

**MOLOKAI PLANNING COMMISSION
REGULAR MEETING
AUGUST 26, 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 11:07 a.m., Wednesday, August 26, 2015, at the Mitchell Pauole Center, Meeting Hall, Kaunakakai, Molokai.

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

Chair Jennings: Okay, we're ready to go. We're a little past the time. Welcome, Commissioners and guests. It's good to be back here at Mitchell Pauole. So with that said, we'll open the meeting of August the 26th, and, Clayton, do you want to go ahead or --

Mr. Clayton Yoshida: Good morning, Mr. Chair and Members of Molokai Planning Commission. Clayton Yoshida, with the Current Planning Division, Planning Department, and with me today, from the county, are Sybil Lopez, the Molokai Planner, and Suzie Esmeralda, the Secretary to Boards and Commissions. Richelle Thomson is on-call should you have any legal questions.

B. PUBLIC TESTIMONY

C. APPROVAL OF THE MINUTES OF THE APRIL 22, 2015, MAY 13, 2015, and JUNE 24, 2015 MEETINGS

Mr. Yoshida: So if there isn't any public testimony, then we can move to item C, which approval of the minutes of the April 22, 2015, the May 13, 2015, and the June 24, 2015 meetings.

Chair Jennings: Commissioners, if you looked at it, I would take a motion to okay the minutes from those -- from those three meetings. Do I have a motion?

Ms. Diane Swenson: I'll move to approve them.

Chair Jennings: There's a motion by Diane, and a second by Billy.

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

VOTED: to approve the minutes as circulated.

Chair Jennings: Motion carried. Thank you. I just want to say also that any discussion that we have, I would limit that discussion to three minutes. Thank you.

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

D. COMMUNICATIONS

- 1. MR. EDMUND WOND requesting a Special Management Area (SMA) Minor Permit for the new construction of a 2-story commercial office building with restaurant, landscape improvements, parking lot with loading dock, and driveway on the 10,844 sq. ft. property located in the Kaunakakai Country Town Business District at 160 Kamehameha V Highway, TMK: 5-3-006: 039, Kaunakakai, Island of Molokai. (SMX 2014/0572) (Valuation: \$451,000) (S. Lopez)**

The Commission may act on this request.

Ms. Sybil Lopez: Good morning, Molokai Planning Commission. I'm Sybil Lopez, the Molokai Planner, and I'm the planner assigned to this project that is before you today. This matter arises from a request for an SMA assessment filed on November 26, 2014. The application was filed pursuant to Chapter 205A, Hawaii Revised Statutes, HRS, and Chapter 302 and the SMA rules of the Molokai Planning Commission by Luigi Manera, on behalf of Edmund Wond, and they're both present today at the meeting. So I will actually turn the time over to Mr. Manera so he can give you a more overall briefing of the project, which is not a part of what the report is, so, Luigi?

Mr. Luigi Manera: Luigi Manera. Mr. Chairman, Members of the Commission, thank you for today's meeting. It's, basically, a two-story building. The first floor, there's going to be a dining, about 1600 square feet, and the second story would be three either office or retail store, depend on, you know, how is the market on Molokai. We have parking enough for all the 3,000 square feet, landscaping, and drainage improvement. They all was submitted to the Planning Department and the building department. We're asking for the SMA approval before getting to the building process. If you have any questions?

Chair Jennings: Luigi, I have a question. Will there be any alcoholic beverages served in the restaurant, or has Ed applied for any --

Mr. Manera: No. No.

Chair Jennings: Okay. Thank you.

Ms. Swenson: A few months ago, you guys came in on this lot to fill it.

Mr. Manera: Yes.

Ms. Swenson: And we asked if it was going to be developed and you said no, that it was just going to be a parking lot for the store.

Mr. Manera: Yeah, not at that time.

Ms. Swenson: And then my other -- my other concern on the package is there's like no reports from the other agencies, like the Police Department and the Fire Department, and I'm only asking that 'cause it's straight across from the elementary school.

Mr. Manera: I looked for the -- the Fire Department comment, they, basically, they come normally at the building permit stage. This time, because the fire hydrant is right across, they don't have any comment. For police side, because there's no alcohol involved, it's because the vicinity of the police station is too close. That's what I know.

Chair Jennings: And the other question I have is, for the school, did there -- was there ever done of how much traffic was in there during certain times, like when the kids get out of school or anything like that? That was the only other question that I had.

Mr. Manera: Well, we applied to the DOT for the driveway. They gave us the permit because, based on the parking and the size, it was -- they call it how many drive in or out was just one or two every half-an-hour or something, so they gave us the permit for -- we have the permits already for that.

Mr. Marshall Racine: I had one question regarding this parking is that's just a basic formula for so many square-foot or is it on the type of businesses in the building 'cause I -- what, I'm counting one, two, three, four -- seven tables, okay, you got people coming to lunch, that takes up half the parking. You have retail space and then employees. I'm thinking the parking's kinda skinny but again --

Mr. Manera: There's a formula. The county came up with that. You got, for the seating area, you have one per hundred square-foot; for the retail, one every 500 square-foot. And you have to have three for the employees. So that's how they come up with -- with that.

Mr. Racine: Okay, and then --

Mr. Manera: It's the county tell me I actually need. It's not I come up with that.

Mr. Racine: Okay.

Mr. Manera: That's, basically, what that is.

Mr. Racine: Alright. And then the projected retail space upstairs --

Mr. Manera: Yeah.

Mr. Racine: So you're going to have visitors. It just seems kinda on the thin side. That's just my personal observation and there's a lot of other retail space that's empty on the island so it's not like it's going to, you know, probably fill up and be a hot spot but, again, it just seemed kinda thin. Alright. Thank you.

Mr. Manera: No, no. Thank you.

Chair Jennings: I just have one more small question as far as the loading dock. Is that going to be at the side closer to the Napa Store, or is that going to be more toward the rear of the building?

Mr. Manera: I don't know if you have the drawing, but it's in the back of the building. It's -- I believe it's 12-by-40.

Chair Jennings: Luigi, that's all the questions I have. Board members, any other questions that you would have for Mr. Manera? Seeing none, is there any public testimony on this? Ma'am, are you here to testify on any -- okay. Thank you. Well, seeing none, Sybil, or, Ed, do you wanna -- do you wanna say anything as the owner of the lot and the building going in?

Mr. Edmund Wond: My name is Edmund Wond, born and raised on Molokai, came to back to do business on Molokai, and I hope you approve this building. Molokai, at this point, needs a restaurant. We don't have anyplace to eat at this point, okay, and I got two good cooks coming back to Molokai, so I hope you approve it and we'll have a place to eat.

Chair Jennings: Okay, thank you. Thank you, sir. Is there any questions by the Commission for Mr. Wond? Marshall?

Mr. Racine: What type of food are you planning to serve?

Mr. Wond: The person that's going to be the cook can cook all kinda food so I'm going to leave it up to them.

Mr. Racine: Thank you.

Chair Jennings: Any other questions? I would accept a motion.

Mr. Billy Buchanan: Yeah, I move that we approve the application.

Chair Jennings: Oh, Billy? Okay, I'm sorry. Sybil, your recommendations? I guess I'm putting the horse before the cart here. Thank you, Clayton.

Ms. Lopez: So before I continue with the recommendation, I just wanna let you know the reviewing process for this SMA, so they had to go in front of the zoning to make sure that all the parking lots are accounted for, they had to go in front of the UDRB, the Urban Design, because they're in the country town business district, so prior to them coming before you, we had to make sure that all of their *t*'s are crossed and their *i*'s are dotted, so I'll just leave you with that. With the recommendation, so in consideration of the above determination made pursuant to the SMA rules of the Commission, the department recommends approval of an SMA minor permit subject to the following conditions, so the following conditions from 1 to 5 is usually the basic standard conditions, which the project shall be in accordance with the description submitted, updated as July 20, 2015 with the revised plans, so the revised plans were the recommendation made from the June 2nd UDRB meeting that the consultant and the owner was able to update the plans, which you guys have before you; no. 2 would be the best management practices that shall be implemented to ensure water quality and marine resources that are protected; no.3, the applicant shall retain a Molokai archaeological monitor to be onsite during any ground-disturbance activities; no. 4, the project shall be initiated by August 31, 2017, and shall be completed within the two-year said of the initiation; and no. 5, that full compliance will all other applicable governmental requirements shall be rendered. So the condition of this SMA use permit shall be enforced pursuant to sections 12-302-23, and 12-302-25 of the SMA rules for the Molokai Planning Commission.

In consideration of the foregoing, the department recommends that the Commission adopt the department's memorandum report prepared for the August 26, 2015 meeting as its findings of fact, conclusions of law, and decision and order. Thank you.

Chair Jennings: Thank you, Sybil. Now, I have -- Billy has made a motion, Commissioner Buchanan, is there a second?

Mr. Racine: I'll second that.

Chair Jennings: Second by Marshall. All those in favor say aye. Are there any further questions?

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

VOTED: to approve the application.

(Assenting: B. Buchanan; M Jennings; L. Lasua; M. Racine; D. Rogers)
(Abstaining: D. Swenson)
(Excused: R. Davis; Z. Dudoit)

Ms. Swenson: You know what? I have to abstain because one of my agents is working with the applicant at that location so --

Chair Jennings: Okay. Well, I think we still have -- we still have enough. Looks like the motion passed. Sir, you can start serving the --

Ms. Lopez: Thank you. Thank you, Commission, Commissioners.

Chair Jennings: Ed, you can start with that and I want to be the first one in the restaurant to have the food. Okay, on with -- our next.

Mr. Yoshida: Thank you, Mr. Chair.

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

2. **MS. MAILE TIWANAK on behalf of SPRINT/NEXTEL requesting a time extension on a County Special Use Permit to continue to operate an existing telecommunications site for ten (10) years in the Kaunakakai Country Town Business District located at 10 Mohala Street, TMK: 5-3-001: 060, Kaunakakai, Island of Molokai (CUP 2009/0003) (S. Lopez)**

The Commission may act on this request.

3. **MS. MAILE TIWANAK on behalf of SPRINT/ NEXTEL requesting a Special Management Area (SMX) Minor Permit to remove and replace three (3) existing antennas, GPS antenna, fiber cabinet, equipment cabinet, and battery cabinet in the Kaunakakai Country Town Business District located at 10 Mohala Street, TMK: 5-3-001: 060, Kaunakakai, Island of Molokai(SMX 2015/0087) (Valuation: \$40,000)**

The Commission may act on this request.

Ms. Lopez: Good morning again, Commissioners. I'm Sybil Lopez, and I'm the assigned planner to these two projects. So it's talking about one parcel, which is the Paddlers' Inn property, but it's two separate permits that we're coming in for. So the first permit that we're coming in for is the time extension on a county special use permit that they came in prior, back in 2009, that the Commission approved, and since then, they've been operating. So they're coming in -- so let me just read from the top:

So the matter arises from a request for a time extension of a county special use permit and a special management area assessment, filed on April 5, 2015. The application was filed

pursuant to Chapter 19.15, of the Maui County Code, and Chapter 205A, Hawaii Revised Statutes, and Chapter 302, of the SMA rules for the Molokai Planning Commission.

So as you were reading your report, let me go through the powerpoint presentation. So Maile wasn't able to make it, she did do a powerpoint presentation, so I'll go through what she, basically, prepared for us. So it's a SPRINT modification, alteration of existing telecommunications site for 10 Mohala Street, Kaunakakai, Hawaii, TMK: 2-5-3-001, on parcel 60. The scope of work for the alteration is to remove and replace three panel antennas with three like panel antennas, same, in the same location as the existing antennas; to install three remove radio heads, which are accessories to the antenna, mounted behind the antennas on the same pipe mount as the antennas; she'll install -- they'll install three hybrid fiber cables to follow existing cable route; they'll install a new fiber cabinet; they'll remove and replace one existing equipment cabinet; they'll remove and replace one GPS antenna; and modify existing 100 electrical service and telco fiber.

The longevity of the telecommunication site. So SPRINT entered into a contractual relationship with the property owners, Gerald and Linda Johnson, on October 5, 2006, with entitlements through October 5, 2021. The expectation is that the relationship will continue past the lease termination date unless a dramatic shift in customer usage occurs.

What is the benefit to the community. So the benefits are: the site currently provides 3G voice and data coverage along the Maunaloa Highway and Kamehameha V Highway, and within Kaunakakai, so it's, basically, your cell service, tablets, iPads, smartphones. So the site will be upgraded to the new LT Lite 4G, so it's a bit more robust than what the 3G offers. Coverage to the area, increasing call quality, data throughout, throughput speed, so if anyone wants to go online, it's much quicker and faster than what the 3G already has, and overall performance.

Replacement and maintenance. So it's difficult to predict technological advancements in the wireless industry as hardware, software, and customer demand are ever changing. It is possible that with continued data demand growth, the site may need to be upgraded in the next one to three years. So this upgrade may require the swapping of antenna and addition of ground-base equipment. So telecommunications equipment requires periodic maintenance based upon the environment to which it has been deployed. Environments of high salinity and moisture require more attention than those deployed in more arid areas. With this being said, site performance is monitored on a continual basis and any falloff from the norm and/or targeted matrix is investigated upon identification. So monthly and quarterly site checks are required to assess physical health of the ground-base equipment, tar base maintenance is resulted of ground base visual checks and site performance falloff.

So we did have -- we didn't have as much agency comments that we've had because it's a continual thing and al they're coming in for with the CUP is just a time extension to

continue the operations. And the SMA is for all the replacements, and the removal, and the installs of those cabinets and antennas. Thank you.

Chair Jennings: Sybil, thank you. I have -- I have a question, and it might be totally off the wall or stupid, as my wife would say occasionally, if Mr. Johnson were to sell his building, would we need to go through this process again to get this okayed with -- or SPRINT come to us and we need to do it again?

Ms. Lopez: I would say yes 'cause majority of our permits are non-transferable, but I guess Clayton can answer.

Mr. Yoshida: Yeah, I think as long as the landowner, whether it's Mr. Johnson or a new landowner, authorizes SPRINT/NEXTEL to locate their cellular antenna equipment on top of the building, then the permit would still be valid.

Chair Jennings: Thank you. That's the only question I have. Commissioners?

Ms. Lopez: Well, let me explain that because it's in one of our conditions. So as conditions, standard condition no. 2: That the CUP shall not be transferred without the prior written approval of the Commission, and so that means if SPRINT sells, and CUP is actually for SPRINT and the owners authorizing that to happen on their property, so it's not really the sell of property, but it's they would have to transfer, so if it's not SPRINT, and if it's Verizon, then, yes. So I don't know if you was talking about property or about the services.

Chair Jennings: Commissioners, any other questions? Marshall.

Mr. Racine: I read this as a basic remove and replace of the like kind, but is there any change in the profile where we -- are we going to notice this anymore than the previous antennas?

Ms. Lopez: No. You shouldn't. It's part of our project specific conditions that we wrote in the recommendations that it actually stays the same. Part of being in the country town business district, you have to follow the design guidelines, and they cannot exceed 35 feet. So if you're thinking you'll see taller antennas, no. We conditioned that.

Mr. Racine: Or a larger array, maybe not taller, just bigger antennas that'll take more of sky or --

Ms. Lopez: Yeah, no. It's part of our project specific conditions, which is written in our recommendation.

Mr. Racine: Alright. Thank you.

Ms. Lopez: You're welcome.

Chair Jennings: Any other questions? Is there any public testimony at this time? Seeing none, I would accept a motion. Excuse me. I'm sorry, Sybil, I'll get this down one of these days after two years.

Ms. Lopez: So pursuant to the foregoing, the Maui County Planning Department recommends approval of the time extension and transfer request for the CUP with an amendment to condition no. 1 as follows, so the CUP shall be valid until August 31, 2025, subject to extension by the Commission upon a timely request for extension filed as least 90 days prior to its expiration. So the rest of no. 1 through -- 2 through 6 is regular standard conditions that they already had previously in their CUP approval. Project specific conditions from 7 to 11 is from their previous approval. The specific conditions include not to exceed the 35-foot because their limitation is imposed by the B-CT zoning ordinance; Sprintcom uses their best practices guide; the noise floor to rise, no. 9; no. 10 explains about the Maui Police Department Communications Coordinator and the public safety radio system; and no. 11 also the radio -- the equipment operating in the 800MHz band.

So in consideration of the above determination made pursuant to the SMA rules of the Commission, the department also recommends approval of the SMA minor permit subject to the following condition: That full compliance will all other applicable governmental requirements shall be rendered. So the CUP conditions will be enforced pursuant to the provisions of Chapter 19.530, Section 19.530.030, of the MCC, as amended in 1980, and the rules for administrative procedures and civil fines for violations of Titles 12, 14, 16, 19, and 20, of the MCC. The condition of this SMA use permit shall be enforced pursuant to Sections 12-302-23 and 25, of the SMA rules for the Commission.

So in consideration of the foregoing, the department recommends that the Commission adopt the department's memorandum report prepared for the August 26, 2015 meeting as its findings of fact, conclusions of law, and decisions and order. Thank you.

Chair Jennings: Sybil, thank you.

Mr. Buchanan: I had just one more little question --

Chair Jennings: Go right ahead, Billy.

Mr. Buchanan: From a layman's standpoint 'cause I'm really naive about electronics and stuff. What kind of time period are we looking at if approval is given to make those changes, and how will it affect the users locally?

Ms. Lopez: Good question. So what the department does is we process the once -- you know, once you guys vote, we process the approval, we sent it out to the consultant, and it's up to the consultant, and that's a good question because I did not add that on here and if you would want to add a certain specific time, we can as a condition. But, usually, it's -- that's a good question. Yes.

Chair Jennings: This is not stump the Sybil so --

Mr. Buchanan: I'm just concerned about the community for what kind of period of time, everybody going be screaming, your phones going be ringing off the hook, or are they going to be giving enough heads-up notice letting the community know that from Monday through Thursday, we going be without service, you know, so that type of thing, and so I'm the layman.

Ms. Lopez: I can add that in if you want to.

Mr. Buchanan: Thank you. Please.

Chair Jennings: Luigi, yes?

Mr. Manera: Yeah, based on the -- Luigi Manera. Based on the previous installation, you're talking about the switching over, how much down time, it's done in one day, the same day. There's no down time. Yeah, one day. It took about a month or so to get everything up, but the switching over is one day.

Mr. Buchanan: I'm cool with that. Not bad at all. Okay.

Chair Jennings: Thank you, Luigi.

Ms. Lopez: Would you still want that as a condition? Okay. Diane, go ahead.

Ms. Swenson: I'll move for approval with -- incorporating the staff's recommendations.

Chair Jennings: A motion is made by Diane, and a second is made by Bill.

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

VOTED: to approve the Department's recommendation.

Chair Jennings: Is there any other further discussion? I would just like to say is it possible, in this, to maybe put something in the paper that on such and such a day this is going to be

a switch over, just so we do let the general public know? I might be coming off of third base with that, but if that doesn't seem to be something that needs to happen, then forget I said it. Thank you. Thank you. That's all I have. Motion passed.

Ms. Lopez: So motion passed without adding that or motion passed with adding that?

Chair Jennings: Motion passed without Mr. Jennings's grogging on.

Ms. Lopez: Okay. Thank you.

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

E. 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. KEKOA COPP submitting a Special Management Area Assessment (SMX) for a 576 sq. ft. carport addition located at 1100 Kamehameha V Highway, TMK: 5-4-005: 023, Kaunakakai, Island of Molokai. (SMX 2015/0278) (Valuation: \$26,000) (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. Sybil Lopez, staff planner assigned to these projects, and I do have Luigi Manera is the consultant on these SMA requesting for exemptions, and so the first one on a., Mr. Kekoa Copp, it's basically located right outside of Molokai Shores, and he's adding a carport to that. Do you want to do it all together or we go down a, b, and c?

Chair Jennings: Sybil, why don't we do it all together and if there's any of the Commissioners that, you know, have a problem with that, let me know, but I just assume do it all together.

Ms. Lopez read the following agenda items into the record:

- b. **MRS. ESTHER MONIZ** submitting an after-the-fact Special Management Area Assessment (SMX) for the demolition and removal of a structure located at 309 Seaside Place, TMK: 5-3-007: 012, Kaunakakai, Island of Molokai. (SMX 2015/0066) (Valuation: \$6,400) (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.

- c. **MR. PATRICK JONES** submitting an after-the-fact Special Management Area Assessment (SMX) for the addition of a 592 sq. ft. deck and 36 sq. ft. bathroom with shower under the existing carport structure located at 1566 Puili Place, TMK: 5-4-011: 020, Kaunakakai, Island of Molokai. (SMX 2015/0133) (Valuation: \$18,000) (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: So are the three that we're requesting for exemption.

Chair Jennings: Diane?

Ms. Swenson: I have a question about b. You know, like if somebody comes in for a permit to demo an old building, they have to box all the stuff up, ship it to the Mainland because of the lead-based paint and the whole nine yards, and it cost them thousands of dollars, but now we have somebody who just knocks it down and does God knows what with it, and we're going to slide it through and approve it. I mean that seems sort of crazy. I mean so you're better off to not get a permit to that and come in after-the-fact. I mean it saves you thousands of dollars.

Ms. Lopez: And that is in regards to her doing the after-the-fact fees?

Ms. Swenson: I mean it doesn't seem right because we just made another Kaunakakai homeowner do it the right way, and now here's somebody that just does it and we're going to go: Oh, that's okay.

Mr. Yoshida: Well, I guess another route that they could go is if there is a threat to health and safety of people because of, say, there was a fire or something like that, and they had

to kinda remove the rubble, like what happened with Hotel Molokai, when the kitchen -- they had the kitchen fire, and they had to kinda cleanup the rubble, they could get a verbal approval for an emergency permit, they still would have to file for the written request, but they could start upon receiving the verbal approval, they could, you know, start the work to cleanup the rubble.

Mr. Racine: Would that verbal approval come to this Commission?

Mr. Yoshida: The verbal for the emergency permit would come from the Planning Director, but they would notify the Commission that an emergency permit was issued. I mean the same like with the Community Health Clinic when the -- one of the sewage lines kinda failed and so they had to kind of fix it or sewage would be flowing.

Mr. Racine: I'm following Diane's concerns. Yes, this is an after-the-fact action. Is there a paper trail of where the materials ended up? Did it go landfill? Any idea what became of the materials that weren't beforehand inspected and properly encased and shipped off for hazmat disposal? Did the county do any investigation in an after-the-fact permit like this?

Ms. Lopez: The only investigation that we do is based on the review of the environmental impact at that property, so because the property is located in the shoreline management area, we have to make sure that any of the -- there ain't any negative impacts in that area, so after they take it out, that wouldn't be our purview. Our purview is within the shoreline management area so that -- but that's a good point to bring up, yeah.

Mr. Rogers: Got any idea what they did with it?

Ms. Lopez: I would believe it went back into landfill. I mean I think that's the only place that we have to discard.

Mr. Rogers: It'd be fairly obvious if they dumped it on the beach or burned it.

Ms. Lopez: That's a good recommendation.

Chair Jennings: Marshall, go ahead. Did you -- I see you looking very complacent.

Mr. Racine: Well, again, Diane scratched at and it's making sense that the reason we have a permit process for demolition of an old property is so that -- yes, they moved it out of the shoreline, it's no longer an environmental hazard to the shoreline, but now we still have all these construction materials that may contain asbestos, lead paint, a number of things that generally don't get just put in the landfill that -- so I'm hesitant to just go ahead say, oh, okay, it's all better now, because it isn't. The \$6400, was that just the fees after-the-fact

permit, or is there fines involved? Are we going to, by action, condone this behavior in the future, or we're going to try and get these people to do this right so that we maintain the integrity of our environment?

Ms. Lopez: That's another good point that you're bringing up. The 6400 was to demo and remove it off the property, that's including the fines that they incurred, so the only fine that they did incur was that \$1000 fine, but because it's in your purview right now, you do have the option to add a recommendation and put it as a minor permit to have a condition 'cause we're requesting for it to have -- for it to be a exempted, so the decision is in your hands.

Mr. Racine: Is anybody else going in this direction?

Chair Jennings: Well, go ahead, Diane.

Ms. Swenson: I don't know what we can do. I guess tell people if they want to demo an old building, do it after-the-fact so they don't have to pay all the money to do it right. I don't know.

Mr. Racine: Well, that's what we'd be doing by action or by omission --

Ms. Swenson: But what else -- I mean what else can we do? The building's gone.

Chair Jennings: Yeah, it's gone. It was

Mr. Racine: Is there some department review? I mean --

Chair Jennings: But I think we need to set a precedent somehow, and how do we do that?

Ms. Lopez: I have a recommendation. Would you want the owner to do a compliance report, to put a report back to the Commission to explain, you know, the materials and how they removed it, and where did it go? I mean that's just a suggestion. Some type of compliance report, or I mean I don't even know if you can fine them again. I don't know.

Mr. Racine: I guess --

Chair Jennings: She already paid the fine.

Ms. Lopez: Yes.

Chair Jennings: So that's null and void but -- I don't know what the rest of the Commissioners feel but I would like to have this person, excuse me, this person come and

let us know, you know, what they did with it, you know, did they -- where did they -- how did they get rid of it.

Ms. Swenson: I'll move that we approve E.1.a. and E.1.c., and that we request that E.1.b. come back with a compliance report for us.

Chair Jennings: Okay. There's a motion.

Mr. Racine: I second that one.

Chair Jennings: Okay, second to that motion. All those in favor? All those -- okay, I'm sorry. Ma'am, excuse me, did you -- would you like to make a statement? Okay, seeing none, we'll go ahead with the motion and the second as was made. We're going to approve E1.a. and c, and then b will come before us with a review.

Ms. Lopez: So you would want it to be put on the next agenda item for the next meeting or would you want to give us time to work on it?

Chair Jennings: It's, as far as I'm concerned, it's whatever you feel.

Ms. Lopez: Okay. I will let the owner know and we can move forward with that. Thank you.

Chair Jennings: Okay. Thank you, Sybil. Okay. Marshall, did you?

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

Chair Jennings: Yeah. Okay. Okay. Everything's fine. One with the next item then.

2. **2015 Hawaii Congress of Planning Officials (HCPO) Conference - October 14-16, 2015, Hawaii Convention Center, Honolulu, Island of Oahu.**
3. **Cancellation of the October 14, 2015 Molokai Planning Commission meeting due to the 2015 Hawaii Congress of Planning Officials (HCPO) Conference**

The Commission may act to cancel the October 14 , 2015 Molokai Planning Commission meeting.

Mr. Yoshida: ...(inaudible)... item E.2. is to notify the Commission that this year's state planning conference is on October 14-16, at the Hawaii Convention Center on Oahu, and because of that, we'd like to cancel the October 14th Planning Commission meeting.

Chair Jennings: Just to jump back here on no. 2, the two people that we have going from the Commission are Diane and Marshall, and I don't know if there -- I just thought I'd let you know, as a Commission, who is going to be attending that conference. And then as far as Clayton, the cancellation of the meeting of October 14th, motion, I don't know if we need a motion, but as far as I'm concerned, I'll accept that.

Mr. Racine: I move we cancel the October 14th meeting in consideration of the HCPO Conference.

Chair Jennings: Okay. I'll second that if I -- I can't. Doug?

Mr. Rogers: Second.

Chair Jennings: The motion was made by Marshall, and seconded by Doug.

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

VOTED: to cancel the October 14, 2015 Molokai Planning Commission due to the 2015 HCPO Conference.

Chair Jennings: Any further questions? Seeing none, that's fine. Clayton?

4. Agenda items for the future meetings
 - a. September 9, 2015 meeting
5. Pending Molokai Applications Report generated by the Planning Department (Appendix A)
6. Closed Molokai Applications Report generated by the Planning Department (Appendix B)

Mr. Yoshida: Moving to item E.4. The next regular meeting is scheduled for September 9. We don't necessarily have any firm items for that meeting. We probably will be more likely to have a meeting on September 23. We did circulate our list of pending Molokai applications and closed Molokai applications, if there are any questions on those reports.

Chair Jennings: Commissioners, do you have any questions? Seeing none.

Mr. Yoshida: We would note that as far the replacement filling in the vacancy, the one vacancy that you have on this Commission, at yesterday's council meeting, they disapproved the Mayor's nominee to the Molokai Planning Commission, so we're about a few months away, I think, from getting a replacement.

Chair Jennings: Well, I think if everybody shows up, we'll be -- the board that I have now has been very, very, very good, and I appreciate that.

F. NEXT SCHEDULED MEETING DATE: September 9, 2015

G. ADJOURNMENT

Chair Jennings: Okay, any other questions or any announcements people want to make, Commissioners? If not, then meeting is adjourned. Thank you all for coming.

There being no further business brought before the Commission, the meeting was adjourned at 11:55 a.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions

RECORD OF ATTENDANCE

Present

Michael Jennings, Chairperson
Douglas Rogers, Vice-Chairperson
Billy Buchanan
Lawrence Lasua
Marshall Racine
Diane Swenson

Excused

Ron Davis
Zhantell Dudoit

Others

Clayton Yoshida, Planning Program Administrator
Sybil Lopez, Molokai Planner