in and out, so it could be that that building that is going to be built is perfectly fine, but the added population and the fact that there's only one entrance in and out, and then there's a massive fire, how do you save the guys in that building over there if the fire is not caused by them but by somebody else? In there lies the liability of can the Fire Department sustain the liability, have the manpower and the equipment and resource they need for an additional hundred people, an additional 30 cars? And so I guess that was what our response question -- that was our --

Captain Puhii: As far as the water portion on that question, no, I do not know of any studies or data that have been done to determine that, but I can get back to the Fire Prevention Bureau on Maui and ask them that. If you write that question down for me, I'll get back with you. As far as a major incident anywhere, like I said, we got 11 guys, 4 trucks, so we going try do our best and, hopefully, main thing no one dies. So we get help from Maui sometimes on the wild land fires, but sometimes that takes an hour, 2 hours. So that's where we're at as far as the liability and if we can do what we supposed to do, yeah, I think

we can do what we supposed to for single structure fires, and even for that proposed building. Will it be difficult? Of course. But that's why we got our job so -- any other questions?

Chair Jennings: Thank you, Captain. And I live close to the Captain so the last big fire that we had, which was unbelievable. I can't say enough about the Fire Department and what they did, and I saw that fire jump from house to house, and you did a fantastic job so I just want to, whether I had before or I will now say you guys did a great job, and I just want to say thank you.

Captain Puhii: On behalf of the guys, you're welcome. We try.

Chair Jennings: Yeah, you did it. You guys did a great job. Okay, is there any other further questions? Yeah? Marshall.

Mr. Racine: I don't have the original submitted package, but I remember a reference to part of the upgrades to the infrastructure being part of the project. My experience is that's the pipe in front of the property. What I'm hearing is that the infrastructure is undersized. Preliminary -- preliminary, okay, it's grossly undersized so then we need a new -- a new main all the way out to the highway to bring the capacity into the development. If they're paying for the piece in front of the property, who's paying for the balance of that? That's my question to the department. Is that addressed, or are they going to replace the piece in front of the property?

Mr. Sticka: Based upon what you're -- the question you're asking is, from what I understand, is most of those issues are worked out during the plan review and plan check phase.

Mr. Racine: We're being asked to recommend a change of zoning. I'm not voting on the project. I'm considering changing the zoning. The rest of the process will hinge on whether we recommend the change of the zoning. Are we being irresponsible in recommending that change? This is why I'm asking the questions. My -- I don't have any negative opinion about whether or not people make money off of this piece of property. I'm trying to be responsible in my piece of this process in making a change to our zoning. Are we being -- acting responsibly? Will the county have to bear the cost of that change? That's my question to you right now.

Mr. Sticka: That would be something that would be -- have to be -- you know, you could ask the Administrator that question because, again, I think that would be something that would go through plan check process, and I don't know what department is responsible for enforcing those fees or those reviews for that.

Mr. Yoshida: Yeah, I guess, ultimately, if they get the zoning change, they will have to come in for a building permit. The different departments will review the building permit plans and make requirements, see that the infrastructure is provided per the code to meet the impacts caused by the development.

Mr. Racine: So we have the regulations in place that would require the developer to make those changes or pay the fees necessary to upgrade the infrastructure for -- well, to supply the added load on the system by the development? Do we have those regulations in place that would see that they bear the increase rather than the rest of the community?

Mr. Yoshida: I guess the individual departments would, relative to their purview, would be reviewing the plans and they would call for any developer to make any upgrades which they feel is necessary to meet the impacts caused by the proposed development.

Ms. Thomson: Thanks. And I just wanted to add, and this kind of gets to your point and your analysis under change in zoning, so one of the -- one of the things that you're looking at is what is -- what are the current conditions, you know, sewer, roads, fire, police, etcetera, and is this project burdening those resources too much, and if you feel that that is so, based on what you're hearing, or not, you know, that would be a comment that you would make to comment so that when this project gets up to council, the change in zoning is being considered at that level, they have that information and your opinions on it. But it's really you'd go by current conditions, so, you know, that's all you have to work with right now is current conditions and then also the information that the department's providing you. As far as what would be required of a project, you know, once it gets to the building permit stage, then those other like specific, you know, impact analyses are done and then may or may not be required of the applicant at that time. So it depends on what the codes are, and what the requirements are, and what the lines, you know, what those impacts that can be attributed to a project, they would be required to probably do some upgrades but I don't think that the department can tell you specifically what they would be right now.

Ms. Dudoit: Can I just kind of voice out what I'm thinking so that you can tell me if it's right? So my understanding is, and I think which is necessary to have on record so that the people who are listening in on our conversation can understand, is that we are being asked, and in lieu of the testimony that was given, the Commission is not being asked to look at the draft EA of the specific project and approve a recommendation for the project. We are being asked to recommend to the county council a change in zoning and so all these building aspects, and all of that stuff, in which we were criticized for holding up, and that's what's going to be done during the building process, has nothing to do with the issue that we are being to review right now. We are being asked to look at what the current conditions are and is a change of zoning is it the right thing to do for the people in the surrounding area in which point then if we said yes, the project could go forward, and building permits and all that kind of stuff would come up, right?

Ms. Thomson: Yes. You're right. Where the environmental assessment fits into that is that that's an informational document that you're now using the information you got from that plus this new information from the department to analyze, and this is under the change in zoning part of the code, whether if the change in zoning is granted, that the project would -- or the change in zoning for that parcel would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage, solid waste, drainage, roadway and transportation systems, and other public requirements conveniences and improvements, and, additionally, whether it would or wouldn't adversely impact social, cultural, economic, environmental, and the ecological character and quality of the surrounding neighborhood. So those are the -- those are the impacts that you're analyzing, and based on the information that you're receiving, you're going to provide your comments to council, you know, yes, we think that this change in zoning is appropriate, or no, we don't. If you think that it is appropriate, you can also recommend conditions that can be imposed.

Chair Jennings: Yes, thanks, Zhantell. Is there other -- the Police Department, would they have any comments on this? Do you have something you'd --

Officer Lanikai: Officer Lanikai, Community Police Officer, here to answer any questions that you might have, if any.

Chair Jennings: Zhantell.

Ms. Dudoit: Thank you for coming, and since you came two times already, I should ask you a question. Can you just tell us a little bit about some of maybe the challenges that you have or are there any challenges or concerns as far as response and traffic control and pedestrians, and things like that, in that surrounding area, and would us changing the zoning to a A-1 apartment designation affect the quality of life in that area or safety or public safety?

Officer Lanikai: As far as Manila Camp goes, the way the roads are, it's always unsafe, just that hard left coming into Manila Camp, and not really having a shoulder for pedestrians. With an increase of people in there, and being that it's so close to town, we can expect that people are just going to walk to town. Now, if you got emergency vehicles pulling, and the roadway being as narrow as it is, you're going to have some safety issues. As far as response time, being that it is again close to town, depending on where the officers are, it's up in the air, you know. If they're patrolling in the area, out west, east, response time is going to vary. But, yeah, with an increase of people in there, that's probably the biggest one I can see, and then as stated with the flooding, majority of our patrol vehicles are cars, you know. Whether there's a -- this building in there or not, if there is a high flooding, it's going to be a while if a patrol officer has to respond with a regular car, he's going to have to stop by the station and maybe pickup the truck or the SUV, so response time is going

to increase as far as that goes. But already Manila Camp is a dangerous place to pull into traveling at a higher than needed speed if emergency response is needed.

Chair Jennings: Any other questions that you would like to ask, anyone? Okay. I appreciate, and we appreciate, you taking the time to come up and give us your opinion.

Officer Lanikai: Thank you.

Chair Jennings: Thank you. Is there any questions from the council for Public Works or is there anymore department heads here or departments that are here? Okay. Zhantell? Ben.

Mr. Sticka: Chair, I just wanted to let you, the Commission, know that there are two other departments that are available by phone, Department of Environmental Management and Water Supply.

Ms. Sybil Lopez: Public Works.

Mr. Sticka: Oh, Public Works, I apologize. If the Commission would like to hear from them, we can call them.

Chair Jennings: If they -- yeah, we can -- sure. We have a phone call here we can make and we can get this -- the first department we'll hear from will be Environmental Management.

Ms. Lori Buchanan: Chair?

Chair Jennings: Yes?

Ms. Buchanan: Can I make a suggestion?

Mr. Mike Miyamoto: ...(inaudible)... *(Mr. Miyamoto answering the phone.)*

Ms. Sybil: Aloha, Mike. This is Sybil, with the Planning Department, how are you?

Mr. Mike Miyamoto: How you doing?

Ms. Sybil: We have the Molokai Planning Commission here and ready for questions for you.

Mr. Miyamoto: Okay.

Ms. Sybil: Just for the record, because you're on record, can you please state your name and what department you're with?

Chair Jennings: Please.

Mr. Miyamoto: My name is Mike Miyamoto, I'm with the County of Maui, Department of Environmental Management, I am the Deputy Director.

Ms. Dudoit: Hi, Mike. This is Commissioner Dudoit. Can you hear me?

Mr. Miyamoto: Yes, I can hear you.

Ms. Dudoit: Can you tell us a little bit about what your department is responsible for?

Mr. Miyamoto: Our department has two divisions within our department; one is for solid waste, which is our landfills and refuse collection, and the other department is our wastewater division.

Ms. Dudoit: So let's talk about wastewater. Can you tell us whether or not the current situation over in Manila Camp, as far as wastewater runoff, flood runoff, those kinds of things, currently, are adequate for the population and the houses and the surrounding areas for the existing Manila Camp, what your future plans are, if any, for your wastewater capacity and if this project, the proposed project, would cause more challenges or would change your future plans for your department?

Mr. Miyamoto: Okay. First of all, you mentioned the runoffs, and that's not under our department. Runoff is generally by Public Works, Department of Public Works. We, basically, have a sewer system in that area, gravity sewer system; part of it's new out of PVC pipe, and part of it's old out of clay pipes. The property in question is bordered by sewer lines. There are sewer lines on both sides of -- two sides of the property. As far as our system goes, we generally have sufficient capacity for what we're projecting would be anticipated flows for a project of this nature. We just recently upgraded the pump station and the force main that transmits the wastewater from that pump station to the plant. We are doing some modifications to the plant to improve efficiency and maintain some of the older mechanical parts. So, other than that, we're pretty comfortable that we have sufficient capacity for this proposal.

Ms. Dudoit: Okay. So the fact that your wastewater treatment plant is in a flood zone and that during high tide or when the river flows, that doesn't cause any problems for public safety, or our environment, or the quality of life for our residents in Kaunakakai?

Mr. Miyamoto: Not at this point. The way -- the system has a series of ponds and we do have an injection well that's further mauka of the treatment plant that can handle all of the -- the effluent that we put down the injection wells.

Ms. Dudoit: So if the ocean water, and it flooded and it came over and it covered your ponds, that wouldn't contaminate our water?

Mr. Miyamoto: The ponds are a little bit above sea -- well, I don't know the exact elevation that the ponds, the walls of the ponds of are, but they are higher than the surrounding area, but we should be able to ...(inaudible)...

Ms. Dudoit: Have you been to the ponds?

Mr. Miyamoto: I'm sorry?

Ms. Dudoit: Have you been to the ponds?

Mr. Miyamoto: Yes.

Ms. Dudoit: Okay.

Mr. Miyamoto: Yes. I was amazed at those ponds and how we accommodated the birds in the areas for them to nest.

Ms. Dudoit: Okay. Okay, thank you.

Chair Jennings: Is there any other questions from other Commissioners to Mike? Okay. Mike, thank you.

Ms. Dudoit: Thanks, Mike.

Chair Jennings: We appreciate it very much.

Mr. Miyamoto: And if you have other questions come up, I'll still be here.

Chair Jennings: Okay. Thank you, Mike.

Mr. Miyamoto: Thank you. Bye.

Chair Jennings: Okay, the next one will be Department of Public Works.

Mr. David Goode: Good afternoon, this is Dave. *(Mr. Goode answering the phone.)*

Ms. Lopez: Hi Dave. This is Sybil Lopez, with the Planning Department. How are you?

Mr. Goode: Hi, Sybil.

Ms. Lopez: I am here with the Molokai Planning Commissioners, on Molokai ...(inaudible)... and we have the Commissioners here with some questions.

Mr. Goode: Okay. If I could help.

Ms. Lopez: Just for the record, could you state your name and what department you're from?

Mr. Goode: Yes. I'm David Goode. I'm the Director of the Department of Public Works.

Ms. Dudoit: Hi, David. This is Commissioner Dudoit.

Mr. Goode: Hello.

Ms. Dudoit: Hi. So regarding the proposed change of zoning for Manila Camp, can you tell us if your existing infrastructure in the Manila Camp area is sufficient and without challenges or without any problems for the current residents of the Manila Camp area and will the proposed project cause you to have to change your plans for the -- future plans or will it bring more a burden on your department should this plan be -- should this change of zoning be approved, and do you have any concerns regarding Public Works?

Mr. Goode: Yeah, thanks for that question. In general, if I could give a little bit of background on how we review projects. The Planning Department sends us the applications. We send it to all of our divisions. And one, of two divisions, of the engineering division, which looks at the traffic report and drainage, primarily, and the highways division, which is ...(inaudible)... the maintenance side, so the folks that we have on Molokai are mainly highways division. And we also send them to Development Services Administration, who would look at the project from what type of improvements do they have on the parcel itself. And based on all their looks at, we're pretty convinced that, you know, the additional 16 units in this area won't cause any additional hardships on our existing roads, the infrastructure that we service there. They're going to have to make improvements to the property itself and along the property, and that the additional traffic impacts didn't warrant any changes to our existing roads and, of course, at the highway, that would be the State Department of Transportation, and so I can't comment for them, but I don't think they had any comments regarding, you know, adding turn lanes or certainly no traffic signal. So from our perspective, we're comfortable with it.

Ms. Dudoit: So can you tell me what is the requirement on a county roadway, what is the total measurement of how -- how much footage do you need from one side of the road to the other and are shoulders required?

Mr. Goode: If it was a brand new subdivision, and it was urban zoned or multi-family zoned, the total right-of-way, which includes the shoulders, would be anywhere from about 44 feet to 56 feet, that is if it was brand new. For existing subdivisions, we would require that width along the property boundaries, so this, my understanding, this parcel borders two roads, so those roads, Makaena's one of them, I'm not sure what other one is, but those would have to be widened, you know, to meet those requirements. The road leading to the subdivision from say the highway would have to be 20 feet wide of pavement so --

Ms. Dudoit: That's just for the traffic, but do you require shoulder for existing subdivisions?

Mr. Goode: For new, fronting the parcel itself.

Ms. Dudoit: Okay so --

Mr. Goode: But if they ...(inaudible)... improvements, they come in detailed plans, we'll enforce that.

Ms. Dudoit: But what about for the subdivision, the -- 'cause the problem, the challenge we're having right now is that the Commission is being asked to recommend a change in zoning, and so now we have to decide whether or not the existing accommodations or infrastructure in that area is adequate for the residents and the quality of life in the area, so is it 20 feet wide the pavement where the cars drive through, or is that inclusive of a shoulder, and is a shoulder required for existing subdivisions?

Mr. Goode: Yeah, our codes don't require it. The only two requirements, at the top of my head, are one is, basically, 20 feet of pavement, and the second is I think the right-of-way has to be 24 feet, which only gives you 2 feet either side. In some of rural areas, we have, you know, sides of mountains and there's just no room at all. So those are the two requirements that we have.

Ms. Dudoit: So when you say "two feet on either side," that means from the white line on the side of road, you need to have at least two feet of pavement further on each side?

Mr. Goode: No. Just it can be grassed or, you know, unpaved. So we, basically, again, just looking at -- from our subdivision code, 20 feet of pavement, 24 feet overall right-of-way, and the existing roadways meet that requirement.

Ms. Dudoit: Okay, so as far as the director, you being the Director of Public Works, you see no current issues or challenges on roadways and infrastructures in your designated area with the current residents traffic and population in Manila Camp?

Mr. Goode: With the existing current, without the proposed project, no. We haven't, in fact, haven't received too many, at least in our office, requests for significant changes. I imagine the guys on Molokai may have made some improvements here and there based on concerns that come up.

Ms. Dudoit: So, just so that we're educated and we don't have to keep calling you up, if there's an obvious concern by residents 'cause some of them are sitting in our audience today, if there's an obvious concern from the Police Department that there's not enough pedestrian shoulder of the road, or walkway, if there's not enough -- if there's a concern that there's too much traffic being parked on the side of the road and there's not enough room, the way that Public Works would deal with this is that we would have to call you and make a complaint?

Mr. Goode: Yeah or you can -- yeah, call us, call the Police Department, Isaac folks can assist, and we can assist in a couple ways. One is, especially for walking along the road, generally the property owners along the road are required to keep that area free and clear of rubbish or and I think there might some overgrown kiawe over there, something like that, we can then work directly with the landowner to have them, you know, clear that area, and so that's -- that's a common complaint that we deal with pretty frequently countywide. I'm happy to assist. Parking, etcetera, that's probably first Police but, ultimately, if there's areas where it doesn't seem appropriate, there's safety issues for continued parking in an area, then we can look at it from our engineering division, so sometimes we come in and make certain areas no parking. So those are all options to help out.

Ms. Dudoit: And just liability-wise so that we're educated again, when you say "24 feet," for your roadway, anybody getting hurt passed the 24 feet, that's the -- that's going to be liability of the property owner?

Mr. Goode: I can't speak to specific liability 'cause that's usually on a case-by-case basis. The 24 feet is a minimum width of the right-of-way, the county-owned portion. I'm pretty sure Makaena is probably a little wider than that. But we would be concerned about, you know, what's happening in our property.

Ms. Dudoit: Which is, just for the sake of conversation, the 24 feet for now?

Mr. Goode: Yeah. Yeah.

Ms. Dudoit: Okay. Alright. Thank you.

Mr. Racine: This is Commissioner Racine. I imagine you reviewed the proposal. Our concerns about its impact on the existing infrastructure, storm water --

Mr. Goode: I can't hear.

Mr. Racine: The development is currently, you know, one-acre lots, plus or minus, mostly softscape, a driveway, and a house. We're turning an acre into buildings, parking, and pavement.

Ms. Thomson: Are you able to hear?

Mr. Goode: No. This gentleman's a little too far away or something. I can't hear very well.

Ms. Thomson: Hold on one minute.

Mr. Racine: Dave, thank you for taking the time for us.

Mr. Goode: Oh, that sounds better.

Mr. Racine: I gotta stand by the phone. We got all this complex recording that we gotta satisfy. Alright, we're concerned with the impact on the existing infrastructure. Storm water. Right now we have a bunch of one-acre lots, plus or minus, softscape. We're going to turn one acre into hardscape, you know, buildings, pavement, and such ...(inaudible)... rather than -- I'm the water guy. I understand a little bit about runoff and watersheds.

Mr. Goode: Okay.

Mr. Racine: This, with hardscape, we're not going to have the property soaking up water and then when we reach flood conditions, it runs off. You're going to have immediate flow from this property with hardscape. Does the existing infrastructure have the capacity to carry this offsite?

Mr. Goode: Yeah, the way -- the way we handle it in all new projects coming up is that the -- on the project, when it's finished, cannot put more water back out outside the property than it did in its existing condition today. So what that means is that, you're right, the hardscape will shed more water, they're going to have to retain that water onsite through a variety of mechanisms that, you know, their engineering, architectural team can put together so that, in the end, the water that comes off the site is supposed to be less than or equal to the water that comes off the site today. Further, we have a new requirement that the water that comes off the site basically has to be cleaner than the water that's coming off the site today, and so that'll be another requirement in addition to retaining some

water is that the water coming off the site, through a variety of technics that are available to the designers, can make the water cleaner coming off the site.

Mr. Racine: Thank you.

Mr. Goode: You're welcome.

Chair Jennings: Dave, thank you. This is Chairman Jennings. I just wanted to say thank you for your time and are there any further questions by the Commissioners? If there are no -- none from the Commissioners, then we will have -- yeah, Dave -- yeah, we're done with -- we're done with Dave, that's not a nice thing to say. Dave, we're done with you but --

Mr. Goode: Alright. Well, thanks for the opportunity to do this via conference call. That was great. I appreciate it.

Chair Jennings: Okay. Thank you, Dave. Now, we're going to be taking some time and public testimony on this, what you've heard and on this project, so if you would, if there is public testimony, please step to the microphone and let us hear what you have to say. Okay, seeing none, we'll vote on -- yes, ma'am?

Ms. Diane Adachi: Hi, Mike. How are you?

Chair Jennings: Good. Thank you. Please step to the microphone, and even though I know you, please state your name. Oh, you got some handouts for us? Fine.

Ms. Adachi: I have a little bit. My name is Diane Adachi. I do live in Manila Camp. I'm at 131 Manila Place -- I'm sorry, Makaena. We spoke two months ago, and had several people with us, and through my neglect, I'm sorry, I sent them to the wrong place, so we did communicate with all the residents on Makaena Place last night, and they could be standing over at the building. I'm sorry. Miscommunication. But our main concern is the highway. The road. The flooding that we had with the last storm. The only one in and out that we have. And children playing. They're free to play in the roads. There's pictures coming out my husband took. They're like in a 15-minute interval. Don't pay attention to the date on it because the camera didn't have the right date. I'm very simply putting that, aloha, we are here today to followup on the plan to change the zoning from single-family to multi-housing. Our current road is in a special flood hazard area for FEMA. Last month's storm and flooding is one example as to the need for another entrance/exit. Yes, that was mother nature, but the addition of 36-plus cars added to this already crowded condition leaves it very questionable. I go with 36 because most people have 2 cars, we have 4, but down that street, everybody's got an extra car parked somewhere whether it runs or not. We spoke with all those who live on Makaena Place last night and many are

working today, or they're not well, or they're seniors, not everybody will come out to a meeting. I was asked to speak on their behalf, and they agreed with us that the road condition is the number one priority here. They're not against the project. It's a little scary for them. But the most thing that we are addressing is the roads. It needs to be better. We need to be able to get out of there if there's an emergency, like our Policeman stated, the dogleg as you come in is very dangerous. Pat and Ann, the Lau's are our neighbors next door. There's many times their place has been hit because of the speeding and the conditions of the road. This really needs to be addressed. It's scary for us. When we moved in, our boat was pushed through the fence because somebody lost control on the corner and this is -- this is where we are. We know Molokai needs housing, we know there's still plenty of it available, we also know that this is going to be Section 8, it's low-income, which ties into what we have a lot here on island, but please, before you decide, everybody go out and take a look at what that corner is, the pictures show a little bit of it, it's just -- I'm not against anything that's happening other than the fact that we need a better road condition. Any questions? I brought Anna with us, or Anna came up, found us, and she's, like I said, she's our next door neighbor. They're property has been -- everybody seems to think they gotta make that 90 degree corner going 90 miles an hour, and if you were there and you hear it, it's not unusual and it's with every generation, everybody gets, you know, the next one comes up and gets older and it's we gotta try it, and kids are -- kids are the number one, they're our future, and if this road is not safe for the kids, and with adding so many more people to it, it's only going to make it more hazardous. Yes?

Chair Jennings: No, Ms. Adachi, I appreciate it very much, and I'm sure the Commissioners do. In talking with Richelle, we would like to have you address a letter to Public Works so that they can look at this and that's where we need to go with this.

Ms. Adachi: I'd be happy to do that.

Chair Jennings: Please, if you could, and we'll get you the address of -- and David's, and everything there so that you can address it to the Public Works and tell them exactly your needs and your neighbor's needs.

Ms. Adachi: Thank you.

Chair Jennings: But I appreciate you coming to the Commission and voicing your opinion. Thank you very much.

Ms. Adachi: You're very welcome. The only thing is if this can't be addressed, don't add that extra cars to our area, you know, that's just -- that's nuts.

Chair Jennings: Okay.

Ms. Adachi: Thank you.

Chair Jennings: Thank you. Do we have any other public testimony? Yes? Please? Yes, sir. Please come to the microphone and state your name, please.

Mr. Henry Lindle: Yeah, how's it going? My name is Henry Lindle. And from 2010, up until December of this year, 2014, I actually lived in Manila Camp. I actually haven't spoken on this issue before, but just so you know, I'm also a fire captain here for the Kaunakakai District, and before you guys move at, you know, with something in this aspect, you gotta see the big picture because these people is coming up, and they're mentioning about the safety aspect of it, and if you grew up in Manila Camp and you understand the amount of cars, the amount of people, and because a lot of the people there don't have a lot of money, the children, they always, always on the roads. Yeah, that's one of those places where you gotta drive slowly. So they always on the road so if you including one -- one place such as this, an apartment building for affordable people, we know and understand that you going have way more children, yeah, and there really isn't a place to play. Yeah, you get one park over there, but nobody plays in the park. It's a lot more fun to ride on the road and go down the hill. So that's -- that's what happens, yeah. When you dealing with the Fire Department issues, and Captain Puhi brought that up earlier, you know, understanding the length times width, divided by 3, and the 2400 gallons; now, that's just -- a 1200 gallons is just for a single story; increasing that to 2400 for a two-story building. Now, if they could only 1500 gallons out that, and this is at 9:00 in the morning taken, what happens at the peak hours of season when everybody's at home? Water usage is a lot more. So you're looking at it dropping to even 1200 gallons during peak times, yeah. Now that creates an issue dealing with fire safety, yeah. When you dealing with residential buildings, you dealing with a kinda semi-apartment building, you dealing with families who sleep overnight, and if something big was to happen, people's lives can get loss, yeah, if you dealing with fire. Now dealing with accessibility, David Goode was talking about you need a 20-foot wide clearance; well, when you making that turn right around that first house there on the left, because there's no shoulder, emergency response, how many times I drive through the area, and people on this island, and just because I lived on Maui for the past 17 years, they cut turns over here. We fortunate in that never have any accidents. But imagine one accident was to happen just on that corner? You just went block out access because there's only one access in to Manila Camp, and one access out. So there's a hold up in the response times for first responders, for police, or whoever needs to get into that area, not taking into account when you start adding in the flow of the river and you cutting access in that part, yeah. So all of these factors, to me, really needs to take into consideration understanding that, yeah, we like affordable housing, we like housing for our people over here, but before we move forward in that aspect in -- and in that line, we gotta look at everything. If the water is not sufficient to even handle the fire flow for the buildings or the houses in that area, imagine what you going do by just adding one two-story structure with a lot more apartments. Imagine, like everybody says, you

adding two or three cars per household, that much more, there's no parking on the side to handle the amounts, yeah, which would decrease the size of the responders. Say we get 20 feet that is required or to even 24 feet, now you taking one size of the car is about, I don't know, 4, 5 feet wide, two cars parked on both sides, you taking about 10 feet; now that leaves not enough room for the access for the Fire Department. So all of these different things. Even when we coming down that access road on Makaena Point -- Makaena Place, down to the end of Manila Camp, just to turn around one fire truck, and that's just one fire truck. Here we got three trucks on the island, and one tanker, trying to fit all of these vehicles into this area, I mean that's some of the things that we need to take consideration. My big thing is we should have one second access road into that place, yeah. And then looking at the existing as far as water, there's only one 8-inch line that feeds that place that dead ends right there on Makaena Place, so you cannot get anymore water out of that thing anyway, yeah. And, no mind me, just get all these thoughts crawling through my mind. My whole purpose in speaking is just for speak on behalf of the members over there in Manila Camp. Yeah, a lot of people no like come and come talk and really understand the issues, but these guys who live there, they see the traffic, they see the people. I saw it for the past four years the amount of people that's just on Makaena Point -- Makaena Place and the cars and all that. So please, when you guys considering changing the zoning, think about the influence on, not only the community in Manila Camp, but also the people of Kaunakakai, yeah, and all the access, and all of those things 'cause we care about the community, you guys care about the community, and I appreciate each and every one of you guys being a part of the process and having the heart, yeah, for our people, so that's all I get for say.

Chair Jennings: Commissioners, are -- is there anything that you'd like to say to Henry? Henry, I'd like to say thank you for coming and speaking to us.

Mr. Lindle: Thank you.

Chair Jennings: Okay, is there any further testimony, public testimony? Yes? Ms. Buchanan.

Ms. Buchanan: I going change my name for the record.

Chair Jennings: Please, would you state your name?

Ms. Buchanan: If the Commission doesn't mind, I'll sit. For the record, my name is Lori Buchanan, a member of the public, a really stupid member of the public because, as a lay person, I'm trying to sit down, walking into the hearing understanding that this is what number four on this subject. So first, I'd like to apologize to this Commission for my ignorance in this matter, and I'd like to thank the Commission for first serving this community in your capacity, you don't get paid to have to sit down for hours and do your

homework, so I really appreciate your service to this community on my behalf. I'm appreciative of the application for affordable housing on Molokai. There is a need. It's kind of a no-brainer. And I appreciate the fact that this application has probably been in the works for going on three years now. I was serving my community, as you are now, and I'm going to apologize in advance, Chair, 'cause I'm going to get hard time to stick to three minutes, so I hope you find it in your heart to forgive me for that and extend me a courtesy. But sitting there, this is a very multi-pronged, complex application. To simplify it, what is before you today is asking you to approve a change in zoning and a community plan amendment, and that is what I want to address right now. That's what you decide on today. My feeling has always been that having a community plan amendment would be best served while you do your community plan update. We are very even late to say, late is not adequate to describe the egregious failings of the Maui County Council and its staff, the Maui County staff to not be able to initiate that planning process, okay. So several years ago, this Commission, which I think there's only one member on here that is still here, maybe Zhanell, did resolve that it would not make any significant decisions for this community until the community plan update was initiated and worked on, period. The reason for that decision and that resolution -- resolution that came forth by this Commission was to avoid this very problem that we're having today. The burden for a huge community plan amendment and a change of zoning, and we all know that the island of Molokai is predominantly interim, which is problematic and has been for the past 20 years, this is nothing new that Maui County is not aware of. Clayton knows it. Long-Range Planning knows it. We all know it. So in order for this Commission not to be placed in this predicament, we strongly advocated for Maui County to do their community plan update. The last time, we were ten years behind, and this is a ten-year process. So every ten years, we get our community plan updated. At that time, the reason why the Commission chose to put that as a resolution was to avoid them dragging. We were supposed to be the first island, not Lanai, not Maui, Molokai was supposed to be the first island to have their community plan updated in order to avoid these types of situations. Nine people cannot make the decision on a community plan amendment and a change in zoning on this island without adequate input from the public, and I'm not just talking about Manila Camp, I'm talking about the island of Molokai. Were procedural matters met during this process? I know you had four hearings. Your hearings are at 12 noon. Were they considered part of the public hearing process? I had to take off work today because I got a call that said that this was coming up, so I had to take off from work. I had to jump out of the bushes or wherever I was to come to this hearing. How many people going to come? Public hearings are supposed to be designed to be adequate where most of your public could participate, which would be in the evening. Were those procedural matters met in this case? I don't know. That's one of my questions. Okay? So I heard a lot of stuff today, I could be wrong, but what I heard was Public Works said no. I do not have adequate ...(inaudible)... you know, all of that stuff is really not relevant to the question today, which is you're here to decide a community plan amendment and change in zoning. It affects only the TMK. Now, I feel sorry for the applicant because this is year three of trying to get this done, which means we're probably in year four of the

county dragging, not initiating our community planning process. Why? That's my question to staff. Why? Why haven't -- we have all the members for the community advisory council. They have the members. They members waited for two years. They lost track of the members. Never held a meeting. Never did nothing. That's my gripe today. I don't feel the Commission currently today has the information that they need or the community input they have in order to make such a huge decision on behalf of the island. We talking about the island now. Okay, I not talking about Zhantell, I not talking about Lawrence, I talking about the island of Molokai. The reason why we have a community plan is because it drives Long-Range Planning to issue monies into certain areas you feel that should be developed, and areas that should be kept rural, and do you want to be urbanized, it draws your CIP funding that is usually 20 years out. It answers the questions of Public Works saying, you know what, I need one bigger pipe. I cannot handle the pressure. Well, who pays for that pipe? You going pay for that pipe, not the applicant. The applicant is doing his job. He's applying. He jumping through all the hoops. There was a trigger for an EA. EA is Chapter 343, environmental. People now days, in addition to Chapter 343, are now doing what they call a cultural assessment. Cultural assessment also catches the social impacts of the project, which was touched on by testimony today. I don't know. I read that draft EA, what, two years ago. I don't remember what it said. I made comments then. But whoever -- this body is not the body to issue a finding of no significant impact. What I heard today is real pretty significant. Had to be pretty significant you on hearing number four. So, obviously, the FONSI was issued prematurely for the EA. I mean that's the only way I can deduce this. So -- and that EA would have given the applicant the heads up of what -- it's like scoping the problems I need to anticipate here. So sorry to being long-winded but, and I not going into all the testimony that was, you know, 'cause I have about 35 questions that I would like this Commission to ask staff that I would have asked staff, all the questions I needed answered to say yes, I speak on behalf of the island of Molokai, I've consulted with my community, and my community says yes, they want to change the community plan. The community plan is your bible, by the way. It is what you all have to adhere to. It is the Planning Commission's bible. Molokai is the only island that has its rules where the Planning Commission is the final authority even on exemptions by the Planning Director. Not even the Planning Director said yeah, go. Go do this. No. You have to concur with the exemption otherwise it's a no go. Molokai's the only place you can do that, and we fought hard to keep that safety valve in there, and it's not slow the wheels of progress down, it's to be sure that we making the right decisions for our community. Now, in lieu of not -- of us not lighting the fire under everybody's planning staff's Maui County's whatever to get our community plan done, it's back in your guys' court again. If you can sit there today and say yes, I represent my island, I've talked to everybody, they want this, their community plan amended, they want the bible revised, they want the bible revised, okay, we want a change in zoning, you know, single-family to multi-family, it doesn't matter if it's affordable or not, these already not designated. The whole water code is a whole other animal. What protocols do they trigger? The Commission on Water Working Resources is probably going to have to a hearing on their own because we're a

water management area and we have a special designation. So in that case, you know, I give the applicant credit for even saying, eh, we willing to spend millions of dollars to do something for the people of Molokai who really need the help. Awesome. I support that. I totally support. I think staff could have done a better job and, sorry, I not picking on anybody in particular here, but I think staff could have been a -- do a better job for me, the community's dummy over here, by giving me a flowchart of the procedure; when this start, maybe one time line would have been helpful for me. Something I could have sink my teeth into and made on reasonable deduction of all the information that I got up to now to be comfortable to look my neighbor in the eye when I go to Friendly Market and say, you know what, I made one decision today that reflected what I felt that you wanted me to do because that's your job that you not get paid for by the way but that you do because you love me. So that's all I have to say. And I glad I not there.

Chair Jennings: Ms. Buchanan, thank you very much. We appreciate your opinion and your time that you did spend here on the Commission. I know you were still on when I cam and I appreciate it very much. Thanks, Lori. Do any of the Commissioners have a question for Ms. Buchanan? Okay, seeing none, anybody else here in the audience have a question for Ms. Buchanan? Anybody have any testimony? Okay, we're going to close testimony and we'll open it up for the Commission discussion.

Ms. Dudoit: Are you calling for a motion? We need to do a motion before we can discuss, right?

Chair Jennings: Yes.

Ms. Dudoit: Okay, I'd like to motion to recommend denial of the community plan amendment from single-family dwelling to multi-family residential, and a change of zoning from interim to A-1 apartment district for TMK 5-3--004:028, Chopra Hale Apartment Project, citing that the project or the change of zoning and the community plan amendment would interfere with public and private parks, facilities, etcetera, and would adversely impact social, economic, and safety of the community and surrounding residences.

Chair Jennings: Is there a second to the motion?

Mr. Racine: Second ...(inaudible)...

Chair Jennings: Second by -- any discussion of the motion?

Ms. Dudoit: I would like to ask Corporation Counsel if this would be the appropriate time to add in the wording we would further request that any changes in zoning or community plan amendments be done during the community plan update and that the Molokai

Planning Commission not be subject to review anymore issues or applications regarding zoning changes and community plan amendments until such is done?

Ms. Thomson: I would recommend taking that up as, you know, a separate item, but the county code already allows for a provision and a means of requesting a change in zoning or a community plan amendment outside of specific time periods, so even though it doesn't fall within the ten-year when you're supposed to be updating your community plan, there is already a provision that says this is the path that you can do this in the interim, so what you're -- what you're saying is that you'd like not apply that part of the code, but I think that actually it's the question will resolve itself because I think your community plan update is commencing very shortly, so I would -- I'd be surprised, actually, if you see another community plan amendment request prior to that process kind of working itself out.

Ms. Dudoit: Is there a way that we can officially document our concerns so that -- you know, 'cause it's unfair to the applicant, it's unfair to us, it's just unfair to the public, and so I'm wondering, we did it two years ago when we said this, the last time something like this came up, we're doing it again now, is there a way for us to document that officially so that somebody hears us and takes us seriously?

Ms. Thomson: What it would probably be is a communication from the Molokai Planning Commission to the Maui County Council recommending a change in the Maui County Code that allows for non-decennial changes to the community plan so to -- to not have to apply the law, you'd have to change the law, and what you're talking about really is a change to the Maui County Code. So but to get back to your question, that would be something separate than what you're dealing with today, so you have a motion and a second on the floor, and then you can discuss your reasons in support or against the motion.

Ms. Dudoit: And then just for the Commission so that we're clear about what we're voting on, can you read what our responsibility is in the recommendation?

Ms. Thomson: It's just loading. Hang on one sec. So what I'm going to read are just a couple of the applicable sections of Maui County Code 19-510-040, Change in Zoning, These are the criteria that the Maui County Council is going to be also examining when they look at this change in zoning application, whether or not you recommend denial, or whether you recommend approval, so the Maui County Council and you are looking at whether the application, if granted, would not adversely affect or interfere with public or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences, and improvements, and the application, if granted, would not adversely affect the social, cultural, economic, environmental, and ecological character and quality of the surrounding area. There are other -- other criteria in here, but I think those are the two primary areas of inquiry that you're looking into, and so what you could do is

take the facts that you have received and discuss them in support or against the motion that's on the floor would kind of categorize them into that background.

Chair Jennings: Marshall.

Mr. Racine: We started with process with documents that said these changes would not have significant impact. I've heard enough in this four-month process or my portion of it. I see that the department has not done its job; that we've put undo stress on the applicant and the board. There is significant impact on this community, on the infrastructure, and we've been asked to put a rubber stamp on you guys not doing your job, and I'm not pleased with that, and that's why I seconded her motion. I have very well spoken. Thank you.

Chair Jennings: Okay. Excuse me, not okay, but there's a motion, there's a second, is there anymore discussion? Seeing none, I want to call for a vote.

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

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

VOTED: to recommend denial of the community plan amendment from single-family dwelling to multi-family residential, and a change of zoning from interim to A-1 apartment district for TMK 5-3--004:028, Chopra Hale Apartment Project, citing that the project or the change of zoning and the community plan amendment would interfere with public and private parks, facilities, etcetera, and would adversely impact social, economic, and safety of the community and surrounding residences.

(Assenting: Z. Dudoit; L. Lasua; M. Jennings; M. Racine; D. Rogers)
(Dissenting: B. Buchanan)
(Absent: R. Davis; D. Swenson; S. Tancayo)

Chair Jennings: Motion carried. Thank you. Next item. I want to thank everybody that participated and I just want to say again thank you very much. Next item, Clayton?

Mr. Yoshida: So, for the record, I guess your recommendation will be transmitted to the county council and they will make a decision on these applications.

Ms. Dudoit: For clarity, even though you say that we probably won't see anymore of these, is the community -- 'cause I was concerned about what Commissioner Buchanan said, so

just for order of business, when we do a community plan amendment or a change of zoning, and I do know that a public -- a public like community meeting or hearing is required, is it done during our process as the recommendation or is it done during the council's review of the issue and are public, you know, Commission meetings adequate to adhere to that policy?

Ms. Thomson: Procedurally, this application did follow the correct procedure, so it was processed according to the Maui County Code and there's also a charter provision governing that, so it was process properly. And as far as the public hearing though, it will go to the -- this Planning Commission conducted a public hearing, and then also, when it gets up to council, it will be heard --

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

Ms. Thomson: That would have -- Ben probably has the date of the public hearing, so that was, you know, that was published, noticed, and then -- September 24.

Ms. Dudoit: During our Commission meeting?

Ms. Thomson: Correct.

Ms. Dudoit: But that's not -- and so that's what we were asking. I thought that the designation of a public hearing or community meeting had to be in the hours when majority of the community could attend.

Ms. Thomson: No. We do a lot of public hearings and they're usually during the time -- the normal time of the meeting of the body, so it's the normal -- the normal meeting schedule, they can be at different times, that's not a problem as long as we can secure the, you know, a space and staff and all of that.

Mr. Racine: So but are we doing a service to the community by having our meeting at noon when folks that would -- their testimony and listen to proceedings can attend?

Ms. Thomson: There's other commission -- other commissions meet at different times, you know, for various reasons really, they both involve, you know, staff time, and overtime, and, you know, and lodging, and transportation, and all of that, so it's not a necessarily a straightforward answer, you know, whether all meetings should be held at night to encourage more participation, but other, you know, other bodies meet, you know, in more the afternoon, evening time.

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

E. COMMUNICATIONS

1. **GREGORY & RENNIE KAPUNI requesting a Special Management Area Minor Permit for the construction of a single-family residence and ohana including a carport, two (2) septic tanks, leach fields, power poles, and trenching for utilities located at 0 West Ohia, TMK: 5-6-004: 008, Pukoo, Island of Molokai. (SMX 2014/0375) (Valuation: \$280,000) (B. Sticka)**

The Commission may act on this request.

Mr. Sticka: Thank you. The second item on your agenda is a request for the construction of a single-family residence and ohana, including a carport, two septic tanks, leach fields, power poles, and trenching for utilities. State Historic Preservation has indicated that no historic properties will be effected for the proposed development. The applicant has also agreed to have an archaeological monitor present during any ground related disturbances. Again, the valuation of the proposed action is \$280,000.

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 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 subject to the conditions listed in the staff report before you today.

Luigi Manera is here representing the owners, Mr. and Mrs. Kapuni, if you have any questions, I am as well. Thank you.

Chair Jennings: Commissioners, do you have any questions for Luigi?

Ms. Dudoit: Call for the question or --

Chair Jennings: Zhantell? Luigi, please?

Mr. Manera: Hi. Luigi Manera.

Chair Jennings: Oh, I thought --

Ms. Dudoit: ...(inaudible)... I calling for the motion.

Chair Jennings: Oh, I thought you were --

Ms. Dudoit: No, I said if you were calling for a motion.

Chair Jennings: Oh, okay. Luigi, I'm sorry. I didn't --

Mr. Manera: No, no, no. That's okay.

Chair Jennings: It was just nice to see you up there ready to speak.

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

Chair Jennings: Okay. Is there any -- if there's no questions, is there any public testimony? Seeing none, I will take a motion to okay this.

Ms. Dudoit: I'd like to make a motion to approve the special management area minor permit for the construction of a single-family residence, including a carport, two septic tanks, leach field, power poles, and trenching for utilities located at TMK 5-7-004:008, in Pukoo, and also to include the recommendations by staff.

Chair Jennings: Is there a second to that motion? Lawrence second. Okay. All those in favor? Public -- discussion? Seeing none.

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

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

VOTED: to approve the special management area minor permit for the construction of a single-family residence, including a carport, two septic tanks, leach field, power poles, and trenching for utilities located at TMK 5-7-004:008, in Pukoo, and to include the recommendations by staff.

(Commissioner Dudoit was excused from the meeting at 1:50 p.m.)

Chair Jennings: Okay. Next?

Mr. Yoshida: Thank you, Mr. Chair. Under Director's Report, we have a number of SMA assessment, which we're asking, pursuant to your newly amended SMA rules, that these proposed actions are located within the special management area that -- and they're not developments and, therefore, exempt from the requirements of the Molokai Planning Commission exempt -- based on requirements from the Molokai Planning Commission SMA rules.

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

F. DIRECTOR'S REPORT

- 1. MR. WILLIAM SPENCE, Planning Director notifying the Commission pursuant to the provisions of Section 12-302-13.1(a) of the Molokai Planning Commission's Special Management Area Rules that the following proposed actions located within the special management area are not "developments" and therefore exempt from the requirements of the Molokai Planning Commission's Special Management Area Rules:**

- a. MR. STANLEY A. WADA on behalf of the STANLEY A. WADA TRUST submitting a Special Management Area Assessment (SMX) application for replacing concrete curb and gutter in Kaunakakai Country Town Business District for property located at 56 Ala Malama Street, TMK: 5-3-002: 081, Kaunakakai, Island of Molokai. (SMX 2014/0498) (Valuation: \$40,000) (S. Lopez)**

The Commission shall acknowledge receipt of the application. The Commission shall vote to either waive its review of the application or review the assessment application at the next available meeting after receiving notice.

Ms. Sybil Lopez: Happy New Year, everybody. I'm Sybil Lopez, assigned planner to SMX 2014/0498. The Planning Department request your concurrence to waive the review. If you have any questions, I'm here to answer them.

Chair Jennings: Commission, is there anyone that has any questions for Sybil? Okay, any public? Okay, do I hear a motion to waive ...(inaudible)... is there a motion for Sybil's? Billy, there's a -- okay, go ahead. Okay. Is there a second? Second by Mr. Rogers. Okay, anymore discussion by the Commissioners?

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

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

VOTED: to waive the review of the application.

Chair Jennings: Motion carried. Thank you, Sybil.

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

- b. HOTEL MOLOKAI submitting a Special Management Area Assessment (SMX) application for re-roofing of existing structures located at 1300 Kamehameha V Highway, TMK: 5-4-002: 001, Kaunakakai, Island of Molokai. (SMX 2014/0514) (Valuation: \$230,000) (S. Lopez)**

The Commission shall acknowledge receipt of the application. The Commission shall vote to either waive its review of the application or review the assessment application at the next available meeting after receiving notice.

Ms. Lopez: Hello. Yes, I am assigned -- I'm Sybil Lopez, assigned planner to SMX 2014/0514. We'd want to request your concurrence to waive the review. Thank you. If you have any questions, I'm here to answer them.

Chair Jennings: Are there any questions by the Commissioners?

Ms. Lopez: Oh, and we do have the applicant here as well.

Chair Jennings: Okay. Would the applicant like to make a statement? Okay. All those in -- Commissioners? There's been a motion and a second. Anymore discussion by Commissioners? Okay.

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

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

VOTED: to waive the review of the application.

Chair Jennings: Motion carried.

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

- c. **MR. ALLEN ASHITOMI submitting a Special Management Area Assessment (SMX) application for alteration on a single family dwelling located at 249 Pailolo Place, TMK: 5-3-010: 056, Kaunakakai, Island of Molokai. (SMX 2014/0516) (Valuation: \$8,000) (S. Lopez)**

The Commission shall acknowledge receipt of the application. The Commission shall vote to either waive its review of the application or review the assessment application at the next available meeting after receiving notice.

Ms. Lopez: Hi. We request your concurrence to waive the review. If you have any questions, I can answer them, and I also have the applicant here to answer any questions you have. Thank you.

Chair Jennings: Is there -- thank you, Sybil. Is there any questions by the Commission?
Mr. Rogers?

Mr. Rogers: What is it like, interior?

Ms. Lopez: What they'll do is they'll be enclosing the front -- front patio, and then they'll opening a door on the outside in the back.

Mr. Rogers: Thank you.

Chair Jennings: Any other questions? Do I hear a motion?

Mr. Rogers: I motion to waive. Yes, I motion to waive.

Chair Jennings: Okay. Is there a second? Any further discussion? Second was Marshall. Next time could you talk into the microphone please.

Mr. Racine: I second the motion.

Chair Jennings: Thank you. Okay.

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

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

VOTED: to waive the review of the application.

Chair Jennings: Motion carried.

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

- d. **MS. LORETTA KALILIKANE** submitting a **Special Management Area Assessment (SMX)** application for proposed improvements to an existing single-family residence to include: a 33 square foot bathroom, a 416 square-foot lanai, a 480 square-foot covered deck, a 160 square-foot storage container, concrete sidewalk, a two-foot high rock wall at 156 feet in length and a five-foot chain link fence at 168 feet in length located at 405 Kikipuna Place, TMK: 5-3-011: 067, Kaunakakai, Island of Molokai. (SMX 2014/0269) (Valuation: \$20,000) (B. Sticka)

The Commission shall acknowledge receipt of the application. The Commission shall vote to either waive its review of the application or review the assessment application at the next available meeting after receiving notice.

Mr. Sticka: Thank you. Thank you, Chair. Again, staff is requesting concurrence to waive review. If you have any questions, I'm available and the representative is here as well. Thank you.

Chair Jennings: Commissioners, is there anyone that has any questions for Ben or the -- okay. Seeing none, is there motion? Oh, Lawrence, I'm sorry.

Mr. Lasua: Mr. Chair, I move that we waive the application.

Chair Jennings: Okay. Is there a second?

Mr. Racine: Second.

Chair Jennings: Thank you for talking into the mike.

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

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

VOTED: to waive the review of the application.

Chair Jennings: Motion carried.

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

- e. **MR. NAT BACON, on behalf of PLOVER PROPERTIES, LLC submitting a Special Management Area Assessment (SMX) application for the demolition of an existing storage shed and the construction of a new garage on property located at 8706 Kamehameha V Highway, TMK: 5-7-007: 017, Kaunakakai, Island of Molokai. (SMX 2014/0547) (Valuation: \$25,000) (S. Lopez)**

The Commission shall acknowledge receipt of the application. The Commission shall vote to either waive its review of the application or review the assessment application at the next available meeting after receiving notice.

Ms. Lopez: Thank you, Chair. We do request that you concur with the department to waive the review, and I do have the -- Mr. Nat Bacon here in the audience available if you have any questions. Thank you.

Chair Jennings: Thank you, Sybil. Is there -- is there any questions by the board? Seeing none, do I have a motion?

Mr. Racine: I move that we waive consideration -- review, excuse me.

Chair Jennings: Thank you. Is there a second?

Mr. Buchanan: I second the motion.

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

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

VOTED: to waive the review of the application.

Chair Jennings: Motion carried.

Ms. Lopez: Thank you.

Chair Jennings: Thank you. Next?

2. Commission meeting locations for the first half of 2015

Mr. Yoshida: Okay, item 2, under Director's Report, is the Commission meeting locations for the first half of 2015. As you know, the Parks Department recently completed the improvements for this phase and this hall was opened up again last week, so we'll be having our January, February meetings here, but then in March, they're going to start their reroofing and painting projects so we'll be displaced from this meeting facility and back up at the Kualapuu Community Center, hopefully, that'll just take March and April, and in May, hopefully, we'll be back here again for our regular Molokai Planning Commission meetings.

3. Agenda items for the future meetings

a. February 11, 2015 public hearing on the following item:

Resolution No. 14-114 referred by Councilmember Don Guzman of the Maui County Council to the Maui, Molokai, and Lana'i Planning Commissions for an AMENDMENT TO CHAPTER 19.30A - Agricultural District of the Maui County Code, to Allow for the Creation of Agricultural Conservation Lots.

The proposed amendment is intended to provide flexibility in site planning and design to:

- 1) Promote land conservation;**
- 2) Preserve agricultural land resources; and**
- 3) Maintain district character consistent with the General Plan.**

The amendment proposes provisions for the creation of agricultural conservation lots that will be dedicated for agricultural use, in perpetuity, through a conservation easement or a unilateral agreement.

The proposed amendment to the Maui County Code (MCC) Chapter 19.30A.030, District Standards, provides for the ability to subdivide agriculturally zoned land into lots with a minimum lot area of one (1) acre provided that:

- 1. For parcels with a lot area of at least 92 acres, at least 70% of the lot area must be placed in an agricultural conservation lot. For parcels with a lot area of less than 92 acres, at least 60% of the lot area shall be placed in an agricultural conservation lot.**
- 2. The design of the subdivision incorporates best management practices that support the purpose and intent of the Agricultural District.**
- 3. Non-substantive grammatical improvements are also proposed.**

It is not the intent of the proposed amendment to allow for the creation of agricultural lots beyond the maximum lot limit established under MCC Section 19.30A.030(G). (S. Bosco)

Mr. Yoshida: Moving to the next item is agenda items for future meetings. We don't have say a group of agenda items for the next February -- January 28th meeting so it'll be canceled, but on February 11th, we do have a public hearing regarding council resolution 14-114 regarding agricultural conservation lots, plus a number of these other SMA assessments, which will come to the Commission to waive your review. So we'll cancel the January 28th meeting but have a meeting on February 11th, if that's okay.

- 4. Pending Molokai Applications Report generated by the Planning Department (Appendix A)**
- 5. Closed Molokai Applications Report generated by the Planning Department (Appendix B)**

Mr. Yoshida: Okay, we circulated, if there are no questions on that, we circulated our list of pending and closed Molokai applications report if there are any questions.

Chair Jennings: Commissioners, do you have any questions?

Mr. Lasua: Clayton, are you referring to the -- this one?

Chair Jennings: Yes. Yes, Lawrence.

Mr. Lasua: Could you tell me what the closed, the open, and the pending stands for?

Mr. Yoshida: Oh, yeah, I guess on the open applications report, based on our permit tracking system, these are all the Molokai applications from January 7, 2011 to January 7, 2015 that are still open, and I guess when the entry date was, and who the project lead is within the department on these matters. Not all necessarily relate to staff from the Current Division, as say, you know, there's like farms plans, with a permit number FRMP, for John Perrell, and it's handled by Rulan Waikiki, who's from our Zoning Division, but this encompasses all of the permits applications the department still has open regardless of which division within the department. Yeah, and then on the completed projects, for the period from December 7, 2014 to January 7, 2015, these are all the projects that have been closed, "closed" means approval letter has been written, or denial letter has been written, or they've been withdrawn, or they've been closed by the department due to say non-response from the applicant.

Okay, finally, I guess we would announce that Mr. Ben Sticka has decided to relocate back to the Seattle area to be closer to, you know, family. He has been the Molokai Planner for the past two years. He's done an outstanding job, from the department's perspective, in dealing with the various applications from this Commission. I believe past Chair, John Sprinzel, said he was one of the best Molokai Planners that they ever had. But we wish him the best, you know, in the Pacific Northwest, and which is the site of the National APA Conference this year in April, and we thank him for his service as the Molokai Planner for the past two years. I don't know if Ben wants to say anything?

Chair Jennings: Would you step up to the microphone, please? You gotta turn it on in order to speak.

Mr. Sticka: No, I'd just like to thank the Chair and the Members of the Commission for, you know, my time here and working with the staff and it's really been a pleasure to work with all of you and serve you in my capacity, and I speak on behalf of, you know, the department that you guys are great to work with and we thank you.

Chair Jennings: Well, Ben, as Chair, and I've been on the board, haven't been on the board that long, but I want to say thank you for everything you've done. You've done a wonderful job, and I want to wish you the best, and now that you're going to be a Seahawk, and -- but, no, we thank you, I thank you, and I'm sure the rest of the Commission thanks you and wish you the best, and please, come back anytime and we'll try to -- if you need any help, which, you know, being a Seahawk, I think you would, but just thank you. Thank you for everything you've done, a remarkable job, thank you very much.

Mr. Sticka: Thank you.

G. NEXT SCHEDULE D MEETING DATE: January 28, 2015

H. ADJOURNMENT

Chair Jennings: Is there a motion to adjourn? I guess that there is a motion, is there a second? Thank you.

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

VOTED: to adjourn the meeting at 2:08 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions

RECORD OF ATTENDANCE

Present

Michael Jennings, Chairperson
Douglas Rodgers, Vice-Chairperson
Billy Buchanan
Zhantell Dudoit
Lawrence Lasua
Marshall Racine

Excused

Ron Davis
Diane Swenson
Sherry Tancayo

Others

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