

**MOLOKAI PLANNING COMMISSION  
REGULAR MEETING  
NOVEMBER 12, 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 approximately 11:03 a.m., Thursday, November 12, 2015, at the Mitchell Pauole Center, Meeting Hall, Kaunakakai, Molokai.

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

Chair Michael Jennings: . . . so we'll be able to conduct business, and I just want to say welcome to everyone and, Diane, you're down there? So what we're going to do and -- is skip the public testimony for the time being, and we're going to go -- the Planning Department will give us their orientation of what they want to do and Pam, and David, and Mary, let's -- we'll do that first, we'll skip, and then we'll go right to public testimony. Thank you.

Ms. Pam Eaton: Thank you, Chair. And thank you very much. It's really good to see the Molokai Planning Commission. We look forward to working with you all on this next phase of the community plan.

So what we'd like to do today is I want to introduce you to both my staff members, you've heard me enough, I'm going to have Dave and Mary give this brief presentation, which is an overview of what we did with the CPAC, sort of the outstanding issues, and then basically the role of the Planning Commission and what we hope to -- or what should be happening in this next five-month process. So with that, I want to first introduce you to Mary Jorgensen. Mary, you can wave your hand. Mary's a senior planner with the Planning Department, Long Range Division, and Dave Yamashita, who's going to start off the presentation, is one of our supervising planners. Thank you.

Mr. Dave Yamashita: Okay, aloha, Commission. I'm just going to run through a few slides that go over the process for the -- for the review by the Planning Commission, and then Mary's going to talk about some of the details.

Okay, so the first question, and this comes up quite often and you may already know this, but just to make sure that everybody's on the same page: Why do we need to update the community plan? It's essentially required by our county code. So if you like at, for example, 2.80B, which is in the Section 13 of your binder, that describes the need to do a

revision supposedly every ten years. So that's one reason. The other one is that there is new legislation that talks about sustainability and climate change as well, and so we've incorporated those into what you see on the last slide on the right, the version of the community plan update that the community plan advisory committee prepared.

So what have we done? There have been several technical studies, and you'll see the first three that are in green, these tend to be larger in scope, but these are still valuable points of reference for us, and it's specifically for the Molokai Community Plan. We did all the studies that you see down below on the right, so this is based on technical information as well as policies that are listed in these documents. In addition, there were a series of community engagement events going back to 2010, and so we had open houses, we had workshops, we did a series of interviews with people, and then it culminated with CPAC, which started its meetings in March of this year. And even at those meetings, there was always public testimony as well, so people had a chance to express their -- the public had a chance to express their opinions. There were also presentations by different departments on different aspects, such as hazards, sea level rise, water, and economic development. In June, there were two days of a land use workshop, and we also had a -- some of the department heads came and presented to the CPAC as well in I think it was June of this year.

And just a little bit about the process because this is really important, and this process that you see on the screen is mandated again by 2.80B, which is in Section 13, and if you look -- well, don't look at it now, but it's on page 14, there's a requirement that says that you, the Planning Commission, you have essentially 180 days to review this version of the draft, the CPAC draft, of the Planning Department and CPAC, and again, that's required by law, we can't go beyond 180 days. And in reality, what we found is that, and that's -- so you can translate that as six months, it's really more like five months because once your work is done, then the Planning Department staff gets it, and then we have to make changes before we pass it on to the council, and the council has up to a year. So this is, again, something to really keep in mind. Your work really has to be done five months because that's what's required by law, and then it goes to council for a year.

And in terms of what CPAC did, so they, again, they started their meetings in March of this year, there were 22 meetings, and they spent -- they actually got an extension of maybe five weeks, but because -- one reason was because, as you recall back in I think August, July-August, there were a whole series of hurricane warnings that came through and so we couldn't have our meetings, so we were able to ask the council for an extension based on that, just all the canceled meetings, but so anyway, we had 22 meetings for 114 hours. So they went through the draft that the Planning Department prepared. They got to listen to presentations, as I said, on water, hazards, and economic development; there was a workshop on land use; we had lots of discussions on the chapters, and the maps, and the appendices; and they went through two, actually, two series of reviews to get their work

done. But again, you can see the amount of work that they put into it, so the plan was thoroughly vetted with 22 meetings and 114 hours.

And with that, Mary's going to go over -- address how the plan is organized.

Ms. Mary Jorgensen: Good morning, everyone. This plan is organized into ten main chapters and, as David just showed, the CPAC went through them, first, with a lot of presentations, and then made their recommendations, they got to see that in a review, and then they went through a final review, so it's been gone over quite a lot. Yet, you still have the opportunity, with your new perspectives, everyone looks at something differently, to bring forth your recommendations. And so what is noted here is some of the key issues on the right-hand side as they were going through. What they spent the most time on.

So in the introduction, there's a story on the first page, 1 and 2, so we want to make sure that you say this represents Molokai as the way that you see it -- you know, how you'd like to see that story told. And then in Chapter 2, there's a lot about the future; what the issues area, and what the vision, and they kept both the 2001 vision and the 2015 vision, and they spend a lot of time on that. But those are -- I'm just trying to call out what was very important to them. The next three chapters that you see here in green, provide a lot of the context, if you're going to look at future growth, you would look at what, in the environment, it includes both built and natural environment, so all your cultural resources, scenic resources, and natural resources are in that chapter. Hazard mitigation covers a wide variety of hazards that are in the updated 2015 County Hazard Mitigation Plan, but it was summarized as to what is happening on Molokai and gives links, you know, so you could find that if you want to get more in-depth material. Economic development was discussed quite a bit by the committee and that is, again, very important to see where do you want to see the community grow in terms of the economy. Then there's the real heart of the document is the land use chapter, and community design, that's so that we retain the character of what Molokai's going to look like, you want to look at what -- what is needed and what do you want in terms of any or type of future growth. The next two chapters, infrastructure and public facilities, is what's needed. Did they find everything as you -- those are very important to review to make sure existing communities have the services they need, and the infrastructure if there's any new future growth. Very critical. That's what a lot of the county agencies work on, so that would be a good place to focus your review. The final one is the implementation and monitoring chapter. It collects all the actions from the other chapters, and they're identical to what's in the chapter, put in one long list, and it directs the county agencies or if there's something that a county agency is supposed to work with the state or the community, that lists what you would like to see happen either through a program or something on the ground. So you can either look at them individually by chapters, the actions, or you can see them in that table. But as you go through those chapters, the focus would be what would be most used by the county is the policies and the actions in the chapters.

So again, this kinda captures the short list of what was most important to the community; the two vision statements were -- they retained the 2001 out of respect, but they also wanted to have a new one that they included in there that shows sort of where they might go in the future. And then sea level rise is a very serious threat to Kaunakakai. They went, in the hazard workshop, then went over this in-depth. They looked at it when they were looking at land use. They did not make a decision at this time for this 20-year period of this planning document of where -- if businesses and homes are going to move, what location they might move, but they did really recognize that this is coming, you know, it's already coming with the sea level rise, some of the effects, and so they spent a lot of time on that. Mixed-use residential is a new concept that we introduced. It is similar to a project district. They changed, in Maunaloa, there was a project district of 64 acres and they changed it into mixed-use residential. There was a lot of discussion of, well, what does that mean? How does the community review it? And we will go over that when you are discussing it because it's a very important issue as to how -- how you might see a community grow most efficiently in terms of providing the infrastructure and the flexibility to have the walkable get to your corner store, you know, little commercial mixed in with your development. The next one is the sub-area descriptions was under the land use chapter, you'll see that, and it was just brought up at the end of what would you call a description of the different areas, like the East End, or the central area, or West Molokai, how would you best capture those communities 'cause the plan in front of you is the island as a whole, but, yet, these are very distinct communities, and they're not even one community, they have multiple communities within them, so it came, in part, because the East End Policy Statement was discussed and they wanted to have it included, the CPAC says the community can work on that and bring it back, and we didn't receive it back at our last meeting so it might come forward to you for review, but we also have the question of equatability of what about the central area and the West End, so that's a major issue. Another one was the cultural resource map. The committee was divided. You'll see, when you look at it, there's red dots for all the cultural sites, and SHPD says the State Historic Preservation does not -- they recommend absolutely not having those on the map because they're continually being updated, there's no way you can put them all on there, and so that was one where it went back and forth, and you, as a body, will need to resolve that. And then water use and availability. Definitely a very important topic with many different aspects to it in terms of who makes the decisions, which, basically, CWRM, but also all the different purveyors, what's equitable, what's not done, so that's an issue that you'll see coming up and definitely has to be looked at in terms of any future development is the water resources there for the development that's proposed, but that would be more at the time that any development came to your body as your regular Planning Commission work.

So this just captures what your primary role is, and that's the review and provide recommendations for any revisions whether you want to add something or take something out. Again, it's great to have a lot of different perspectives and so if you see something

there that is missing or that you disagree with, that would be what you'd be doing as you're going through the chapter, primarily, with the policies and actions.

Okay, so now this final slide is to say, well, how might you accomplish this work in the time that you have, approximately five months, and then the month of the transmittal to the County Council. If you wanted to have it within your existing Thursday morning meetings, and you had blocks of four hours for the meeting, you'd have five meetings to fit it in that time, and that would be 20 hours, which is quite a bit less than the 114 the CPAC spent. But if you really look at the policies and actions, it is possible. It's about the equivalent of what they did in their second review round, so the similar time. And this lays out the dates of your meetings, the January 14 and January meetings, and February meetings, and one in March, if you want to stay with that. And then a suggested time frame. And you can either discuss this now, you could propose, well, that doesn't, you know, work for you and you want to have additional meetings, or you want to have it on a separate track. That's the question that we would hope to get something back on that later today.

So mahalo. I don't know if you want to discuss that other slide now, or do you want to wait and come back?

Chair Jennings: I think, Mary, what we're going to do is have public testimony now, which is going to be limited to three minutes, and then we'll come back and discuss that final slide.

Ms. Jorgensen: Okay. Thank you.

Chair Jennings: Okay. Thank you.

Ms. Zhantell Dudoit: Excuse me, Chair. So we're going to have public testimony on this issue right here, or just in general?

Chair Jennings: Just in general. The public testimony, which we have to start out with, so the -- so we will have -- Zhantell?

Ms. Dudoit: Chair, just for the sake of time and organization, I wanted -- can we, as a Commission, try to settle on the meeting time, or are you waiting for the community to give us ideas on what they want, and is the department open to that? I mean are we going to have a whole big discussion for nothing, or can we make suggestions to the time that has been given?

Chair Jennings: Hold on. Just a minute, please.

Ms. Richelle Thomson: The reason that it's important to do public testimony is that this is the official public hearing for the plan, so I think public testimony probably might include some suggestions on timing, but really it would be kind of open. But the reason to do ahead with it and not get too, you know, sidetracked by trying to schedule things is that we need to get through public testimony for the hearing.

Ms. Dudoit: Okay. I just wanted to make sure that we clear with parameters by which if the community comes up and say we want to have it in the evening, which I will suggest like later on, are those things that we committed to do 'cause it doesn't make any sense to have the community say what they want and then we cannot get the resources or the department or the people to attend. You know what I mean?

Chair Jennings: Yeah. What I asked Richelle was that we would discuss, at our December 10 meeting, as to when we wanted to do -- put -- setting aside and discussing that, what you just brought up.

Ms. Dudoit: I sorry, and I promise this is the last. But my problem is we have a hard time having either quorum or enough stuff on our agenda to even know if we going have one December 10 meeting, so I think that it's important we make the decision today. If we only get five months to do it, I would hate for the time clock to run out on us, so -- so if there is any discussion about that, I think that that should be confirmed today.

Chair Jennings: Okay. We'll, as we go through this and later on, we will discuss that and make that decision. Okay. Public testimony. Again, we're going to limit this to three minutes, and we'll go according to the sheet here, so, Ms. McPherson, would you please step to the microphone and state your name, other than what I did. Thank you.

**B. PUBLIC TESTIMONY** - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered.

Ms. Nancy McPherson: Aloha mai kakou, Commissioners. Nancy McPherson, Department of Hawaiian Home Lands, Planning Office. We just have a couple of comments, and we can submit them in writing, if that's more helpful, subsequently, but the first comment is that we concur with the comments submitted by the Office of Hawaiian Affairs because the comments that they submitted support the rights of our beneficiaries of the Hawaiian Homes Commission Act. The second comment is that we support holding meetings in the evening to allow more access to the -- our beneficiaries who may have to work during the day to participate in this process. And our third comment is there was a request for information to DHHL about the capacity of cemeteries on Hawaiian Home Lands because

that was something that the CPAC decided to add, requested that it be added at their last meeting, and, evidently, our district office has been in communication with Long Range Planning, but we do have -- there is a little more room in Homelani Cemetery, there is quite a bit of room left in Kanakaloloa Cemetery, but those cemeteries are only available to homesteaders and their families so -- but that's part of the existing conditions information that Long Range Planning requested. So I just wanted to put that on the record. And if you have any questions, I'm happy to answer them.

Unidentified Speaker: ...(inaudible - not speaking into the microphone)...

Ms. McPherson: Yes. We will.

Chair Jennings: Is there anyone that has any questions for Ms. McPherson?

Ms. Dudoit: Will the department be able to send a representative from the Department of Hawaiian Home Lands when we start talking about land use and important -- having our community meetings?

Ms. McPherson: Yes. I believe that the department is willing to keep sending one, a staff member to all of your Planning Commission meetings that are going to be reviewing the community plan because there are issues that we share, water, infrastructure, various other things, so, yes, I agree that it's important that we participate consistently.

Chair Jennings: Thank you. Are there any other questions for Ms. McPherson? Okay, seeing none, Nancy, thank you very much.

Ms. McPherson: Thank you. Good to see all of you.

Chair Jennings: Okay, the next is Ms. Moss.

Ms. Kaleialoha Moss: Good morning. My name is Kaleialoha Moss, most people know me as ...(inaudible)...

Chair Jennings: Ms. Moss, could you --

Ms. Moss: Oh, sorry.

Chair Jennings: There we go. Thank you.

Ms. Moss: Is that better? Is that better?

Chair Jennings: Yes.

Ms. Moss: Okay. What I wanted to talk to about today is 80 Makaena Place. I can see on your maps that it is the community plan for this property is single-family residential, and I'm asking that it be changed to business commercial. A better idea is it's the place where the Laundromat and the Outpost are located. That piece of property. My husband and I are in escrow right now to buy it, and because there's already commercial businesses on the property, I'm asking that you change the community plan. And that's basically it.

Chair Jennings: Are there any questions for Ms. Moss? Okay, Ms. Moss, thank you.

Ms. Moss: Thank you.

Chair Jennings: Appreciate you coming. Next is Mr. Rob Stephenson.

Mr. Rob Stephenson: Good morning, Chair Jennings and Commission Members. Rob Stephenson here as a community member and also a member of the Molokai Community Plan Advisory Committee. I just wanted to say thank you for, in advance, for you taking the time and the effort to review this plan. This plan, this process, as Pam said, started back in March, I believe it was Pam or Mary said it started back in March, and we were very fortunate in the community plan advisory committee to have a broad cross-section of 13 individuals from all over the spectrum, from business, to cultural, also social economic backgrounds, all sorts of different disciplines, so the plan that you see before you is -- has been a plan that's been very well vetted by this broad cross-section of the community, and everything that you see in there is the will of the majority of the members of the community plan advisory committee, so we took a lot of time, a lot of deliberations, and came up with what we all thought was very thoughtful look at the Molokai Community Plan moving forward to give you folks the opportunity to put your planning touches and polishing touch on this plan. So I just wanted to come and thank you in advance for going over all of this, and also to offer up my services or if I can ever be helped -- be of help for information or perspective, please feel free to call upon me, and you guys have got quite a bit of work ahead of you, so good luck, and I trust that you'll all make the right decisions for the future of Molokai. Thank you.

Chair Jennings: Rob, thank you. Appreciate your work, and I don't know how many of the other people are from CPAC, but I got an opportunity to watch on Akaku what you all went through and it was - it was wonderful. You put some hard work into it, and Pam and everybody, I just say thank you for that, and it helps give an insight to me, and I'm sure to the board. So are there any questions from the board to Mr. Stephenson? Okay, thank you. Rob, thank you very much.

Mr. Stephenson: Thank you and good luck.



Chair Jennings: Thank you. Okay, next is Mr. Davis, or Ms. Davis. I'm sorry. You look like -- It looked like my doctor's handwriting so I could really -- I'm sorry.

Ms. Mahealani Davis: Hi. Thank you for being here today, and as Rob said, good luck with the review of this. I went to quite a few of the sessions for the review, and I've -- I like the draft that came out of that process. Like all processes, it's kinda like don't ask us how we make our laws or make sausages, we grind it up, and we come out with a product that's a little bit different than what we all expected, but I think the community was represented, the diversity of the community, and there were a lot of compromises made, but, generally, it's a good statement of what Molokai wants and envisions for the future. I wanted to make some comments so that they are on record since this is the only hearing, which I wasn't aware that there was going to be one only hearing or I'd be more prepared --

Chair Jennings: Excuse me, Ms. Davis, could you please state your full name for the record?

Ms. Davis: Sorry.

Chair Jennings: That's okay. That's okay.

Ms. Davis: My name's Katherine Mahealani Davis. I'm speaking as an individual today.

Chair Jennings: Thank you.

Ms. Davis: First, the East End Policy Statement was removed from the community plan and incorporated into the larger body of the plan. Many of us that attended from the community were very adamant that we wanted the East End vision statement to remain as part of the plan. It is currently an appendix to the plan. There were -- there was a lot of discussion about this and there's a group of people that volunteered to take it forward to have community meetings, review it because in discussions over the past four years that I was part of in the Manae community, there's generally a feeling that we want it to be rewritten because it is kind of old. So everybody was in agreement that as-is, it's a little bit -- it's redundant, some things have already been done, some of it doesn't make sense anymore, but it's important for that community to have a clear statement of why that region, and it goes to regional planning, why is that region or that district unique and different from the west or the central areas of the island. I've heard talk that there are other districts or there's a thought that other regions in Maui County would also make clearer their unique and special qualities if they also wrote up something similar to the East End statement plan. So we are -- it's in the process, community meetings are being held and planned, and we are hopeful that this Commission will support that piece of our community plan not getting tossed.

I also, second comment, I'd like to speak in favor of the OHA comments, which speak to preserving and protecting the rights of the DHHL beneficiaries. We have seen, over time, that protecting --

Chair Jennings: Ms. Davis, if you could kinda wrap it up. It's --

Ms. Davis: Sure.

Chair Jennings: It's three minutes, if you could, please.

Ms. Davis: Thank you. And we've seen the past that there is a wisdom to protecting cultural -- cultural resources because they tend to be natural resources and conversation people and practitioners are often fighting for the -- to protect the same things. There was a brief third comment, sea level rise was not really looked at, it was discussed and the discussion ended up being we'll leave that for the next plan review. I live on the ocean. I don't think that we can wait 20 years to start -- to start a discussion about relocation or exit strategies for the community, for businesses that are -- like the sewage plants and the diesel plants that are located right along the edge of the ocean.

Chair Jennings: Ms. Davis, thank you. We have to --

Ms. Davis: Thank you.

Chair Jennings: I appreciate your comments and thank you. Board, is there anyone that would like ask Ms. Davis a question ...(inaudible)...

Ms. Dudoit: Yeah, and just for clarification because you mentioned that this was going to be the only hearing. What did you mean by that?

Ms. Davis: We were told today that this is the official public hearing, that there are other sessions that will take place, but they're not hearings, so we wanted to make sure that some of these comments were on the record so that they will be sure to be discussed or be part of the record to be brought up.

Ms. Dudoit: What is the difference?

Ms. Richelle Thomson: At each of your subsequent meetings, they'll be regular Planning Commission meetings so there'll be an opportunity for public testimony. A public hearing is required by law as part of the community plan approval process, so at the end of public testimony today, that'll be the close of the official public hearing but it's not the last opportunity that public will have to provide you their views on whichever part of the plan you're looking at at that particular meeting.

Ms. Dudoit: Chair, that I understand this correctly, so the hearing means that we are officially approving the draft plan or? I don't understand. And if that is so that we're making a definite decision on something, why didn't the hearing come after the discussion.

Ms. Thomson: The public hearing is -- it's required by law to be part of the process, so that ends as of today is -- so it's been noticed in the newspapers and, you know, and all of that, a very formal public hearing. That -- the process of taking community input though continues throughout all of your meetings, so you'll still have public testimony as you would at any normal meeting. So you're not adopting anything today. This is just the initial meeting, one of many, but the public hearing portion of the process is today.

Ms. Davis: So, Zhan, what we heard was this was the only official hearing that would be held.

Ms. Dudoit: And so that means that we now obligated from this point to put public notice that we discussing the community plan update?

Ms. Thomson: You are obligated, under the Sunshine Law, to put out agendas, and the agenda will list the topic that you'll be discussing that day, and then the public can come and provide their testimony on that topic, whatever is on your agenda, just like -- just like a normal agenda meeting.

Ms. Dudoit: Okay, so the formality of a designation of a hearing has absolutely nothing to do with us being able to submit more testimony, community bringing in nothing like that, it's just we just decide that we want to call one meeting a "hearing" and -- I mean I guess I no understand, and "hearing" sound so formal, like that's going be their chance to --

Ms. Yamashita: Just to clarify, and again this is in the code, and this is what we're required to do, but on page 14 of 2.80B that's in your binder, it says, "No later than 180 days after the appropriate planning commission holds his first public hearing, the planning commission shall transmit the recommendations." So, essentially, the process start -- has to start with a public hearing, so that why we're doing this.

Ms. Dudoit: No. So I get it. So now our time clock starts today. It starts today. So we didn't have a choice whether or not we could start our five months knowing that we were going have definite Planning Commission meetings for the next five months. So if we canceled three Commission meetings in the next give months, it would suck for the community because we already started our time clock today.

Ms. Thomson: I think that's part of what you'll need to decide today is what the Commission feels it needs to review the plan and then make a decision on the appropriate timing and discuss with staff, so that's definitely what you'll want to consider today.

Ms. Davis: So the reason, when we saw official hearing, we want these things to be on the record so that they're not lost as we go along, not knowing which meeting exactly these might come up at. The issues of sea level rise and relocation of Kaunakakai, the cultural resources map, and my request to incorporate by reference a lot of the community documents that have been completed over the years, especially in regards to water and to cultural resources, are things that I wanted to have on the record so that, as they come up, they are -- you know that there is some concern in the community to look at them closely. Thank you very much.

Chair Jennings: Okay. Thank you, Ms. Davis. Thank you, Zhantell. The next would be Mr. Ritte. If you would state your name and -- please.

Mr. Walter Ritte: My name is Walter Ritte, and I'm dressed this way because I just found out about the meeting an hour ago, so maybe I should hit that one first. You heard a nice story from the people who did the work from the county, and I need to tell you the story of how the community was treated in all of this and where we stand in this process. The first thing that come to my mind because that's the one that's irritating me the most is how the county talks to the community. You guys put something in the paper here, and something in the paper here, I don't know how big, but this process that we're going to enter into now is critical because this phase is over, and as far as 13 guys going through a really brutal process, I feel sorry for those guys because they shouldn't have gone through that kind of a process, so now we're going to go through another process, that process was really not geared towards the community. It was really -- if it wasn't for the Aha, there would have been very, very little community input into that process. So now you guys are going to be -- you have the ball, and the process now is going to be coming to you, and you guys are our last chance for the community to actually have input into this process. We are a well-organized community, we have leaders in all of our five districts, and all we gotta do is tell your staff that they need to contact these leaders in these five districts to let them know what's going on so that the community does know what's going on and comes into your process.

The format was changed. All these years we had the community plan, we understood the format, we knew how the things was set up, everything. This year, they come with a brand new format. They started in 2010. They started 5 years ago. This room was filled with charts, and this gentleman here was going through the whole process; then you go 5 years, nobody even know what happened in that 5 years. Why did we wait 5 years? Politics? I have no idea. So a lot of stuff, 'cause I participated, a lot of the stuff I put down in 2010 is nowhere to be found. Nobody could even remember what was being done 5 years -- new staff guys come in, there's a huge disconnect. There's people on the East End wanting to have the meetings over there. No. You gotta come over here. You gotta wait 5 hours, 6 hours, and then you get 3 minutes. That kind of stuff doesn't work. If you really want community input, which is missing in this plan. Those 13 guys did a good job, I guess.

I didn't attend too many of those meetings. It was brutal. I don't know how many hours a day you had to sit there all the way into the night. So I'm asking that this body show some leadership and actually get your community input. There's things on the West End that has nothing to do with things on the East End. They have all different kinds of issues. Central guys got different issues. And it's not all in this plan. There's so much more that can be put into this plan. So you need to allow the community to come and participate and be ready, maybe have more meetings, don't be squashed, like these guys were squashed with time. Allow the community to tell you what they want for their future.

Chair Jennings: Walter, thank you. Thank you very much. We appreciate it. Any questions for Mr. Ritte.

Ms. Diane Swenson: Walter, I have a question for you. You say you've established your leadership in the five different regions?

Mr. Ritte: Yeah.

Ms. Swenson: Is it possible for them to have regional meetings and then submit -- submit their, you know, what they -- they can have their meetings and then submit a synopsis of what that community desires?

Mr. Ritte: Yes. They're going to do that.

Ms. Swenson: Okay.

Mr. Ritte: They're going to do that. But the staff needs to know who these people are, have all of their emails so that everytime there's anything that has to do with the county, just send out an email, remind people there's going to be a meeting.

Ms. Swenson: Yeah, all you have to do is go on the county's website and register, and then you're on the email.

Mr. Ritte: You got staff. People who are paid to connect to the community. All I'm saying is that they're not doing their job. They're not getting into the community to get community input. We have to put more pressure so that because people are not -- the newspaper stuff don't work. It just don't work. So we need to do an extra effort to get your community involved. That's all I'm saying. And we are going to do the district meetings. We just need to make sure we got a lot of meetings and stuff so we can come and bring our stuff to this group.

Chair Jennings: Any further questions for Mr. Ritte? Now, for anyone that did not get a chance to sign their name up, we would -- we would like to hear from you now. Please state your name and, please, go ahead.

Ms. Lori Buchanan: Thank you, Chair. For the record, my name is Lori Buchanan. I was one of the 13 grueling guys, I guess, on the CPAC, and I appreciate Commissioner Lindle, you have to change your name. Okay, I had to ask. I thought maybe was still the same. I appreciated Commissioner Lindle's questions because I think everybody needed to know that today starts the official 180-day, so the clock is ticking. Believe me, that clock tick really fast, and we found that out during the CPAC how fast that clock ticks, especially when you have an enormous amount of information to absorb, to do your due diligence, and then to make wise decisions. And I think it's unfortunate that that clock starts ticking right before Thanksgiving, before nobody wants to work. Historically, this Commission has never met in November or December. So now you 60 days behind on a 180-day time clock. You know, from the community's perspective, that -- you know, we, on the negative side, we go, well, is that intentional to shorten that clock down by 60 days? Whatever the reason, it was probably not well thought out, and so I wish that clock had started ticking after we all ate turkey and opened gifts, but that's ok. I heard earlier, and this is public, yeah, not on any reason, I heard earlier Pumpkin came up and asked you to -- for a community plan amendment is what I think she was actually asking for, and I don't know if they realize that there's a process for that, so I hope somebody can help them out to explain how that is done. Just coming and asking the Planning Commission to do a community plan amendment is not that simple. And then the last thing is I was one of two descending votes on the final draft, and that's because I just felt we didn't put our best work forward, collectively, I know some people thought we did, but I really thought we didn't. Part of it, I felt, we weren't uploaded in the beginning with a lot of pertinent information that we needed to make really sound decisions. So just moving forward, I wanted to reiterate what the prior testimony was about really going the extra distance to get community feedback in a real positive way, moving forward. That's it. Thank you very much for your time.

Chair Jennings: Is there any comments or questions for Ms. Buchanan? Doug?

Mr. Doug Rogers: There's no reason that the district groups can't meet over the holidays in the next two months. They got plenty time if they -- you know, holidays. People are going to be getting together. They can talk story.

Ms. Dudoit: We going have this discussion 'cause I got a lot to say about this, but are we going to continue with our public testimony and then discuss this stuff?

Chair Jennings: Yes. Is there any further public testimony? Okay. We will -- public testimony is now closed, and we will go to C, and that is the approval of the minutes of the July 8<sup>th</sup> --

Ms. Dudoit: Sorry, Chair. We not going to stick to the topic that we were just discussing?

Chair Jennings: We'll, yeah, we will get back to it.

Ms. Dudoit: But is that because we -- I mean are we amending the agenda then?

Chair Jennings: Yes. We're just -- we're jumping back to the order now that we had.

Ms. Dudoit: Okay. Well, I just little bit confused because we had them do the --

Chair Jennings: Yes.

Ms. Dudoit: We had them do that, and then the community wants to know about the community plan, and then we going go on to the rest of our agenda, and then come back to this --

Chair Jennings: We will get -- yeah, we'll get back to the meetings and the times and everything that you had discussed previously.

**C. APPROVAL OF THE MINUTES OF THE JULY 8, 2015 and AUGUST 26, 2015 MEETINGS**

Chair Jennings: So we're on to C, the approval of the minutes of July 8 and August 26. Do I hear a motion?

Ms. Dudoit: Move to approve.

Chair Jennings: Do I hear a second? Okay, motion by Zhantall, and second by Diane. Okay. Is there any discussion on that? Excuse me. Seeing none, we'll move on to --

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

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

***VOTED: to approve the minutes of July 8, 2015 and August 26, 2015.***

Chair Jennings: Okay. Now we'll go to D, the -- mister --

*Chair Jennings read the following agenda item into the record:*

**D. PUBLIC HEARING**

- 1. Mr. William Spence, Planning Director, transmitting the Moloka'i Community Plan Advisory Committee's recommended revisions to the Moloka'i Community Plan to the Moloka'i Planning Commission pursuant to the provisions of Chapter 2.80B of the Maui County Code. The Plan can be viewed on the County web page, the Moloka'i Public Library, the Department of Planning Office at Mitchell Pau'ole Center, and a copy can be requested from the Department of Planning Long Range Division.**

*At the conclusion of the public hearing, the Commission may decide on the next meeting date and subsequent meeting dates on this item.*

Chair Jennings: Would you please -- we can discuss this. Zhantell.

Ms. Dudoit: Okay. So I have several, I don't know if they're suggestions, I no like to think I'm a complainer, but is there any way to retract the hearing or redo it or say -- because -- because there's two things that bother me: one, that the hearing was set and not even I understood the difference between what a "hearing" is as opposed to and that the clock actually started, maybe my bad; two, in order for the community to come up with really great stuff to say, they have to have ample time to read the draft plan, and I just got it like a few weeks ago. So if in fact, historically, like, and this is my second fifth year term on the Commission, so we have never had meetings after Thanksgiving and during the holidays, so if that's the case, it seems very unfair, knowing that historically, that we would prematurely set one hearing date to start the clock when, one, the community's not given ample time to read the draft plan, and, two, we not sure if we even going have enough meetings to compensate for all the necessary hours that we need to hear valid kinds of inclusions, and now what going happen is people going rush to wanna put stuff in, we going have long discussions, like we do at community meetings with -- because people are uninformed, and what they want is just to be heard, and they know kinda, sorta what is going on, but it doesn't make any sense to review one plan that has not been properly reviewed, or the community given the time to properly review that plan.

Chair Jennings: Pam, did you want to discuss this?



Ms. Eaton: Yeah. Yeah. One thing I want to say, and, unfortunately, Zhantell was not hear, but the July meeting, I came just to give an update to the Planning Commission, just to say here's what's going on, wanna kinda give you a heads up; at that meeting, it was the Planning Commission, not the Planning Department, who came up with the date for November 12. Alright, this is your guys' show. You guys dictate this. And, basically, though, we do, we are, and I'm sure Richelle's going to go into this, we are sort of regulated to 2.80B. I mean the whole process starts back on March 12, when we started the first CPAC meeting, they have 180 days, then there's a very specific amount of time between when that ends and the Planning Commission starts, and then your clock starts ticking, and then it goes on to the County Council for a year. So we're sort of bound to 2.80B. But the date was not set by the Planning Department.

Ms. Dudoit: Okay. So if that's the case, one, I wasn't here, 'cause I would never have said that, and, two, if that is our decision, can we take it up to change our decision? If that was our date that we set, I going tell the Planning Commission that we made a grave error, 'cause I've been sitting on this Commission a long time, like I said, this my second fifth -- we have never had meetings during the holiday season, and unless the department is going to commit to four hours of meetings through the holiday season, and we going have one committed quorum, I cannot see how this would be beneficial to the community. And I have one problem too with the 180 days and all this stuff. You talking about one future generation of people who going be bound to one community plan. A 180 days to determine the life of 20 years, 10 years, 20 years of our community, that seems really unfair. So if we bound to those laws, fine. But I think we gotta do our due diligence in making sure that those 180 days is quality 180 days.

Chair Jennings: Pam, go ahead and then I have --

Ms. Eaton: No, I totally understand, Zhantell. I understand your frustration. Imagine what we go through, I mean because we are also bound to that to make sure we try to capture as much from the community; then for every hour we spend in a CPAC meeting, and probably Planning Commission, we've got six hours back at the office plus -- so I totally understand your frustration.

Ms. Dudoit: Chair, can I just interrupt one minute? I'm not having one discussion with the Planning Department. I am not debating whether or not they did their job. That's totally -- I'm trying to talk about how we going do our job to best service the community.

Chair Jennings: Okay, what --

Ms. Dudoit: I not saying they didn't do their job. I not even wanting to hear why we get the 180 days. I asking our Commission, as representatives of our community, if we made a decision, we voted to have this on our November agenda, I saying, as a Commissioner,

that we know, historically, we don't have meetings. The Planning Department cannot tell us that we going have those meetings for sure. We haven't even decided if we going give up four hours a day for -- for these meetings or whether or not that can happen. So to think that the clock going start today is just -- is really bothersome to me.

Chair Jennings: Okay, let's --

Mr. Rogers: We could decide today to have them.

Chair Jennings: Yes.

Ms. Dudoit: Yes. That's what I mean.

Chair Jennings: That's exactly what I'm going to say.

Ms. Dudoit: That what I said.

Chair Jennings: Let's propose a schedule. Zhantell, propose a --

Ms. Dudoit: No, not a schedule. I thought -- my question was can we retract the start date? 'Cause let me ask this, can everybody on this Commission confirm, right today, that they going be at every single meeting and we going have quorum throughout the holiday season? 'Cause I know I cannot. Or even for the next five months? So if the time starts when the community have ample time for read the draft plan, and we over the holiday season, is that going to be better? Is that going to fairer to the community? Is that going to be us doing the best job that we can as their representative?

Ms. Thomson: So just to confirm, you know, what Pam said regarding the time frame, that is a time frame that is required by law, by the County Code. So you have 180 days from the day that the first public hearing. The Commission decided the date of the first public hearing, and this is it, so the time clock has started. What I'd suggest is that you, you know, rather than -- rather than get bogged down in that, try to come up with a schedule that works for the members who are here, you know, open your calendars and see what works, and that doesn't necessarily have to be only on your meeting days, it could be in the evenings, you know, it can be different times, so I'd suggest you move on to discussing what can work.

Ms. Dudoit: My question was: Can we retract the starting day? If we decided on the starting day, and we acknowledge we made a grave error, and it's not fair to our community, can we retract the starting day? And how many -- how many, by law, how many days do we have to actually have a hearing from the date that they submitted the draft plan to us?

Ms. Thomson: Clayton, do you have the information on ...(inaudible)...

Ms. Dudoit: 'Cause I going -- and I just wanna add in too that what bothers me is how could we have possibly picked a date of November 12 when they weren't even finished with the draft plan? How were we even asked to pick a date of a hearing when we didn't even know, and that date couldn't have even been right 'cause they extended the time period by which they met? So I'm just asking, knowing all the changes that were made to the schedule, the extension that they needed, are we able to retract that date and start the clock all over again after the holidays?

Mr. Clayton Yoshida: I believe that when the date was set back in September, there were assurances that the CPAC would be finished by the -- well, October 22, so they scheduled the hearing, they wanted it, the Commission, the majority, wanted it scheduled during the regular meeting on November 12, so we advertised it as such. We published a notice of public hearing in *The Dispatch*, 30 days, well, before the hearing, and also in *The Maui News*.

Ms. Dudoit: So the answer is no. That by law, by policy, by charter, we cannot retract the starting date of this hearing. For the record, the answer is no. We cannot. There's all kinds of legal policies and stuff that bind us from being able to say we made one mistake and take that back.

Ms. Thomson: The public hearing has already been held, so it was properly noticed, public testimony, the process has started, public testimony was closed. The public hearing has been held.

Ms. Dudoit: So there is no way to start -- restart the clock? I just want to hear it on the record that, by law, by policy, there's no way to restart that clock knowing what we know now.

Ms. Jorgensen: I have the code here, which is for 2.80B, it has, and this is in your tab no. 13, page 14, and it's B., "Within 30 days after a community plan advisory committee has forwarded it's recommended revisions, the Planning Director shall place the community plan advisory committee's recommended revisions on a meeting agenda of the appropriate planning commission for a meeting in the community plan area." So it's required by County Code. And so 30 days from October 22, well, that would have been probably Thanksgiving, and so it ended up being a little earlier.

Ms. Dudoit: So 30 days from the time your transmitted to the department, not from the time we got the draft plan?

Ms. Jorgensen: Thirty days from the end of the community plan advisory committee, the CPAC meetings.

Ms. Dudoit: Okay, so, again, then my question is just is it impossible, by law, by policy, to restart the starting date or ask for an extension of the starting date, since we already had the hearing, there is no possible way of doing that, for the record?

Ms. Thomson: Just as with the CPAC, CPAC had to request an extension of their 180-day review period due to the hurricane warnings, so County Council can approve an extension of time, but this body can't grant itself extensions of time. And those, the periods for review, are set out, you know, just as Mary read, they're very clear in the code, you know, 180 days, the Planning Department, you know, must put that -- the community plan on the agenda following CPAC's review, and then you have your period of time of 6 months to review it. So, really what I think what would be most beneficial is to take a look at your calendars and see what works for everybody, what you can get consensus on as far as attendance, and take it from there. If you end up having to ask for an extension, we can tackle that at that time. But asking council for an extension before you've even started, probably wouldn't fly.

Ms. Dudoit: Okay, we looking for start of meeting dates then. Okay, so I would propose we start our first meeting in January with the anticipation we going ask council for an extension.

Unidentified Speaker: ...(inaudible - not speaking into the microphone)...

Ms. Dudoit: Yeah.

Ms. Swenson: Zhantell, look at on the board, at the proposed one. Is that what you're talking about?

Ms. Dudoit: Yeah. But, yeah. We can -- so are we -- do you want to piece it or you like go right down to the time? I mean if we -- yeah. So do you want to -- is those dates there because it's easier for staff to just come all at one time or -- right? That was the -- so do we want to vote on that date?

Chair Jennings: That's my understanding.

Ms. Dudoit: Do we want to vote on those dates first, and then go to the time?

Chair Jennings: Mary.

Ms. Jorgensen: Those dates are just a proposal based on what we heard is that you wanted to have the community plan review during your regular Planning Commission time, which with the other Planning Commission tasks that you have in front of you, then you'd have to have both the regular Planning Commission time, plus the community plan review time. So this is saying, if you had 4 hours during your regular meetings, and then you had regular business, you'd have to add on whatever time the regular business would take as well, so you might be looking at 6-hour meetings, 7-hour meetings on a Thursday. So I was just starting with that. You're welcome to say, oh, we want to do it as a separate track, that's what the Lanai Planning Commission did. They said, we don't want to mix these two up, our regular ones and the community plan review. You could have a combination. It's really up to you to think about how long you want to meeting, and then when you can meet, and then we'll say whether we can get a plane flight or ferry or whatever, we'll try to make it work as best we can, but -- or how fast you think you can go through the material and whether you want to do it in large blocks or smaller blocks, like two days, like meet a Wednesday and a Thursday, or something like that.

Chair Jennings: Okay, thank you. Okay, so what we need to do, from what I'm hearing, is make a plan as to what we want to discuss these sessions. So I need a motion from the Commissioners as to what you want to do. Richelle says it doesn't have to be a motion. It's just something that we need to agree on -- discuss.

Mr. Rogers: How about if we start with an evening meeting in December --

Chair Jennings: That would --

Mr. Rogers: Like 2 to 6.

Ms. Dudoit: Just as an introductory type --

Chair Jennings: December -- December 10 is when our actual meeting that we have scheduled.

Ms. Dudoit: Yeah, are we having --

Chair Jennings: Do you want to -- go ahead.

Ms. Dudoit: So I guess one of the things I want to make sure is if we don't have enough stuff on the agenda, that the meeting won't get cancelled because that will always be on the our permanent agenda for those times and we're not going to --

Chair Jennings: I agree with that.

Ms. Dudoit: Okay.

Chair Jennings: Because we're -- I wholly agree with that because we just need to get this done, and we've all come to a conclusion that if there isn't anything that needs to be discussed, that we will be there at this meeting to discuss what we've gone through.

Mr. Rogers: No cancellations for lack of agenda items.

Chair Jennings: That's right. As far as I'm concerned, that's -- that's a motion I can't make but --

Mr. Rogers: I'll make that motion.

Chair Jennings: Okay. You want to state the motion as --

Mr. Rogers: That we don't cancel any of those meetings right there, the five meetings that are on the board right there, that we don't cancel any of those for a lack of agenda items. We'll discuss the CPAC.

Ms. Thomson: I wouldn't -- I don't think that you need to do that by motion. I mean this is a huge agenda item, right, so if you're trying to tackle this during your normal meetings, there's -- that, in and of itself, is enough reason to have a very long and detailed meeting. What you might want to consider is you have your regular meeting on December 10, so do you want to have an initial meeting during that time, during December 10, December 9, the evening of December 10. I mean you could discuss maybe some of those options so you can get a kick-start on this process.

Ms. Dudoit: So I would agree that on December 10, if we could add to our agenda an introductory to the community on how this works, like the process by which this works, what they can and cannot -- like, you know, the parameters by which we going have discussions and the meetings on December 10.

Ms. Thomson: That may be not the best use of the time given that CPAC has already just been through six months of that with significant community involvement and all those steps, so if -- I mean I'd suggest jumping ahead right into it. The Planning Department might be able to suggest one or two sections to focus on at that meeting and --

Ms. Dudoit: But I not even finish reading the draft. The community hasn't been able to review the draft. So what I saying is we give up so much time in community meetings by uninformed people, and the draft, I just got 'um two weeks ago in the mail, so I haven't even been able to read the whole thing yet. I not going be ready by December 10 to hear or discuss those things.

Ms. Thomson: That's why I'm suggesting to perhaps pick out two chunks, two or three chunks of the plan and the Planning Department can have some suggestions on what that first meeting could look like. Mary?

Ms. Jorgensen: We could suggest just even Chapter 1 and 2 because they -- they kinda group together, so as you look on one of those slides where we made them different colors, you know, you don't have to read the entire plan through all at once. It all total I think it's about 120 pages or so, but you could, in preparation for December 10, just focus on Chapter 1 and 2 'cause there's quite a lot in there with capturing the story of the community, there's issues in Chapter 2, and then there's also additions.

Mr. Yoshida: I would say, as far as December 10, if you can refer to item F.2.a. on the agenda, you have four public hearing items scheduled, and one communication item scheduled, plus you have some SMA assessments for people that want to install garages, carports, and so forth, who are in the special management area.

Chair Jennings: My personal opinion is that I think this is something that we need to get started on, and if we need to start earlier or go later to get everything in, but I think this is something that we need to get started on and get going on it. Sybil?

Ms. Dudoit: Okay, so she has a suggestion over here, 9:30 a.m. to 2 p.m. with lunch break, so I would suggest that we hold -- let's start without the December meeting, but let's start from January, from January -- the proposed dates up there. If we start at 11, like our regular Commission meeting, and did the two-hour Commission meeting or whatever, and start it 2 to 6.

Ms. Thomson: It's difficult for staff. That means that we would have to all stay over. So if it would be possible --

Ms. Dudoit: But either going be difficult for staff or difficult for community, so I going pick community, sorry.

Ms. Thomson: Then because it's starting at 11 and going all the way through to 7?

Ms. Dudoit: Because from 9:30 to 2, we not going get anybody over here. Everybody working.

Ms. Thomson: How about the evening before? You know just -- just for exploration of people's schedules.

Ms. Dudoit: So like you meaning start 4 to, I don't know, 7 or something in the evening, and then come back for our regular 11:00 meeting?

Ms. Thomson: Right. I mean it's really up to you know. You know, if you ...(inaudible)...

Ms. Dudoit: That's not the same thing though? That's not the same thing as you guys --

Ms. Thomson: No, it is. I'm just saying that you could look at different options too, or different days, you know. You're not held to having to have these meetings on your normal meeting dates. The ferry doesn't run on Wednesdays so, you know, that's one thing but --

Ms. Sybil Lopez: Can I say something?

Chair Jennings: Yes, Sybil.

Ms. Lopez: Hi. I'm Sybil Lopez. The planner for the Current Division. Just as a suggestion when you're thinking about the time frames, I think what Richelle was trying to say is you have two separate types of staff for Current and Long Range, and if you're going to kinda combine them, you're either going to have all of them during that period of time, or like they said, 11 to 12 would be -- 11 to 2 would be our regular schedule, and then in the evenings you have the Long Range that could stay for that overnight instead of having these two types of staff in that one, meaning those two staffs would have to stay from 2 to 6 and will probably have to stay over for the next day. That's just consideration. And if you're looking into the December calendar, we already did the public notice hearings for those so we're already subject to the 11 a.m. time frame, so I don't know if you're going to consider the December to maybe make that -- fit that day more in the afternoon. As far as already scheduled Planning Commission meetings for those future four or five dates up here, I had a question for the Commission is if there's any SMAs that would be able to go in during that time even if we don't have any agenda items or we have late agenda items, are you still considering that as far as the Commission's scheduled dates?

Ms. Dudoit: I would like to think so. I mean there's no reason to hold back on --

Chair Jennings: No, I agree with Zhantell. No.

Ms. Lopez: Okay. I just wanted to confirm that and put that on the record.

Chair Jennings: Yeah. That would be fine, I mean as far -- it's up to the rest of the Commissioners, but as far as I'm concerned, I have no problem with that.

Ms. Lopez: Okay. Thank you.

Chair Jennings: Thank you.

Ms. Lopez: Especially for emergencies SMAs.



Chair Jennings: Yes. Yes.

Ms. Lopez: Okay. I just wanted to note that. Thank you.

Chair Jennings: Thank you, Sybil. Any --

Ms. Dudoit: So I would say, just from -- so, normally, what would work best for the community is that what I've seen is that you make it towards the end of the work day so they can come straight from work or get off a little bit early, come here, instead of having to finish, come back 6:00, and drag their whole family and come here. So if we were to go from the after work time or closer to the after work time and into the evening, early evening, that would probably work best and so --

Chair Jennings: Okay.

Ms. Jorgensen: My name's Mary but --

Chair Jennings: No, that's fine.

Ms. Jorgensen: I think maybe if we're going to be staying overnight, that extending it till 7:00 so that people who are getting off to work for the community to have a chance to come, then that would probably get more community members here if that works for the Commission.

Ms. Dudoit: Okay. Sorry. I so frustrated. I going -- and I totally love the department so please no take offense to this, but what is our major priority of this meeting, is it for the community to be here and us to have that discussion? 'Cause I just want to make a decision so we can get on with the rest of our day. Is it for the -- what is our -- what is the Commission's prioritization on who should be at the meeting? And then we can go forward and just set a time.

Ms. Diane Swenson: Can I say something?

Chair Jennings: Yes, Diane.

Ms. Swenson: Okay. You know what? Can we have one evening meeting and see if there's a demand for it? I mean I don't care. We can have them all night meetings, but if nobody's going to show up, what's the point.

Chair Jennings: Pam.

Ms. Eaton: I just want to say one thing.

Chair Jennings: Yes.

Ms. Eaton: The Planning Staff, we are here to be here when you need us. If you want to -- I mean we had 22 CPAC meetings that started anywhere from 3:00 and ended at 10:00 at night. So we're here. So take us out of the equation.

Chair Jennings: Okay.

Ms. Easton: And back in July, that's what I said. I said, you know, you're going to need evening meetings so the community can come, and I'm sticking to that statement, so take us out of the equation. We're here when you need us.

Chair Jennings: Okay. Thank you, Pam. Okay, Diane.

Ms. Dudoit: Okay, so I want to make a motion.

Chair Jennings: Okay.

Ms. Dudoit: I want to make a motion that we keep our regular agenda items on those Commission dates.

Chair Jennings: The 10<sup>th</sup>?

Ms. Dudoit: Yeah. On those Commission meeting dates. That we start at our regular 11:00, and we go until -- yeah, and then we take a break, and we start again from say 3 to 7.

Chair Jennings: Okay. Zhantell has a motion, is there a second to that motion? Doug. Hold on.

Ms. Thomson: I just wanted to clarify that right now you're considering doing your normal, the normal Planning Commission meetings with the regular agenda items starting at the regular time at 11 on the Thursdays, and then having a special meeting only to consider the community plan starting at 3 p.m. on the same day, the same days.

Ms. Dudoit: If that works, but, actually, I was proposing that we would just take a recess and then go into -- just for the sake of being able to finish our other work also.

Ms. Thomson: The reason that I recommend doing two separate meetings, two separate agendas is so that the people who come to testify that they don't have to come at 11:00 and sit through the whole thing, so it's more for the convenience of those people who want

to participate in the distinct subject matter of the meeting. I just recommend doing it two times.

Ms. Dudoit: Okay, that works.

Mr. Lawrence Lasua: So, Mr. Chair? Mr. Chair, can she restate her motion again?

Chair Jennings: Yes.

Ms. Dudoit: My motion was to keep our regularly scheduled Commission meetings at 11:00 on those dates on the board, and then to hold special meetings on those same dates, starting from 3 and ending at 7.

Chair Jennings: Or until it's -- until we're done with it.

Ms. Dudoit: What do you mean, in the night?

Chair Jennings: Or do you want to say -- no, I mean you're going to set and say okay from 3 to 7, that's it. Pau.

Ms. Dudoit: Oh yeah. Or we going be here to 2:00.

Chair Jennings: Well, okay. So your motion is -- would you restate it again, please?

Ms. Dudoit: Is to keep the regularly scheduled Commission meetings and times for these dates, and then, in addition to that, have special meetings, five special meetings from 3 to 7 on those same dates.

Chair Jennings: Okay, is there a second to that motion? Doug. Any questions? Any discussion?

Ms. Dudoit: Yeah. So just for the record, so I don't mind keeping it to the 3 to 7 time frame only because I know that I, at least, going to ask for a 180 day extension at some point or an extension because I think that's going be necessary for our community.

Ms. Thomson: And just to caution the Commission that you can request it, it's up to council, and if they do not grant an extension then whatever stage you're in at the end of those 180 days is the time that you have allotted, so really what I would focus on is trying your best to get all the way through the plan in a systematic fashion within that time frame.

Ms. Dudoit: Okay. Thank you. But that's what bothers me, the systematic fashion, yeah. 'Cause, right now, we -- so we are being given the opportunity to have one -- have this on

our agenda, and then is somebody going to draw up a systematic plan for us or are we supposed to be doing that also? 'Cause I would hate to just come free for all all of those five meetings.

Chair Jennings: Zhantell, I believe we do it ourselves, the system. Oh, Clayton, please.

Mr. Yoshida: I want to remind the members that the terms of two Commissioners expires on March 31, 2016, that's Commissioner Dudoit and Commissioner Davis. So after that, if you folks are still in this community plan update, the new members will have to review the entire record up until that point, you know, four months of deliberation, all the testimony submitted by everybody before they can participate.

Chair Jennings: Is there -- Richelle makes a good point here. Is there any reason why we can't start this process sooner than January the 14<sup>th</sup>?

Ms. Dudoit: We can start from next week. We can do one every week. I mean if was --

Chair Jennings: Well, why don't we start at December the 10<sup>th</sup>?

Ms. Dudoit: That's fine, but didn't she already say that she had -- oh, 'cause we going be one special meeting, you mean? 'Cause it would be a special meeting, right?

Chair Jennings: Yeah.

Ms. Dudoit: Okay. So December the 10<sup>th</sup>. Should I include that -- should I amend my motion then? No?

Chair Jennings: No, we can -- Ron, did you have --

Mr. Ron Davis: If we start on December the 10<sup>th</sup>, how time do we need to notify the public as to when these meetings would be held?

Chair Jennings: Six days.

Mr. Davis: Oh, six days.

Chair Jennings: According to Richelle. Yeah.

Mr. Davis: Okay.

Chair Jennings: So we have -- we have that. So will, on December the 10<sup>th</sup>, start out with this, and then we can do the 3 or 4:00 at that meeting and go that way. Is everybody

available at that time, Richelle says? Because again, Clayton brings up a good point. If we start January the 14<sup>th</sup>, and then we've gotta hustle like heck to get all this done before the two people go off the Commission. Yes, Zhantell.

Ms. Swenson: Zhantell, you were -- you missed the meeting, but this is the reason we set the dates that we did was so new commissioners wouldn't come on and have to -- so you and Ron could finish this with us. I mean that's how these dates got set.

Ms. Dudoit: Okay, so I going be gone from the 6<sup>th</sup> through the 14<sup>th</sup>, on that week, so from tomorrow, all the way till March 31<sup>st</sup>, I'm available, but --

Chair Jennings: Excuse me, 6<sup>th</sup> through the 14<sup>th</sup> of?

Ms. Dudoit: December 6<sup>th</sup> through the 14<sup>th</sup>.

Chair Jennings: December. Okay. Okay.

Ms. Dudoit: So I not going be here on the 10<sup>th</sup>, but if the fact is that we having special meetings, if the Commission has no opposition, there is the week of the 15<sup>th</sup>, the week of the 3<sup>rd</sup> or the 1<sup>st</sup>, the 22<sup>nd</sup>, the 29<sup>th</sup>.

Chair Jennings: That's discussion. I mean if we want to do it that way, we'll -- it's up to the Commission.

Ms. Dudoit: Okay. So how --

Chair Jennings: So if you want to make a motion that way.

Ms. Dudoit: Okay, I'd like to make a motion that instead of the 10<sup>th</sup>, that we do the 17<sup>th</sup> and the -- sorry, that we do the 16<sup>th</sup> and the 23<sup>rd</sup>. Okay, so that's exactly what I mean. I mean I don't know what to do, to be honest. Somebody just give us dates then we going say yes or no.

Ms. Lori Buchanan: Chair, I believe you did not close public testimony, as I recall. I know you started about an hour ago, but I believe -- so can I make -- he did close it on this discussion? You did close the public hearing? Okay.

Ms. Dudoit: Chair, can we hear her suggestion? I mean she is considered an expert witness, and she served on the Commission twice, and she's been on the CPAC.

Chair Jennings: I will, okay, Ms. Buchanan, I will accept your thoughts.

Ms. Buchanan: I thought Commissioner's initial proposal was good one.

Chair Jennings: I'm sorry. I got six things going here.

Ms. Buchanan: Hi. This is Lori Buchanan, for the record. The initial proposal I thought was the most reasonable because the draft plan just came out. It's pretty -- it's pretty extensive, and in order for the five representatives of the Aha Moku to get together, first, to read the draft, and then come up with their own conclusions, and then to attend meetings, I find that any meetings before the January meeting would be difficult given the holiday schedule. So the part about new commissioners coming in, we've also seen the past that commissioners have been able to stay on in an interim capacity. Clayton shaking his head, and that's okay, because most of the work should have already been done by then. If two commissioners who have shown promise that they want to serve, they should be able to come up to snuff having, I hope, already participated in the CPAC process prior in some capacity, so I wouldn't see that as a deterrent to keeping with the schedule, and I think it would be beneficial for the community to start the schedule in January. Thank you.

Chair Jennings: Ms. Buchanan, thank you.

Ms. Dudoit: And you know what? I agree.

Chair Jennings: Thank you for your thoughts. Yes, Zhantell?

Ms. Dudoit: I should have been brave and stuck to my initial gut. Yeah, I going -- I agree. I agree. 'Cause that was my biggest concern having people -- we need quality meetings, not quantity meetings, and having people be able to read the plan and know exactly what we going talk about, it's probably better than getting in here ...(inaudible)...

Chair Jennings: Scrambling around.

Ms. Dudoit: Yeah.

Chair Jennings: Yeah. Okay. So you wanted to detract your motion?

Ms. Dudoit: No. My original motion was the same 'cause she said didn't need to include the December 10, so the motion was keep the dates, regular meeting 11:00, and then we come back for a special meeting on those same dates from 3 to 7.

Chair Jennings: Okay.

Ms. Dudoit: And then in -- and then I just wanted to make clear, so are all the meetings going to be held here?

Chair Jennings: To the best of my knowledge. No one has said anything.

Ms. Dudoit: Is it -- is it -- can we at least do one of those meetings on both sides of the island, one of those special meetings in Manae and one of those special meetings out at Hoolehua?

Chair Jennings: If we can find a facility that we can have it at, that's up to Clayton. Right, Richelle?

Ms. Dudoit: We do have county facilities on both ends so that --

Chair Jennings: Okay, well if they can --

Ms. Dudoit: I mean and I just -- I proposing that because I was at those meetings where the community said can we have it out there, you know, and those kinda things, so at least we would be --

Chair Jennings: There for getting to hear that side of story.

Ms. Dudoit: Yeah, giving them the opportunity.

Chair Jennings: Okay. So is that in your motion?

Ms. Dudoit: Yes.

Mr. Lasua: Mr. Chair?

Chair Jennings: Yes, Lawrence?

Mr. Lasua: Does that include Maunaloa too, Zhan?

Ms. Dudoit: ...(inaudible - not speaking into the microphone)...

Chair Jennings: Okay, so the motion is again, please, could you restate your motion?

Ms. Dudoit: Okay, I want to move that we keep those regularly scheduled Planning Commission dates and time for 11:00, and then do the community plan update discussions in special meeting on those dates starting at 3 in the afternoon and ending at 7, and that for the special meetings, at least one of those meetings be held at each district on our island, Maunaloa, Hoolehua, and Manae.

Chair Jennings: Okay, and that would take -- the time would be at 11:00 for those two meetings -- no, no, okay.

Ms. Dudoit: Just for the special meetings.

Chair Jennings: Just for the special meetings. Okay. Okay, is there -- is there a second to -- Doug has second.

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

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

***VOTED: that the Commission keep their regularly scheduled Molokai Planning Commission meeting dates and time at 11:00 a.m., then hold the community plan update discussions in a special meeting on those same dates starting at 3:00 p.m. and ending at 7:00 p.m., and that, for the special meetings, at least one of those meetings be held at each of the following districts of Molokai: Maunaloa, Hoolehua, and Manae.***

Chair Jennings: Any further discussion? Motion carried. The January 14<sup>th</sup> topic, what Mary says about what -- yeah, yeah, let's, at least for the first one, like Richelle says.

Ms. Dudoit: Okay, I just going shoot it out there so that we can have -- get over with this part. Let's say that the first meeting will deal with the introduction -- yeah, how about we go with Introduction and Molokai's Future, and then start with Environment, so like the first three.

Ms. Lopez: Can I suggest something, Commissioner?

Chair Jennings: Yes.

Ms. Lopez: And can you add the location? So where would you want it to be.

Ms. Dudoit: Oh, okay, okay. Thank you. Is that -- can we do that or is that something that the Planning Department just gotta --

Ms. Thomson: Check on availability.

Ms. Dudoit: Okay.



Ms. Lopez: Oh, I'm sorry ...(inaudible)... check on availability.

Ms. Dudoit: But I would suggest that the land use issue be in town, if can. Okay so --

Chair Jennings: So --

Ms. Dudoit: January 14, we can do 1, 2, and 3. Is that good?

Chair Jennings: That's fine with Chair. I mean that's up to -- that's up to the Commission. You decide.

Ms. Dudoit: Yeah, so, okay, I going make one proposal, and then you guys can change it, so we can get over this.

Chair Jennings: Yeah. Yeah, yeah, yeah. Yeah.

Ms. Dudoit: Okay. January 14, section 1, 2, 3.

Chair Jennings: Okay, that's a motion.

Ms. Dudoit: January -- I going put them all together. January 28, 3 -- 4, 5, and 6.

Chair Jennings: Okay. Excuse me?

Ms. Dudoit: What was that?

Chair Jennings: Mary?

Ms. Dudoit: You guys want us to go by color code? Would that work better?

Ms. Jorgensen: I would separate out 6. It's one of your largest one. You can combine 6 and 7.

Ms. Dudoit: Okay.

Ms. Jorgensen: 'Cause 7's a very short chapter, but you'll need a lot of time for Chapter 6.

Chair Jennings: Okay.

Ms. Dudoit: Okay, how about we do by color code then, just do 1 and 2; 3, 4, 5 --

Chair Jennings: 6 and 7

Ms. Dudoit: 6 and 7; 8, 9, 10; and then leave the last week for review and any summarizing and final -- yeah.

Chair Jennings: Okay. So that -- Mary, does that seem feasible? Is it --

Ms. Jorgensen: Yes. That's a good starting schedule.

Chair Jennings: Okay. Thank you. Okay, so we have a motion. Oh, Clayton, excuse me.

Mr. Yoshida: Yeah, I think we can consolidate the land use applications to one meeting per month, from January to March, so we could give up the second meeting, the January 28<sup>th</sup> meeting and the February 25<sup>th</sup> meeting.

Mr. Rogers: You mean the regular meetings?

Mr. Yoshida: Yeah, the regular meetings.

Chair Jennings: So -- so the January -- what was on the board, Sybil?

Ms. Lopez: I'm trying to put that up.

Mr. Yoshida: So January 28 and the February 25.

Chair Jennings: Would just be to go over -- the regular meeting, I think that's what Clayton's saying. Sybil.

Ms. Lopez: Oh, you have a question for the regular scheduled Commission meetings? I don't have much projects that could go, I mean right now, so I don't know, during that time, so --

Chair Jennings: Well, we could -- go ahead, Zhantell.

Ms. Dudoit: No, I was just going say, one, we already made a motion on that.

Ms. Lopez: Yeah.

Ms. Dudoit: If that's not going to happen, then we gotta change our motion 'cause we motioned to have those meetings to not be canceled.

Ms. Lopez: Yeah.

Chair Jennings: Go ahead, Doug.

Mr. Rogers: Diane, I think what Clayton was talking about --

Ms. Swenson: Zhantell, just make your motion when we're going to have the planning meetings and let's --

Ms. Dudoit: We already did that.

Ms. Swenson: I know but you included the --

Ms. Dudoit: No, we having one separate motion now on the floor as to what going be discussed at those meetings.

Ms. Swenson: I -- okay. Clayton can just cancel the meeting like he does, huh?

Ms. Dudoit: Yeah.

Mr. Rogers: Yeah, but it's apples and oranges though. So Clayton is only talking about our regular scheduled daytime meetings and that's not really --

Ms. Dudoit: And so I -- yeah. I think the best way, Clayton, is we already made one motion, right now the motion on the floor is to section off what we're discussing at each of those meetings, and then if you gotta cancel your regularly scheduled meetings, that's fine, but we're not cancelling our night meeting. Pam, please.

Ms. Eaton: Yeah, I want to respect what Zhantell said initially and that is I want to make sure we're really clear what we're discussing at what meeting. This is important. No, this is important. So what I have, I kinda had a couple people talking at me, January 14, I just want to make sure we're on the same page 'cause when we advertise, we'd like to say what we're talking about that night so people know, January 14 - Chapters 1 and 2; January 28 - Chapters 3 through 5; February 11 - Chapters 6 and 7; February 25 - Chapters 8, 9, and 10; and then March 10 we'd have the whole plan.

Chair Jennings: Yes. That's my understanding.

Ms. Eaton: And the other thing I want to say to Walter's point, we have sent emails every single time for every single CPAC meeting with the agendas, so for today, if you haven't already, that you just become a part of our email list so we can let you know when these meetings are going to be and what we're going to be discussing, and we will continue to, as we always have, publish it in *The Molokai Dispatch* and the county, I know, on their Facebook page has also been saying when these meetings are going to be and what will be discussed. And we're open to any other additional suggestions.

Chair Jennings: Okay, thank you. A question on the motion, is there a specific east side that you want the day for, specific time or specific location?

Ms. Dudoit: I just think that, at least for the Chapter 6 and 7, we should have them central.

Chair Jennings: Central?

Ms. Dudoit: Yeah.

Chair Jennings: Okay.

Ms. Dudoit: But what, more importantly, what I wanted to say is I know we doing this for sake of organization of the meetings, but I want to make sure that because it's going to be posted like that on our agenda, that the community is not being restricted to just talk about that. If we're going to Manae during the time we're talking about, say, Environment, and they want to talk about Land Use, we shouldn't -- I just want to make sure that, legally, they are able to discuss whatever they want and not in the three-minute thingy either, I mean, you know, we able to collect information from all parts of the plan, 'cause my -- I was under the impression that we just trying to do something organizational for the sake of running the meeting and trying to be little bit more structured.

Ms. Thomson: So when, for Sunshine Law purposes, when we publish an agenda, and if we are publishing an agenda that says that the Commission will be considering parts 1 and 2 of the community plan, the testimony should be restricted to those topics, topic 1 and 2, because I mean this is just, you know, this is how the Sunshine Law works, and that's so that it's fair, and open, and so that all of the public knows exactly what you're going to be focusing on on that day and they can collect their thoughts and provide you very focused feedback on those sections. If you want to do it differently or add meetings, like general, you know, a hundred percent free for all plan review meeting in different locations, you could do that too, you know. That would be probably separate from the agenda that you've sent out right now, but this plan may have to change as you go forward, and you may have to adjust it based on your progress in certain areas, you know. So I think what's the most important is that you're deciding what you're going to be doing in the January meeting.

Ms. Dudoit: I just -- I just feel like, if we're going to Manae so that the people who no more ride to come to Kaunakakai can participate, it's going to suck for them if that's one subject that they really are not interested in, you know, so maybe I should retract my motion then 'cause I don't want to restrict people to not be able to talk about what they need to talk about.

Ms. Thomson: Yeah, you know, like I was saying, I think that this motion, you know, while you're setting out the schedule right now, when you get into your January meeting, you

might decide that you need to move forward in a different fashion or take things out of order, no consecutive, so I think really what you're trying to do is just have yourselves focused that you'll all spend the time that's going to take between now the January meeting to really focus on the first five sections, basically, you know, and then realize that you may need to adjust it depending on availability of the location or whatever subjects you want to talk about at that time, you know, so don't feel like what you're -- the decision that you're making today, once you get into the meat of it, you can change your order.

Chair Jennings: Okay, there was a motion, it was seconded, we have discussed it, I believe we vote -- I don't remember how, everything is so helter-skelter. So all those in favor say aye? Opposed? Okay, motion carried. On to the next item.

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

**E. ADOPTION OF FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND ORDER**

1. **Having voted on May 13, 2015 to deny the Petition to Intervene from MS. PATRICIA I. CRANDALL on behalf of PATRICIA I. CRANDALL and JACK D. BRENTON, pro se, on the application by MR. JOHN SID PERELL for a State Land Use Commission Special Use Permit in order to operate the Perell Ranch Short-Term Rental Home in the State Agricultural District at 4812 Pohakuloa Road, TMK: 5-1-008: 034, Kaluakoi, Island of Molokai. (SUP2 2014/0010), the Commission will consider and may adopt the draft Findings of Fact, Conclusions of Law, and Decision and Order. (S. Lopez)**

Mr. Yoshida: I guess the Commission did take action on May 13, and your rules state that there should be a written order issued outlining the reasons why the petition was denied.

Chair Jennings: Excuse me, before we discuss that, Richelle has something she'd like to say.

*(Commissioner Dudoit was excused from the meeting at 12:45 p.m.)*

Ms. Thomson: Thank you. Just to give you some context for these two decisions and orders that you'll be considering for adoption. What these two orders do is reflect the record, so it reflects the decision that was made. If these do not reflect the decision or if there's something incorrect in them, you know, bring that forth now. Also, if you have not had the chance to review the entire record, the minutes, if you weren't present at the meeting, or the documents that were part of the record, state that now so that we can give

you the chance to review those. But if you've reviewed everything, then we would go ahead and adopt those decisions and orders if they reflect the record. Thank you.

*(Commissioner Swenson was excused from the meeting at 12:47 p.m.)*

Chair Jennings: Okay. Where were we? Yeah, Ms. Lopez?

Ms. Lopez: I'm Sybil Lopez, the Molokai Planner, and I'm the Planner on this petition to intervene, the decision and order, so if you have any questions, I'm available. Thank you.

Chair Jennings: Okay. I think Lori's, Ms. Buchanan, yours is the next one. Yeah. Okay. Does the document accurately reflect the record? Okay, so that's for us to make that decision? So I'm looking for a motion to go with it or not go with it. Like Richelle said, I mean we're either going to, it's on the record, we're either going to approve or not approve.

Ms. Thomson: So just to further clarify. You're not making a decision on the motion to intervene. That decision's already been made. The decision you're making is whether or not this document reflect that previous decision. So if there's anything incorrect in it, they'd bring it back to you, but if it accurately reflects the record, then you would need to approve it.

Mr. Lasua: Richelle, what -- it says it's under the minutes, May 13, and I don't see that in there.

Ms. Thomson: Hang on one sec. Let me take a look at that. So you're referring to the minutes of the meeting that's referred to in the order? So the hearing date would be the May 13<sup>th</sup>, so if did -- if you weren't present at that meeting, or if you need to -- if you need to look at those minutes and, you know, either didn't bring them with you, probably what we'd want to do is defer that item so that you'd have a chance to reference any of the documents, or refresh your memory.

Mr. Lasua: I'll go ahead and motion to accept it.

Chair Jennings: Lawrence has made a motion to accept, is there a second? Ron second. Any discussion? Seeing none.

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

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

**VOTED:** to accept the draft Findings of Fact, Conclusions of Law, and Decision and Order regarding the May 13, 2015 denial of the Petition to Intervene from MS. PATRICIA I. CRANDALL, on behalf of PATRICIA I. CRANDALL and JACK D. BRENTON, pro se, on the application by MR. JOHN SID PERELL for a State Land Use Commission Special Use Permit in order to operate the Perell Ranch Short-Term Rental Home in the State Agricultural District at 4812 Pohakuloa Road, TMK: 5-1-008: 034, Kaluakoi, Island of Molokai. (SUP2 2014/0010).

Chair Jennings: Motion carried.

Mr. Yoshida: Thank you.

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

2. **Having voted on May 13, 2015 to deny the Petition to Intervene from MS. LORI BUCHANAN on the application by MR. JOHN SID PERELL for a State Land Use Commission Special Use Permit in order to operate the Perell Ranch Short-Term Rental Home in the State Agricultural District at 4812 Pohakuloa Road, TMK: 5-1-008: 034, Kaluakoi, Island of Molokai. (SUP2 2014/0010), the Commission will consider and may adopt the draft Findings of Fact, Conclusions of Law, and Decision and Order. (S. Lopez)**

Mr. Yoshida: Again, this is a written order explaining the reasons why you denied the petition to intervene back on May 13, 2015.

Chair Jennings: Sybil, do you have anything? I was going to -- yeah, I'll get to her. Ms. Buchanan?

Ms. Buchanan: No, but if Corporation Counsel -- hello. My name is Lori Buchanan, for the record. No, but if the Corporation Counsel could reiterate what she first stated in the beginning?

Ms. Thomson: So what the Commission is doing today with this matter is looking at the draft, its findings of fact, conclusions of law, decision and order, and the Commission is deciding whether that written decision and order accurately reflects the decision that was made on May 13<sup>th</sup>.

Ms. Buchanan: Okay, so because my name is on the agenda for this item today, I received notice, actually, I receive a copy of the agenda by email this past Tuesday, that was forwarded to me by the Current Planner, Sybil Lopez. Also, in the mail, this past Tuesday, two days ago, was a certified mail copy of the agenda from the Planning Department. What I did not receive from last -- from last -- was it -- when was this first discussed, May? I did not receive any finding of facts, and decisions of orders, and I thought, at that time, it was because the Commission found that I had no standing, so they did not hear any testimony. Corp. Counsel is not listening. And so I thought that was the reason why I didn't receive any paraphernalia for this issue, but I wanted to make some comments for the record considering what was mailed to me two days ago by the department, and it is this item here, I don't know, it doesn't have an exhibit number or anything, it just says, "SUP2-2014/0010."

In the findings of fact, on page 3, on item no. 9, and I just wanted to put a caveat into today that I'm really not here to waste the Commission's time, so I apologize for not being prepared to respond to this, 'cause I didn't know I was supposed to respond or that I had to -- or I could respond, or that it was still a pending issue. I had zero correspondence from the department since that meeting of May 13, 2015. Back to page 3, item 9, Finding of Facts, says, "Following close of public testimony on the application, the Commission voted to defer action on the application and take up petition to intervene." I was not aware of that. It says, "See minutes, page 15." The department did not furnish me minutes of the meeting, so I'm aware -- unaware of what the minutes say on page 15. In item 11, it says, "Petitioner Buchanan stated that the application is precedent setting." That is very true. I did make that statement. "Being the first short-term rental home application in West Molokai, she stated that she did not receive the notice of mailings until the day prior to her calling the department to inquire about the intervention." That is true. On item 12, it goes on to say that, at the time, Commissioner Dudoit," now Commissioner Lindel, "commented that I had some expertise in the environmental issues but questioned how this factor would be evaluated in the Commission's decision on the petition to intervene. So please know, up until this point, I did not have any testimony on the record for this issue. On item 13, Mr. Manera, who was residing as the applicant on that for the applicant, stated he was not made aware of my petition until the day of the public hearing. He stated that I didn't own any property in the vicinity of the property at issue. That is true. I do not own any property. On item 14, and this is where it gets sticky for me, it states, "The Commission found that the petitioner did not meet the criteria for mandatory intervention," the Commission found, okay, "having failed to identify a property interest or interest in the proceeding different than that of the general public." My recollection, having been there in person, was that Commissioner, then Dudoit, now Commissioner Lindel, said that I -- she did not feel I had standing, and the Commission also took up that issue made by motion that I did not have any standing. Okay. On item 15, on page 4, under Finding of Fact, so I want that reflected in the record, on item 14. On page 4, item 15, "The Commission further found that petitioner failed to meet criteria for permissive intervention pursuant to Commission rules



because admitting, the petitioner would not aid in development of a full record and would overly broaden the issue.” Okay. I take issue with also that as a finding of fact. I don’t know how the Commission or the Corp. Counsel, or Attorney General could have come to that conclusion being that I was not found to have standing prior to that, and also that I could not give testimony having no standing. So how that conclusion or that finding fact was drawn for item 15. I’d like to take issue with that for the record.

Under Conclusions of Law, on page 4, it states, “According to Commission Rule 12-301-30, that requires that petition to intervene shall be heard prior to rendering a decision.” Okay. It goes on 2, 3. Now, item 2, is what the party has to demonstrate, that would be me, as a person who came that day to testify but did not testify seeing that I was told, prior to testimony, that I did not have standing. A) Has a property interest in the land subject to Commission action. Well, there’s been historical issues with ceded land issues in West Molokai. As kanaka maoli, I would have an interest in that. B) Lawfully resides on said land. Which I don’t. C) Will be so directly and immediately affected by the matter before the Commission that their interest in the proceeding is purely distinguishable from that of the general public. Having a long public record of acting on my behalf in this community, I clearly do have a history of representing this community in areas directly relating to environmental issue, under Chapter 205, one, Coastal Zone Management; under Chapter 343, environmental issues. I can show directly that I have intervened in Commission on Water Working Resources in lands directly adjacent to the property, applicant in question, so I have been involved in water issues and permitting of that processes. I also was part of the Papohaku Land Sand Dunes study by the University of Hawaii. So because I was not able to give, for the record, the reasons why I believe the County of Maui did not do its due diligence, did not require an environmental assessment, did not ask for a cultural impact study, did not do a health impact study on the possible impacts from transient vacation rentals in West Molokai, in an area not zoned appropriately for that application or permit, I felt the Commission and the acting on behalf of the county was erroneous in allowing any permits of that nature to occur without due diligence, and so I was never offered an opportunity to say that or to prove that. So I felt, as the petitioner, I did have an interest that was clearly more than the regular person would have had having already had knowledge and history of the area. So I wanted to state that for the record because that was never part of the record.

In section 5, on page 5, no. 5, A, bullet A, it states, “The position or interest of the applicant for intervention is substantially the same as a part already admitted to the proceeding.” I believe that Pat Crandall was admitted to proceedings, and I felt that my intervention was substantially different than her standing, having her standing on the record being that she was not properly noticed. I also say the same for items B and C, on page 5, also on item 6 of page 5, under the Conclusions of Law, based on the record, and it goes down to the third sentence that says, “Petitioner provided no information that would not already be available to the course of normal deliberations.” I take issue with that, for the record, as

I just stated. I was not able to provide that information because the Commission said I had no standing and, therefore, I was not able to provide that information. And it goes on to say, "With input and testimony from members of the general public, intervention will not aid in development of a full record." I believe the -- I believe in the county not providing information to this Commission on the negative impacts of transient vacation rentals throughout the State of Hawaii, from county to county, was a clear and deliberate act of not having them do their due diligence as to the negative impacts that we know exist. And it does say, "The petition had ample opportunity to express consent to through public testimony." At that point, not being able to express concerns, you know, I admit I was kinda fussy after that because I felt that, for the island of Molokai, the opportunity for this community to share our concerns with the people who represent us in policy an decision-making issues has always been better than any county in the State of Hawaii, and I love my Commission Members, they don't get paid to be here, and so I really depend and rely on their sense to do justice, to act kindly, and to be considerate of our community and their positions. We are not rich people. We do not have computers at home. Some of us live in -- in tents covered with blue tarp on a homestead. And so I just wanted to make that point, I felt I had to come here today to correct this, for the record, apologizing, I'm sorry that I was ill-prepared, and I just wanted to state for the record going in, also to state that major negative impacts occur throughout the State of Hawaii from transient vacation rentals in areas not zoned appropriately for the use, also with bed and breakfast, and also as we've seen in Honolulu County with access to dwelling and infrastructure issues. So that's all I have to say. Thank you very much for all your time.

Chair Jennings: Ms. Buchanan, thank you very much. We appreciate your time.

Ms. Thomson: I wanted to note that, on the certificate of service, it's the very last page, that we will need to correct the addresses. Those are not the correct addresses, so we will include Ms. Buchanan's correct address on the certificate of service.

Chair Jennings: Commissioners, after -- I hope you all read this and we can -- does this accurately reflect the record?

Mr. Lasua: I'll move to accept the Findings of Facts and Conclusions.

Chair Jennings: There's a motion, there's a -- I ask for a second? Second by Doug. All those in favor? Excuse me, any discussion? I apologize. Seeing none.

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

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

**VOTED:** to accept the draft Findings of Fact, Conclusions of Law, and Decision and Order regarding the May 13, 2015 denial of the Petition to Intervene from MS. LORI BUCHANAN on the application by MR. JOHN SID PERELL for a State Land Use Commission Special Use Permit in order to operate the Perell Ranch Short-Term Rental Home in the State Agricultural District at 4812 Pohakuloa Road, TMK: 5-1-008: 034, Kaluakoi, Island of Molokai. (SUP2 2014/0010).

Chair Jennings: Motion carried. Thank you.

Mr. Yoshida: So if Sybil could get the signatures from the members who are present, then we can have the written orders issued to Ms. Crandall and Ms. Buchanan.

## **F. DIRECTOR'S REPORT**

### **1. 2016 Meeting Schedule**

**The Commission may act to approve or approve with modifications the 2016 meeting schedule.**

Mr. Yoshida: We're moving to the Director's Report, the first item, under F.1., is the 2016 meeting schedule, we propose the meeting schedule on Thursdays because the boat still doesn't run on Wednesdays, the second and fourth Thursdays of the month, except for the months of November and December.

Chair Jennings: Okay, is there a motion to keep the future meetings on Thursdays? Motion by Doug, second by Ron. Any discussion?

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

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

**VOTED:** to keep the future meetings on Thursdays.

Chair Jennings: Motion carried.

### **2. Agenda items for the future meetings**

#### **a. December 10, 2015 meeting**

1) **Public Hearings**

- a) **MR. WILLIAM SPENCE, Planning Director, transmitting Council Resolution No. 15-111 referring to the Molokai Planning Commission a proposed Bill to Change Zoning from Interim to Agricultural for approximately 14.59 acres (Weymouth Kamakana, Sr. et. al.) at TMK: 5-4-001: 029, Kawela, Island of Molokai. (CIZ 2015/0007) (S. Lopez)**
  
- b) **MR. WILLIAM SPENCE, Planning Director transmitting Council Resolution No. 15-112 referring to the Lanai, Maui, and Molokai Planning Commissions a proposed bill to amend the comprehensive zoning ordinance to permit affordable accessory dwellings in Residential Districts. (RFC 2015/0153) (J. Alueta)**

The Council is considering a proposed bill to permit accessory dwellings in residential districts on properties of between 5,000 and 7,499 square feet, for the purpose of increasing the availability of affordable housing.

- c) **MR. WILLIAM SPENCE, Planning Director, transmitting a proposed bill to the Lanai, Maui, and Molokai Planning Commissions to amend the comprehensive zoning ordinance to allow accessory dwellings on lots less than 7,500 sq.ft, and to allow an additional accessory dwelling on lots 12,000 sq.ft. or greater. Further, the bill proposes to clarify the restriction on covered and uncovered deck areas, measurement of floor area, and to restrict accessory dwellings to long-term residential use. (J. Alueta)**
  
- d) **MR. AL EHRINGER requesting a State Land Use Commission Special Use Permit in order to operate the Hoomaka Hou Short-Term Rental Home, a three (3) bedroom short-term rental home located in the State**

**Agricultural District at 85 Papapa Place, TMK: 5-1-007: 055,  
Kaluakoi, Island of Molokai. (SUP2 2015/0010) (S. Lopez)**

**2) Communications**

- a) **MR. WILLIAM SPENCE, Planning Director transmitting proposed amendments to Chapter 2.80B regarding the community plans and zoning currently before the Council Planning Committee. (PC-21)**

Mr. Yoshida: Under item 2, as mentioned earlier, for the next meeting on December 10, you have four public hearings items, and one communication item, and probably several SMA assessment to waive or not to waive your review. So if you have any questions on that. If not, moving to item 3.

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

- 3. Report from the Molokai Planning Commission members who attended the 2015 Hawaii Congress of Planning Officials (HCPO) Conference, October 14-16, 2015 at the Hawaii Convention Center, Honolulu, Hawaii**

Mr. Yoshida: The only member present right now, I mean the Commissioner present right now who attended the conference was Vice-Chair, Doug Rogers, Marshall Racine also attended the conference but he's not present.

Chair Jennings: Doug?

Mr. Rogers: Yeah, it was real interesting. We went to that workshop at Ford Island. It's the Inouye Regional Center. It's got the new NOAA facility, the new Pacific Tsunami Center, Warning Center. All just really impressive technology that they've got, and good thing that they moved the tsunami warning center to the third floor of that building. The gist of most of the rest of the conference was about the Geographic Information Systems, use of technology in planning, and that was really eye opening to the potential of that, and learned a new word "anthropogenic." Yeah, A-N-T-H-R-O-P-O-G-E-N-I-C. And it means the consequences of manmade interventions, kinda like our causeway down here, which is kind of a disaster for the reef. There was also speakers about the importance of food self-sufficiency, and that was a real eye-opener too as far the difficulties that the agricultural sectors are facing with labor, to say nothing of taxes and transportation, and other expenses. There was one I attended on the housing for those who can least afford it, which was really interesting too about small houses, micro units, and putting those on

smaller lots, which a lot of people are doing anyways. And transient oriented development, which would be nice to see more of.

Chair Jennings: Thank you, Doug. It sounds like you, even with those big words, you learned a lot. Okay, thank you very much for your -- next?

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

Mr. Yoshida: Okay, under item 4, we have our list of pending Molokai applications, listed as Appendix A, as well as our closed Molokai applications report, which is appendix B. So if there are any questions from the Members on either the pending or closed applications reports.

Chair Jennings: Sybil?

Ms. Lopez: I do have one. I will put that on the next agenda just for announcement purpose, but we, the department did receive a letter for the Kualapuu Well No. 2, RFC 2015, on your last page, the second one, 2015-0018. I know you -- I think it was in the June 8 meeting that you guys had a discussion regarding the Kualapuu Well No. 2, I do have a correspondent, so I'll bring that forth in next month in regards to that, there's a hold, so there was a response.

Chair Jennings: Okay. Thank you. So you will bring that to the December 10?

Ms. Lopez: December 10.

Chair Jennings: Okay. Thank you, Sybil.

**G. NEXT REGULAR SCHEDULED MEETING DATE: December 10, 2015**

Mr. Yoshida: Okay, the next meeting date is December 10, 2015.

Chair Jennings: At 11:00.

Mr. Yoshida: Yes. And behalf of the department, we wish all of you a Happy Thanksgiving.

## **H. ADJOURNMENT**

Chair Jennings: I, too, would like to wish you all a Happy Thanksgiving and, hopefully, by that time, we'll know when the Chair gets a new knee, so I want you all to send flowers or candy. Okay, meeting is adjourned.

There being no further business, the meeting was adjourned at 1:17 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  
Zhantell Dudoit  
Lawrence Lasua  
Diane Swenson

### **Excused**

Marshall Racine

### **Others**

Clayton Yoshida, Planning Program Administrator, Current Division  
Pam Eaton, Planning Program Administrator, Long Range Division  
Mary Jorgensen, Planner, Long Range Division  
Sybil Lopez, Planner, Molokai, Current Division  
Dave Yamashita, Planner, Long Range Division  
Richelle Thomson, Deputy Corporation Counsel