

**MOLOKAI PLANNING COMMISSION
REGULAR MEETING
SEPTEMBER 23, 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 11:02 a.m., Wednesday, September 23, 2015, at the Mitchell Pauole Center, Meeting Hall, Kaunakakai, Molokai.

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

Chair Michael Jennings: Okay, it's a little past 11, and I think we're -- I think we're ready to go. Welcome to the meeting of September 23rd, and we're call everything ready to go, and I just want to say that if you do have comments, please limit them to three minutes.

B. PUBLIC TESTIMONY

Chair Jennings: Public testimony, if there's anyone that cannot be here for reason that they want to be for a certain agenda, please let me know and you can get up and speak right now. Okay, seeing none, we're ready to do. Clayton?

Mr. Clayton Yoshida: Good afternoon, Mr. Chair and Members of the Planning Commission. I'm Clayton Yoshida, with the Planning Department, and with me today from Maui are the Planning Program Administrator of the Long Range Division, Pam Pogue, who's here to discuss some scheduling matters with you regarding the Molokai Community Plan Update; we have your Molokai Planner, Sybil Lopez; and your Secretary to Boards and Commissions, Suzette Esmeralda; and your Deputy Corp. Counsel, Richelle Thomson, has a meeting with the Committee of the Whole today but she is on-call should you have any legal questions.

I guess we would be asking, Mr. Chair ...(inaudible - due to technical difficulties)... we will be asking for a deferral on item D.1.C., Jerald Johnson, on the SMX for after-the-fact PV solar installation, 10 Mohala Street, in Kaunakakai. I guess we need to discuss with the applicant regarding a clear set of plans as to what is being planned, where it's being situated, and how the parking will be handled, but we can discuss it when the matter comes up.

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

C. COMMUNICATIONS

1. **MR. LUIGI MANERA, on behalf of NEW HORIZON ENTERPRISES, INC., requesting a Special Management Area Minor Permit for a new steel warehouse building construction located at 40 Hio Place, TMK: 5-3-001: 008, Kaunakakai, Island of Molokai (SMX 2014/0236) (Valuation: \$240,000) (S. Lopez)**

The Commission may act on this request.

Ms. Sybil Lopez: Good afternoon, Commissioners. I'm Sybil Lopez. I'm the staff planner on this project, and this matter arises from an application for an SMA assessment originally filed on June 6, 2014. So the application was filed pursuant to Chapter 205A, Hawaii Revised Statutes, and Chapter 302, of the SMA rules of the Molokai Planning Commission, by Luigi Manera, the consultant, who is here today if you have any questions, and on behalf of New Horizon Enterprises, Incorporated, the applicant, who also is here today if you have any questions regarding the application, so as you look into the report that you had, what it is is that they wanted to -- they did an in-fill of approximately 1800 cubic yards of earth on approximately 35,000 square-foot of land. They are planning to construct a steel warehouse, provide temporary storage of shipping containers, and construct a driveway connection on 114,226 square-foot of land in the state urban land use district, community plan use is business/commercial, and County of Maui zoning district of M-2, heavy industrial, identified as TMK: 2-5-3-00: on parcel no. 8. If you take a look at the exhibits, it's actually on 40 Hio Place, so it's located right across the Rawlin's Chevron Station, and New Horizon Enterprises, Incorporated, is better known, here on the island, as Mako Trucking, and so their original place where they're located, behind Pizza Café, they're expanding, so that's what they plan to do, they're proposed plan is to expand, which they acquired the lot right across the street, and they're planning to build the warehouse, and this steel warehouse will be utilized for all of their trucks, their trucks and their heavy equipment for services, maintenance, and repair. They'll continue their expansion of their temporary storage, which they are the only storage place here on the island of Molokai, so all of our -- all of our residents use their services for storage, for shipping, if any of our cargo goes from Young Brothers to delivery, they're known as that type of service industry, and they want to expand their services, obviously, that they're doing more to provide services for the island of Molokai.

And as you know, under the land use designations, they are not in the country town business district, so that does not apply to them.

If I can call up Mr. Manera, if he would want to add anything to the project. Thank you.

Chair Jennings: Luigi, first of all, Commissioners, are there any questions for -- do you have any questions for Luigi?

Mr. Marshall Racine: Yes.

Chair Jennings: Marshall.

Mr. Racine: One section calls it a "temporary storage of shipping containers," Ms. Lopez says it's going to be a garage for parking and maintenance of vehicles, and one drawing calls it an "office space" or "office building." Which is it?

Mr. Manera Luigi: The office space is only a portion of the new building, and the container storage is different. There already is -- it's temporary storage, it's temporary container that they move all the time, all the time they move, you know, it's just on and off, on and off, but the actual building is for maintenance of the truck, and there is a little office for whoever work on the truck.

Chair Jennings: So, Luigi, they will still continue to have the office across the street?

Mr. Manera: Yes.

Chair Jennings: Okay.

Mr. Manera: Yes.

Chair Jennings: Thank you. Thank you.

Ms. Lopez: I can clarify for that with you, Commissioner. So it's a 114,000 square-foot of space, yeah, so on the full property, they'll be having those 40-foot containers that they already utilize what they do now exist, so they're going to add more 40-foot containers on that parcel to do storage. The new steel warehouse is for their equipment, their trucking, for maintenance and repair, and within that office is within that warehouse, they'll hold somewhat in there as like for mechanics and whatnot, but their main office will still exist where it is today.

Mr. Racine: I just noticed it says, "construct a steel warehouse, provide the temporary storage or shipping containers," and then etcetera. My bad.

Ms. Lopez: No. That's okay. Thank you.

Chair Jennings: Okay, is there any other questions or, Chris, do you have anything you want to say? Anything from -- okay. Sybil, would you --

Ms. Lopez: So, sorry, Commissioner.

Chair Jennings: No. Go ahead.

Ms. Lopez: So I just wanted to let you know that, with the applicant and the owner, they in, let's see, I did add one of the letters in here, so I just wanted to make a note that the owner works with a lot of the county departments and what they did is they're working on an easement to help with the facility next door to help bring partnership to that area in providing that facility to be available and have access to, and so they also planted plants alongside of the highway to actually help with any debris or just kind of a blockage from the highway to where the property is, and so that's something added that the owner did on, you know, he did it on his own.

Chair Jennings: Commissioners, are there any further questions that you would like to ask Mr. Manera or Chris, the owner? Okay. If not, Sybil -- oh, excuse me. Is there anyone here that would like to speak? Okay. So, Sybil, your recommendation, please.

Ms. Lopez: 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: No. 1, That the project shall be in accordance with the descriptions submitted on June 6, 2014, and other representations made to the department; that, no. 2, that best management practices shall be implemented to ensure water quality and marine resources are protected; no construction material should be stockpiled in the aquatic environment; all construction related materials should be free of pollutant and placed or stored in ways to avoid or minimize disturbance; no debris, petroleum products, or deleterious materials or waste should be allowed to fall, flow, leach, or otherwise enter near shore waters; the applicant shall retain a Molokai archaeological monitor to be onsite during ground-disturbance activities. In the event that historic properties, including concentrations of artifacts, human skeletal remains, subsurface cultural deposits, or structural remnants over 50 years of age are identified during the construction activities, all work in the vicinity of the find must cease, the find must be protected from additional disturbance, and DLNR-SHPD, Maui Island Section, shall be contacted immediately; no. 4, the project shall be initiated by September 30, 2017 and shall be completed within two years of the said initiation; and no. 5, that full compliance with all other applicable governmental requirements shall be rendered.

So the conditions of this SMA use permit shall be enforced pursuant to Section 12-302-23, 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 September 23, 2015 meeting as its findings of fact, conclusions of law, and decision and order. Thank you.

Chair Jennings: Thank you, Sybil. Do I hear a motion on this? There's a motion -- a motion to approve by Doug. Is there a second? Second by Ron. Are there any further -- any further discussion?

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

It has been moved by Commissioner Rogers, seconded by Commission Davis, then unanimously

VOTED: to approve the SMA minor permit.

Chair Jennings: Motion carried.

Ms. Lopez: Thank you, Commission.

Chair Jennings: Thank you.

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

- 2. MR. LUIGI MANERA, on behalf of MOLOKAI CENTER and GARY O. GALIHER DBA, requesting a Special Management Area Minor Permit for the removal of existing roofing and replace with a new metal roof on an office building and install a new facade on the clinic building and Bank of Hawaii in the Kaunakakai Country Town Business District located at 40 Ala Malama Street, TMK: 5-3-002: 001, Kaunakakai, Island of Molokai. (SMX 2014/0122) (Valuation: \$102,000) (S. Lopez)**

The Commission may act on this request.

Ms. Lopez: Hello, Commissioners. I'm Sybil Lopez, the Molokai planner for this project. So this matter arises from an application for an SMA assessment, originally filed on February 13, 2014. So the project is -- you remember this project, it was back in 2014, it came in as an emergency permit? The project was to remove existing roofing and replace with new metal roof. On March 28, 2014, the Department of Planning approved an SMA emergency permit as well as a CTB approval on September 9, 2014 for structural roof damage sustained due to high winds and rain on an existing office building.

So today's project is to approve that, and the project is to actually remove, with addition, removing the existing roofing and replacing with new metal roof on office building 1, install facade on clinic building and Bank of Hawaii building. I do -- so we put together a powerpoint presentation so I'll just go through the powerpoint presentation, I know you have -- so the buildings that you first enter are Kaunakakai Town. The first thing you see when

enter our building. So the first -- the second page would be how the front elevation would look, and the rear elevation would look. So this would be how the proposed new roofing would look like. The third page -- some of you have it all one page, I'm sorry. So the next one would be the roofing and more roofing, so this shows you what currently exist. So you're looking at what we're looking at the rear of the center so -- and the second one would be the more of the roofing in the back. So that's what currently exist. And -- sorry. So no. 4 would be -- so Bank of Hawaii would look like that, yeah, so this is what currently exist for Bank of Hawaii, the front facade, and the next page would be the clinic of the front facade. So the next page would be how it will look like. What would be the proposed action. So the schematics show the Bank of Hawaii with the new facade, and how the clinic front elevation would look. And the CTB approval was based upon the Kaunakakai Country Town Business Design Guidelines, and so what we -- we took a look at was how the materials and the front would look and what type of -- what type of feeling that we would want to see when the -- when people enter our town. And I took a picture of the signage and I wanted to make known that we really need to fix our signage, and so part of the conditions of that is that if you look at it how it looks like now, part of the conditions that we want is that they would come into compliance to do a comprehensive signage plan so that we can look at all these signs to become -- to be in conformity and have a continuity on that. Question?

Chair Jennings: No, no. No. No, I just want to make a comment that they look so cluttered, I mean it's just so hodgepodge. Is there a possible way that maybe they could be one sign with the names of the stores that are there? I mean that's just my question to you and to the owner.

Ms. Lopes: Yes. So what the department will recommend is that we would work with the applicant to come into compliance to create some type of comprehensive signage plan. And I know that we know that there's a lot of open space there, meaning that tenants come and go, and so it would be more on the owner themselves to actually put something in there, you know, a tenant agreement where if you come in, and you want to put signs, you have to follow Title 16 on how, you know, how you develop the sign. And so if they do a comprehensive signage plan, and they work with the department, we can find conformity in all of these signs, and you're not looking at blue, green, you know, all of these sizes, all of these shapes, and all of these signs will all look uniform 'cause we're thinking about this is the first thing that they see when they come into our town. Is this what we want people to see? And so we have a chance right now to help the owners and help our town to have beautification. So we're just looking at the signage and even looking at the windows and what are you projecting, yeah. As you can see this, the first signage picture, you see things on the windows, you see flags. And the last one would be parking. So parking I know it is critical in that area so the department would want to work with the applicant to see why type of parking that we can --

Chair Jennings: Yeah, Sybil, if I may just take a second and voice my opinion.

Ms. Lopez: Sure.

Chair Jennings: The windows with all the signs and everything in it, it really, really looks bad. I mean people, they come for -- down on Saturdays, and they go to market and everything, it just -- and the parking lot back I hope we can -- the owner can do something with that as far as the potholes and everything that's there. It just doesn't give a good impression, as far as I'm concerned, to what Kaunakakai is really, and I'm, again, I'm just voicing my opinion and if we can -- if you can talk to them or have -- you know, it just looks hodgepodge, it doesn't look very professional at all.

Ms. Lopez: Thank you. So part of this SMA application approval, we would want the department to work with the applicant and the owner, and the consultant, to come up -- so that's what we want to include as part of the comprehensive signage plan as when they go through this process, we feel that if we approve this SMA to do the roofing, this is a way that we can help them to fix their, you know, other things that's on the property, including the signage, the parking, the manhole, and whatever conditions we have on this -- on this approval. So I know the parking doesn't really affect because they're doing roofing, but for the long-term effects of having tenants me in and out, because it does change the use, well, it does change who's in there, so say, for example, you got retail in there, you got the -- that little restaurant, Mrs. K's concession in there, and then you're looking at the bank, and the clinic, but you're also looking at open space that's -- that they're looking for tenants, and so you don't know who will be going in there, so if we put forward these type of approval SMA, especially in that center, we can add that condition that any new tenant that would come in there, they would comply with the comprehensive signage plan that the applicant created with the department, so that's kinda what we're looking at, and it affects the parking because if the new tenant coming in, it depends what type of, you know, business that they're going into and how much parking that they would need. So we're looking at all those aspects, but this approval is only for the roofing, but if we can encompass -- encompass all of it and look at the property as a whole and how we can look at it for the long term, I mean we might salons in there, other than the American Savings Bank, we had outdoor activities at one point, so you're looking at the long term of this Molokai Center. Having just putting on the roof, what more can we accentuate that area because it is a prime spot in our town. So I hope I make sense.

Chair Jennings: No, it does. Thank you. Are there any questions by the Commissioners?
Diane.

Ms. Diane Swenson: So, Sybil, looking at the facade, it looks like they're adding more retail space, so are those still going to be open spaces to the parking between the bank and the clinic?

Ms. Lopez: Sorry, which one are you looking at the --

Ms. Swenson: Looking at the new facade detail of the clinic. It also shows the bank up on top.

Ms. Lopez: I'll let Luigi answer that. I think you're looking at the bank and the clinic, yeah?

Mr. Manera: Hi. Luigi Manera. We no add any floor space. Only roofing. There's no increase. It's only -- you know where American Savings and Mrs. K, right now it's open, every time it's raining, it's just a mess, so we're going to continue on just the roof, not flooring, no nothing.

Ms. Lopez: So I think you're looking at the addition where they're going to stretch the roofing out, yeah, so they're -- and then you got the pole down, so it wouldn't be an enclosed where it'll expand five feet.

Mr. Douglas Rogers: That's just -- it's just expanding that existing area where the existing tables are.

Ms. Lopez: It's just the roofing on the top.

Mr. Rogers: Yeah, where the dining area is outside.

Ms. Lopez: Yeah, and that's -- that's on the clinic -- the clinic side closest to the Bank of Hawaii, so the one on the restaurant side, they're not going to -- they're not doing that part, so it'll extend outwards. It'll extend to the wharf on the roof, but not the -- not the use space. Yeah, so it'll not be enclosed.

Mr. Racine: I see on Exhibit 5, the longitude section, office building, it looks like there's a facade added to the front of that building as well, but on Exhibit 7, it's called out on the clinic and on the bank, but it's not called out on the retail building.

Ms. Lopez: You means the main two-story building?

Mr. Racine: Yes. It looks like -- yeah, it looks like Exhibit 5 shows the detail of it, it looks -- or is that a cross-section of a different piece of the roof? That's roof? Okay. Alright. Alright, I'm seeing the two different views here for that. Okay.

Ms. Lopez: Yeah, the cross-section and the longitude section.

Mr. Racine: Yes.

Ms. Lopez: Of the same office building, which is the two-story building.

Mr. Racine: Thank you.

Ms. Lopez: You're welcome.

Chair Jennings: Thank you, Sybil. Any other questions by Commissioners? Okay. Is there public questions? Okay, seeing none, Commissioners, do I hear a motion? Billy. Do I hear a second? Second by Lawrence. Any other questions? I'll ask for a motion, which I have. All those in favor, say aye. I'm sorry, it's a --

Ms. Lopez: Sorry, I didn't give you the recommendation.

Chair Jennings: Well, I think it would be really -- from what you just told us, I don't have a problem with that, but please go ahead. That was my mistake, Sybil. I've only made two today.

Ms. Lopez: No worries. So in consideration of the above determination made pursuant to the SMA rules of the Commission, the department recommends approval of a SMA minor subject to the following conditions, so it's the regular 1 through 5 standard conditions, so no. 1 being that the project shall be in accordance with the description submitted on February 13, 2014; no. 2 would be the best management practices; no. 3 would be the Molokai archaeological monitor on site; and no. 4 would be that the project shall be initiated by September 30, and shall be completed within one year of the said initiation; and no. 5 would be full compliance of all other applicable governmental requirements. And we have three additional project specific conditions, so no. 6, that the applicant shall complete a comprehensive signage plan within one year of the said initiation of the project; no 7, that the applicant shall submit construction plans showing the property's sewer service manhole installation to the Department of Environmental Management, Wastewater Reclamation Division, for review and approval prior to commencement of work; and no. 8, that the applicant shall test roofing paper for asbestos prior to disposing at the Molokai Landfill. If asbestos is found, notify the landfill, and follow proper asbestos disposal procedures. The condition of this SMA use permit shall be enforced pursuant to Section 12-302-23 of the SMA rules for the Commission.

In consideration of the foregoing, the department recommends that the Commission adopt the department's memorandum report, prepared for the September 23, 2015 meeting, as its findings of fact, conclusions of law, and decision and order. Thank you.

Chair Jennings: Diane.

Ms. Swenson: You know what? I have a question. Why do they have to have an archaeologist on site if they're just putting on a roof and not disturbing the ground?

Ms. Lopez: It's always standard, standard conditions, so if you feel that it's not necessary because it's a roofing project, then it's up for your discussion and discretion, but it's just the regular standard conditions for all SMA minor permits. But good point. Thank you.

Chair Jennings: Okay, I will correct myself and say do I hear a motion? Billy. Second? Lawrence. Any other questions by the Commissioners?

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

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

VOTED: to approve the SMA minor permit.

Chair Jennings: Motion carried. Thank you.

Ms. Lopez: Thank you, Commission.

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

D. 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. MICHAEL C. NICHOLLS, on behalf of the WAVECREST CONDOMINIUM COMPLEX, submitting a Special Management Area Assessment (SMX) for the removal of debris and stream cleaning located at 7148 Kamehameha V Highway, TMK: 5-6-044: 055, Ualapue, Island of Molokai (SMX 2015/0245) (Valuation: \$15,000) (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.

Chair Jennings: Sybil?

Ms. Lopez: Oh. Any questions?

Chair Jennings: Well I -- I guess I do. My question is: Removal of debris and stream cleaning located -- where is the debris going to go when you --

Ms. Lopez: Good question. Can I call up Luigi Manera to answer that?

Chair Jennings: I'm not trying to put anybody on the spot. I just had that question.

Mr. Manera: Hi. Luigi Manera. Well, it's merely all sand and some rock coming down all these years from the Ohia Stream, so it's really good dirt, and when I was talking to Mr. Nicholls, he mentioned if anybody want it on the East End, he willing to give it to them. If not, they take it to the dump. But it's very good soil.

Chair Jennings: Thank you, Luigi. That's the only question I had because I -- it's the only question. Commissioners, any questions? Okay, seeing none, do I have a motion to vote on this?

Mr. Racine: Mike, I move we waive review.

Chair Jennings: Okay. Is there a second to that?

Mr. Lawrence Lasua: Second.

Chair Jennings: Okay, all those -- excuse me, any further questions by Commissioners?

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

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

VOTED: to waive review of the application.

Chair Jennings: Okay, motion carried.

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

- b. **MR. LUIGI MANERA, on behalf of the MOLOKAI OHANA HEALTH CARE, submitting a Special Management Area Assessment to repair a sewer line and install a lift station and sidewalks located at 30 Oki Place, TMK: 5-3-006: 028, Kaunakakai, Island of Molokai (SMX 2015/0134) (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. Lopez: Hi, Commission. I'm Sybil Lopez, staff planner. So if it looks familiar to you, it is but it isn't, so you seen this before, it's from the Ohana Health Center, they came before you twice, one for emergency, and you approved it, you approved the SMA, I think it was either May or June, and what they want to do is they want to repair the rest of the sewer line, so they're going to repair the rest of other lines that weren't in the SMA prior as well as the sidewalk and put a lift in there, so they're doing additional work.

Chair Jennings: Is there any questions for Sybil? Okay, Commissioners, seeing none, do I have a motion?

Ms. Swenson: Yeah, I'll move to approve.

Chair Jennings: Okay. Second by Doug.

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

VOTED: to approve to waive review of the application.

Chair Jennings: Motion carried. Thank you, Sybil.

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

- c. **MR. JERALD JOHNSON submitting a Special Management Area Assessment for the After-the-Fact PV Solar installation in the Kaunakakai Country Town Business District located at 10 Mohala Street, TMK: 5-3-001: 060, Kaunakakai, Island of Molokai. (SMX 2015/0312) (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.

Mr. Yoshida: This is the item I stated at the beginning of the meeting that the department is asking for a deferral on because there are various actions taking place, there's the existing PV panels on the buildings, there's the construction of a new structure to house new PV panels, and then there's the parking, how that affects parking in the parking lot, so we want to have the opportunity to work with the applicant to kinda have all those plans on one plan.

Chair Jennings: So we'll just defer this till our next meeting?

Mr. Yoshida: Yes.

Chair Jennings: Do I have a motion to defer this?

Mr. Ron Davis: So moved.

Chair Jennings: Ron. Second? Okay.

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

VOTED: to defer this application until the next meeting.

Chair Jennings: Okay, this will be deferred till the October meeting. Okay. Thank you.

Mr. Yoshida: Okay, item 2, under the Director's Report, is the scheduling of the Molokai Planning Commission's review of the Molokai Community Plan Update, so I'll turn it over to the Planning Program Administrator for the Long Range Division, Pam Pogue. Remember Pam, she was here in July as part of our orientation workshop.

Ms. Pam Pogue: Good morning.

Chair Jennings: Excuse me, Pam, just -- and I think it's in my error, so if you would just excuse me for a minute. Luigi, I'm sorry, it was -- it was my overlook, would you like to speak on that matter that we deferred? I'm sorry, Pam. I'm sorry. Luigi, it's my mistake.

Mr. Manera: No, no, no. That's fine. I already spoke with her and somebody else, and it's okay to defer it. My -- my only concern about it is they call this "after-the-fact permit." We never did nothing. We installed a few panels on the roof, like everybody else in town. Nobody have to have a permit to install solar panel on the roof. I never heard that. So what

we want to do in the permit was just to install a new structure over the parking lot, and all of a sudden, we got all this problem, oh, after-the-fact, this, and what after-the-fact? There's no such thing. We installed it over the parking. We tried to pave the parking in the same time, like it will be paved in the next three weeks because the paving company is over here, and then we're going to put the structure and the solar above, it'd be nice to do them all together, but I guess we can do it after. But we never did nothing after-the-fact. No one known if there was a permit required for solar on the roof, an existing roof. I don't know why this came all about, but -- all about, but that's the only thing I have to say. It's not after-the-fact to me.

Chair Jennings: Okay. Thank you, it's -- Clayton, do you -- hold on.

Mr. Yoshida: Yes. I believe that that's another reason for deferring because the agenda description is not accurate with what the applicant wants to do, so we can re-agendize it for the next meeting, but we'd like to look at the project sort of in a comprehensive manner that there are PV panels on existing buildings, there will be a new structure constructed to house PV panels on that, and how that impacts the parking in the parking lot.

Chair Jennings: Okay. Thank you, Luigi. Sybil?

Ms. Lopez: And just wanting to add that it will be more of a comprehensive look at it. Being that it will be one of the first PV constructed structure in the CTB area so we would want to make a more thorough look at the plan and the overall property and how it'll affect being, number one, that it's right next to the highway; number two, we have to look at all the design guidelines, whether or not it'll be in front of the UDRB or not but -- and also that the department wants to go green and how do we support this moving forward being that it is -- it would be something that would be exempted for all PV panels if they do not change any footprint of their property and only on roofing, but if you would extend it and expand it to where you would construct an actual structure to provide PV panels, that's all the other aspects that we're looking at on top of changing the landscaping of that area. Yeah. So it is our, probably right now, our own functional bar, restaurant and bar, located in the country town business district, providing -- I mean, right now, it's really popular because of the season, having paddlers coming in this weekend and the next two weeks, by the end of the month, so it'll be a busy area for that place. Now we're looking, as planning, how it'll affect short-term and long-term effects and what type of impacts it'll pose, especially if it's surrounded by wetlands and closest to the ocean, so that's kind of what I would want you guys to envision know that it'll come back to you guys in October and what are the different aspects that we're looking at when we're looking at this project in its entirety. I know at the previous Planning Commission you did approve for this property the antennas for telecommunications. Now we're looking at the same property but we're putting a PV structure on that, how the materials will look, whether they'll be galvanized, what type of materials, tubing, steel, so we have to look at all of that just to kinda give you more of a

comprehensive look on how we analyze that project. So if you have additional things you would want us to look for, please let me know. Thank you.

Chair Jennings: Thank you, Sybil. And I, personally, thank you for the explanation, but thank you for all that. It gives a little more insight. Again, we -- I apologize. It's just something that now we know a little bit on more about what's going to be presented to us and I think that's what we all look at. Thank you. Pam, I'm sorry, I -- oh, Pam, excuse me. There's a question by one of the Commissioners. Pam, go ahead and have another bite of lunch.

Mr. Rogers: I just wanted to ask Luigi, are you guys considering electric vehicle charging station?

Mr. Manera: I never thought about it but that's a good one. I go ask Jerry though. That's okay. I'm okay with that.

Mr. Yoshida: Yes, okay, so I believe, with that, the Commission took action to defer the matter and I think we can move to item 2, the Molokai Community Plan Update and Pam Pogue.

2. Scheduling the Moloka'i Planning Commission review of the Moloka'i Community Plan conducted by a member of the Long Range Division

The Molokai Planning Commission may act to collectively indicate their preferences for the days of the week and time of day to conduct their review.

Chair Jennings: Pam, I promise to be quiet now. Please proceed.

Ms. Pogue: Well, first of all, thank you guys very much. I've been looking forward to meeting with you all and letting you know what's going on. So as far as what I wanted to speak with you all about, I wanted to be able to provide you with an update of the ongoing Community Plan Advisory Committee, CPAC review of the Molokai Community Plan. I want to begin to talk with you, which is why I'm here today, about the schedule because you guys are up next to bat. I want to review some process-related, as mandated by 2.80B procedures, again, which is why I'm here today. I wanted to try to provide you some information about expectations of your involvement 'cause I've had a lot of questions. And then answer any questions that you guys have.

So the Molokai CPAC had their first meeting on March 12, there were 13 members by 2.80B, and I hate to keep going back to this but I know that if any of you were involved in the 2001 community plan, this community plan is different in that it is basically being regulated by 2.80B; that was not the case in the 2001 plan. So fair warning, this plan is

going to look very, very different for that reason. So 13 members were appointed to CPAC, and I get asked this question a lot, each council member had a nomination, and then the mayor had 4 nominations, so that's the makeup of CPAC with the 13 members.

The last meeting was supposed to have been held because, again, 2.80B dictates that CPAC has 180 days to review the community plan, the final date was supposed to have been September 8. As you may recall, we had hurricanes and, particularly, if you had sensitivity to our department, I tend to err on the side of safety, so we canceled the meetings the week of August 5th, and we canceled the following week, so we sort of missed out on 4 meetings, of those 4 we made up 2, so, therefore, CPAC felt strongly about asking for an extension to really give them the opportunity to review the entire plan. So their extension was granted a couple weeks ago by the Maui County Council to October 30th. September 16th and 17th, the CPAC met, and they went through the entire 10 chapters of the plan by that point in time.

Just to let you know, CPAC has been through all 10 -- well, I should say all 9 chapters anywhere from three to seven times. They have done a phenomenal job, incredible job vetting this plan.

Okay, so the final 2 meetings that we will be having with CPAC is October 21st and 22nd. What my staff and myself are working on right now is we are taking the latest revisions, which is intense and a lot of public comment, CPAC comment, state agency, and county departmental comment on every single one of these 10 chapters. The goals, the policies, the action items, and even just the existing conditions. So we are working our tails off right now to incorporate all those comments into the full draft they will be receiving in October, so everything will be incorporated. What they will be looking at is only the last rounds of drafts. And the reason why this is important is to let you know that October 21st and 22nd we'll be meeting, and it's kind of the last shot for CPAC, at this time, in this phase, to take a look at the draft and catch the last any sort of comments, edits, notations, and so forth.

After the meeting on the 22nd, October 22nd, we plan to come back and incorporate, accept all the changes they've made, and then incorporate any new, at that point, if there are new and additional changes, we will note those.

One of the things that I do want to say is that the public outreach, and we have it fully documented and we're happy to send it your way if you have any questions, was very extensive. I have the bill, in terms of the *Molokai Dispatch*. Every single meeting was advertised up to two times that we had in the *Molokai Dispatch*. We had several articles. We went to Facebook. We went to bulletin boards. I've got the staff documenting all the public -- the efforts we went through in terms of public outreach and letting folks know.

We had a total of 24 meetings, and that's including the meetings in October will be then 24 meetings.

Molokai Planning Commission. So what you guys will be receiving, and that's what I'm here to talk about today in terms of when, is you will be getting a clean draft, but, to me, what's important to know is that draft you're receiving has been fully vetted by the CPAC. A lot of things went into these last six months. The actual community plan, as dictated by 2.80B, includes ten chapters, typically the introduction and Molokai's future, with a vision statement, which is very important to the CPAC, we had a lot of discussion about that; there's a chapter on natural and cultural resources; hazards; economic development; land use and housing; community design; infrastructure; public facilities and services; and then, finally, implementation. We had a couple of workshops. We had a workshop where every single one of the water purveyors, DHHL, Department of Ag, the county, Kawela Plantation, all came to Molokai and we had a -- and Molokai Ranch, and we had a panel where they discussed the water system, its abilities, its existing conditions, its capacity and looking forward to the future. We had a workshop on hazards. We had members from the Wildfire Task Force talk about the risk of fire and vulnerability to fire as well as, of course, tsunami inundation, flooding, the National Flood Insurance Program, and some of you I know have met Tara Owens and Jim Buika to talk about sea level rise and climate adaptation. We had Director David Goode, from Department of Public Works, and Director David Taylor come over to talk about the critical resource of infrastructure. There was a lot of talk about having the county or having the county accept infrastructure, so we had some very good discussions about what's involved with that. We had our cultural resource specialist come over and talk about cultural resources and the role of the county in all of that. And we had an all-day land use mapping workshop where we got done with maps talked about community plan land use designations and what's involved in looking towards the future. So I really want to commend the CPAC. They were phenomenal. It was an intense amount of work. Huge discussion. I'm very, very proud, personally, to be involved with them and all these meetings that they had, as I'm sure you can imagine, discussions were very spirited as the membership was diverse, which, to me, was really the rich and the wealth of CPAC because it came out with a plan that was hotly debated and, you know, and heavily discussed, but it came out very balanced. You know, I think it's a really good, phenomenal, solid plan they should be very, very proud of.

So, today, what I'm here to talk to you about is what we hope to do is we will have this final -- well, next to final version going out October 9th to the CPAC members for their final review, and just so that you know right now, we have hard copies of the existing draft but, you know, I would say wait and look for the October 9th one, but everything we've done so far, the meeting summaries, even including the presentations, powerpoints, and so forth is on our county website, and if you cannot easily get a link, I can get you links to those websites, including the existing draft, but it will be replaced by the newer draft on October 9th. So, today, what I'd really like to talk to you about, and I think it's great there's at least

eight of you here, is we need to talk about the Planning Commission review. Planning Commission review is also extremely important and it's also dictated by 2.80B. You, like CPAC, have 180 days. So the first thing that has to happen is a public hearing, and for a public hearing to occur, you have to have 30 days notice, so we're -- I'm going to let you know what our capabilities are, and then you guys tell me what you want to do. The Long Range staff is going to be your staff to support you in these efforts moving forward on this review. We are prepared to begin the public hearing and your process in November, but then -- so, you know, look at a calendar, to have that first public hearing, let's say the first -- if you wanted to go with the first week in November, we would need to have the public hearing notice go out next week. So just -- I'm just kinda putting things in here. We would prefer to not start in January, please. We really want to start with this momentum in either November or December. It would be ashamed to just stop everything for four months, so if we could start something, maybe have a meeting or two in November, and a meeting or so in December, and then, obviously, we would pickup in the beginning of January, after the holidays, but that's where we're at right now.

My first question is: With your plan review, do you want to include it in your regular meetings? Do you want to have a separate track? I know the Lanai Planning Commission chose to have a separate track from the regularly scheduled planning commission meetings, so I'm just putting that out there. The other thing is looking at logistics. Do you want to have these regular day meetings, or do you want to shift to evening meetings? So I wanted to ask you that question. And then the, really, to kick the thing off is when you would want to have that first public hearing.

Chair Jennings: Commissioners? Go ahead. I'm -- go ahead, Diane.

Ms. Swenson: It doesn't seem to me like we have that much on our agenda, if you look at the things that are coming up, so I don't know why we couldn't just do it during our regular sessions. That's just my opinion.

Chair Jennings: And I appreciate that. My question to -- do we need, you know, if we did it in the evening, would we get, you know, more response from the local -- the local people that might want to ask questions or give their viewpoints?

Ms. Pogue: I mean I would say yes. I'm just going to tell you that when we had our CPAC meetings, we held them -- some of the we held starting at 5:30, ending around 8:30 onward, but then again, we just felt that we had so much to cover, so we had many, many meetings starting at 3 in the afternoon, and being very honest, I will tell you, we were criticized for having the meetings early as we did at 3, but we just had so much to cover, but we heard that a lot.

Chair Jennings: Okay. Commissioners, let me hear your -- Diane's view. Doug? Marshall?

Mr. Rogers: Maybe we can do some of them on our regular schedule and some in the evening.

Chair Jennings: Well let's --

Mr. Rogers: See how it goes.

Chair Jennings: I would -- I would like to start to out with, and I'll make motion, that we do it at one of our regular -- regular meetings and, like -- like Doug says, if there's a demand for evenings, we'll take a look at that, but I'll make a motion that we go with what Diane said, we'll do it at one of our regularly scheduled meetings. Sybil, you're looking at me strangely.

Ms. Lopez: Molokai Planner, Sybil Lopez. I just wanted to confirm with you what Diane said, looking at our projects. We don't have much coming up. We -- you did -- the Commission did defer two projects, which probably that will probably come up. We do have short-term rentals coming up, probably that will be only one, and a couple more SMAs. Just kinda wanted to piggyback on what Diane said so at least you guys can get a more feel on how you guys want to schedule that. So we probably would only have -- we're looking at maybe one public hearing by the end of the year for us, for these projects, and a couple more SMAs, and that's probably it for the year.

Mr. Yoshida: Well, we do have work coming out of the council, through their resolutions, we have the Kamakana resolution, there's also the resolution regarding have affordable ohana units on lots between 5,000 to 7,499 square feet, which as to go to the three planning commissions, so, you know, those are other items that the Commission has to deal with, and they're kind of fast-track because, again, if it's done through council resolution, we have 120 days to turn it around and get back to council.

Chair Jennings: Diane, did you -- Sybil, was there anything more you wanted to --

Ms. Lopez: Just wanted to confirm so at least you can schedule that and know what Current Division has coming up with the projects and what you may look at, so it won't -- it won't be as full as how it was these past months with five and six projects a month, so just that one probably -- that one public hearing will probably come up by the end of the year and that's it.

Chair Jennings: Okay. Thank you. Marshall?

Mr. Racine: For Pam. Even though it's on line, that's a draft, we're going to have a hard copy here shortly, nuts and bolts, or the procedure, there'll be a presentation once we have a hard copy, we'll go over the sections, that's going to take some time. We get a comment period, and then we have the public hearing? Give me the nuts and bolts.

Ms. Pogue: Sure. Yeah, great question, Marshall. So, essentially, per 2.80B, the first thing that has to happen to kinda open up your process is an actual public hearing; obviously different, not just public, but a public hearing, and that's important because it has to have 30 days notice, which is why I'm here today, to talk to you today, because then we have to advertise that, if we're going to start in the beginning of November, next week. So that public hearing would happen, and then it would be closed, and then my vision would be, at that first -- then we then open up the first meeting to the Planning Commission, and what we would do, I mean I think we should do, is to, much like we did CPAC, is to present you with an overview of the plan, is to just go through, you know, 30,000-foot level, to walk you through the plan, and to present you with an overview of the plan. The second -- and we can, even that point in time, and I think it would be good, would be to at least go through Chapter 1, 'cause Chapter 1 is much of the, you know, introduction, intent, content, 2.80B; to do all that in the same night, I think is pretty reasonable. Then we would -- and again, that's why understanding the meetings and the number meetings, and how and when you want to meet is important 'cause that will allow us to schedule the review of the draft, so then probably what would happen, Marshall, is then all the subsequent meetings, you know, Chapter 2, you know, Chapter 2 is Molokai's future and the vision statement, so you'd open up with public testimony, or however you guys run your meetings, and then staff would be on hand to answer any questions. We could walk you through Chapter 2, and then any comments or questions. I will tell you, I'd encourage CPAC members to come. I mean they should be there if you do have questions of certain things about intent, and so forth, and, hopefully, there's some -- I mean we can certainly answer that questions, but I think it's -- those questions, but I think it's also important for CPAC to be there who may want to give you further explanations. So in terms of nuts and bolts, we would kind of march through each one of the chapters.

Mr. Racine: So how many hours do you envision it's going to take for us to go through this?

Ms. Pogue: So I'll tell you that with CPAC, you know we had a pretty thin draft because much of it had to come from, quite frankly, the heart of the community, and there was a lot of holes that we couldn't fill in because it was based on what the community wanted. That took 22 meetings, and I calculated 98 hours. But my personal suggestion would be understand that CPAC has put their heart and soul into this, they have really put their heart and soul into this, so what 2.80B really says is just to have the Planning Commission to review it, so I don't see having workshops, quite honestly, I don't see having a bunch of public education, and lectures, and -- I, personally, don't see that, but you're going to have a really complete, really well done draft for your review, so I would not envision there being

a 98-hour effort on your part by any stretch of the imagination. And like I said, they -- we've gone over each chapter anywhere from three to seven times.

Mr. Racine: Granted, we're not going to redo the CPAC's efforts. So to present it to us, again, what is your estimate and how many hours that you could work out the details with us and bring us to a point where we can, you know, put our stamp on it?

Ms. Pogue: My recommendation would be, you've got nine chapters to go through -- well, ten is the implementation chapter, and what that is is that's simply taking all of the actions that have already been identified in every single one of the chapters, they're put together in one table. That's been done. And what CPAC did is they just, basically, prioritized it as a 1 or a 2. So you really have, you know, with Chapter 1 as an intro, I'd say seven to eight chapters to really go through, so I would say, and again, and the reason why I'm hesitating the way I am is because the variable is public testimony because we were plugging along, and even though we had effort, and like I said they are documented in terms of public outreach and trying to get the word out, we had very few people attending up until about July 15, and then all of a sudden, I mean there were some nights we have two-and-a-half, three hours of public testimony. So that's something that's difficult to plan for. I would say, for your review and, you know, and the other key -- the other key I will say, I know I sound like a mom, you gotta do your homework. It's coming to the meetings having read the chapter 'cause that makes a huge difference, and then you know what you want to change and those sorts of things. So that helps it move it along too.

Ms. Swenson: You know, in that respect, we get this material on Saturday or Monday, and our meeting's on Wednesday, so I think you need to do your part too in getting us our material like a couple of weeks ahead of time so we can.

Ms. Pogue: Well, just, I totally respect that. CPAC got their draft in February, and the first meeting was March 12. You'll be getting your draft several weeks prior to your first meeting. I absolutely promise that. And you're absolutely right. So, Diane, you will be receiving in the beginning, hopefully, the end of October, beginning of November, again we gotta talk about that first date, all ten chapters and yet, you'll have 180 days to go over the ten chapters. So you'll have things well in advance.

Mr. Racine: For the department, procedurally, the first meeting public notice, public hearing, thereafter, do we have to have public testimony at every one of our meetings as we're going over and discussing the various chapters?

Ms. Pogue: Well, I mean I know you have to have the public hearing. That you have to have.

Mr. Racine: Yes.

Ms. Pogue: And I don't know, Clayton, my understand is that whenever you have an appointed county commission, when you open up that meeting, you always give the public an opportunity to testify.

Mr. Racine: Yeah, that's what I was asking the county about procedure. Alright. We can't just have a closed meeting for the purpose of our discussion.

Ms. Pogue: I would not recommend that.

Mr. Racine: Okay. Yeah, we have 180 days but, again, what I'm trying to come to so we can make an informed decision on whether to make it part of our regular meetings or have separate meetings, how many hours do you foresee that we're going to be working on this?

Ms. Pogue: That -- I mean I hate to keep going back and forth. I don't think your level needs to be that intense, I think, because you're not filling holes. I mean the CPAC has really done a phenomenal job. What I can't answer is when you have public testimony, how long that public testimony is going to be. So, for now, for the purposes of now and being productive, it would help to know, 'cause we can then contact you directly, what would be helpful to know is do you want to day meetings, or do you want evening meeting, 'cause then what we did is then we would email and, basically, poll everybody to come up with a time frame, and it's once we know that time frame, we can schedule the chapters. I mean I could suggest and say a chapter per meeting, and we tried to do that, and I'm going to tell you, our schedule and itinerary, I'm pretty sure we had seven versions going because we'd have public testimony, or the discussion amongst CPAC would go a lot longer than we expected, and then we didn't cover what we needed to cover, and then it just kept getting pushed back, and then pushed back, and then pushed back. So we can come up with an itinerary, but it's following that itinerary. So I tried to give you an idea of what CPAC did, but they really started at the bottom with next to very little, but you guys are going to have a fully vetted, complete draft, so it should not -- I'd say less than half the level of effort of what CPAC did.

Mr. Racine: And one last consideration. Any schedule that can be perceived as precluding the possibility of public testimony, we need to avoid that. This is a community plan. We need the community fully involved. So we defer meetings, we cancel meetings if we don't have enough to do. But this looks like this takes our full attention and if we set a schedule, there is no deferring it. So a schedule other than our regular meetings, I believe is something we ought to look at.

Ms. Pogue: I will say one thing, and that is that, 'cause I want to give you as much information as I can, I really need to have a commitment a week ahead of time. I can't send staff over, and then we not have a quorum, and then -- I mean that's my personal appeal to you is that, at least a week ahead of time, I need to know that.

Chair Jennings: Well, I think we ought to have it in the day, and I think we ought to have it as one of our -- as our meeting in October. Yeah, as one of our -- go ahead, Lawrence.

Mr. Lasua: Just a question, Pam, in regards to public testimony. Can it be scheduled ahead of time?

Ms. Pogue: I'm sorry. Can what be scheduled ahead of time?

Mr. Lasua: Public hearing. Like before the people come, can we schedule it so we know how many is going to show up? No?

Ms. Pogue: Well --

Mr. Lasua: Or is it just --

Ms. Pogue: The public hearing will have a 30-day notice, so, for example, with the comment about have -- starting in October, I don't think we can do that because today is September 23rd, so the soonest we'd be able to have it would be October 23rd or 24th, and we still have to have corp. counsel review our notice.

Mr. Lasua: But the 30-day notice is for the people to know that we're having the public hearing.

Ms. Pogue: That hearing on that day.

Mr. Lasua: Okay, so once they know that, can we get a schedule of the people who wants to provide their public voices?

Ms. Pogue: I'm not sure. I'll ask corp. counsel. I've never -- I don't know. You mean for people to sign up ahead of time?

Mr. Lasua: 'Cause that may give us a time to know how many people will come up and how long that'll take.

Ms. Pogue: But in the hearing notice, you have to put the time and the location --

Mr. Lasua: Right.

Ms. Pogue: And the date.

Mr. Lasua: I know that. Okay.

Ms. Pogue: Yeah.

Mr. Lasua: I'm just asking whether that's possible.

Ms. Pogue: Right. Right.

Mr. Lasua: Just to eliminate some --

Ms. Pogue: Yeah.

Mr. Lasua: Some time.

Ms. Pogue: I will say, I think -- I mean I totally understand you wanting to have them during the day, we'd love that, but it is a -- Marshall had a great point. It's a community plan, and we had a lot of people showing up at meetings, and I could tell they were racing to get there after they got off their jobs just to get there, so I'm just -- I'm telling you that to share our experience so you know.

Mr. Racine: With the public announcement of the hearing, the document will be near complete or complete and there'll be a link, they can go and look at the draft online so folks will have resources in hand when they come. We just call the first public hearing as a nighttime meeting, and then our subsequent work on it can be daytime. I think we, first, we should open it up with as wide arms as possible and if we don't get a great response because everybody's already said their piece, then we can start, you know, hashing it out in the middle of the day. But again, we want to work on this as open and as inclusive as possible.

Ms. Pogue: I will say, the public hearing you have to have 30 days notice, however, your actual meetings, 7 days notice, so there were several times throughout this process where we, with 7 days or more notice, because you also have to have what's going to be on the agenda so the public knows, we might have -- we changed the meeting, I think, to 3:00 because we just ran out of time at the last time we met and we needed to cover that much more. So you have a little more flexibility as you go from week to week or other weeks or however you want to do that. The public hearing, yes, so, for example, the public hearing notice that has to go out next week, if you want to start the beginning the first week or so of November, the draft will not be available because, of course, we're meeting October 21st and 22nd, but we will have notice out on when that draft for the process to begin with the Planning Commission will be available.

Mr. Racine: Getting a feel from the rest of the Commission that we're going to have difficulty putting together a quorum for evening meetings.

Ms. Swenson: You know, I don't think we should start this whole thing until we have the final draft, number one. Number two, I think we should have a daytime meeting, initially, to see -- just to vet the thing and to see -- if we all agree with the plan, I don't -- and there's any key issues that we disagree with, then I think we need to have a night meeting and invite the public and vet the thing, but I mean if they've already had all these public meetings and they all agree, and unless we have a major disagreement, I don't see where we have this problem that you're worried about.

Ms. Pogue: I will say one thing, you guys have 180 days, you don't have to take the 180, but you do have 180 days; then the council, when you're done, and you sign off, you transmit to the County Council, they then have a year, so just kinda know in the context of what you guys are discussing and the public's opportunity to comment.

Chair Jennings: Well, I just assume, I agree with Diane, let's just have a regular meeting in October and -- or, excuse me, in November, and we can take a look at it and go from there and decide on whether or not we, you know, need to reschedule another meeting at night.

Mr. Lasua: Pam, you said it takes 30 days notice, right?

Ms. Pogue: It does so --

Mr. Lasua: So if it's sent out this week, you're not going to have it until after the Thanksgiving.

Ms. Pogue: No, no, 30 days, so if -- I mean the best thing to come up with is a date, so whenever -- I don't know when your meetings are in November, or when -- if you're talking about having it at your next meeting, but 30 days from that meeting date is when the notice needs to go out.

Mr. Yoshida: Well, I think, in November, we just have a meeting scheduled for November 12 because we normally meet on the second and fourth Wednesdays, but, yeah, but the fourth Wednesday is normally the day before Thanksgiving and we have a hard time getting quorum on the day before Thanksgiving. We've had problems getting quorum on the day before Thanksgiving.

Ms. Pogue: So if you wanted to do November 12 or 13, whatever that Thursday or day is, the notice would have to be -- hit the paper on October 12 or October 13, whatever.

Mr. Yoshida: Yeah, we have, well, right now we have it scheduled for October 28, but if we move to item no. 3, we're asking for the Commission to discuss temporarily changing the meeting day, due to changes in the transportation industry in getting to Molokai.

Chair Jennings: So, excuse me. Why don't we discuss this at our next meeting and come together on exactly what we want to do as a Commission, and our next meeting will be October the -- yes, Diane?

Ms. Swenson: You know, how can we decide when we're going to have a meeting and start this until we know when we're going to have the final draft?

Chair Jennings: Yeah.

Ms. Pogue: So the final draft will be ready the 1st of November, so if you wait until October 28, to discuss this again at that meeting, just to let you know, then that means the public notice would go the 1st of November, which means you'd be lucky to even get one meeting in December.

Chair Jennings: But we won't have our information until November?

Ms. Pogue: Well, there will be -- the final draft can be completed the first week of November, which will be incorporating all the revisions, if there are any at the October 21st and 22nd, so that gives staff a week to then make those final incorporations, and then turn a draft around again 1st of November.

Chair Jennings: So, Commissioners, what do you -- how do you feel about waiting until we see that before we make this final decision? I mean from what I'm hearing from everyone here, you want to see it first before we -- before we do anything.

Mr. Racine: Actually, seeing document means going online or being mailed a copy. Not having a meeting, where it's presented to us, the meeting, where we have public testimony or public hearing is where we ask our questions on the document after we've already reviewed it. You know, like being told, do our homework, you know, if we get it early enough. If we have a meeting what the 14th or 15th of November is our regularly scheduled -- second Wednesday or Thursday, whatever we decide in the next item, we get two weeks to generate our questions to come to a public hearing, to come a public meeting where it's presented, and we hear the public testimony on it, and we can start acting on it sooner than December or January.

Ms. Pogue: And that could be problematic because, I gotta be real honest, we've got council members jumping on our backs wanting to know when we're going to start West Maui, so we're in a corner, and, you know, quite honestly, as of October 9th, you know, that draft is probably 99%, so you can get a really good idea of what's going to be coming to you if you look at the draft on October 9th 'cause that's 99% there, you know, so you won't just be having to wait to look until the beginning of November, you'll have a very good sense

when you look at that draft, and you can't really discuss the draft until after you have that first public hearing, like Marshall is saying.

Mr. Yoshida: Yeah, I think another consideration for the Commission is, on the back end, you're going to lose two commissioners at the end of March, so if you start the process too late, then you're going to have some people onboard for four months, then you got brand new people who have to catch up for the four months work that the Commission has already done.

Ms. Pogue: And I think I did talk to corp. counsel about that because I was little concerned about the turnover, and whoever those new people are going to be, what I was told, they have to read every single piece of public record, all the minutes, all the drafts, all the versions, and sign off on that before they're allowed to become involved in the process. So I would err on the side of starting in November, you've got your 180 days with everybody right here, and you're done by the beginning of April. But like I said, October 9th, when we have that available, we can send you a link or maybe I can talk to staff about even sending you a draft, hard copy, I'm willing to do that. It's 99% there. So as opposed to just waiting until November 1st, you're going to see 99% of what you will ultimately be getting. So then maybe at your -- well, at any rate, so that's all I'm trying to say.

Chair Jennings: Commissioners, your thoughts? Help me along with this.

Mr. Rogers: If most of the info is available, then maybe we should schedule the first public hearing for November 12, and have a regular daytime meeting, and at that point, we'll see who comes out and wants to -- you know, if there's going to be a lot of public testimony, or if people say that they want to have more public testimony, then we can schedule an evening meeting. Okay, I'll motion that.

Ms. Pogue: Did you say, I'm sorry, did you say November 12th? Okay.

Mr. Rogers: Yep.

Chair Jennings: Okay, there's a motion by Doug. Is there a second to that motion? Lawrence. Any other questions?

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

VOTED: to schedule the first public hearing on November 12, during the regularly scheduled meeting. If during that meeting it appears that there will be a lot of public testimony, then the Commission will consider scheduling evening meetings.

Chair Jennings: Motion carried.

Ms. Pogue: So the one question I want to ask you, to follow up, is that so we're going to have the first public hearing on November 12, which means the public notice needs to be put in the paper by October 12, that's not an issue. I'd like to send you all a copy of the October 9th draft 'cause it'll just give you an idea, you don't have to comment, but it'll give you an idea of where they're at. Then we will have a draft to you, for November 12, by November 1st, so it gives you almost two weeks, and again, there won't be a whole lot of changes between -- I mean it's not going to be completely different, alright. Then my question or things to think about, or maybe we can just do this through email, I don't know, is after the 12th, meetings after that, when you'd want them to occur or is that -- or do you want to wait until the 12th to make up your mind, for subsequent meetings?

Chair Jennings: I would just assume wait till after the 12th so that we can make a decision.

Mr. Racine: Yes, we could be so amazed with the hard work that CPAC has done and we just go perfect.

Ms. Pogue: That would be awesome. My Christmas present.

Chair Jennings: Diane?

Ms. Swenson: Yeah, is it possible, for your staff, if you give us this draft now, to highlight the changes when we get the final draft?

Ms. Pogue: So what I can send on October 9th is you'll be receiving a draft with track changes in it, and that's what, on October 21st and 22nd, we're going to be accepting before you then get your clean draft. So you'll be receiving a draft, just like CPAC with the last set of ...(inaudible)...

Ms. Swenson: No, what I'm saying, in the clean draft, can you highlight any changes out of the October 9th draft?

Ms. Pogue: What -- there'll, hopefully, won't be any 'cause then the final draft you'll be getting will be the clean start from here draft, but the October 9th draft, you'll see the difference between the two, the track changes, and then you'll see the clean accepted one.

Chair Jennings: Okay.

Ms. Pogue: Oh yes, Sybil, thank you. So just for confirmation so I can get it in the public meeting notice, November 12, Mitchell Paule, 11:00? Is that correct?

Chair Jennings: Yes, that would be -- that would be fine.

Ms. Pogue: Awesome. Thank you guys so much. And Clayton's got my information if you have any questions, you know, but we will get you a draft after October 9th so you have an idea of what's coming to you.

Chair Jennings: Lawrence?

Mr. Lasua: Pam, the October 9th draft will be online as well?

Ms. Pogue: Yes, it will. Thank you.

Mr. Lasua: Okay.

Ms. Pogue: It will not only be online, it will also be -- Nina will have a copy, we're also giving a copy to Ella, and there'll be a couple extra copies in the public library.

Chair Jennings: Okay.

Mr. Lasua: So October 9th, I can go on and look at it or pull it off?

Ms. Pogue: I'm hoping. You'll hear from me, personally, if you can't.

Mr. Lasua: Okay.

Ms. Pogue: Thank you.

Chair Jennings: Okay, Pam, thank you very much.

Ms. Pogue: Thank you guys.

Chair Jennings: Appreciate your time and your explanation. Okay, Clayton?

3. Temporarily changing the meeting day of the Molokai Planning Commission to Thursdays due to current changes in transportation schedules.

The Commission may take action on this matter.

Mr. Yoshida: Moving on to item 3, which is temporarily changing the meeting day of the Planning Commission to Thursdays due to current changes in transportation schedules. As we know, with the PUC approval, the Molokai Princess changed their schedule so that

they don't operate on Wednesdays anymore, currently; that was a mode of transportation for some of our staff because not all of them are comfortable -- the alternative is -- alternatives are flying the nine-passenger plane, either Makani Kai or Mokulele, from Maui to Molokai, or flying through Honolulu to Molokai and back. So not all of our staff or county members are comfortable in flying on a nine-passenger plane. And then we don't have the boat on Wednesdays.

Chair Jennings: Well, I would accept a motion that we approve the Thursdays.

Mr. Davis: So moved.

Chair Jennings: Is there a second? Second by Billy.

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

VOTED: to temporarily change the meeting day to Thursdays due to current changes in transportation schedules.

Chair Jennings: Motion carried.

Ms. Esmeralda: Is this for the November 12 meeting too though?

Mr. Davis: Isn't November 12 a Thursday?

Chair Jennings: Is it?

Ms. Lopez: Yes, November 12 is Thursday.

Mr. Davis: Okay.

Chair Jennings: Yes.

Ms. Lopez: 'Cause November 11 is Wednesday, it's Veterans Day.

Chair Jennings: Smarty.

E. NEXT SCHEDULED MEETING DATE: October 28, 2015

Ms. Lopez: But we still continue our October 28, yeah, that Wednesday? So October 28th is on a Wednesday.

Chair Jennings: Well, it's entirely up to staff. I mean here -- I mean -- yeah, how are they gonna -- I would say that we make it the 29th, on that Thursday.

Ms. Lopez: Yes. So October 28th is Wednesday, I just confirmed it.

Chair Jennings: Yeah. I mean October 28th, Sybil, is what --

Ms. Lopez: Is, well, on our agenda. On agenda E, it says our next scheduled meeting is for October 28th, and October 28th is Wednesday.

Chair Jennings: Well, then we'll have to change it to October the 29th because of it being a Thursday and transportation. So all those in favor of changing the next meeting to October -- excuse me, I gotta have a motion. I apologize for that. Is there a motion to --

Mr. Racine: So moved.

Chair Jennings: Second by Lawrence. Made by Marshall.

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

VOTED: to change the October 28, 2015 meeting date to, Thursday, October 29, 2015.

Chair Jennings: And so it'll be 11:00, here at Mitchell Pauole, on October the 29th.

- 4. Agenda items for the future meetings**
 - a. October 28, 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: Thank you. Under item 4, our next meeting is October 29. I think we a couple of SMA assessments, possibly, to schedule.

Ms. Lopez: Yes. We will probably be looking at the two deferred projects, the Esther Moniz with demolition on the after-the-fact, and probably, hopefully, we'll get the Paddlers' Inn PV structure, the new construction, and we are requesting to look at the facts of finding

with the two D&Os? I just want to confirm with Clayton with Ms. Patricia Crandall with the petition to intervene D&O as well as Ms. Lori Buchanan petition to intervene on the D&O.

Mr. Yoshida: I guess it's a formal written -- the Commission has to adopt a formal written decision and order regarding its action back in May to deny the petitions to intervene from Ms. Crandall and Lori Buchanan on the Perell Ranch short-term rental home permit. Okay, we have circulated our list of closed, open and -- pending and closed Molokai applications if there are any questions on those. If not, thank you.

Chair Jennings: Lawrence?

Mr. Lasua: It had to do with the date change. Should we notify Pam?

Chair Jennings: Well --

Ms. Pogue: ...(inaudible)...

Mr. Lasua: Oh, okay.

Ms. Pogue: No, sorry. Go ahead. The 12th? November 12th, right?

Chair Jennings: Yeah, the 12th is on a Thursday. Yeah, Thursday, at 11:00 here. Yes.

Mr. Lasua: But we changed it from October --

Chair Jennings: Well, the 28th to the 29th --

Mr. Lasua: Isn't it ...(inaudible)... after, when the notices go out?

Chair Jennings: Does that --

Ms. Lopez: I don't think our October meeting would --

Mr. Lasua: Would meet the 30-day?

Ms. Lopez: Yeah, so I think you're set for November 12.

Mr. Yoshida: Yeah, we had to move our meeting to November 12 because November 11 is Veterans Day and that's on the second Wednesday in November, so we couldn't have it on what was the regular meeting date, we had to move the Molokai Planning Commission to the 12th, and that's the only regular meeting that we've scheduled for November

because, again, we've had difficulty getting members to show up on the day before Thanksgiving.

Chair Jennings: Okay. Pam, okay with that? Okay. Seeing no more discussion, do I have a motion to adjourn? Lawrence. Is there a second? Billy. Okay. Meeting is adjourned. Thank you.

F. ADJOURNMENT

There being no further business brought before the Commission, the meeting was adjourned at 12:35 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions

RECORD OF ATTENDANCE

Present

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

Excused

Zhantell Dudoit

Others

Clayton Yoshida, Planning Program Administrator, Current Division
Pam Pogue, Planning Program Administrator, Long Range Division
Sybil Lopez, Staff Planner, Molokai