

**MOLOKAI PLANNING COMMISSION
REGULAR MEETING
APRIL 14, 2016**

*** 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 Michael Jennings, at approximately 11:00 a.m., Thursday, April 14, 2016, at the Department of Hawaiian Home Lands Conference Room, Kulana Oiwī, 600 Kamehameha V Highway, Kalamaula, Molokai.

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

Mr. Michael Jennings: It's 11:00, and we're gonna start the meeting, and before we do, I just wanna say, when it comes to C, if there's anyone here that would not be able to be around for what they wanna speak at, they can talk at that time. So without further ado, as someone would say, I think, we're going to call it to order, and we're going to -- Clayton, would you introduce the new members?

B. INTRODUCTION OF NEW MEMBERS - MICHAEL DREW and ROBERT STEPHENSON

Mr. Clayton Yoshida: Thank you, Mr. Chair, Members of the Commission. Clayton Yoshida, with the Planning Department. We welcome this morning the two new Planning Commission Members, Michael Drew and Robert Stephenson.

Mr. Jennings: Welcome. Welcome.

Mr. Yoshida: So this is the beginning of their five-year term on the Molokai Planning Commission.

Mr. Jennings: Okay, so, officially, gentlemen, welcome. It's nice to have you. I know of you, not quite as well as I should sometimes, but welcome to the board.

C. 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.

D. ELECTION OF OFFICERS FOR 2016-2017 COMMISSION YEAR - CHAIR and VICE-CHAIR

Mr. Jennings: Okay, again, we're going to do public testimony for anyone that will not be present for the section that they want to talk about, and we're going to -- I'm going to limit that three minutes. So, at this time, is there anyone that would like to give public testimony? If so, please, I think the microphone is right next to Sybil or right next to Rob. Okay, seeing none, we'll go on to D, and the election of officers for 2016-2017 for the chair and vice-char. So at this time, I will take recommendations for the office of chair. You want to do them both, you guys? One at a time, okay. For the chairman, is there any nominations?

Mr. Marshall Racine: In light of the fact that it's Mike's last year, and things have been moving pretty smoothly and just for the sake of continuity, I nominate Michael Jennings as chair.

Mr. Jennings: Oh, is there any other nominations? I'm very sorry. Okay, seeing none. Nominations close. And, yes, I will accept it. Zhantell yelled at me last year for not doing it so, okay, so, oh, would you please vote.

There being no further nominations, a vote was taken.

It has been nominated by Commissioner Racine, seconded by Commissioner Swenson, then unanimously

VOTED: that Commissioner Jennings serve as Chairperson for the 2016-2017 commission year.

Chair Jennings: Motion carried. Oh my God. Okay, now nominations for vice-chair.

Mr. Racine: In lieu of his stellar performance during the CPAC -- I mean the -- the community plan review, I nominate Douglas Rogers as vice-chair.

Mr. Lawrence Lasua: I'll second that.

Chair Jennings: There is a motion and a second. Any discussion? Any other nominees? Nominations closed.

There being no further nominations, a vote was taken.

It has been nominated by Commissioner Racine, seconded by Commission Lasua, then unanimously

VOTED: *that Commissioner Rogers serve as Vice-Chairperson for the 2016-2017 commission year.*

Chair Jennings: Motion carried. Okay, you guys. Oh, Douglas, you have to -- would you -- okay, Doug -- okay, so we got that -- a little louder, please, Mr. Rogers -- Okay, so now we have the approval of the minutes from the November 12, 2015, and January 14, 2016, and February 11, 2016.

E. APPROVAL OF MINUTES OF THE NOVEMBER 12, 2015, JANUARY 14, 2016, and FEBRUARY 11, 2016 MEETINGS

Mr. Lasua: Mr. Chair, I'd like to make a motion to approve November 12, January 14, and February 11 minutes as circulated.

Chair Jennings: Is there a second to that? Diane. There's been a motion and a second. Any discussion?

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

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

VOTED: *to approve the minutes of November 12, 2015, January 14, 2016, and February 11, 2016 meetings as circulated.*

Chair Jennings: Motion carried. Okay.

Mr. Yoshida: Thank you, Mr. Chair. Clayton Yoshida, again, with the Planning Department. With me here, from the County of Maui, is your Deputy Corporation Counsel, Richelle Thomson; your -- our Administrative Planning Officer, Joseph Alueta; your Molokai Planner, Sybil Lopez; and the -- your Secretary to Boards and Commissions, Suzie Esmeralda.

We have four public hearings this morning.

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

F. PUBLIC HEARINGS (Action to be taken after each public hearing.)

- 1. MR. WILLIAM SPENCE, Planning Director requesting the following land use changes for portions of the Molokai High School property (CPA 2015/0004) (CIZ 2015/0005) (S. Lopez):**

- a. **Athletic Fields (11.802 acres)**
A Community Plan Amendment from Single Family to Public/Quasi-Public and a Change in Zoning from Interim District to P-1 Public Quasi-Public District at TMK: 5-2-007: 001, Hoolehua, Island of Molokai.

- b. **Park Piece (1.355 acres)**
A Community Plan Amendment from Park to Public/ Quasi-Public and a Change in Zoning from Interim District to P-1 Public/ Quasi-Public District for property consisting of approximately 1.355 acres at TMK: 5-2-015:001 (por.), Hoolehua, Island of Molokai.

Mr. Yoshida: The staff planner is Sybil Lopez and she'll be providing the department's report.

Ms. Sybil Lopez: Aloha and good morning, Chair, the new Chair, Michael, Vice-Chair Rogers and the Molokai Planning Commission. If it's okay for you, I'll -- you want me to stand? Sit. Okay, thank you. Thank you.

And so this matter arises from amendments proposed by the Director of the County of Maui Planning Department on July 17, 2015. If you remember, back in June of 2014 where the Department of Education came in to submit an application for a change in zoning, a community plan amendment, and a district boundary amendment with Kimura International as their consultant/applicant, and this came before you in regards of the science building that they wanted to develop, and the reason for that science building was for the Molokai High School, that they were in need of it, so if you're familiar with that CPA, CIZ, and DBA, that -- this is why we are here today is we pushed that forward in the sense of time and management and budget constraint, so the Department of Education had a certain period of time to allocate these monies for the science building to be up, and so by approval from the Molokai Planning Commission, recommendation to the council, the County Council, transmitted to the County Council in regards of changing the community plan, changing the -- change in zoning, and the district boundary amendment; in lieu of that, we did not include these two parcels, and so when the department went in front of the council, the department recommended that we'll come back to property change the zoning for these two particular parcels. So the parcels that we're actually looking at is, if you look in your Exhibit 2, so these are the two parcels, so you have the one mauka of Farrington Avenue, and you have the one on makai, and so what -- during the June 2014 process where you seen it on November 2014 was just a portion of that makai of -- mauka of the Farrington Avenue where the proposed science building was. And so if you look at Exhibit 3, today we're coming to you with these two particular parcels - the one more north of that whole piece on the mauka side of the Farrington, which is currently community plan as park, so that is

where the old parking lot exist for the old Lanikea Center, so that's that parcel where we're looking at. So that's the request for the CPA on that one, and the athletic field is still designated as single-family, that is where you have the football field, the softball field, and the parking lot, so because that both are still designated, we did go in front of the Long Range Division, I know you guys heard it through your community plan review about land use designation and the community plan, and they felt, internally, that it would be a much expedited process if we go through Molokai Planning Commission, do this community plan amendment through you guys with the recommendation going to -- transmitting to the council, so that is why we're here. So we're just looking at these two pieces of parcel to make sure that it'll be consistent with what the use is currently today. So the community plan, that's the map, and then if you go to Exhibit 6 is how the county zoning is. So, currently, it still sits as interim for both, the mauka parcel as well as the makai parcel. And that is all I have for you if you have any questions.

Chair Jennings: Is there anyone that would like to say anything at this time?

Ms. Lopez: So just -- sorry. Chair, can I?

Chair Jennings: No, go ahead. Go ahead.

Ms. Lopez: Just to go a little more in depth of the community plan process, the Long Range Division felt that it would be more expedited because where the community plan sits right now is now that it left the Molokai Planning Commission, it goes to council for the next 12 months, so versus if we go through you guys, we cut that in half, so then, you know, everything can be consistent by then, so you're looking at this process maybe the next three to six months that we can actually get this, the council can pass it, versus waiting through the whole community plan update with the 12-month process through council. So that's why we're here today.

Chair Jennings: Okay, is there any public testimony? Please, would you --

Ms. Zhantell Lindo: Hi. My name is Zhantell Lindo. Thank you. I just have actually a question and a comment. Being that we went through the community plan process, and I understand Long Range's reasoning behind maybe this recommendation, but I want to make sure, 'cause I can't quite remember this particular subject, but make sure that whatever this Commission decides is consistent with the community plan designations that we've already went through in this strenuous process and not just act on it because it seems to make sense right now, so even if it takes a deferral to go back and look at what we've already done in these particular areas and stay consistent to the community plan, I think that would be the most fair thing to do for our community. Thank you.

Chair Jennings: Is there any other public testimony? Thank you, Zhantell. Okay, so your

recommendation to -- yes, and then I'll get everybody else involved. So if you would, please.

Ms. Lopez: So the Maui County Planning Department recommends that the Molokai Planning Commission recommend to the Maui County Council approval of a community plan amendment to amend approximately 1.36 acres of the property at TMK 5-2-015:001 from park to public/quasi-public, and approximately 11.8 acres all of 5-2-007:001 from single-family to public/quasi-public. Also, the department recommends approval for a change in zoning to rezone approximately 13.16 acres of the two parcels from interim district to P-1 public/quasi-public.

In consideration of the foregoing, the Maui Planning Department recommends that the Molokai Planning Commission adopts the Maui Planning Department report and recommendation memorandums prepared for the April 14, 2016 meeting as its findings of facts and conclusions of law, and further to authorize the Planning Director to transmit said recommendations to the Maui County Council.

Chair Jennings: Thank you. Thank you, Sybil. Is there any discussion? Diane.

Ms. Diane Swenson: No. I'll move to approve the Planning Department's recommendation.

Chair Jennings: Okay, is there -- okay, there's a motion and second by Lawrence. Any discussion? Seeing none.

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

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

VOTED: to approve the Planning Department's recommendation.

Chair Jennings: Motion carried. Thank you.

Ms. Lopez: Thank you, Commissioners.

Mr. Yoshida: Moving on to Public Hearing no. 2. Again, sorry, we only have three operative mikes right now so if you can kinda share them so that we can have the minutes transcribed.

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

2. MR. WILLIAM SPENCE, Planning Director, transmitting Council Resolution No. 15-139 referring to the Lanai, Maui, and Molokai Planning Commissions a Proposed Bill relating to transient vacation rentals in planned developments. (J. Alueta)

Mr. Joseph Alueta: Good morning, Commissioners. Again, my name is Joe Alueta. I'm the Administrative Planning Officer for the Planning Department. My primary role is for a liaison between bills either draft by the department or by the County Council and to bring them to you. Title 19 can be amended in two different ways, as I indicated. It could be done by the administration or bills drafted by the Planning Department in which we'd bring it before the planning commissions for review prior to going to the County Council. The second way is by -- initiated by the County Council through a resolution, and so -- and there's a requirement in that that each of the three planning commissions review all changes to Title 19 prior to it being heard by the County Council, they do set a time limit; for the first one, we did not make it, and I'll go over that later, but we did not meet the time limit, so it means that the council could act on it without your comments, however, that's very rare that they would do it. But again, this is the three following bills that we're going to go over today are bills that are not initiated by the department, but were initiated by the County Council for one reason or another.

So the first bill is dealing with amendments to 19.32, which is the planned development, also sometimes called "planned unit development." It's a developmental method in which projects can come in as a planned development and they can get increased densities for their housing areas, and they often would involve mixed zoning, and one of the requirements to get the increased densities is that they allow clustering as well as allowing for open space dedication within that project area. There are very few and the ones that do come in tend to be older. I have -- the last one I did, personally, was back in the mid-90s out in Kihei and that was an all residential. But we have a few old ones that were done, and two or three years ago, we had another bill, as I referenced in the memo report, Will is commenting to what is referred to as the Puamana Bill because the language and structuring of that bill narrowly focused the change to Puamana and to that planned development, which was developed in the late '60s and early '70s. At that time, they were doing some transient vacation rental, there was a change in the law which prohibited it, and -- later on, and so these units were either existing nonconforming or illegal. We had a lot of enforcement issues with that complex. Eventually, there was -- a bill was drafted by the County Council, basically, again couple years ago, that amended the planned development provision in 19.32 to allow for transient vacation rentals under certain provisions. That's why, when you look at this, it looks kinda weird and convoluted, and we, again, we don't like that because it makes it very difficult to enforce.

So if you look on page 3, those are the amendments that we're dealing with, page 3 of the resolution that was attached, and you only have a portion of 19.32, and that's only dealing

with the amendments, primarily, right now, planned developments receive final approval, as provided by this chapter, and at least one unit in the planned development was operating as a vacation rental on or before April 20, 1981, so again, dealing with some old units. The planned development is located in a parcel that has at least some residential district zoning, and the planned development consist, at the time, was only duplexes. That's the existing language. You can see the bracketed where they're taking that out. That was done and that, basically, qualified Puamana, the way that language is structured. Council is now tweaking 19.32 again to say, as indicated, they're taking duplexes out but then they're going -- putting in your small "i" and your small "ii" and it says, "duplexes or multi-family dwelling units or a combination of single-family dwelling units and duplexes or multi-family dwelling units." Yes, as indicated in the staff report, this is, basically, writing an ordinance to allow transient vacation rentals in, basically, two planned developments on Maui, one, again Puamana will continue, but this is for Ailaloa, that's based on our records and what we can determine that's what they're doing. From a ordinance drafting and from a basic policy, the Planning Department would never write an ordinance that affects only one project or is geared toward -- we don't feel that's a good planning process. However, there is a -- the political reality of the County Council and how they operate. They've taken the path. There is no direction. As you can see from the report that was submitted by the County Council, they didn't provide any direction, in their committee report, as to why they want to do this, but, clearly, this bill is geared toward one project. Cutting to the chase and the *Reader's Digest* version, it's high-end units, it's a gated community, all housing -- any loss of any long-term rental in it has an impact on the rental market and the housing market in the county. From an affordability standpoint, this project is not an affordable project, okay. It's on leased land. The leases, per month, would be more than most people's mortgages for each unit. And when I researched it, again, this bill is very specifically toward this project. So the bottom line is it's not really going to affect affordable housing, per se, especially not on Molokai 'cause this is not on Molokai. This bill does not impact anything on Molokai, just to cut to the chase, so the adoption and amendment of this bill will not, in our view, will not impact affordable housing on a significant basis, nor does it impact anything on Molokai.

So the department -- the commissions have three -- or four options, I should say, with regards to this bill. You can either approve the bill as -- or make a recommendation that it be approved back to the Maui County Council, or recommend approval of the bill with amendments to the Maui County Council, recommend denial of the proposed bill to the Maui County Council, or for a vote to defer action on the proposed bill in order to gather more specific information, and those are your four options at this time. And that pretty much concludes my report.

Chair Jennings: Okay. Thank you. Is there any public testimony at this time? Okay, seeing none, motion? Anybody want to -- Diane, yeah, go ahead.

Ms. Swenson: Yeah, I'm -- like I'm the only one talking today, but there's actually three condominium projects in Molokai that need a bill like this to cleanup this situation, and this bill does not do that, so I would recommend that we don't approve to. I'll make a motion that we recommend to the County Council that they don't pass this and that they consider passing a bill that cleans up all of condominium projects in the county.

Chair Jennings: Okay, there's a motion. Is there a second to Ms. Swenson's motion? Willy. Okay, there's a motion on the floor and a second by Wiliama. Any discussion? Let's have discussion. Rob.

Mr. Rob Stephenson: Thank you, Chair. Rob Stephenson here. And thank you, first of all, I want to say thank you to Mayor Arakawa and his Administration for their -- his appointment to me to the Planning Commission, and also thank you to our Council Member Crivello for her support as well. I have a question specifically about this ordinance. Is it true that this ordinance would allow the operation -- I'm sorry, Joe, I'll ask you -- it would allow short-term or transient vacation rentals without the need to obtain a short-term rental house permit. Is that correct?

Mr. Alueta: That is correct.

Mr. Stephenson: Okay. Thank you. I guess a followup question. Diane, you bring up a really good point about the condominium complexes. So if the condominium complexes here on Molokai are located within a zoning community plan land use designation boundary, the state land use designation boundary that allows for hotel operations, would a measure like this be required to allow those properties to be able to permit temporary vacation rentals?

Mr. Alueta: If they're in the hotel -- if they're zoned hotel, they would be allowed to conduct short-term rentals without any permits. That's what a hotel is, right? That's the definition for transient vacation rental is, basically, a hotel.

Mr. Stephenson: Even if you were a non-hotel operation within the hotel district, right?

Mr. Alueta: Correct. That is correct. I, actually, I own a condo that's long-term rental but it's actually zoned hotel but I don't rent it on a short-term basis and the whole complex -- and so you have, again, this bill impacts only planned developments and, in particular, these are areas that were zoned residential and maybe have some apartment in them, okay, in fact, they may even have ag, in the case of Puamana, they have agricultural district in it, and what it is is that they basically consolidated or they come in as, basically, a planned development and said we're doing all of these units, and we're allowed so many units per acre, based on ag or based on residential and based on apartment, and what we want to do is cluster them, the units together, regardless of the zoning line or the zoning

designation, and then have a minimum of 20% open space on the project, and that's -- and as part of that, they get more unit, they'll get maybe a 10% or 15% bonus in the units counts, and so that allowed them to build, basically, either a condo, like a two-story duplex or a single-family residence grouped together regardless -- and then regardless of what the underlining zoning was, and that's what Puamana and that's what Ailaloa did; in fact, Ailaloa is very low density, there's only I wanna say 35 units on 13 acres, it's pretty low density. So that's the -- that's what a planned development is. Condominiums or apartments in the apartment districts, that's like you're A-1, A-2 districts, okay, and then you have your hotel, which is H-1, H-2, H-M, so in the hotel district, again, transient vacation rentals are allowed outright. You can convert; go back and forth. There was a bill a couple years ago now that actually amended the apartment districts, or amended -- codified what we call the "Minatoya Bill," and, basically, if were a condo complex, right, apartment district structure built prior to 1989, and there's some dates in there, or got an SMA permit, you can do short-term rentals at anytime. That had a major -- that has a major impact on Maui and everybody, and that passed. And, basically, that bill allowed for existing apartments and condos that met that qualification in the A-1 and A-2 zoning category to switch back and forth, or to convert to a short-term rental, okay, with no permits, and they don't count toward the cap, they don't count anything. They basically could run as a hotel. And the reason they had that law is because the definition between short and long-term rental wasn't defined, wasn't established until the late '80s and so in the apartment district -- it was kind of when they switched over and there obviously was a big concern over the building of hotels as well as motels. In fact, short-term rental was allowed in the B-2 district or B-3. I think the Haagai Institute on Maui was the last hotel ever built in the business district, which is very strange, but that was the last one. So I'm not sure when the building permits were issued or the SMA permits were issued for the apartments, if they are apartment zoned. If they're hotel zoned, then there's not an issue. So that's the short of it.

Mr. Stephenson: So would that -- just the one quick -- one quick followup question.

Ms. Lopez: Wait, before you -- can I add to that, Chair?

Chair Jennings: Yes.

Ms. Lopez: So when -- what he's talking about, the Minatoya decisions, I wanna put into perspective on Molokai, so you're looking at Paniolo Hale, you're looking at Ke Nani Kai, you're looking at Wavecrest, and you're looking at Molokai Shores. So they're all...(inaudible)... through the Minatoya decision. If they were already designated as apartment through that decision, that they're allowed to do those transient vacation. So, hopefully, that help you for Molokai.

Mr. Douglas Rogers: And they were grandfathered?

Ms. Lopez: Yeah.

Mr. Stephenson: And so I guess a followup to Diane, given that information, do you still want to hold the motion because --

Ms. Swenson: And I guess the only left that's got a problem over here is the Beach Cottages.

Mr. Stephenson: At Kaluakoi Villas?

Ms. Swenson: No. The Beach Cottages.

Mr. Stephenson: Oh.

Ms. Lopez: So, you're correct, so that has not been grandfathered in, it's actually considered as a multi-family, and it's in interim, and so the Molokai Beach Cottage, what they, right now, the council's going through amendments with the short-term rental, and I believe, but Joe can correct me if I'm wrong, it was Council Don Couch that offered that with apartments that they can condominiumize so it can be CPR where they can come back in and do a short-term rental individually. So Molokai Beach Cottages does not -- is not affected by the Minatoya decision so, therefore, by Council Don Couch putting forward to CPR that parcel, that they can come in through this body or administrative ruling to do a short-term rental permit because of their zoning.

Mr. Alueta: No. I have nothing to add. That's probably -- I understand that there's a bill making its way with Don Couch with regards to that amendment. I have not seen it or, yeah. So again, this bill -- the reso before you deals with planned developments, I'm not familiar with any on Molokai personally so I can't really speak, but I do know that just, again, the way this bill is structured and tailored is dealing -- we, based on our research, have indicated that it only deals with one planned development that will be now added to the previous one that was Puamana to it.

Chair Jennings: Okay. There's been a motion and a second. Diane, would you like to cancel your motion?

Ms. Swenson: I don't care. I can withdraw it.

Chair Jennings: Withdraw it I mean. Okay.

Ms. Swenson: I mean, but what are we doing?

Mr. Alueta: Currently, you have a motion, and a second.

Chair Jennings: Yes.

Mr. Alueta: Unless she withdraws, and then if she withdraws, the person who made -- seconded it would have to also withdraw.

Chair Jennings: Okay. So how do you --

Ms. Swenson: I'd, you know, I'd --

Chair Jennings: Oh, okay, so we'll vote on the motion and the second.

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

It has been moved by Commissioner Swenson, seconded by Commissioner Akutagawa, then

VOTED: to recommend to the County Council that they don't pass this bill and that they consider passing a bill that cleans up all of condominium projects in the county.

(Assenting: NONE)

(Dissenting: W. Akutagawa; M. Drew; L. Lasua; M. Racine; D. Rogers; R. Stephenson; D. Swenson)

(Excused: B. Buchanan)

MOTION FAILS

Chair Jennings: So, okay, we'll open it up for a new motion.

Mr. Marshall Racine: It, apparently, has no effect on Molokai, and since we don't have the option just to pass it by --

Ms. Richelle Thomson: You would just say you have no comments.

Mr. Racine: I would then make a motion that, as a body, we transmit to the council that we don't care to act on this.

Chair Jennings: There's a motion, seconded by Doug. Any discussion on the motion? Seeing no discussion.

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

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

VOTED: to transmit to the Maui County Council that the Molokai Planning Commissioner chooses not to act on this resolution.

Chair Jennings: Motion carried.

Mr. Alueta: Thank you.

Chair Jennings: Next.

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

3. MR. WILLIAM SPENCE transmitting Council Resolution No. 16-1 referring to the Lanai, Maui, and Molokai Planning Commissions a Proposed Bill amending Title 19, Maui County Code relating to composting in the County Agriculture District. (J. Alueta)

Mr. Alueta: Again, good morning, Commissioners. Proposed resolution 16-01, again coming from the County Council, would, basically, allow for composting within the agricultural district or 19.30A to be allowed as a outright permitted use, okay. If you turn to page 3 of the memo report that I submitted, if you look at the very bottom, I have a table. That's pretty easy to start with, okay. Basically, from our aspect, composting is allowed within the agricultural district as part of a farming operation, so if you wanted to compost and you -- you grew material on your property, you had trees and shrubbery, whatever is part of your farming operation, you grew it and you composted the material, and you used it onsite, we consider that to be an allowed use. Okay. No problem.

You want to compost onsite material and sell to others, so if you grow, you have a big, you know, thousand-acre farm or whatever, and you were generating a lot of compost material and you're producing the compost, all grown and processed onsite, you can sell that material commercially to other people. We consider that an outright permitted use that's part of a normal farming operation.

If you wanted to compost offsite material, and maybe your own onsite material, right, and then use it all onsite so that people came to you and brought you green waste, right, your neighbors or you had a farm and you said, hey man, I need a lot of compost material, if he brought it to you and you were using it onsite, and you're not selling it to anyone, you're just composting it, it's an allowed use in both the state and county agricultural district. That's what basically I'm trying to show in the table here.

However, if you wanted to compost offsite material, somebody brings it to you, and then you were just composting it and then selling that material, we don't consider that a permitted use. We consider that to be that you would need to get a special use permit from the state, a state special use permit.

So -- and as indicated in my memo report, which I'm sure you all read, right? So the -- as I indicated in the memo report, we -- our position or our view on this is very similar to the state. The state does not view composting as or composting of offsite material to be a permitted use, okay. They see it as needing a special use permit; in fact, they wanted to establish, at one point, the state leg., I should say, tried to pass a bill that would limit where you could do it, on what lands, and how big it could be, and as a -- as being an outright permitted use.

Okay, now, when I say it's, for us, it's a permitted use, as long as you're processing your own material, okay, and what this bill would do is, basically, say you don't need to have a farming activity. They're moving it from being an accessory use or as a process of a farming activity to, basically, being as a stand alone allowed use in the agricultural district. So if you had a two-acre lot, or five-acre lot, and you weren't growing anything, okay, you could have somebody bring and be a collection facility of green waste material, all you did was process it, and then sell it. That's what this bill is proposing. The department, one, doesn't see that, even if it is allowed in the county agricultural district, right, we don't view it as being allowed in the state agricultural district, therefore, we would still require a state special use permit, okay, 'cause we don't interpret 205 that way. We don't see it as just a stand alone permitted use, okay, of commercial or offsite composting. So that's one problem.

The second problem is that composting facilities can come in a variety of sizes, okay, and they kinda need to be analyzed on a case-by-case basis because you could have a tub grinder. I mean we have received comments from the Office of Economic Development, as I pointed out, one is transportation of invasive species, meaning when you bring, and case was fire ants, and the story or the scenario is a real story or a real -- it really happened, there were fire ants in Haiku, they took the green waste to Hana Landfil, Hana doesn't process it, they then transported it all the way back to Central Maui, okay, so that's not a good methodology. So there's some concerns on that. There's tub grinding. There's a lot of mobile tub grinders, if you've ever seen them. Depending on the size of the lot, again, the minimum lot size for the county is two acres, if you had a tub grinder and somebody was bringing, on a two-acre lot, eight to ten hours a day, and you live next door to that, I'm not sure if you've ever heard a tub grinder, but if they're running, they're not very quiet, okay. Erosion control. The material does blow once you get a finished product. And so, again, there's this issue of that. And again, the way this bill is structure, it basically is allowing compost as a principle use in the agricultural district, that means you don't have to be farming it. It just means that somebody has a lot and they can start collecting.

From an enforcement standpoint, it's kind of tricky. I mean composting is pretty much an exact science, but the Planning Department is not that agency, I don't think. DOH has some regulations on it. And as you look at the definition of the bill, they reference that, you know, the definition and put State of Hawaii, Department of Health. If you look at the agency comments, Department of Health doesn't even want their name in as part of that definition. That's their comments, no, remove the term department as defined by Department of Health 'cause they don't want to be involved, apparently. So there's something in there that we're missing.

And so the department as well as the other commissions, the Maui Planning Commission, who reviewed it was they're supportive of composting, all of the testifiers on Tuesday at the Maui Planning Commission were all supportive of some type of centralized composting facility, but I think there needs to be more work in the bill, and that was -- and that's the department's conclusion is that we recommend that you at least add a couple definitions to help clarify, and that composting or commercial composting be sort of done on a special use permit. This bill doesn't do anything because the way it's structured is that we would still require a state special use permit. So the only place, if this bill passed as is currently written, right, the only place that it would be allowed as an outright permitted use, without any special use permits, state special use permits, would be in the county urban district where it's zoned county ag, so if it's zoned state urban and county ag, you would be allowed. There's only one place on Lower Main Street in Maui that I know of that has that same designation and where there's an urban designation but it was zoned county ag. So it'd kind of a weird situation.

So again, that kind of summarizes the memo report. Again, another issue we had was fire with regards to large piles, I mean again as far enforcement side. When you do pile up a lot of green waste and you have a back stock, it can generate heat. We've had a few fires, not only at the eco-compost site at Central Maui, but you also see it sometimes at some construction landfills if they take a lot of green waste and they don't spread it out, then it gets compacted, it can catch on fire. That is another concern. Let's see, the department again -- the department is not in support of this proposed bill because of the currently -- we think it's a currently allowed use under certain restrictions. The proposed amendments is an attempt to try to circumvent the state special use permit process. The department does recommend that you amend 19.04, which is the definition section, to define composting, and we've provided a more simpler definition of composting. We've also established a means of commercial composting, which delineate between the two. The Commission does have the options of recommending approval of the proposed bill to the Maui County Council, they can recommend approval of the bill with amendments to the Maui County Council, or they can recommend denial of the proposed bill to the Maui County Council, or vote to defer action on the proposed bill in order to gather more specific information. That concludes my portion. If you have any questions, I'm happy to --

Chair Jennings: Is there any questions for Joe? Any discussion? Okay, seeing -- oh, Marshall. Hold on.

Mr. Racine: You said there's only two specific zonings where this could happen under current regulation, even with this bill passing, what is to stop someone from redefining or rezoning an area so that this area could take effect on their property?

Mr. Alueta: Well, first of all, what I'm saying is, under the current provision, right?

Mr. Racine: Yeah.

Mr. Alueta: If you have a state urban designation, right, which is the state side, and then you had a county zoning of ag, if you met those two criteria, this bill would allow you to be an outright permitted use, and again, there's only one area in Wailuku that I know of that has that match up. Having urban and ag is kind of a weird designation and there's one area in Wailuku that does still have that. Composting is allowed in the -- at the Maui County Landfill as a commercial operation, you have that eco-compost that was done through a special use permit, and if you've never been there, it's a pretty big operation, it takes up several acres. You could do this in any of the industrial areas because probably I think I would say probably M-2 and M-3 would allow for it, and there is M-2 and M-3 lands that would allow for commercial compost -- what I'm calling "commercial composting," which is the taking in of a materials from an offsite location, composting it, and then reselling it. But as far as, as I indicated in the table, composting is allowed in the agricultural district an outright permitted use provided it's either you're growing and processing your own material, you are intaking offsite material, right, but you're only using it onsite, you're composting onsite and using the finished product as part of your farming activity, right, and so those are pretty much -- I mean so if you're farmer and you need to compost, you can, I mean that's clear, but this bill takes it a step further. It basically says composting, regardless of if you have any ag operation, would be allowed.

Chair Jennings: Is there any public or any discussion on this? Any public testimony?

Ms. Lindo: Hi. Zhantell Lindo. Yeah, I would just like to voice my concerns with this resolution and cite several different things. The county has worked really hard, and Molokai in particular, on a fire hazard mitigation plan, and in this fire mitigation plan, it notates that the island of Molokai is covered by agricultural areas that does not have sufficient water for the type of fuel load we already have. When you allow such an activity as composting to go on in this place, in already hazardous large fuel-load areas without adequate fire suppression type opportunities, we look at even more danger to our community and to our residential areas as well as adversely affecting our environmental conditions. Also, the Department of Hawaiian Home Lands, because we're exempt or because the lessees are exempt from a lot of -- and have a lot of non-permitted structures already in existence on

DHHL lands, which is where most of our agricultural areas are, one of the problems is that people start up businesses, unpermitted businesses or unpermitted things, and then when that fails, they kinda just leave everything there. Okay, my concern with composting is I've seen real big composting type machinery and equipment. Should that business fail and they not use it anymore, what happens? And without having to go through the issue of getting a permit and being very strictly guided by the guidelines that protect us and our environment, I think it's just as irresponsible for us to look at something like this and say that it doesn't matter, and I would urge the Commission to, if you cannot agree with it right now, which I hope you won't, but don't go on record as not having anything to say. Make a comment. Acknowledge that this is an important area of concern for you. But whatever you do, don't let it be without a comment from the Commission and express your concerns about, you know, what these problems that might exist from allowing such use on agricultural lands. Thank you.

Chair Jennings: Thank you, Zhantell. Is there any other comments or discussion by anyone? Okay, excuse me. I'm sorry, Suzie. Should I use that or? We'll just -- oh, I'm sorry.

Mr. Stephenson: Chair, if I may? I have some comments and questions and recommendations, actually. So based upon what Joe is saying that this would, basically, do nothing other than allow it in some very specific circumstances, which are unlikely to exist anyway, and if this bill were passed, then you would still need to get a state land use special use permit because the county doesn't recognize this activity as permissible under the state land use designation of agriculture, I would be -- I would be hesitant to recommend approval or recommend to the council to pass this. On the other hand, looking at the voting record of the committees of all ayes, it looks like it is likely to pass regardless of our recommendation or is that an incorrect assumption?

Mr. Alueta: Thank you for your points on the thing that the all ayes is, basically, is the committee's supporting transmitting it to the commissions. They have no record as far as -- as far as I can tell, from the record of actually voicing any support for the bill itself, and there was no discussion on the bill itself, and that's where -- I wouldn't jump to a conclusion one way or another. Yeah.

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

Ms. Thomson: Thanks. I wanted to also just draw your attention to the proposed bill, the definition of "composting." "Composting" is a really broad term, and the definition of "composting" that is being proposed includes also bio-solids, so that includes sewage sledge, and that comes with its own set of problems when you're composting sewage sledge and green waste, such as at eco-compost at Central Maui Landfill, so that, to me, is a problem from a kind of a regulatory standpoint. The department has proposed a

couple of different definitions of “compost” and then “commercial composting,” and that probably would help clarify some of the issues. The other things with having, you know, as far as practically, yeah, the people would still have to get a state special use permit, but when you have a county ordinance that says this is an outright allowed use, people will do it because they will think that they can do and they may not understand the subtlety of, oh, you have to go get a special use permit, they just open the county ordinance and they’ll go look I can do it, you know, and then it gets into a regulatory problem.

Chair Jennings: Rob, go ahead, please.

Mr. Stephenson: Thanks, Joe, for your clarification. I appreciate that. It makes it -- it makes it easier to understand in my mind. And thank you for that as well. I look at the recommendations from the Planning Department just adding “not in support of the proposed bill” and instead adding the definition of “composting” and “commercial composting into Chapter 19.04, which would help to take care of defining some of those things, I would like to discuss, you know, the possibility that, as a Commission, proposed adding another -- an additional definition and I think it would be important in that 19.04 to add a definition of “solid organic materials.”

Chair Jennings: Okay.

Mr. Stephenson: The reason why I say that is because it is -- it’s not defined, I just looked it up online, it’s not defined in there, and since it is in the agricultural district, this is being proposed in the agricultural district or it would pertain to agricultural districts, there’s a conventional term that says “organic materials” and I think we need to draw a distinction between the technical biological term of solid organic materials and the agricultural industry standard of organic materials, meaning a certified organic farming practice. So I think we need to draw a distinction between those terms or else it could be problematic.

Chair Jennings: So, Rob, you would make a motion with --

Mr. Stephenson: I recommend making two motions.

Chair Jennings: Okay.

Mr. Stephenson: The first motion I recommend that we not approve the bill.

Chair Jennings: Okay.

Mr. Stephenson: And the second motion would be to add a definition of “solid organic materials” into 19.04 drawing a distinction between technically biologically organic materials and the agriculturally accepted definition of “organic” as certified organic.

Chair Jennings: Okay. Let's start with the first motion, Rob's first motion was to deny and it -- go ahead. Is there a second to the first motion?

Mr. Stephenson: Agree with the department in not supporting the proposed bill.

Chair Jennings: Okay. Is there a second to that? Was it Marshall? Okay. Any further discussion on that? Lawrence.

Mr. Lasua: Yeah, just for the record too, based on this, the enforcement would be done by the Planning Department, and that's a consideration that I think we ought to think of. Besides that, it also says in here Department of Health wants their definition wiped out as far as the process of composting are the methods approved by the State Department of Health is the recycling activity, I think they wanted the last two part of it struck out of this, so I think that's a -- tells us, you know, something's wrong here.

Chair Jennings: Okay, there's a motion, and a second by Lawrence, any further discussion?

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

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

VOTED: to not support the proposed bill.

Chair Jennings: Motion carried. Okay, on the second motion, Rob.

Mr. Stephenson: The second motion I'd like to make a motion that Title 19.04 be amended to add the definition of "solid organic materials" and that definition to be determined by Corporation Counsel and the Planning Department to accurately reflect the intent of the definition of "solid organic materials" and not make it confusing with the agricultural practice of organic farming.

Chair Jennings: Okay. Is there a second to Rob's motion? Seconded by Lawrence. Any discussion? Diane.

Ms. Swenson: Why are we doing this if we're recommending denial and now we want to modify it? I'm not getting it.

Mr. Stephenson: It's not modifying the bill, it's modifying the existing county code with definitions.

Ms. Swenson: Do we have the authority to do that?

Ms. Thomson: You do have the authority to recommend changes to the title. In essence, they're going to be dealing with this bill. At some point, what you're suggesting is that what they drafted so far isn't working and needs some work and here's a couple of ways that you need to change it if they're still going to consider it.

Mr. Stephenson: And the reason I feel it's important is because since the Planning Department is recommending Planning definitions, those definitions themselves -- since the Planning Department is recommending adding definitions to 19.04, those definitions aren't adequately defined in their terms within those definitions that need to be further defined, in my opinion.

Chair Jennings: Okay. So there's a motion by Rob with the definitions, and is there a -- is there a second to this? Okay, second by Lawrence. Any discussion? Joe.

Mr. Alueta: Thank you. Thank you, Chair. I just wanted to thank the Commission for bringing that up. Again, we did point out that there is a confusion on the organic -- whether or not it's going to be organic. There is -- the department will be happy to work with Corporation Counsel to come up with some organics. There is a -- there is a solid waste management glossary that I was able to find online, when I was researching this, and so, again, they have a term for "organic waste" and that is, technically, waste containing carbon, including paper, plastics, wood, food waste, and yard waste, but in practice, under waste management, the term for organic waste is often used in a more restrictive sense to mean materials that is more directly derived from plant or animal resources in which can be generally be decomposed by microorganisms. Okay, so that's what currently is in the organic -- for under organic waste, and I note that in my staff report also that that's the general term.

Mr. Stephenson: But it's not in the current code?

Mr. Alueta: That is correct. So the -- and so, if I understand, you want to make sure that there is a definition between organic growing as opposed to organic waste in our -- okay. I think we know -- and then did you, I'm not sure, did your motion include incorporating the two definitions by the department?

Chair Jennings: Rob?

Mr. Stephenson: Pardon me. I'd like to amend my motion to include the two recommendations of the department -- by the department.

Chair Jennings: Okay. There's second -- motion second by Lawrence. Any further

discussion?

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

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

VOTED: that Title 19.04 be amended to add the definition of “solid organic materials” and that definition to be determined by Corporation Counsel and the Planning Department to accurately reflect the intent of the definition of “solid organic materials” and not make it confusing with the agricultural practice of organic farming. And also to incorporate the definitions recommended by the Planning Department.

Chair Jennings: Motion carried.

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

- 4. MR. WILLIAM SPENCE, Planning Director transmitting Council Resolution No. 16-9 referring to the Lanai, Maui, and Molokai Planning Commissions a Proposed Bill to Regulate Agricultural Tourism Activities in the Agricultural District. (J. Alueta)**

Mr. Alueta: Good afternoon, Commissioners. The third and final bill that we have today deals with resolution 16-09, regulating agricultural tourism activity within the agricultural district. The bill is an attempt with regards to comply with Hawaii Revised Statutes recent amendment in 205, which would allow for agricultural tourism within the agricultural district for counties that consist of three islands and who have adopted a agricultural tourism bill, and so this is an attempt to meet that requirement by the -- that was established within HRS to allow for agricultural tourism. And again, this would amend 19.30A to add definitions and standards for the agricultural tourism bill. Going over some of the agency's comments, you have Fire Department has concerns over the use of unpermitted structures and so they feel there needs to be a provision to allow for these -- if they're going to use any of these structures for ag tourism, that they be permitted. DSA, in talking with DSA, they currently have a method in which they -- if the overnight accommodations meets the definition or meets the standards for STRH and B&B, they will consider that structure to be residential in nature and not treat it as a commercial structure, so they would like to see some type of provision in which either they get a STRH permit or a B&B, and I believe that is in the code that they do have to comply with 19.67 for overnight accommodations. Department of Health, basically, they're standards for food if there's any food being prepared as part of an agricultural tourism operation, they comply with Department of

Health standards. The big concerns and comments, I guess, came from Office of Hawaiian Affairs. They provided some excellent comments that the department basically echoed. I'm not sure if they were -- Suzie, did they get passed, the Office of Planning comments letter? You have enough? Okay. Sorry to give this to you late. They did not get their comments in in time, while I was drafting the staff report, but we did get it. They have some similar to, if you read -- which I'm sure you've all read the staff report, and if you read Office of Hawaiian Affairs comments, they had some excellent comments. I did talk to them. And they have very similar concerns that Office of Planning also has is that the way the county is defining agricultural tourism and their limitations, it does not comport with what state law has, and that's the bottom line. It doesn't meet state law.

The crux of the matter is that for you to qualify under the state, when the law was drafted and amended into 205, they wanted to make agricultural tourism operations available to bona fide farmers, and they defined it by, bona fide farmers, not only is that they had to be commercial farmers as defined under HRS 165, which basically is you have to be a commercial farmer of some type, okay, so -- but the provisions that the County Council has drafted doesn't have that key component of being a commercial operator or bona fide farm. Basically, all you would have to do is have met the qualifications for a farm plan under the county. As you know the county uses farm plans in relationship to granting you a farm dwelling, and the threshold for that is basically if you want your first dwelling, you just have to give us a plan that shows 50% of your property being used for an agricultural activity. That agricultural activity could also be conservation, okay, which is you're not really farmer, you basically have a nice landscaping or you have a plan to have nice landscape. To get a second farm dwelling in the agricultural district, you have to actually have implemented that farm plan, so whether that's planting of trees, or planting of shrubbery, or planting of a real agricultural crop that you're going to harvest, or you're going to have ag conservation meaning you're going to plant some type of soil retaining crop or grass or lawn. So that's not, from our aspect, from the stateside, that is not bona fide agriculture. That is not -- their definition, as I indicated in the thing, means -- a "farming operation" means a commercial agricultural, silvicultural, aquacultural facility, or pursuit conducted in whole or in part, including for the care, production of livestock, livestock products, poultry products, apiary products, and plant and animal production for nonfood use, the planting, cultivating, harvesting, and processing of crops, and the farming or ranching of any plant or animal species in a controlled salt, brackish, or freshwater environment. "Farming operation" includes, and it goes on. But the keyword there is "commercial agriculture." I think -- and that's based on what the county has -- the County Council has drafted, we don't believe that it would -- we feel that it doesn't meet the criteria of which the state law intended, and we would probably recommend -- we would still require a state special use permit for that use if you didn't meet the definition of the commercial side. You'd still have to meet the state definition of a bona fide agricultural operation. So I think this adds confusion to the whole matter that someone will see this, and they say, wow, this is all I need to do to start renting out part of my ag dwelling. We think we would still require a special use permit, and

we feel that it would weaken the agricultural -- the intent of the state law because it would -- under that provision.

Other concerns with just the drafting of the bill, one of the provisions under 19.30A.077(C)(8)(b), and this on page 4 of the memo report, has a provision in there in which the private easement would be assessed and upgrades to that easement or access driveway would be done by the director. The Planning Director does not have the expertise to determine whether or not that ten-foot gravel road is appropriate for your agricultural tourism operation, and so we're unsure why -- I mean we don't want to be stuck with that responsibility. That's something that is either Public Works or Department of Transportation's responsibility.

The enforcement includes the violations if they don't register. And again, this is not a permit, this is called a "registration" the way this is setup in 19.30A, so a person would just have to come in and say here's my registration, I'm registered in an ag tourism operation, and that's it. So there's no real -- there's not a review, per se, by the Planning Department. We're not even -- I mean it's unclear as to whether we're being asked to check for the accuracy of the operation, we were told no, but we feel that if you're registering, we would have to have some type of responsibility check - Are you really the landowner? Are you really -- I mean what provisions do you want us to check for. And so we're kinda uncomfortable with that. And they also want us to do a report to the commissions. So we would report of all the ones that are registered. We're not sure what the purpose of that report is. Is there -- we're going to generate this paperwork that says we received 20 registrations for ag tourism operations, is the commission going to reject that report? Is the commission going to accept that report in some fashion? We're not sure. Again, it's just a registration.

On section (E) of their proposal, they have this whole thing about requiring the parking be provided pursuant to 19.36A, and then indicate that if the parking is in violation on three separate occasions in a year, the agricultural tourism activity will result in the suspension until a special use permit is obtained and the department finds -- we're unsure why would you put this type of enforcement issue in a parking area. We're not sure what the purpose and intent is. I mean we see that they want us to -- parking is a big deal, but under what standards? Is it like if somebody has a special wedding and they crowd down the street and we catch them three times year, we would suspend it? I don't -- it's just, for us, it's just poorly written all together.

If you look at the letter from Office of Hawaiian Affairs, which outlines how it does -- they have concerns all the way around with the bill, especially with regards again of how it complies with state law. If you look at the Office of Planning letter that we just passed out, they actually have -- Office of Planning was really good and they had some really good -- they had specific recommendations, but they also, again, on page 2, on the bottom, you

see paragraph -- the second section where they say, "Section 2," definition of ag tourism, they requested amendments that specifically commercial activity is accessory to an agricultural operation. Again, that's key to the issue is that this was supposed to have been for bona fide farms that are already conducting agricultural operations to enhance their revenue stream, to have tours and stuff like that, but I think they're intention was, or at least the way it's structured right now, is that you could do a nice -- have nice landscaping on your agricultural lot from ag farm plan, and register it, and you can conduct tours, weddings, have concerts or whatever, and that would be the -- that's basically how the county ordinance is written, but that's not what the state law intended for or is currently written.

They also recommend in that same -- on top of page 3, you know, about there is no nexus between agriculture of farming operations and could become -- could become the dominant use on agricultural lands. A variety of list of activities included in the definition "agricultural tourism activity" underscores this possibility. We also recommend replacing "commercial activity" with "commercial use." And you can see they have some similar amendments and recommendations, "agricultural tourism" means commercial use, so that's where they would change it.

And if you go through this OP letter, it's pretty detailed as far as, you know, their concerns over this. They're also recommending that they require proof of agricultural income, similar to the current requirement for bed and breakfast homes, and for additional farm dwellings. OP recommends that insertions of the following language, and they say, "Evidence of operation in conjunction with a bona fide agricultural activity that proceed \$35,000 of gross sales of agricultural products for each of the preceding two years, as shown by state general excise tax forms and federal form 1040. . ." So they are -- I mean they're directly linking the commercial activity and so that's what OP is saying. They're saying there needs to be some kind of economic or income threshold that people should show to show that you're doing a real commercial farm. There was a couple of testimony yesterday on that act, with regards to that, they felt that the number was too high from some of the testifiers who -- so -- but I think the discussion is there that there should be some type of income level that should be shown for your farm before you could come in and register for such a agricultural tourism activity.

Other recommendations by the OP was that acknowledgment of signature of somebody who's doing it. That overnight stays be limited to a farm or farm labor dwelling. I think that would also accommodate or reflect the comments that you had from fire as well as the comments that you had from Public Works. They also recommend that, strongly recommend the term "subsistence" in the definition of an active agricultural operation not be allowed in the context of the fill to ensure conformance with county code with state statutes.

Again, I touched on ag conservation. OP is definitely opposed to the use of ag conservation as being justification for a agricultural farm tourism registration, and they also recommend that permits for agricultural tourism activity exclude agricultural land conservation as a primary agricultural use; two, delete all references to agricultural land conservation. In the department's farm plan application, when it is used as a basis for permitted high value non-agricultural uses as is contemplated under this bill.

So, again, before we even got this letter from OP, just based on our own analysis from inside of the department as well as reading Office of Hawaiian Affairs, the department felt that we could not recommend to the commissions approval of this proposed bill. We felt that the language in this bill is inconsistent with state law; although it is for operators only to register with the department, it puts the department in an awkward position of having to confirm the accuracy of the information. At best, the bill would create confusion with the general public and landowners as the department would require a state special use permit to conduct such activities. For the bill to be consistent with state law, the agricultural tourism activity would need to be accessory and secondary to the principal agricultural use. Further, the use needs to be accessory to a commercial farming operation as defined under HRS 165-2.

The Commission can have the following recommendation: They can recommend approval of the bill to the Maui County Council; recommend approval of the bill with amendments to the Maui County Council; recommend denial of the proposed bill to the Maui County Council; or vote to defer action on the proposed bill in order to gather more specific information. That concludes my --

Chair Jennings: Thank you, Joe. Is there any discussion or questions? Oh, excuse me. I keep forgetting the public guys.

Ms. Lindo: ...(inaudible)...

Chair Jennings: Yeah, that's right. Well, yeah, but I -- is there any public testimony? I'm sorry. Zhanterell.

Ms. Lindo: Hi. Zhanterell Lindo. I just wanted to stand up in support of the department's recommendation not to support the recommended resolution as it is currently written. Aside from the fact that the State Office of Planning and OHA's letter were excellent and have excellent ideas and recommendations. I also would like to talk about the strenuous and very in-depth community plan process that went on by CPAC and by this Commission. I think that the resolution needs to reflect the integrity by which a community's future is going to carry forward, and when land uses are designated as agricultural, that should be the primary reason money-making income and use of that particular land use designated area. I think that also when we look at agricultural tourism, that sort of was created in order

to find more uses for agricultural lands that were not being used primarily as agricultural source type endeavors, and so I just want to go on also to say that without clarifying and being consistent with the state's definitions of agricultural principal use and also agreeing with taking out subsistence in any type of language that we use in agricultural, and you talking to somebody who is very committed to the Hawaiian culture, but I think we need to take that subsistence language out and not allow that to be a part of it either because we don't want to get into the confusion of what is native Hawaiian rights and subsistence and confuse it with any type of endeavor that might not be consistent with the integrity of our cultural practices. And then, just in closing, I would also like to just reiterate that I think that principal economic revenue or profit should -- on agricultural lands should always be from agricultural endeavors or agricultural commercial use or stemming from that source rather than an accessory or secondary type use on designated specific land use designation. So that's it for that.

Before I get off, I also would just like to thank the Commission for allowing the community to testify on each item. I think that's a wonderful thing to have incorporated into your meetings and your plans.

But before Joe closes, and this subject closes out for the Commission, I know it's not part of your agenda so you cannot vote on it today, but there is a resolution that the council should look at that came up in our community plan process and should be enforced by the -- this Commission on looking at a cap for transient vacation rentals on our island. I'm not sure we're at the stage where we have a template or a standard by which you can cap a certain community, I know it's already been done in certain areas of Maui, but I want to encourage that our community and our Commission start really looking into putting a cap on the transient vacation rentals for Molokai. Thank you.

Chair Jennings: Thank you, Zhantell. I appreciate it. Is there any further public discussion or public input? Seeing none, Commissioners, is there any ...(inaudible)... or any discussion you'd like at this time? Okay.

Mr. Wiliama Akutagawa: Oh, wait.

Chair Jennings: Oh, go ahead. Sorry.

Mr. Akutagawa: No, I'll make a motion. I agree with them, yeah, to deny.

Ms. Swenson: I'll second.

Chair Jennings: There's a motion by Willy to deny. There's a second by Diane. Is there any discussion by the Commissioners?

Mr. Stephenson: I just have a couple of thoughts on this. I think the intent is good, and perhaps rather than to outright deny or recommend denial of this bill, perhaps we could also add in there to revisit this bill to make it consistent, bring it into consonance with the state land use or, I'm sorry, the State of Office Planning's recommendations and bring it into -- so it's consistent with HRS 205 because I think there is some merit to this but it needs to have consistency statewide.

Chair Jennings: Okay, Rob, is that -- I'm sorry, Joe?

Mr. Alueta: Sorry, just to throw in some two cents. I know Molokai doesn't like toward Maui as to what they comment on but sometimes their recommendations was also to deny but for the County Council to note the department and agency comments, and so that was their -- that was their recommendation on Tuesday because they also had similar concerns. Thank you.

Chair Jennings: So with the motion, Rob, would you like to amend that motion to --

Mr. Stephenson: I can't amend the motion, not that motion.

Chair Jennings: Oh, excuse me. Willy, would you like to amend your motion? Okay, the motion is amended to --

Ms. Thomson: Well, if you want to, Rob, what you could do is make a motion to amend to add in that you recommend council look at OP and OHA's comments, and the comments made by the department, and then your specific former comment was that you want any proposals to be in line with state law.

Mr. Stephenson: Yes, yes, and yes.

Ms. Thomson: And then you'd need a second.

Mr. Racine: Second.

Ms. Thomson: Okay, thank you. So there's -- what you would vote on is, first you vote on the amendment, and then you go back to the main motion.

Chair Jennings: And it's, excuse me, it's been amended and seconded by Marshall. Any further discussion? Seeing none.

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

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

VOTED: to amend the motion to include that the Maui County Council review the comments and recommendations of the Office of Planning and Office of Hawaiian Affairs, and the Planning Department, and recommend that the proposal be consistent with state law.

(Assenting: M. Drew; L. Lasua; M. Racine; D. Robers; R. Stephenson)
(Dissenting: W. Akutagawa; D. Swenson)
(Excused: B. Buchanan)

Chair Jennings: So, okay, the motion passes. And now back to the main motion as a amended that Willy made, and seconded by Diane, any discussion on that? Okay. Yes?

Ms. Swenson: I guess I don't understand it. We're recommending denial but then we're also recommending that it be modified? I don't -- I'm not getting it.

Ms. Thomson: Similar to that -- the previous bill on composting, you know, although you're saying that the bill, as presented by council, is flawed in certain ways and Office of Planning and OHA and the department have, you know, given you some very concrete concerns so that if council is still considering changes to this title in this way, that you want them to take a look at those concerns and, basically, come back with a better bill is really the way that I would -- I would take that comment. But as drafted, you don't -- you're not in favor of it as drafted.

Ms. Lindo: ...(inaudible)...

Chair Jennings: Yes, Zhantell, I will. Yes.

Ms. Lindo: So I just wanted to say, and just for support for Willy too, he already made the -- he already went on the record to say that we wanted to amend his motion to include the council taking a look at the two recommendations. I think that's pretty much the same thing that you guys just denied. So I don't think there's -- or you approved, so my question then would be: Why would you take a look at his if you already approved that?

Ms. Thomson: What, procedurally, what happened is so there was a motion by William to recommend that the council not pass the bill as proposed, and that was seconded by Diane. That was amended to add -- that was amended by saying, you know, we still recommend it to be denied but we want to add in these comments: look at OHA's letter, Office of Planning, and the department's. These are our main concerns that we have with

the bill. And so now, where we are procedurally is, the Commission would recommend denial of the ordinance as proposed and also express its concerns and tell council to take a look at the comments from the agencies. That's where we are right now. So we're voting on the main motion as amended.

Chair Jennings: So I guess from what Richelle -- we're voting on the main motion as amended. Now is there any discussion on that? Seeing none. Is there a second? We've already got it.

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

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

VOTED: to recommend denial of the proposed bill to the Maui County Council, and also recommend that the Maui County Council review the comments and recommendations of the Office of Planning, Office of Hawaiian Affairs, and the Department of Planning.

Chair Jennings: Motion carried.

Mr. Alueta: Thank you.

Mr. Stephenson: Excuse me, Chair?

Chair Jennings: Yes?

Mr. Stephenson: If I just may make a comment, and this comment is for -- is for staff and also to the Commission, is it possible, in the future, that when we have public hearings along with items from applicants to be decided, that we either, A., the department puts those items from -- those items to be decided from applicants at the beginning of the agenda, or if we see that on the agenda, that we can, at the beginning of the meeting, amend the agenda in order to hear those items first because if we see here -- we've been here since 11, and it's now an hour and 40 minutes, and the applicants who have been here who have a very simple application before us have had to spend their very valuable time here. Thank you.

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

G. COMMUNICATIONS

- 1. MS. MOANI MELCHER requesting a Special Management Area Minor Permit for the construction of a 1,400 square foot single-family dwelling and related improvements at TMK: 5-7-008: 037, Kamehameha V Highway, Mapulehu, Island of Molokai. (SMX 2016/0117) (Valuation: \$160,000) (S. Lopez)**

The Commission may take action on this request.

Ms. Sybil Lopez: Good afternoon, Chair and Molokai Planning Commission. So this matter arises from a previous SMA assessment application that you've seen back in 2012, which you approved in 2013, we're talking about Ms. Moani Melcher. Just for your reference and knowledge, we do have the two consultants here, Luigi Manera and, on behalf of the Molokai Habitat for Humanity, Zhantell Lindo, if you have any questions.

The reason why we are here today for Ms. Melcher is that her SMA application was expired under one of the conditions that they had, if you look at your Exhibit - hold on - Exhibit 11, this was the approval letter that the Molokai Planning Commission approved on February 12 granting the SMA application for Ms. Moani Melcher under the current standard conditions, and one of the standard conditions, no. 5, has not been fulfilled wherefore it had been expired after the February 28, 2015, and the date of completion or the project initiation was not completed within that year, which makes February 28, 2016, and so what the department recommended to the applicant was to submit another SMA application and which, today, there has been no -- it's still the same, nothing has been changed, it's exactly what the application came in before you. The only change that we see that had happened from then to now is the condition regarding the State Historic Preservation in which they requested that they -- number -- of the no. 4 -- sorry, go back to the Exhibit 11, under the standard conditions, that no. 4, that the applicant shall comply with all DLNR SHPD requirements as indicated in the letter dated November 21, 2013. So I would like to present that they did have the agency commented with Exhibit 13, 14 -- 13 through 16 to explain where they're at in regards of that letter. So there is a fire pit site that the State Historic Preservation didn't have under their registry, and so part of that letter, which is Exhibit 9 and 10, stated that they come in to register that -- that artifact, that cultural site, and so 13 and 16 fulfills that, which they did put in the request, and so they are going through that process as we speak. So that is the only change that occurred from them to now.

Chair Jennings: Okay, thank you. Is there any further public testimony on this? Zhantell.

Ms. Lindo: Yeah, I just wanted to say, in case the Commission was wondering, the problem with not being able to initiate the project is two, actually, challenges. One is that, under our program, there are very specific guidelines for funding, which she was unable to make and so we could get the initial funding through the sources that were originally

deemed possible for her to start. The second thing was, and I want to make this -- put this on record so that the Commission and the department are aware, adjacent -- oh, sorry. Zhanterell Lindo, I'm the Executive Director of Molokai Habitat for Humanity, who is in charge and managing this project. The land which Ms. Melcher's property is adjacent to has eight actual parcels that are connected to one another. All of which are in very critical and highly noted agriculture -- sorry, archaeological and environmentally sensitive areas, so the cost and the challenges that we had to go through to get the permitting from State Historic Preservation to go through this was really educational and really necessary,

I want to put on record that there are numerous digs and buildings on the adjacent properties of that area that are not in compliance with State Historic Preservation or our County Codes, and that I -- I know that the department investigates those based -- and enforces based on complaints, so I'm not going to complain because I don't know the specific, but I will say that it would pretty much benefit the department and the Commission to take a look at those areas and be aware of the things that are going on in those areas. Ms. Melcher's project, we moved really slow and spent a lot of money coming into compliance, and I think it's very unfair to the applicant and to our project to have to expedite all that sorts of money and come into compliance when there are visual and obvious things going on there and other properties surrounding there that are not in compliance. So thank you.

Chair Jennings: Is there any further public discussion? Luigi.

Mr. Luigi Manera: Hello. Hi. Luigi Manera: I want to concur with Zhanterell about those -- the neighbors of Moani. There's so many illegal structures around there it's incredible. They're visible from the road, everywhere, and nobody say nothing. And her, she has to spend, I don't know, so much money, investigation, I don't know what. I spent two or three year just to get over here. I think the department should enforce at least the most obvious, the one visible everywhere. Thank you.

Ms. Lindo: Zhanterell Lindo. Just one more thing. State Historic Preservation, when you look at condition no. 4, they asked us to do a number for a fire pit, okay, just kind of visualize in your mind that the whole are surrounded by a historic fish pond. Portions of that area that are further towards the fishpond or water area than Moani's is was originally part of the fishpond. So that's how incredibly important it is for this Commission and for the Planning Department to take action on the illegal activities that are going on there.

Chair Jennings: Thank you. Is there any further discussion, public discussion? Okay, seeing none, public discussion is closed. Yeah, Ms. Lopez, would you give me your recommendation, please?

Ms. Lopez: So pursuant to the aforementioned, the department recommends approval of the SMA minor permit subject to the same standard conditions from 1 through 6, allowing 5 would be: "That the project shall be initiated by April 30, 2018, and shall be completed within one year said of the initiation." We kept the standard 4 in because they did -- they're in that process of requesting so -- and, okay, hold on.

Chair Jennings: Okay. Now, you scared me because I didn't know you were done. Okay, thank you. Is there a motion? Motion by Lawrence to accept. Is there a second? Doug. Any further discussion? Rob.

Mr. Stephenson: Chair, I would like to recommend the amending one of the conditions, I'm sorry, one of the recommendation conditions rather, no. 5, it says, "The project shall be initiated by April 30, 2018 and shall --

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

Mr. Stephenson: Right. To start. So I would like to recommend that we change that condition to say that it shall be completed within two years of the initiation. The reason for that is because knowing many of the restrictions that are imposed by Habitat for Humanity and their funding requirements, also given the current economic state of our island and the availability of financing, finances, and work, I think it would be beneficial to the applicant to give a little bit more time so we don't find ourselves in this same position in a couple of years.

Chair Jennings: Thank you. Yeah, Lawrence?

Mr. Lasua: I'd like to restate my motion.

Chair Jennings: Well, it's decline the first one, I think, or amend it, okay. So as amended. Okay. As amended. And Doug's okay with that? Okay, so any further discussion on this? Rob.

Mr. Stephenson: I'd like to recuse myself from voting on this project.

Chair Jennings: Okay, sir.

Mr. Stephenson: Based on the relationship with both the consultants.

Chair Jennings: Yes. Okay. So stated.

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

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

VOTED: *to approve the Planning Department's recommendation as amended.*

(Assenting: W. Akutagawa; M. Drew; L. Lasua; M. Racine; D. Robers; D. Swenson)

(Recused: R. Stephenson)

(Excused: B. Buchanan)

Ms. Lopez: Thank you, Commission.

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

H. DIRECTOR'S REPORT

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

MS. SUSAN BADALUCCO submitting a Special Management Area (SMA) Assessment in order to construct interior renovations at Unit 14 Paniolo Hale, TMK: 5-1-003: 011-0030, Kaluakoi, Island of Molokai. (SMX 2016/0038) (Valuation: \$35,000) (S. Lopez)

The Commission may act to waive or not waive its review.

Ms. Lopez: Good afternoon, Chair, thank you, and Molokai Planning Commission. So this is my last item for the day, and so this is located in Paniolo Hale. They are just doing interior renovations. There is no exterior or structural work that is proposed being outside of that, so everything would be internal, kitchen cabinets, basic bathroom and flooring, but I do have the consultant here today, Mr. Luigi Manera, if you do have any questions. Thank you.

Chair Jennings: Luigi, would you like to make -- okay. Any public? Seeing none, do I have a motion?

Mr. Lasua: Motion --

Chair Jennings: Motion to?

Mr. Lasua: Waive.

Chair Jennings: Waive it. Is there a second? Michael Drew. Any further discussion?

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

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

VOTED: to waive its review of the application.

Chair Jennings: Motion carried.

Ms. Lopez: Thank you very much.

Chair Jennings: Okay. Thanks. Clayton?

2. Agenda items for the future regular meetings

- a. April 28, 2016 meeting**
- b. May 12, 2016 meeting**
- c. May 26, 2016 meeting**

Thank you, Mr. Chair. Moving to item 2, agenda items for future regular meetings, your next meeting is scheduled for April 28. We really don't have any items for that meeting so, in all probability, April 28 will be canceled but we will send you a confirmation that it is canceled. On May 12, we plan to have a meeting to provide a annual orientation workshop to the members, largely on the planning framework, your roles and responsibilities, you know, various legal requirements, the Sunshine Law, and ethics, rough proportionality, and rational nexus, you know, all those good things, and also about bed and breakfast home permits, short-term rental home permits, and state special use permits, which you may see frequently or may see from time-to-time, as well as some of the SMA assessments that have been submitted. On May 26, we do have a public hearing item, which is on page 3 of 3 of your open Planning Department projects by TMK is the Lanikai, it's halfway down, it's the Lanikai short-term rental home permit application at, by Theresa Thomas, at -- on the east side, so we have a public hearing on that, and we also have training on coastal zone management. So those are the upcoming meetings.

I guess with respect to Commissioner Stephenson's comment on the order, sometimes it's hard to gauge, you know, given the agenda item, like, you know, Joe would -- I mean at the

Maui Planning Commission meeting on Tuesday, there were quite a few people who testified on Council Resolution 16-9, regarding agricultural tourism, so if you do have an applicant here but you have like 15 people that want to testify, you know, it's hard to prioritize. Now, the Commission can change the order of the agenda, amend the order of the agenda, you know, if they feel that there's not a whole lot of people that's going to testify on the public hearing items but, you know, there's Mr. Jones here who's going to wait for a while, until we get to his item, and the Commission can dispose of the item pretty quickly, they could amend the agenda. Questions on that?

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

Mr. Yoshida: Moving to item 3 and item 4. Attached to the agenda is a list of open Planning Department projects by TMK report and also a completed projects by TMK report. This has kinda been a standard report that we give to the Commission because Commissioners want to know like, oh, what's coming up or what's happening on the item, and some of them may be processed administratively, like FDP, flood development permits, you know, our zoning division is going to process administratively, but the Commission just wants to know what kind of permitting activity is occurring on the island so they kinda have a early warning as to what potentially may be coming up in the near or further than near future. So any questions on the existing report that was circulated with this agenda?

Mr. Stephenson: Yes, Clayton. Chair, may I?

Chair Jennings: Yes, you may.

Mr. Stephenson: Clayton, just one question. You said that the upcoming agenda item for the short-term rental home property called "Lanikai," you said that's scheduled for a public hearing. Is the reason that's scheduled for a public hearing that there were comments in objection received when the applicant sent out their application?

Mr. Yoshida: Sybil can answer that question.

Ms. Lopez: Thank you, Commissioner Stephenson. The reason why that it'll be a public hearing on May 26 for the short-term rental, there are more than one short-term rental home permitted within that 500-foot radius. It's located up on the east side where you have all of those multiple short-term rental homes right next to each other, so that's one of them that's in the midst of all of those, those cluster, so that is why you'll be having that public hearing before you.

Chair Jennings: Thank you, Rob. Thank you, Sybil.

5. Meeting Day of the Week for the Molokai Planning Commission meetings

Mr. Yoshida: If there aren't any other questions on either the open or closed Molokai applications report, I guess currently the Planning Commission meets on the second fourth Thursday of the month. Traditionally, since the Commission empaneled in 1989 from the 1988 charter amendment, they met on the second and fourth Wednesday of month, but because of the change, the limitation on transportation options on Wednesday, 'cause the boat doesn't operate on Wednesday, and, you know, due to the Lanai plane crash, and, you know, some people don't like to fly on small nine-passenger planes, it got moved to Thursdays, but the seniors have Mitchell Pauole on Thursday, so we meet here. If we have availability of additional transportation to the island either larger planes flying from Maui to Molokai, or the boat operates on Wednesday, then we may move the meetings back to Wednesday at Mitchell Pauole, but we'll give you at least about 45-day notice because that's our notification for public hearings, but that's kinda why the change occurred. When the Molokai Princess changed their schedule in September that they weren't going to -- they weren't operating on Wednesday, then we had to move the meeting day.

Chair Jennings: Thank you, Clayton. I have a question. Would you -- do you like meeting at 11:00, or is there another time, or later after lunch, or -- 'cause I've been, you know, it's just wanted -- I've been thinking about that and, as a Commissioner, I would just brought it up as a question what you thought about, you know, the 11:00? Any pros? Any no's? Or anything at all? Any discussion on that? Michael?

Mr. Drew: 11:00 is perfect.

Chair Jennings: Okay.

Mr. Racine: Is that also based on transportation to get the staff here in the morning and back again same day?

Chair Jennings: Richelle, she's ...(inaudible)... her head then yeah, I guess that's a yes to that question. I guess the only other question I have too, after we talked about the public on May 26, is it going -- is this facility going to be big enough to have that public testimony, and should we look at maybe getting a different facility, like might be up a Kualapuu or something? That's just a question that I have, and I'll leave it at that, and maybe, Clayton, you can look into that? Again, yeah, it's just a question. Sybil? Clayton? It's just a question I have.

Ms. Lopez: Well, as for public hearing, it's hard to gauge until we come into the public hearing, like for Maui Planning Commission, when the planning commission conference room is too small, they have easy access of going to the chambers, so for us, if we find that it's a standing room only, then we'd probably -- if it's Kalaniana'ole Hall would be bigger, then that would probably be our second, but if -- the question would be its availability. So it's hard to gauge and we wouldn't know until everybody shows up that day.

Chair Jennings: Yeah. Okay. Okay. Like I say, it was just a question I had, so was the question about the time, so okay.

Ms. Lopez: Thank you, Chair.

Chair Jennings: Thank you.

Ms. Thomson: Thanks. Well, I'll be here on -- it looks like we won't have a meeting April 28th, but I'll see you on May 12. The last meeting in May and the first meeting in June, I'll actually going to be on vacation, so the most likely, the person covering for me, will be available by phone, so probably what would work best, if you have questions on this or anything, you can feel free to contact me at anytime, you know, so if you're reading through your packets and you just don't understand something or you want to talk about it, give me a call or send me an email. So I wanted to be sure that you knew I wasn't going to be here just in case you needed something answered in advance.

Chair Jennings: Okay, is there further discussion on anything? Mr. Stephenson?

Mr. Stephenson: I would like to bring up just some food for thought to address a comment that was made from the public earlier about placing a capacity on the number of short-term vacation rentals. I know that that issue came up before the Molokai Community Advisory Committee, and I know the issue also came up before the Molokai Planning Commission during the community plan amendment process. I'd just like to point out that although that may be something that seems favorable to some, there's also the very stark reality that here, on Molokai, we don't have the same opportunities as Maui or Lanai have for visitor accommodations to accommodate overflow, so if we ever get to the point where we recommend and actually pass placing a capacity on the number of short-term rental houses here on Molokai, then that will most certainly set a finite limit on the number of visitors we could ever accommodate from that point into the future. So I just wanted to place that comment out there. Thank you.

Chair Jennings: Rob, thank you for your comment. Any other discussion or anything from anybody? I'd just like to say welcome to the both of you, and I've known you before, and you'll be a big asset to this Commission. And Sybil raised her hand and --

Ms. Lopez: I just wanted to add food for thought kinda on what Commissioner Rob was talking about in regards to the transient vacation rental and because Commissioner Diane brought up the Molokai Beach Cottage so that would probably be something to think about because you will be having, in the future, Molokai Beach Cottages that will be coming into this -- in front of this Commission, and I will try to touch more upon that when I do the orientation on May 12 regarding B&B and short-term rental, maybe we can discuss it there. Would that be okay?

I. NEXT SCHEDULED REGULAR MEETING DATE: April 28, 2016

J. ADJOURNMENT

Chair Jennings: Sybil, thank you. Thank you very much. Okay, if there's nothing else, I want to thank everybody, and again, thank our two new Commissioners, and meeting adjourned.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions

RECORD OF ATTENDANCE

Present

Michael Jennings, Chairperson
Douglas Rogers, Vice-Chairperson
Wiliama Akutagawa
Michael Drew
Lawrence Lasua
Marshall Racine
Robert Stephenson
Diane Swenson

Excused

Billy Buchanan

Others

Joseph Alueta, Administrative Planning Officer
Clayton Yoshida, Planning Program Administrator
Sybil Lopez, Staff Planner, Molokai
Richelle Thomson, Deputy Corporation Counsel