

MOLOKAI PLANNING COMMISSION
SUMMARY MINUTES
AUGUST 8, 2018

[\(HYPERLINK TO AUDIO RECORDING OF THE MEETING\)](#)

A. CALL TO ORDER

The regular meeting of the Molokai Planning Commission was called to order by Chairperson Lori Buchanan at approximately 11:00 a.m., Wednesday, August 8, 2018, at the Kualapuu Community Center, 1 Uwao Street, Kualapuu, Molokai.

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

(Agenda Item B. begins at 00:03:51 of the Audio Recording)

- B. PUBLIC TESTIMONY - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered. **Testimony will be limited to a maximum of three (3) minutes, with 30 seconds to conclude.**

There was no public testimony.

(Agenda Item C. begins at 00:04:48 of the Audio Recording)

C. APPROVAL OF WRITTEN DECISION AND ORDER

1. Proposed Findings of Fact, Conclusions of Law, Decision and Order denying the request of MR. PETER FUKUNAGA on behalf of PETER'S PARADISE, LLC for a Short-Term Rental Home Permit in order to operate Peter's Paradise, a 2-bedroom short-term rental home located in the RU-0.5 Rural District at 10450 Kamehameha V Highway, TMK (2) 5-7-003: 005, Waialua, Island of Molokai. (STMO T2017/0011) (S. Lopez)

The Commission may take action to adopt, adopt with modifications, or take some other action regarding the proposed Findings of Fact, Conclusions of Law, Decision and Order.

(A Motion was made at 00:19:11 of the Audio Recording)

It was moved by Commissioner Laakea Poepoe, seconded by Commissioner John Sprinzel, to adopt the written decision and order with the added amendment, as discussed.

(A Motion was made at 00:22:10 of the Audio Recording)

It was moved by Commissioner Laakea Poepoe, seconded by Commissioner John Sprinzel, then

(A Vote was taken at 00:22:35 of the Audio Recording)

VOTED: to amend the Findings of Fact, Conclusions of Law, and Decision and Order as follows: That item no. (7), on page 7, be reworded as follows: "The number and substance of protests to the short-term rental home application and protests related to the cumulative short-term rental homes in the neighborhood or area, as evidenced by conclusions of law no. 21," and that the reworded item no. (7), on page 7, be added to item no. 21, on page 5.

(Assenting: L. Buchanan, L. Espaniola, L. Lasua, W. Moore, J. Perez, L. Poepoe, J. Sprinzel)

(Excused: J. Pele, J. Nuesca)

(A Motion was made at 00:23:18 of the Audio Recording)

It was moved by Commissioner Laakea Poepoe, seconded by Commissioner Sprinzel, then

(A Vote was taken at 00:23:47 of the Audio Recording)

VOTED: to adopt the Findings of Fact, Conclusions of Law, and Decision and Order as amended.

(Assenting: L. Buchanan, L. Espaniola, L. Lasua, W. Moore, J. Perez, L. Poepoe, J. Sprinzel)

(Excused: J. Pele, J. Nuesca)

(Agenda Item D.1. a., b., and c. begins at 00:24:07 of the Audio Recording)

D. UNFINISHED BUSINESS

1. Letter dated July 25, 2018 from applicants JIM SHERRELL and KAAREN SHERRELL to LINDEN JOESTING, Hearings Officer, withdrawing their Short-Term Rental Home Permit application.
 - a. MR. JIM SHERRELL requesting a Short-Term Rental Home Permit in order to operate the Pukoo Polynesian STRH, a three-bedroom

short-term rental home, located at 8778 Kamehameha V Highway, TMK: (2) 5-7-007:008, Pukoo, Molokai. (STMO T2016/0007) (S. Lopez) (The public hearing began on June 14, 2017 and was closed on June 28, 2017. On June 28, 2017, the matter was deferred to the August 9, 2017 meeting. On August 9, 2017, the matter was deferred to the September 27, 2017 meeting. On September 27, 2017, the Commission deferred action on the request until after the contested case hearing process has been completed.) This application was brought for review to the Molokai Planning Commission because there are at least two (2) permitted short-term rental home operations located within 500 ft. of the subject property.

- b. Intervention request by SHANE PALE on behalf of the NATIVE TENANT KULEANA LANDOWNERS of Pukoo, Molokai, Hawaii TMK (2)5-7-007: 0560000, TMK (2) 5-7-007:0470000, TMK (2) 5-7-007:0140000 on the Pukoo Polynesian Short Term Rental Home Permit application received by the Planning Department on August 29, 2017.

At its September 27, 2017 meeting, the Molokai Planning Commission granted the intervention request from SHANE PALE on behalf of the NATIVE TENANT KULEANA LANDOWNERS.

- c. Selection by the Molokai Planning Commission of LINDEN JOESTING as Hearings Officer at the January 10, 2018 Molokai Planning Commission meeting.

The notification of the withdrawal of the Applicant's Short-Term Rental Home application is provided for the Commission's information. No Commission action is needed.

Staff Planner, Sybil Lopez, presented the letter dated July 25, 2018 from Jim Sherrell and Kaaren Sherrell, applicants, to Linden Joesting, Hearings Officer, withdrawing their application for a short-term rental home permit, for the Commission's information. No action was taken.

(Agenda Item E.1. begins at 00:26:58 of the Audio Recording)

E. COMMUNICATIONS

1. DEBORAH AND BRUCE SHEPARD submitting an after the-fact Special Management Area assessment (SMX) application for reroofing of a 2,566

sq. ft. single-family dwelling, partitioning to add 2 bedrooms, laundry room, electrical closet, and pantry, all within the original dwelling footprint, applying 3,000 sq. ft. of red cinders for ground covering; construction of a 64 sq. ft. gazebo, and remodeling, repairs and maintenance to a single-family dwelling located at 242 Ilio Road, Ranch Camp Subdivision, Kaunakakai, Molokai TMK: (2) 5-3-008:051 (SMX 2018/0015) (Valuation: \$150,000)(S. Lopez) (the commission deferred at the April 25, 2018 meeting and voted to not waive its review at the May 9, 2018 meeting)

The Commission may take action to determine that either the proposed action is an SMA exemption, or that it is a development and requires an SMA minor permit. If the Commission determines that the proposed action is a development, the Commission may take action to approve a minor permit.

(A Motion was made at 01:24:08 of the Audio Recording)

It was moved by Commissioner John Sprinzel, seconded by Commissioner Leonora Espaniola, then

(A Vote was taken at 01:27:09 of the Audio Recording)

VOTED: to accept the Planning Department's recommendation for an SMA exemption for item. E.1.

(Assenting: L. Espaniola, L. Lasua, W. Moore, J. Perez, L. Poepoe-Abstain, J. Sprinzel)

(Dissenting: L. Buchanan)

(Excused: J. Pele, J. Nuesca)

(Agenda Item F.1.a. begins at 01:28:22 of the Audio Recording)

F. DIRECTOR'S REPORT

1. MS. MICHELE MCLEAN, 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 is therefore exempt from the requirements of the Molokai Planning Commission's Special Management Area Rules:

- a. MS. JENNIFER SCHEFFEL, on behalf of MR. WILLIS CHOY, SUCCESSOR TRUSTEE OF THE GARY O. GALIHER TRUST,

is submitting a Special Management Area (SMX) assessment application to replace existing wood shake roofing with corrugated metal roofing on two existing structures, an approximately 4,224 sq. ft. bank building and an approximately 2,040 sq. ft. civic building, both located in the Kaunakakai Country Town Business District at 130 Ala Malama St., Kaunakakai, Molokai, TMK (2) 5-3-002:001 (SMX 2018/0204) (Valuation: \$313,000) (S. Lopez)

The Commission may take action to waive or not waive its review.

(A Motion was made at 01:33:40 of the Audio Recording)

It was moved by Commissioner Laakea Poepoe, seconded by Commissioner John Sprinzel, then

(A Vote was taken at 01:34:03 of the Audio Recording)

VOTED: to waive its review of item F.1.a.

(Assenting: L. Buchanan, L. Espaniola, L. Lasua, W. Moore, J. Perez, L. Poepoe, J. Sprinzel)
(Excused: J. Pele, J. Nuesca)

(Agenda item F.1.b. begins at 01:34:23 of the Audio Recording)

- b. MAUI ELECTRIC COMPANY is submitting a Special Management Area (SMX) assessment application for the construction of a new metering equipment and electric vehicle (EV) charging station which includes 72" long by 9" wide by 42" deep excavation to install utility lines located on a portion of County of Maui Right of Way, TMK (2) 5-3-005:999, fronting 40 and 56 Ala Malama St., Kaunakakai, Molokai, (SMX 2018/0201) (Valuation: \$150,000) (S. Lopez)

The Commission may take action to waive or not waive its review.

(A Motion was made at 01:57:13 of the Audio Recording)

It was moved by Commissioner Laakea Poepoe, seconded by Commissioner John Sprinzel, then

(A Vote was taken at 01:58:15 of the Audio Recording)

VOTED: to waive its review of item F.1.b.

(Assenting: L. Buchanan, L. Espaniola, L. Lasua, W. Moore, J. Perez, L. Poepoe,
J. Sprinzel)
(Excused: J. Pele, J. Nuesca)

(Agenda item G., 1 through 6, begins at 01:58:34 of the Audio Recording)

- G. ORIENTATION TRAINING NO. 1 (previously scheduled for the April 11, 2018 meeting but meeting was canceled due to lack of quorum,)
1. Roles and Responsibilities
 2. County Policy Against Discrimination
 3. Planning Framework
 4. Zoning
 5. Short Term Rental Home and Bed and Breakfast Home Permitting
 6. Land Use Commission Special Permit

Staff Planners Ann Cua and Sybil Lopez conducted the Orientation Training on items 1 through 7. No action was taken.

7. Sunshine Law
8. Ethics
9. Contested Cases
10. Property Rights
11. Rational Nexus and Rough Proportionality

Due to time constraints, items 7 through 11, of the Orientation Training, was deferred.

(Agenda item H., 1 through 4, begins at 04:18:03 of the Audio Recording)

H. DIRECTOR'S REPORT

1. 2019 Calendar Year Meeting Schedule
The Commission may act to approve or modify the proposed schedule
2. Pending Molokai Applications Report generated by the Planning Department with the August 8, 2018 Agenda Packet (Appendix – A)
3. Closed Molokai Applications Report generated by the Planning Department with the August 8, 2018 Agenda Packet (Appendix – B)
4. Agenda Items for the August 22, 2018 meeting

Mr. Clayton Yoshida presented the Director's Report. No action was taken.

I. NEXT SCHEDULED REGULAR MEETING DATE: AUGUST 22, 2018

J. ADJOURNMENT

The meeting was adjourned at approximately 3:30 p.m.

Submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE:

Present:

Lori Buchanan, Chairperson
Lawrence Lasua, Vice-Chairperson
Leonora Espaniola (Excused from Meeting at 3:10 pm)
William Moore
John Perez, III
Laakea Poepoe
John Sprinzel (Excused from Meeting at 2:00 pm)

Absent(A)/Excused(E):

Jaylene Nuesca (E)
John Pele (E)

Others:

Clayton Yoshida, Planning Program Administrator, Current Division, Dept. of Planning
Ann Cua, Staff Planner, Current Division, Dept. of Planning
Sybil Lopez, Staff Planner, Molokai, Current Division, Dept. of Planning
Mimi Desjardins, Deputy Corporation Council, Dept. of the Corporation Counsel
Suzette L. Esmeralda, Secretary to Boards & Commissions II, Current Division, Dept. of Planning