

**MOLOKAI PLANNING COMMISSION
REGULAR MINUTES
JUNE 14, 2017**

•• All documents, including written testimony, that was submitted for or at this meeting are filed in the minutes' file and are available for public viewing at the Maui County Department of Planning, 2200 Main St., Suite 315, Wailuku, Maui, and at the Planning Commission Office at the Mitchell Pauole Center, Kaunakakai, Molokai. ••

A. CALL TO ORDER

The regular meeting of the Molokai Planning Commission was called to order by Chairperson Robert Stephenson at approximately 11:05 a.m., Wednesday, June 14, 2017, at the Kalaniana'ole Hall, 605 Maunaloa Highway, Kalamaula, Island of Molokai.

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

Chair Stephenson: Good morning, everyone. We'd like to call the June 14, 2017 meeting of the Molokai Planning Commission to order. I want to say welcome to everyone for coming here, welcome to our neighbors, to our friends, to our family. For those that were here last meeting, thank you for participating in the process in an open, in an honest and respectable way. It was a great example to help set the tone for today. So I'd like to go over some ground rules, like we did last time.

First, and foremost, let's all remember to be respectful with one another. Nobody here is the bad guy. We all may have our differences but we have far more in common. In fact, the reason that we're all here, you folks here and those of us sitting at this table, is because we all, together, care passionately about our community. This community we all share together. This incredible place that we call home.

Our children and our grand-children attend school together. We go to church and we worship together. Our families compete on the baseball diamond but they come together afterwards in celebration. We see one another in the same grocery store, at the bank, at the post office, the airport, and in most every aspect of our daily lives. We share the happy moments together attending weddings and baby parties and luaus, and we share in the sadness when loved ones are lost where together we attend funerals and celebrations of life. We're all connected on so many levels. We help one another in times of need without ever thinking about who has taken which side on any particular issue, that's who we are, and these are some of things to keep in mind as move through today's proceedings.

We all have different areas of expertise, and different areas where our passions lie, and because of this, we have a unique opportunity to truly learn from one another if we take the time to listen with sincere interest and intent.

Today the Commission is going to discuss some items that some in the community feel very passionately about. Please understand that each of us up here, who sit at this table, are here to listen and consider your testimony. Nothing is personal. We must consider all the items that come before us including your testimony. It all matters.

For public testimony, please, today, testify only the agenda item which you're testifying. Please state your name and the agenda item you're testifying on, and we ask that you keep it to a three-minute limit. If you haven't finished by that time, then additional 30 seconds will be given to wrap up your testimony. After everyone has finished testifying, you may have an additional two minutes to conclude your testimony. Please remember this is not a question and answer session. We can only take testimony. The Molokai Planning Commission rules don't allow it, and this is the same for all boards and commissions in the County of Maui, and please limit your testimony only to the agenda item you're testifying on. Please remember to address the Commission, not individual members. The Molokai Planning Commission will not tolerate any personal attacks or personal derogatory comments, and the Molokai Planning Commission will not tolerate any disruptive behavior and we'll recess the meeting if necessary. Please keep in mind the only thing the Commission has authority over are the items that come before it. Many issues raised in the past, and I'm sure some that will come up today, are not under the authority of the Molokai Planning Commission. They're better addressed to the County Council or the Department of Planning. If you have any questions afterwards, please direct them to the Planning Department staff or the appropriate people.

So today we're going to take the agenda items one by one, and we ask that if you want to testify about a particular agenda item, please hold your testimony until we reach that agenda item. If you're unable to stay through the agenda until the item is heard, then you may testify in the public testimony portion coming up very shortly. Please remember that if you do so, you will not be able to testify on the same agenda item again when it comes up on the agenda.

So with that, we'd like to, again, welcome everyone here and recognize everyone who is here. First of all, I see Aunty Stacy Crivello, our Council Member, from the County of Maui, is here. Thank you, Aunty Stacy, for being here. She -- has she been -- I saw her. There she is. She's signing in. Also with us today is Department of Planning Director, Mr. Will Spence. Thanks for being here, Will. And then we have Clayton Yoshida, from the Planning Department. We have Sybil Lopez, the Staff Planner for Molokai. We have Suzie Esmeralda, who is with the Planning Department. We also have Corporation Counsel, Jennifer Oana. Commissioners present today we have Mr. John Pele, Lawrence Lasua, Wiliama Akutagawa, and our newest addition to the Commission and welcome back, Ms. Lori Buchanan, and myself, my name is Rob Stephenson. So again, thank you very much for being here today.

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.

Chair Stephenson: So, at this moment, we're going to open the public testimony for anyone who cannot stay for the agenda items, but please remember, if you'll be here for the agenda items, please hold your testimony until then, so we'd like to open public testimony at this point if anyone would like.

Ms. Buchanan: Chair Stephenson, I had a question about public testimony.

Chair Stephenson: Yes?

Ms. Buchanan: You stated in your opening remarks that public testimony was limited only to agenda items and please forgive me 'cause I'm new to the Commission, but in the past, the item B of Public Testimony was on any -- any items of concern to this community. Has that changed?

Chair Stephenson: We'll let Corporation Counsel answer that. Thank you for the question.

Ms. Oana: I'm not sure how the Commission was operating previously, but under the Sunshine Law, it is -- it is under the Sunshine Law that we get that from that all public testimony shall be relevant to an item on the agenda.

Ms. Buchanan: Then a follow-up question would be that the Molokai Planning Commission is the entity that hears concerns from this community on items that concern planning, so it's my understanding that at this time is the appropriate time for the public to comment on items regarding planning on the island of Molokai as well as other community concerns not specifically on agenda items.

Ms. Oana: I think if anybody has a concern, they can direct their questions to the Planning Department and they can place it on the agenda. They can also contact Commissioners individually and the Commissioner can contact the Department to place items on the agenda as well.

Ms. Buchanan: Also following up on that, thank you, Chair, as a new member, I'm kinda sad to hear that; that that item has changed; that it doesn't give my community an opportunity to share their concerns to the people who represent them on this Commission, and I hope that that will change, and if I get chance to read the municode, 'cause I couldn't

open it, I really hope that the Chair will accept all public testimony at this time and then later at the agenda items. Thank you very much.

Chair Stephenson: Thank you very much. So we are in the public testimony portion right now for anyone who would like to testify on an agenda item that's not able to stay for the agenda item. Okay, seeing none, we're going to close public testimony.

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

Chair Stephenson: I'm -- oh, pardon me. Yes, so we have the public testimony portion at the beginning is to allow for folks who cannot stay for the individual agenda items, and just for the ease of directing the meeting, if people are going to be here during that agenda item, we ask that they provide testimony during that agenda item, but anyone who would like to testify now may, but they may not -- but if someone testifies now, they're not able to testify on the agenda item when it comes up unless new or additional information will be offered.

Ms. Buchanan: Chair, I had a question for Corporation Counsel.

Chair Stephenson: Sure.

Ms. Buchanan: Under item B., Public Testimony, it says, the last sentence, "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." So my question to Corporation Counsel: Is that by purview under Robert's Rules of the Chair or is that offered up in the administrative rules?

Ms. Oana: Under the Sunshine Law, like I just stated, and it is State law, and that's where we get these rules that say that all testimony shall be relevant to the Sunshine Law meeting agenda. Now, public testimony is allowed right now under section B. What the Chair is proposing, because we have three items on the agenda, to make it easier for the Commission to listen and hear the testimony and use it in their discussion while discussing and deliberating on these three items, it may be easier for the Commission to hear the testimony at that time instead of hearing some in the beginning and then some later. So this is just a preference to make it easier for the Commission to hear and evaluate all the information. So public testimony is not disallowed right now, and it is not disallowed when the item comes up; it's just for ease in a workable fashion. So you may testify now, or you may testify when the item comes up. It's entirely up to you. With regard to you may testify now but not later, you can testify later, if you've previously testified, if there's new or additional information. What we don't want is duplicate of

information and a waste of time, so that's really where the new information, new or additional information comes up. You may testify now. You may testify again later if you have new or additional information that you haven't previously stated.

Ms. Buchanan: Chair? Thank you, Corporation Counsel --

Chair Stephenson: Yes, Lori?

Ms. Buchanan: For that explanation. So my understanding, from what you just said, is item B, as listed, is at the discretion of the Chair?

Ms. Oana: It is at the discretion of the Chair as long as public testimony is allowed at some point in the meeting for the agenda items.

Chair Stephenson: Thank you. Thank you, everyone. So I guess last call for public testimony at this time? Okay, seeing none, then we shall close public testimony.

C. INTRODUCTION OF NEW MEMBER – LORI BUCHANAN

Chair Stephenson: Agenda item number -- letter C, Introduction of New Member - Lori Buchanan. I'd like to welcome Lori Buchanan as a new member to the Molokai Planning Commission. I believe Lori has served either two or three previous terms, is that correct? Maybe two. Okay. Well, we appreciate the wealth of knowledge and you being here to be able to share those years of knowledge with us.

D. APPROVAL OF MINUTES OF THE MARCH 23, 2016 and MARCH 24, 2016 SPECIAL MEETINGS

Chair Stephenson: Our next item, item no. D -- item letter D, pardon me, is the approval of minutes of the March 23, 2016 and March 24, 2016 special meetings. I would entertain a motion.

Mr. Pele: Chairman, I move that we approve March 24, 2016 and March 23, 2016 minutes as presented.

Chair Stephenson: Motion by John Pele. Second?

Mr. Lasua: Second.

Chair Stephenson: Second by Lawrence.

Ms. Buchanan: Chair, can we have discussion?

Chair Stephenson: Second by Lawrence Lasua. Any discussion, please?

Ms. Buchanan: Yeah. So I was not at that meeting so I won't be voting on this motion to approve because I wasn't present at that meeting. Thank you.

Chair Stephenson: Okay, thank you very much. Then if there will be an abstain of vote -- pardon me. One moment please. Okay, so just for clarification, members who weren't present, which may be several of us up here, may still vote because it's a continuation of the body, which is the Molokai Planning Commission, but you may choose not to vote in which case it will be counted as an affirmative vote, or you can recuse yourself from voting in which case we would have to defer the item to a later date. So would you be abstaining or recusing?

Ms. Buchanan: So we're still in discussion?

Chair Stephenson: Yes.

Ms. Buchanan: So I'm going to abstain because it would be difficult for me to read the minutes, which I have, and actually know if it was true or false because I wasn't there, so I cannot vote. So if you want to count it as an abstention so we can continue, then I'm okay with that. Thank you.

Chair Stephenson: Okay, thank you. Any further discussion? We'll call for the question. All in favor of the motion to approve the minutes of March 23, 2016 and March 24, 2016 special meetings, say aye? Any opposed? Motion carries. Thank you. And one abstention.

It was moved by Commissioner Pele, seconded by Commissioner Lasua, then

VOTED: to approve the minutes of the March 23, 2016 and March 24, 2016 Special Meetings.

(Assenting - W. Akutagawa; L. Lasua; J. Pele; R. Stephenson)

(Abstain - L. Buchanan)

(Excused - X. Bicoy; W. Buchanan; M. Drew)

E. PUBLIC HEARING (Action to be taken after public hearing.)

- 1. MR. WILLIAM SPENCE, Planning Director transmitting Council Resolution 17-74 referring to the Molokai Planning Commission a**

Proposed Bill to amend the Comprehensive Zoning Ordinance relating to Short-Term Rental Homes on Molokai. (RFC 2017/0064) (S. Lopez)

Chair Stephenson: So next item agenda, item agenda E, we have two public hearing items on the agenda today, and we would like to turn the item description over to, since we have Mr. Will Spence here with us today, it's a rare treat, and we're grateful that you took the time and effort to come over, that, Will, would you mind introducing this next public hearing item?

Mr. Spence: Thank you, Mr. Chairman. This is a transmittal of a County Council Resolution to establish caps for -- on the number of short-term rental homes that can be permitted on the island of Molokai, so I trust that, you know, the Commissioners have had chance to review this, so just as -- so everybody knows, as Planning staff, when you go and you pass a law affecting the zoning code, it has to go to the Planning Commissions, normally we go to all three, this particular one just affects Molokai, so we're bringing it to the Commission for their review, for public testimony, and the Commission's recommendation back to the County Council.

Chair Stephenson: Thank you very much, Will. So who was going to give the presentation? Okay, Sybil. We'll turn it over to Staff Planner, Sybil Lopez, to give the presentation on this public hearing item.

Ms. Lopez: Thank you, Chair. I am Sybil Lopez. The Molokai Planner. I am assigned to this Resolution 17-74. We do have Councilwoman Stacy Crivello Helm here today to do, if the Commissioners welcome Miss Council Member to do a presentation 'cause she's also on the list to testify as well. I will begin. It's a short presentation, and if the Commissioners do allow her, she can do the presentation after I present. Okay?

Chair Stephenson: That'll be just fine. Thank you.

Ms. Lopez: Thank you. So the public hearing is on our Resolution 17-74. It's a proposed bill to amend the short-term rental homes on Molokai. So, basically, it's a pure summarization, so the short-term rental on Molokai, currently, how it looks is the request is to put them in districts, so we've got west, central, and we got east. So, currently, the permitted short-term rentals on Molokai, on the east end, we have nine; central, we have seven; and west, we currently have five. The pending for short-term rentals on Molokai, a total of six on the east side, we have a total of 2 on the west side, and we have no pending short-term rentals in the central district, however, we do have one permitted bed and breakfast in central, and one pending bed and breakfast in central district.

So I just wanted to depict breaking up those districts 'cause it specifically states in the proposed bill the dissection of where east lies, where central lies, and west lies, so you can't see the color, so I did it by pink, yellow, and orange. So pink represents the East Molokai, which you see Makolelau to Halawa, then you see central, the yellow, which is green, from Kawela to Kahanui, Kahanui to Palaau, and then you have the west, which is the whole Kaluakoi ahupua`a, and in those little excerpts, you see -- you notice I just stated for East Molokai the permitted nine, the pending six, for central, you have the permitted seven, I did add the permitted B&B and the pending under central district, and then for West Molokai, you have the permitted five and the pending two, and the pending two will be presented to you in the public hearing for June 28.

So the Resolution No. 17-74, the proposal is for a total of 40. Right now, as we stand, we have no cap for the island of Molokai for short-term rentals as well as no cap for the bed and breakfast, so the proposal is for 40 for the island of Molokai, 15 for the west -- so I wanted to add to just keep in mind the permitted are in white, the pending are in stripes, and as it comes up, this is the proposed, so 10 in central, and we have 15 on the east side. And, basically, that's it for now, so I would like -- if the Commission wants, I have Council Member Stacy Crivello Helm to do a little bit more explanation regarding Resolution 17-74. Thank you. And I do have testimonies that came to me written, so I'll be passing them out while she talks 'cause they couldn't be here today.

Chair Stephenson: Thank you, Sybil. Thank you, Aunty Stacy. Thank you for being here.

Council Member Stacy Crivello: Hi. Council Member Stacy Crivello.

Chair Stephenson: Thank you, Council Member Stacy Crivello. Thank you.

Council Member Crivello: Thank you, Chair. I'm Stacy Helm, Council Member Stacy Crivello, and I'm here on behalf of support of the Resolution that -- on behalf of your Council Member helped to -- well, authored so that we can at least start capping our short-term rentals. So as your Planner, Staff Planner Sybil Lopez mentioned, we're putting a cap, and it may be reactionary, Chair, to the I would call it a "tsunami" that's happening especially out in the east side, and I would be testifying later, probably as a -- wearing couple hats, but I would ask you that you consider putting this cap now because if you don't put on the cap, and I want members to hear this, the community members, if the cap is not passed from the Molokai Planning Commission, the door's wide open, they can continue to add and have more applications. Like it was mentioned, we have nine permits, we have nine legal STRs, we have six going through the application right now. If this does not pass, there's no cap. We're back to the original. Go for it. Go for it, and that's going to already affecting, to me, our neighborhoods. I can appreciate those that are going through the legal permitting process, but there's gotta be a limit to what we want to allow to change. So I'll save the rest for my testimony, but, you know, if you look at

Maui, in itself, look at Maui, that's a big island compared to our area, and you have Hana, 30, there's a 30 cap; Kihei-Makena 100; Makawao-Pukalani-Kula 40; Paia-Haiku 88; Wailuku-Kahului 36; West Maui 88; even 40 for us is, to me, quite a bit, but I am respecting the applicants that are going through the process right now and see how we can support. There are some members in the East End community that may not necessarily support this Resolution, they are looking for other kinds of -- probably zero, or whatever, I'm not sure, and that's prerogative, I just -- and I'm sure you're aware, and the Director will confirm that, that if this does not pass, the tsunami will break through the reefs and everything else, and then there goes what I call "Manae." You talked about Molokai, I'll talk about it when I'm ready to testify. Thank you.

Chair Stephenson: Thank you, Council Member Crivello. Council Member Crivello, I have one quick question, and this is more of a procedural question. If for whatever reason the Molokai Planning Commission is not able to come to a decision on this, is the Council able to take action on this without the recommendation of the Commission?

Council Member Crivello: We may.

Chair Stephenson: Okay.

Council Member Crivello: We may, but this at least let people know that don't go buying places thinking you're going to convert it to short-term rentals, at least we're giving up the heads up for the so-called "investors," in my opinion, and at least the neighboring residents -- residents know what's going on.

Chair Stephenson: Okay. Thank you. At this point -- at this point, we would like to open the public hearing on agenda item - where are we - agenda item E.1. So we have a list of people here that have signed up to testify, so out of respect for those who came to place their name, we'll call everybody by name first, and then those who didn't sign up who want to testify, may testify on this. So Jeff Patnoe. Is Jeff Patnoe in the audience? Okay, I guess Jeff isn't here. The next person we have is Juan Alcon, Jr.

Mr. Juan Alcon, Jr.: Good morning, Chairman. My name is Juan Alcon, Jr. I'm here to support Jim Sherrell and Kaaren Sherrell's Pukoo Polynesian short-term rental for various reasons. Number one, just like the condos and hotels that come here, the people who rent condos or rent hotel rooms, they bring in new money to Molokai, new money meaning other than what we have here from our constituents from the people who live here on Molokai for economic reasons - air, car, gas, utilities - that the new clients come to Molokai to pay help support and keep our people, who are employed, employed at the supermarkets, the bars, the hotels; they also utilize the tourist activities, Halawa Cultural Valley Tours, or if they have fishponds and they do tours at the fishponds, they have calabash bowls out there that they put money in to help support whoever is doing the

tours; real property taxes, clients who own property here pay real property taxes go into the general fund that goes to capital improvements or what you guys see already, the new roads that we have up in the Ranch Camp area, but also out Mana'e, we have new roads out there, new surfacing. These clients, Jim and Kaaren, pay real property taxes that help to put money back into the community by their real property taxes. Traffic problems. There is no traffic problems. They put food on the table, clothing on the back of the kids who are employed -- whose parents are employed. They participate in nonprofit venues - Nature Conservancy, Molokai Land Trust. They even showed up the Ka Hula Piko event; the Hoomau event; the Saturday markets. They pump their hard-earned money into our island community to support those people who are employed to put new money back into Molokai. Therefore, as a result of all of this, I do support. I hope you will approve the issuing of the permit for Jim and Kaaren Sherrell, Pukoo Polynesian short-term rental. Thank you.

Chair Stephenson: Thank you very much, Mr. Alcon. Any questions for the testifier? Okay, seeing none, thank you. Thank you very much. And, pardon me, it was my -- my error, we need to make sure that if you're coming up, this is the portion for the short-term rental home bill that Council Member Crivello presented to put a capacity. So the next person we have -- so, Commissioners, please take that testimony into account for the next agenda item. The next agenda -- the next testifier we have down is Harley Tancayo, but, Mr. Tancayo, would this be for the first agenda item or the next agenda item? For the short-term rental home law bill or for the Sherrell?

Mr. Harley Tancayo: ...(inaudible - not speaking into the microphone)...

Chair Stephenson: Okay.

Mr. Tancayo: Hi. My name is Harley Tancayo. I pick-up a lot of people every single day, and I take them to illegal rentals, not for throw anybody else on the bus, but I taking the people - I've been doing this for almost 15 years, and I taking them to places that people no even know that was one rental already, never have no affect on nobody. I believe there should be one cap, but I also seen people putting things on social media and stuff, just like discriminating against the Sherrells when the only they trying to do is make it legal, and especially on the East End, I mean you get all over, you get 'em on the West End, all this vacation rentals, but to pick on one person, that is wrong. I don't know what else to say just -- I just support them on their vacation rental and that's it.

Chair Stephenson: Thank you, Mr. Tancayo. So just -- just one question. Any -- and then I'll allow the other Commissioners to ask questions, so you're, as far as the short-term rental home bill, you're in support of the bill as us presented to put a cap on the number of short-term rentals or in opposition to that?

Mr. Tancayo: I'm Molokai first, you know, and I support them on their short-term rental, but then I take people to so many places for how many years that people never even know that that's one vacation rental, and I still do, you know, and yeah, you know, just -- I take people to houses like, whoa brah, I never know you rent out your house. You know what I mean?

Chair Stephenson: Thank you very much.

Mr. Tancayo: So I don't know if that's, you know, I support these guys, they're trying to make it -- doing the right way and doing it the legal way when you get all these people out here they just come over here trying to make money off of -- you know, we gotta go forward on Molokai but at the same time we gotta -- we cannot fight all the battle. You just -- we gotta, you know -- I just all emotional about this because I first on Molokai, you know, and -- but I love my family, and I love the Sherrells, and I know them all my life, they seen me grow up, and for no say that they cannot when everybody else out there doing 'em illegal, when all they trying to do is make it legal, pay their taxes, do things the right way, but then we no need one Kailua, but people no understand one Airbnb and one vacation rental you get -- that's two different things that, you know. You get all these rules you gotta by with one short-term rental. That's not one hotel, you know. I no see the impact right now but -- and that's how I going leave 'em.

Chair Stephenson: Thank you very much. Commissioners, any questions for the testifier?

Ms. Buchanan: I sorry, I had one question. Harley?

Chair Stephenson: Mr. Tancayo?

Ms. Buchanan: Aunty Lori had a question for you. Thank you for your testimony. You said that you pick up people all the time, and so your profession is what?

Mr. Tancayo: I one taxi driver/aloha, you know, people on Molokai, but where anybody else's job get to, every single day, be one warrior for our island? I get guys come over here tell me, oh, you guys don't have one Wal-Mart? You don't have a this? I say, brudda, you stay on the wrong island. You know what, you ask anybody at the airport, I turn 'em around, I think you gotta get back on the plane because this is Molokai.

Ms. Buchanan: Okay.

Mr. Tancayo: You know.

Ms. Buchanan: So you said that you pick up people and take them to illegal rentals all the time, a lot, and that is widespread? Yes? The answer is yes?

Mr. Tancayo: Yes.

Ms. Buchanan: So what you think about that?

Mr. Tancayo: I no think that's right. If you going play the game, at least play on the same field, you know, if you guys no understand what I talking about, make it legal, but we no need --

Ms. Buchanan: You think -- you think the County should do something about those illegal rentals?

Mr. Tancayo: Yeah.

Ms. Buchanan: Like what?

Mr. Tancayo: I mean you can just go online you can see 'em all da kine ...(inaudible)...

Ms. Buchanan: Okay. So you think we should have enforcement for those illegal rentals?

Mr. Tancayo: Yes.

Ms. Buchanan: And so the permitted rentals should be permitted and the illegal rentals should have enforcement?

Mr. Tancayo: Yeah.

Ms. Buchanan: Okay. You also mentioned that the difference between Airbnb and hotels and do you realize -- are you familiar with zoning and the appropriate use of zoning with hotels, in reference to hotels and short-term rentals?

Mr. Tancayo: I don't know ...(inaudible)...

Ms. Buchanan: Okay. Yeah. No, I really appreciate you telling us that get plenty illegal rentals and that you think it should be enforced, but that's good for me now. Thank you very much. I wanted to just make sure that what I heard was correct. Thank you.

Chair Stephenson: Thank you. Any other questions for Mr. Tancayo? Okay, seeing none, the next item on the agenda -- I'm sorry, the next name on the list to testify is Kaaren Sherrell and, Kaaren, would that be for the agenda item for the Sherrell approval? Okay,

so we'll wait till that one. The next one we have is Ms. Patricia Crandall, and, Patricia Crandall, is that for this agenda item? Okay, please come forward. Thank you. And please state your name for the record.

Ms. Patricia Crandall: Everyone I think has my -- excuse me, my name is Patricia Crandall. I reside at 4670 Pohakuloa Road, Maunaloa, Hawaii. I live in the ranch lands, the Papohaku Ranch Lands, and my comments today address primarily to the allocation of short-term rentals in the ranch lands and the impact of that on our subdivision. There are 274 lots designated for single-family homes on agricultural lands in that subdivision, and, to date, there are pending or approved nine rentals already, and the interesting thing about the allocation, which is shown on the map, and I'll point it out here in a little bit, this is Papohaku Beach Park. You see the big white sand? That's Papohaku Beach Park. Fifty-six lots in the Papohaku subdivision are oceanfront lots. Half of them are built on; the others are vacant. What we have created already are large short-term rental housing proliferating on a beach which is separated or separated on land, which is separated from the ocean side by a conservation easement intended to protect that entire area. I brought with me the preservation plan that was created many years ago, and some of you are familiar with it, which talk about the significance of that part of Molokai, the importance of it, and the need to preserve it. And those of us who live here fulltime, who don't rent our houses, who live in single-family dwellings, are trying very much to keep it pristine and what it is intended to be. But the allocation of 15 short-term rentals so far have existed entirely on that ocean side property with two exceptions: one is a pending one just off the ocean, and the other is grand-fathered in and isn't shown statistically on what was presented today. It's grand-fathered in, I guess for four bedrooms, and it rents for upwards of \$5600 per week. Many of these rental houses, they're large. They're two, three and - I know we only have three as a max but they range in prices. They generally start at about \$300 a night. You can do the math. This is big money. And what's happening is off-island, out of Hawaii companies are coming in because the money is so humongous if you want to convert it or keep it as a short-term rental. I have more details in my written testimony but time is short.

Chair Stephenson: Just about another 30 seconds to wrap it up, please.

Ms. Crandall: Thirty seconds. Okay.

Chair Stephenson: Thank you.

Ms. Crandall: Okay, so not only does the continued proliferation of short-term rental housing threaten the coastal line, but also the rural residential property. Additional demands will be made on police and fire protection. Papohaku Ranch Lands does not employ its own security force. The roads are private roads in dismal condition and the increased use of them is going to make them worse. There's no sewage treatment plant

for this subdivision. Each home has its own private septic system. There's -- these systems were not designed to accommodate the nature of these rentals. And most importantly, large short-term rental use will inevitably degrade the coastline over time, negatively impact sustainable fishing, and make the coastline less desirable for monk seals, turtles, seabirds, and native vegetation. As far as economic impacts, short-term rentals generally discourage the development of hotels and resorts properly planned and zoned. As you know, just to the north of the ranch lands are three condominium projects designed just exactly for what they're being used for. They have their own sewer system; they rent out; they keep plenty of tourists to fill up our beaches. We don't need to ruin the lives of people who come here to live full-time in a development designed for single-family rentals and now being converted with money, by the way, it's not kept here. I mean give me a break. That \$5,000 a week goes to the Mainland and a few people --

Chair Stephenson: Thank you --

Ms. Crandall: Keep the money. Thank you.

Chair Stephenson: Thank you, Ms. Crandall. Ms. Crandall, we appreciate your remarks -- your remarks very much. In the -- to respect everyone's time, we'll let everybody testify, and then if you have some more, you'd have another two minutes afterwards too to wrap it up.

Ms. Crandall: Okay. Thank you.

Chair Stephenson: And do we have any questions from the Commissioners to the testifier please?

Ms. Buchanan: Chair, I have a question. Thank you for your testimony. I was trying to read it really fast as it was handed out, but I missed something in your testimony, and the number that you were quoting wasn't matching what I was reading. When you said along Papohaku coastline that half -- half of the lots were already being rented out, I don't understand.

Ms. Crandall: Okay, let me clarify that. There are 27 lots with houses on them, 28 undeveloped, and 1 is the beach park. So far, we have had, and I took the May 17 report, 'cause that's the latest information I had, there were 15 pending applications for short-term rentals, and 6 of them were for in the ranch lands, and we had already had 2 permitted at that time, plus one grandfathered in, which doesn't appear anywhere but it's apparently legal, so that 30% of the lots, 30%, and it's 33-1/3 if you count the unpermitted one, of the properties that have homes on them are now short-term rentals. It's like having a mini hotel if you add up the 9 rooms or the 9 -- anyway --

Ms. Buchanan: Mrs. Crandall, I -- you probably don't know this and I'll ask it for staff after if you don't know the answer, but you also said that there were other resort areas within the ranch lands, you currently know how many rooms are available for vacation rentals in those? No?

Ms. Crandall: My understanding is that there are three condominium units in that resort area, if you will, Paniolo Hale, Ke Nani Kai, and The Villas or the resort, Kaluakoi Resort, and there are some residents that live there fulltime, but not very many, so, basically, and I think maybe there's others better able to answer this, but a very large percentage of those rooms are available for rent all the time, all year round, and that's okay. But I don't know the numbers.

Ms. Buchanan: Okay.

Ms. Crandall: Hundreds.

Ms. Buchanan: Thank you. But thank you for bringing up the -- what -- and I'm assuming you went online to look how much they were being rented out because I also went online and spent a considerable amount of time reviewing what was currently available for rental on Molokai, and the high number of daily use in the 300 and up, depending if you renting an estate, with minimum night stays would certainly take -- would put the type of visitor in a certain category that could afford those accommodations, so thank you for bringing that up and putting that in your letter. I appreciate that. Thank you.

Chair Stephenson: Any other questions for Ms. Crandall. Ms. Crandall, I have one, just wanna clarify, so for the purpose of this particular bill that's being proposed, are you in support of placing the capacities as the bill states or are you in opposition to that particular bill?

Ms. Crandall: I support the limitation, generally. I'd like it to be lower. I think 40 is too much, percentage-wise, given our 7,200 people who live here, and I don't know how the allocations are made, if it's on percentage of population or numbers of houses or whatever, but I support limits, and if I had to, I'd support it as written, but if I had my preference, I would reduce the number to 10 on the West End and leave it the way it is. I think the intrusions are already there, let's keep them, and one -- well, I'll make this comment at the end.

Chair Stephenson: Okay. Thank you very much.

Ms. Crandall: Okay, thank you.

Chair Stephenson: Thanks, Ms. Crandall. The next testifier we have here is Mr. Palmer Naki. Is Palmer here? Palmer, is this on the short-term rental home bill, the cap bill, or is this on the Sherrell?

Mr. Palmer Naki: I guess the short-term. It is short-term with Mr. Sherrell right?

Chair Stephenson: Well, they're two different items, so Mr. Sherrell's is coming up the next agenda item, but this agenda item is for the Resolution for the bill to place a maximum number of short-term rentals.

Mr. Naki: So this is about the Resolution is what you're asking?

Chair Stephenson: Yes. Yes. So please --

Mr. Naki: I'll save it for later.

Chair Stephenson: Okay. Palmer, you may testify now on the Resolution as well if you'd like.

Mr. Naki: No.

Chair Stephenson: Okay. Thank you. The next person we have on the list to testify is JoAnn, does it say JoAnn Simms?

Ms. Buchanan: Chair, point of order while the next testifier comes up.

Chair Stephenson: Yes.

Ms. Buchanan: I think the audience is kinda little bit confused about what they testifying about, and if they're allowed to testify for both at the same time or because, in your opening statement, it seems they can only vote on the agenda item at the time, so if they come up and they testify on one, can they testify on both is the question?

Chair Stephenson: Thank you for the question. Yes, we're right now in agenda item for the short-term rental home bill so the testimony needs to be limited to that agenda item only, and you may testify, during the next agenda item, you may testify again on that item as well.

Ms. JoAnn Simms: Okay, so this is for the Resolution?

Chair Stephenson: Yes.

Ms. Simms: Okay. Aloha. I'm JoAnn Simms, and I keiki o ka aina, born in Hoolehua 50 or 60 something years ago. Anyway, I came today because, yesterday, I just stopped by at the Council office and heard that this was all happening. I have a lot to share and it's regarding win-win. I mean I am a keiki o ka aina. I love where I live. I love Molokai and I wish it could stay the way it had years ago, and over those years, things have changed, but now's the time for us to look at balance. So, anyway, I was going over the paperwork I received and last night I had a quickie, never wrote anything to you, so this is coming out from my puuwai. Based on words from bills and the Resolution, I came with issues of the capping. The capping of short-term rentals in each region. Okay, I beg to look at that again. Another issue was that we -- how do we consider pending new applications as well as renewals? And the last was is to ensure, this is where I'm coming from, I wanted to -- I wanna know how do I ensure Molokai for our future, my grandchildren, my neighbor's grandchildren, my families and whatnot, the same opportunities that we have now, which is a business, and, basically, the purpose and intent of a vacation rental was specified in this Bill 43 saying that to retain the character of residential neighborhoods to provide varied accommodations and experiences for visitors. We've been around vacation rentals for over 30 years and a lot of them have gone permitted because the goal was, excuse me, you're going to come to Molokai, get legal. And everyone that comes here is looking for what we have, so that's where it was hard for me to say, you know, to change is difficult. But the impact, like I live in Waialua, I think what stirred us the most was, as we drove by Pukoo in the last year, we saw all these white signs go up, pending vacation rental, pending -- and I think that was the red flag for all of us to kinda look and say, oh, what's going on? Okay, so I go back to - I'm a little not too great - the problem I see is, in Pukoo, we've had a lot of sales, home sales in the last couple months. In Waialua, we also had three turnovers, maybe four within the last year. These are outside people. It's big money. Some of them come over or came over, and within four or five months, they're applying for an application to a vacation rental, and that's where the problem is. It's not about capping. It's about how do we look at the situation and say where do we put an end to this or where do we measure that they are -- they are able to apply for a rental? What I'm saying is that, for the people that have come over, you probably found paradise, and you could come up with, you know, that money to buy that house, but you also -- it's probably your second or third home also, a vacation home, and to support it, this was the easy way out, a vacation rental. My proposal, when I thought about it this morning, I said, you know, my proposal is you buy a new house on Molokai or an existing house on Molokai or you're going to build a house on Molokai, my proposal is you wait maybe two years, maybe five years, and then I stuck on five. Five years. You hold that house. And in five years, you go to the County Council and you say, you know what? I wanna apply for a vacation rental. In the meantime, you can long-term rent your house and it'll help the housing, which is what we had arguments over before, but because in, again, in this paperwork, and, you know, I'm so like not organized, but in the Resolution, there states in letter O, "Short-term rental home shall be limited to single-family dwelling units and accessory dwelling units existing and constructed at least five

years prior to the date of application for the short-term rental home permit." Now, if you said it in the Resolution, hey, you know, you got an --

Chair Stephenson: Pardon me. Can you try to wrap up in the next few seconds --

Ms. Simms: Yes.

Chair Stephenson: And then we can give you an opportunity afterwards. Thank you.

Ms. Simms: Okay, so, basically, what I'm proposing is how can we make it win-win? If in the Resolution it states that five years, that'll give you a time to go in and apply for a vacation rental permit, then why can't we, for the new homeowner that comes in, limit them and say you cannot just go in. You wait five years, and then you hang on to your land, and then maybe you can go apply. So let's look at that as win-win because, in the long run, our kids, I never know if mines going to turn around three years later and say, mom, I got money. I wanna buy land, or I wanna do a vacation rental. I want them to have the opportunity because they are here to stay, not to move on. So let's look at win-win. Let's limit, put some limitations. Read the Resolution. Read 31 and -- and see what you come up with. That is my mana`o.

Chair Stephenson: Thank you, Ms. Simms.

Ms. Simms: Aloha.

Chair Stephenson: Thank you very much. Commissioners, any questions for Ms. Simms?

Mr. Lasua: Yes. Question on your request as far as the five years. So would you be in favor of these -- right now, it's constructed at least five years, so would you be in favor of after the purchase of that home to wait five years?

Ms. Simms: That's what I meant. To clarify that, after the purchase of that home or the construction of that home if you come and buy land from outside --

Mr. Lasua: Okay.

Ms. Simms: You wait five years. And five years, again, is relative. It could be anything that the Commission may come up with too, but five years, I think, because of the Resolution stating that in there is already grounds to start thinking five years. That's a darn good number. Okay.

Mr. Lasua: Okay. Thank you.

Chair Stephenson: Thank you. Any other questions for the testifier?

Mr. Pele: I have a question.

Chair Stephenson: Go ahead, John.

Mr. Pele: Mahalo for your testimony. Early on, when you started, you had -- you said -- you mentioned the caps and you said you had a different feeling about that and you continued your testimony, so I'm wondering how you're feeling about the cap of 15 that's legislated or being proposed on the east side of the island, if you had any -- if that's where you were going. I'm just kinda curious how you feel about the cap numbers right now.

Ms. Simms: To me, the cap numbers are numbers. I, personally, think that if we went with my suggestion or my thoughts of you can apply several years later, I would be happier with that than caps and numbers only because it would limit our keiki of, you know, possibly being able to pursue a short-term business in the short-term rental service. So numbers, I'm swaying more towards let's work with the years.

Mr. Pele: Thank you.

Chair Stephenson: Lori.

Ms. Buchanan: Hi. Commissioner Buchanan. JoAnn, I really appreciate your testimony, and thank you for coming today even though it was on the last minute because I know you folks live out there, and I know you're familiar with the situation especially in the area of the concern today, and I heard -- I heard you say a few things, and the five years waiting, and I like when people come with suggestions as to how to solve one problem, and in this case, I really appreciate our Council Woman's approach to trying to put a cap on this ordinance for today, so you said that you feel concerned, you have a concern about outside people coming in, and I saw that as speculation from a commercial sense of people coming in, buying homes, and then renting them out for vacation rental. Is that what you mean? You meant?

Ms. Simms: Yes, the speculation.

Ms. Buchanan: So when somebody is here for five years, as many of these properties are owned by corporations, they're owned by multiple entities, and a lot of them are not owned by residents, so do you think you was more focused on that five-year owning a home because you would then be a resident as opposed to an entity that owns property and renting them out as a commercial business?

Ms. Simms: Thank you for that, Lori. Years ago, we traveled with Aunty Mo to Tahiti, and in Tahiti I found out that you just can't freely go there and buy land, you know. You had to have something to offer to the people of French Polynesia, and that kinda came back on me, and I thought, you know what? That's the way to protect us here yet still offer the economic base, which we have, like Harley saved us many times, you know, our convenient store, you know, things like this. So I think five years, giving five years is -- would hurt people that came from wonderful places, like Montana, that could go fly fishing in the river during the spring or whatever, you know, or Alaska. You know, I don't know. It's kind of an exchange. You want -- you want what you saw, you're able to afford it, so you buy it, but then you run off because you have other needs or wants or desires, so I'm just saying, you know, hang on, I'm proposing again, hang on to your property, and five years is a number. If you can manage to hang on to the property for five years, then allow short-term rentals to be -- to be set, you know, present -- I mean to be able to acquire. That kinda proves to me that they did make a commitment. In the meantime, if they have problems paying a enormous mortgage, again, it says here we are allowed a short-term rental is no more than a 185 days, which is 6 months, so rent your house out for 6 months as a long-term rental, and the other 6 months, you know, you can come home or you whatever, use it as a short-term. I don't know. You got it. Kala mai. I am so --

Ms. Buchanan: Passionate.

Ms. Simms: Passionate. But I wish I were a little more organized so that you could see what I am seeing but, hopefully, I painted a picture.

Ms. Buchanan: Oh, most definitely.

Ms. Simms: Okay.

Ms. Buchanan: And actually Title 19 actually supports everything that you are saying about supporting residents for commercial entities and businesses especially in residential and urban neighborhoods -- I mean rural neighborhoods. Thank you. Appreciate it.

Ms. Simms: Can I make one comment though? You know, Uncle Leimana, people, Manae works like a little -- they have a community there, and whenever people ask what can I do, where can I go, whatever, we always share what we know, so we've had people at the fishpond, you know, Halawa, fishing with the local people or whatever, and that, I think, is what is stated in here that they experience what we have to offer, so, again, we all have value, we just need to hooponopono and work together. Okay, aloha.

Chair Stephenson: Thank you, Ms. Simms. Ms. Simms, I have one final -- just one final point of clarification. So as it relates to the bill that was put before us, are you in support or in opposition or neutral?

Ms. Simms: The capping, I am not in support for.

Chair Stephenson: Okay, thank you.

Ms. Simms: I certainly hope that you will go otherwise.

Chair Stephenson: Thank you. Okay, the next person we have on our list to testify is Ms. Linda Place. Or is, I'm sorry, is this Zaida Place? And is this for the short-term rental home bill or is this for the Sherrell project?

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

Chair Stephenson: Okay. Please come forward and state your name.

Ms. Place: Aloha. My name is Zaida Place. I am fourth generation ohana -- the Place ohana that resides in Ohia, Molokai, on the East End, and I am in support of the Resolution because, as Aunty Stacy stated, if we don't do it now, it's going to keep occurring, and nine, right now, is too many. Coming from East End, we're a community, right? But, currently, only homes within 500 square feet are being notified that someone is applying, so us, as residents, of the entire community aren't aware of this, and we should be notified as a community. We live in the community. We fish in the community. You know, that's home for us. So I wanna support the Resolution and maybe we can amend the numbers after but, for now, just to put a cap because it's important 'cause I don't wanna see Lahaina, Kihei, Kailua on my side of the island. Thank you.

Chair Stephenson: Thank you, Ms. Place. Any questions for Ms. Place, Commissioners? Okay, seeing none, the next testifier we have is Christine or Tina Thompson, and is this for the -- for the Sherrell short-term rental or for the short-term rental bill?

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

Chair Stephenson: Oh, okay, so please, for this time, just please limit it to the short-term rental bill. Thank you.

Ms. Christine Thompson: Hi. My name is Christine Thompson, and people call me "Tina." I actually live on Maui now but I used to reside in the Pukoo area. And I support the bill, the proposed bill. Like Zaida said, you know, if we don't have a cap, it's going to get uncontrollable on the -- especially on the Manae side, that's where I'm concerned about

only because I am from that area but also because I see so many. I mean I don't come home very often, but when I do, I try to drive up all the way up to Morris Point and I didn't realize the amount of new homes that coming up, and now there -- they have to put signs that they're a short-term rental or applying for it, and it's too much. Actually, I believe they don't belong on the east. That's a residential area, and that's for the local people. I support the Resolution, the proposed ordinance. I, too, think East Molokai should be zero, but we already have nine permitted ones so we have to let it go, but, hopefully, maybe when their time is up, they have to reapply, they won't be able to apply again. It affects in so many different ways. It changes, I'm talking mostly about Manae side, okay, it changes the character of the area. We're losing the character, and we're losing longtime rental homes that can be available for the residents, and because there's no long-term rentals, the residents are moving either to a different district or even going off island and, you know, they're families, family comes children, and with children, we need the children for the school 'cause, you know, there was one time there was talk of closing Kilohana School because of the attendance being so low, and we don't want that happening, not for the east. I have more to say but more on the short-term rental, so I just wanna say I support the Resolution, the proposed ordinance.

Chair Stephenson: Thank you. Thank you, Ms. Thompson. Any questions from any of the Commissioners? Okay, thank you very much. The next person we have on the list is Council Member Stacy Crivello.

Council Member Crivello: Aloha, Chair and Molokai Planning Commission. First of all, I want to thank you for giving up your time to serve our island. I truly appreciate it. So we all wear many hats living here, and I come here as a Council Member but most of all now I come here as keiki o ka aina o Molokai. This Resolution that I had put forth I'd have to say is, on my part, reactionary. Reactionary because my walk through Manae or my drive or -- or listening to people from -- lifetime residents of Manae, you know, kinda little bit sore. I raised my children in Manae. Access to go holoholo was very easy. I can tell you where we makeshift lot of campsites, but today no more. No more the access. Cannot. You gotta go rent short-term rental if you wanna take -- have a staycation or what have you. And I ask myself, my goodness, haven't been out Manae for the longest time, and then to witness all these signs, I appreciate the legal permits, and I have to say I got emotional and said, wow, this is not my island. I have to remember who we are and where we come from. And, you know, Rob, I listened to your opening statement, I can appreciate your comments, but I going tell you something. Us, from this island, we know the changes. Am I against changes? Not at all. What is compatible is the kind of changes we need to deal with and work towards, what is compatible with who we are and how we're going to provide for our families on this island. We do not have the infrastructure that perhaps we would like to have to host the visitor. What we have today and what's pending is respected. A comment was made about illegal rentals. Planning Department, get going. Fix it up. If we don't have the enforcement here, get it. And, Harley, thank

you for your testimony. Turn 'em in to us these illegals because they need to be held accountable, so does government need to be held accountable for the neglect. Of those who are following what's required, we're actually penalizing them because we're allowing all the illegals to pop up here and there. There's no question we need infrastructure. People hear -- hear about the island. They wanna come and check it out. And that's not a real bad thing. But we do not do that at the expense of who we are. We should not do that at the expense of making our island disappear. Take a walk through the country is no longer in Manea. Take a walk through the country does not exist on Maui. Do we want us to be like our sister island? You will make the call listening to the people and understand there is some, in my opinion, some confusion. I can appreciate JoAnn's testimony. And I say, whether this passes or not, this is not the end, we have all the right to come back and proviso and amend and do what we need to do so that you have to be a five-year resident, so that if you sell, you know, Mr. Jones cannot necessarily jump onto that same house and say I want a STR. We can make all these changes if that's what the community wants, and if the community feels that this capping is detrimental, then let it be, but it doesn't mean I will let it be. I think we need to come together and find solutions so that we address, again, the community that we are. West End, God, I never had access to West End growing up, you know, the brothers had, but I didn't, and I still can understand why the wide open spaces. Kaunakakai, my goodness, they buy out the homes in Ranch Camp and what happens then? Furthermore, how is it's so easy to exempt SMAs down Manea and yet, you live Ranch Camp, you cannot even build a chicken coop without getting an SMA? It's just something's not right. Something's not balanced. And again, I refer back to the previous testifier, let us find balance, and let us find how we're going to take care of our local residents because that's the question that exist on Maui. What about the local residents? We gotta find -- we can't even find the land to build so we can shelter and house and provide a home for our local residents. That is painful, but it is reality. So I ask each of you, who will make the decision, if not today, whenever you decide, to please take into consideration the specialness of our island, and if we cannot get long-term rentals down Manea, we cannot afford to buy down Manea anymore, where we going? Where are our families going? It is real, Members. It is real. I hear it every day. I hear it every day, not only Maui, we cannot find rentals unless you have Section 8, and then if you don't have, your challenge is for the landlord who can make a better deal if you have the vouchers, which is maikai for those that need it. What about our schools? Are we going to end up that we -- our enrollment will disappear so that Kilohana School will have to rise up and demand that our school stays open because we don't meet the enrollment numbers that government expects? Again, I appreciate your participation. I'm not against having opportunities, but let's find the opportunities that are compatible to who we are. I ask you, if you wanted a staycation, can you afford 5600, 5600 to get your family to enjoy a front place down at Manea? But give us space so we can pitch our tent. We manage. We can do that, you know. So don't let that disappear. And we can still continue this discussion, I say this to the community that we can continue whatever provisos or amendments that we need to

make, but I ask that you support and I stand in support to put a cap on our short-term rentals. Thank you.

Chair Stephenson: Thank you very much. Any questions for Councilwoman Crivello from any of the Commissioners? Lawrence.

Mr. Lasua: Yeah, Mrs. Crivello, I have a question. In regards to the Resolution, I know in the prior short-term rental homes or whatever was illegally -- there was no monitoring of the short-term rental homes, so will you include that in this bill?

Council Member Crivello: I think when you say "monitoring of the short-term rental," are you saying monitoring to see if there are any illegals? Is that what you --

Mr. Lasua: Correct.

Council Member Crivello: That's already a given. That should be coming through with our department.

Mr. Lasua: Okay.

Council Member Crivello: We have a department that should be enforcing the illegals, it is always a challenge to find out who's illegal, but a lot of times it's complaint-driven or researching on the website, and maybe there's some other ways that we don't want to let the illegals know how we can capture them, but once you get this in place, I think it's easier for us to track down the illegals. Yeah.

Mr. Lasua: Okay. Thank you.

Council Member Crivello: Thank you.

Chair Stephenson: Any other questions for Council Member Crivello? Okay, thank you very much. Mr. Spence, since we have Mr. Spence here, I'd like to ask Mr. Spence to explain the process by which the enforcement happens.

Director Spence: Okay, thank you, Mr. Chairman. And I would just like to -- to comment on enforcing on vacation rentals - enforcement in general. First off, we, the Planning Department, responds to requests for service. Somebody calls up or you can go online and say, hey, this person's advertising, and we will respond to that. We get very few complaints from Molokai. We get plenty on Maui. I mean to the tune of, in a month's time, we could get a couple of hundred complaints. The -- so, you know, it's kinda like the squeaky wheel, you know, when we get complaints, we'll respond to that. We got plenty to do with the complaints that come in. The number one thing, the hardest thing it

is to do is go online, look at the advertising, and decide where this -- where the vacation rental is located. People are very good now, they know that they're operating illegally, they don't -- there's a couple of people that list their address and I'm like why would you do that, but, by and large, then don't list their address, they don't give us pictures of the outside of the house. They take the inside. They take a picture of the swimming pool. And so it takes us a long time to go, okay, this is somewhere on the west side. We're looking to match up that roof, the roof color, the roof shape, whatever, to what we see in the -- you know, where we know there's an address, we look to match up the aerial pictures from the pictures in the advertising or the shape of the swimming pool or something like that. Once we have those things, then we can start, we can send warnings out, and if they don't shutdown, we can send out violations. Like I said, the vast majority of complaints we get are on Maui. We get very, very few for Molokai. We would respond more, you know, if we get more complaints. Okay, that's part of the enforcement picture. There's another part that's coming up. We're becoming aware of some online tools, there's some high tech companies on the Mainland that, however they do it, they can match up the advertising on Airbnb to real property data and they can get us, for a price of course, they can get us the names and addresses, the addresses of property, and the names of the owners to what's being advertised online, and so we'll be sending out a request for proposal, we have to go through a long procurement and all that kinda stuff, you know, we gotta follow State law when you hire contractors for more than \$25,000, and we'll get competitive bids and all that good stuff, but we'll have this -- we're hoping that this tool will help us identify where these things are located, and we can proceed from there. So instead of it taking us a long, long time to figure out where each individual one is, we'll be able to just -- the contractor will send us a list, and then we can contact the people just from that list, and we've had one company estimate, just on Maui, there's like 6500 illegal rentals -- no, excuse me, 6200 illegal rentals on Maui, so kind of a daunting task, but if we get that ownership information, then that makes our job that much easier. So you can, you know, we can look forward to doing some of that stuff. But, yeah, illegal vacation rentals is a big problem and we're not shying away from that, and our hands are full with what we're doing, we are not ignoring this island and we are definitely not ignoring Manae. For right now, till we get this other service up and running, if you guys call in or send in -- and we will take anonymous complaints for short-term rental homes, so if you go online and file a request for service or you call our office, whatever, we will take anonymous complaints for vacation rentals anywhere, okay.

Chair Stephenson: Thank you very much, Will, for -- for explaining that to the Commission and to the audience. I appreciate that.

Director Spence: Sure. And it's a mystery, you know, what does the rest of my office do, yeah, but, you know, that's -- enforcement is a part of it and we're enforcing a lot of things, not just vacation rentals, we're enforcing conversions of homes in the multi-family, SMA

violations, other kinda zoning violations. We got plenty to do, signage is always a big popular one so --

Chair Stephenson: Well, thank you. So if anyone would like to contact the Planning Department or make a complaint or report an illegal vacation rental, we suggest that you contact the Planning Department, Sybil is a great resource for that. She happily will take your phone calls or see you in her office, and she can relay that on to the Enforcement Division of the Planning Department. Okay, the next person we have on the list to testify is Mahina Poepoe, and is this for the short-term rental home bill on the capacity or is this for the Sherrell project?

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

Chair Stephenson: Okay, great. Thank you. Please state your name for the record.

Ms. Poepoe: Mahina Poepoe. I just wanted to start by saying that I support Aunty Stacy's Resolution. We're not all happy with all the numbers but it's a place to start for now and come back and work on getting the amendments until we are more happy with what it becomes, but if we don't do something now and just put a cap on it now, it is just going to get worse, and we might come back with a Resolution that has 50 or 60 because new applications will keep coming in and you might have to account for those too. So I would -- I support passing the Resolution and I think that, in time, we could implement, you know, things that were mentioned, like priority to resident-owned to help local people have short-term rentals if they wanted to, or the five-year ownership thing could be added in later, but this now I think has to be passed just because it's so ridiculous like how many vacation rentals there are, it's just congesting certain areas, like I guess Papohaku, I'm not too familiar with the West End, but that makes sense, Pukoo is getting there, there's -- they're just dense in certain areas to where those areas can't absorb the impacts as well as it would be if they were more spread out geographically, you know, and there's one vacation rental and then it shares a property line with another one and then there's another one like 500 feet away. The cumulative impacts are greater and more felt and harder to absorb in that small area for the longtime residents, like me. I live in Pukoo and I feel it already, like the people, the strangers walking around constantly. You know, we value our empty beaches here; that's something people always say is like, oh, their beaches are so empty, there's nobody at your beaches, and that's like something we really value, but when I go to the beach by my house and there is just, you know, kayakers everywhere, and paddle borders that the recreational equipment is provided by the vacation rental owner that affect my quality of life and what I value for where I live. And then if you look at like zoning stuff, in - where is it? Well, in rural districts, the purpose -- one of the purposes is to provide low-density development which preserves the rural character of certain areas, to allow small-scale agricultural uses to serve as a transition between residential or urban development and agricultural lands, and then if you look at

agriculture, it -- where did I put it? I don't know where it is. Anyway, the purposes of agriculture is to make agricultural uses of the property, like animal and livestock raising, to reduce land use conflicts arising from encroachment of non-agricultural uses, and short-term rentals directly conflict with a lot of the intentions and purposes for agriculture and rural zoning or districts but they're allowed because they're listed as accessory uses in the agriculture and rural districts, and accessory uses are defined as being incidental or subordinate to permitted principle uses, so what's happening is that it's so easy to just get a short-term rental permit that that is becoming the principle use of agriculture and rural properties, like the principle uses are becoming the secondary uses, and the secondary use is taking over as the principle use, so that's a problem. What else.

Chair Stephenson: If you could wrap your testimony up, please --

Ms. Poepoe: Okay.

Chair Stephenson: In the next few seconds.

Ms. Poepoe: So I just support the Resolution, I see how we can all get to the point where we want to be, but I feel like it needs to be passed now just to stop anymore from popping up, and then I guess that's all for now.

Chair Stephenson: Thank you very much.

Ms. Poepoe: Thank you.

Chair Stephenson: Commissioners, do you have any questions for Ms. Poepoe? John.

Mr. Pele: Just one question. Thanks. Thanks for coming today and actually thanks for coming to our last meeting too and your testimony. You mentioned in the beginning of your testimony that you weren't too happy but are willing to accept this Resolution, can you kinda just share with me on where would you be --

Ms. Poepoe: I'm happy -- oh, with the Resolution?

Mr. Pele: Yeah. With regards to Mana'e --

Ms. Poepoe: Okay.

Mr. Pele: Which is where you're from, but what would you see a perfect -- perfect scenario? Just I would love to hear that from you.

Ms. Poepoe: Ideally, I would like to see it be zero.

Mr. Pele: Okay, thank you.

Ms. Poepoe: I don't think -- yeah.

Mr. Pele: Thank you. Thank you.

Ms. Poepoe: But I -- I support this though for now, yeah.

Mr. Pele: Thank you very much.

Chair Stephenson: Okay, Commissioners, anyone else for question? Ms. Poepoe?

Ms. Buchanan: Miss -- I sorry.

Chair Stephenson: One more question, please.

Ms. Buchanan: I sorry. I was out at out of space zoning. I'm so sorry. I apologize. Thank you, Mahina. I really appreciate your testimony because you so young and it's really awesome to hear the young people come out with so much passion about one issue on Molokai, and I think I wanted to ask you about that, about your feelings and, in your words, zoning stuff, so you are absolutely correct in your testimony about the inconsistency about zoning stuff 'cause it's kinda like the Bible, you cannot take things out of context unless you know the whole story, and so I appreciate you trying to -- to bring that forward because that's going to be really relevant later on. So you said, ideally, your cap for East Molokai would be zero. What would your feelings be about capping in Central and West Molokai?

Ms. Poepoe: Less than what is suggested --

Ms. Buchanan: Okay.

Ms. Poepoe: But I can't say exact numbers 'cause I would feel like that should be the people of that area to wanna say that.

Ms. Buchanan: Yeah. So I really like the way you think because when you go to the beach with your kids, people are there kayaking, windsurfing, whatever, which are probably not traditional uses by the makaainana, the common people for various reasons, and it does -- you tried to explain that it affects your quality of life, and it's very important that people realize if -- you cannot see quality of life and it's hard to measure, but it's a health impact, and I noticed with the ordinances and a lot of the zoning stuff is that the impacts to culture, impacts to health and wellbeing is not quantified, but you know it's

there, like the wind, so I appreciate you bringing that up for the record because it's really important, so thank you, and I get one last question. Did you notice in the ordinance that -- that the districts were outlined, so from point A to point B, point B to point C, and I kinda was looking for somebody today who was -- had any feedback about if the boundaries for those districts was okay.

Ms. Poepoe: I would like to see the districts broken out more into smaller pieces and caps for certain areas instead of just East End, like within the ahupuaas since, you know, we use that system a lot or, you know, the more prone areas, like Pukoo, Wailaua to have sub-caps to protect against that density issue and the impacts that happen because there's so many. Is that good?

Ms. Buchanan: Yes.

Ms. Poepoe: Okay.

Ms. Buchanan: Thank you very much. I appreciate it.

Chair Stephenson: Thank you very much. The next person we have on the list is Laa Poepoe. Pardon me. Did I pronounce your name correctly?

Mr. Laa Poepoe: Yeah.

Chair Stephenson: Okay, thank you.

Mr. Poepoe: Laa Poepoe. I'm in support of the Resolution. That's all.

Chair Stephenson: Thank you very much. Any questions for Mr. Poepoe? Okay, the next person we have on the list to testify is Linda Place.

Ms. Linda Place: Aloha. My name is Linda Place. I am committed to this Resolution of a capping, and I'd like to say I'm using the East End Policy, Exhibit D, and I just wanna outline some things and say, and then I have some things that I'm going to add to that. The embodying concept of aloha aina and regards to traditional land is ever more important today in light of impending loss of the resources to the economy and developing pressures. This is a strong identity to Hawaiians and the Manae lands and a supportive community for a subsistence kind of lifestyle and a desire for this way of life which is more keeping with the ways of the kupuna and the previous occupants of this area. A permanent moratorium against the development of tourist-related accommodations of business, which could subsequently change the social infrastructures of areas. I'd also like to say that - I have written some things down - and I don't mean to be rude to anyone or to step over anyone, but I just wanna share what I feel. TVRs will eventually lead to

local residents being priced out by higher property taxes, then forced to leave their homes and live elsewhere. Property taxes are increasing due to high sales and rental homes triggering higher assessment values for all residents' homes in the same tax evaluation. We either inherited or bought our property with property rights established through zoning laws. There is an increase of vacation short-term rentals where the owner does not even reside in the State. This is just an investment of property for them. They don't have any connection to the island and our way of life. Please see the laws of our residential zoned neighborhoods are enforced now and for future generations. They are zoned business districts. They are not zoned business districts, sorry. Can't even read my own writing. And at this time, I also would like to say about Wailaua and Pukoo, especially, it's so saturated, and I know Mahina touched on that subject and that should be enough, but, again, I'll say that I am truly committed to this Resolution for the capping and I really wanna see the capping on the East End especially. Thank you.

Chair Stephenson: Thank you, Mrs. Place. Commissioners, any questions for Mrs. Place? Okay, thank you very much. We'd now like to open it up to anyone who wasn't on the list, who didn't sign up, but who would like to testify, and please recall that this is specifically on the short-term rental bill.

Mr. Walter Ritte: Aloha. My name is Walter Ritte. I'm from Hoolehua, Molokai. And you guys had some very interesting meetings. I'm sorry I missed those. But it showed me that this is a very big concern on this island, and I want to say that, right now, we've been through a process for the last 30 years trying to figure out what was best for this island, and we've had many, many battles, pro and con, and we find ourselves now in a situation where the people of Molokai can actually choose their future, and we can make a good choice because we can see what happened to the other islands on their choices. So when it comes to this issue, Mr. Spence told us what is happening on Maui, and we need to really take a close look at that. They got 5,200 illegal activities going on because of this decision to allow this on Maui. So it's really clear that they do not have the political will or the power to regulate this thing that was created. And if you think that is bad, just this week on the news, on Oahu, it is five times to ten times worse on the island of Oahu, to the point where people are actually not being able to afford rental units and is living on the streets, so they have no control over this situation. We're in a good position on Molokai because this is something pretty much new and under control. So the people, at the last meeting, reacted the way they reacted, and I wasn't there but I heard they had to call the Police Department to try and figure out how to resolve the situation, so I'm really happy that Stacy is trying her best to figure out, as she put it, I wrote it down when she said it, "to be compatible to who we are," that's really important because she lives here, so before we do resolutions, I think her Resolution was -- has a good intent but it misses the mark, the mark is not for us to say whether we should have 10 or 40 or 30, the Resolution should say that there should be a temporary ban on this until we know what has been the impacts on Oahu; what has been the impacts on Maui. Do we really have

enforcement? There is no enforcement on Oahu, and there's really no enforcement on Maui unless somebody calls. So we're getting ourselves into a very serious situation for our future generations, and before we make this decision, we need to have a temporary ban until a study is done to tell us what the impacts are going to be on our future generations. It's not for us to jump into the fire because somebody wants to make money from their house. Then they should've got a condominium in a place that's zoned for that. We talking about going into places that's not zoned, going into places that we don't know what the impacts are going to be on our children and ourselves, so we need to take this real caution, so I wanna urge Councilman Stacy Crivello to change her Resolution to read that there's a temporary ban until a study is done and until there's proof that we're going to have enforcement, then we can make a decision. This island would participate in making that decision. We should that when we did the General Plan that Mr. Spence and them talk stink about us. So I'm here to say I do not really support the idea of having 40, a number of 40, and I strongly support the idea of having a resolution that is a temporary ban until a study and proof of enforcement is there. Thank you.

Chair Stephenson: Thank you, Mr. Ritte. Do we have any questions for Mr. Ritte? Okay, then the next testifier, please.

Ms. Mililani Hanapi: Aloha, Molokai. My name is Mililani Hanapi. I live on the east end of Molokai, and I'm a mother of four and grandmother of ten, and my grandchildren old enough to make me grandmothers too, great-grandmother, so we can see farther because we are kupuna, we are grandparents. We can see farther. See through their eyes. And we are landowners. Most of the people on the East End are descendants and landowners. For us, I do not support this Resolution because of the language, not the numbers, the language that's in here. Every single word means something and when you look at those words, they burden us. They really burden us native people. Our group is Hui Aloha Aina o Manae, we only represent kuleana landowners, native tenants and our families. I'm sorry, we do not look at general public. I do support that only our families first, like Walter was saying, resolutions and stuff, I don't support it, but I do support economics for the native families of Molokai because they live here, they love this land, they know the ocean out there, they call him Uncle Mano when they see him. We tell our children don't turn your back to the sea. We love the sea. How many accesses. It is a lifestyle. The magnificence of the fishponds. These are our riches. These make us unique. Let's stay unique. What's wrong with saying Hawaiian wale no? What's wrong with saying us first? Our children first and bring prosperity to our families who can't afford it out there, if they have homes to rent or short-term rentals and stuff, if they are of Hawaiian ancestry from Molokai, that I would support. But what's coming in now is not that. What's coming in is a huge bunch of money and they're not -- it's not staying here on the island. I, too, clean houses. I clean houses too. I know exactly what's going on out there, and because I do research, I can read this language inside here. You are burdening us, even taking backdoors. Even taking backdoors. There's land out there

that were not approved and they, by language, if someone says, oh, it's perfectly designed to exempt certain people only, and I would like to only exempt us, but that's how I feel. Us Hawaiians first. And I support all our -- our families who are -- have the money and have the resources, the homes, from Castaneras to Pearl Hodgins, I love them, and I say let's us make prosperity first because we deserve it. We are from here. A thousand years I can go back. I look at the families here, I know who they are. They built the ponds. I'm not confused one bit who they are. They built these ponds. They built the sites, the stuff the tourist go and see. They fish the oceans out here, and they plant the sea out here because nothing full on hits this coastline, so that's how unique we are. We actually farm the ocean. We planted coral and farm the ocean. When the tide goes out, it's only to your ankles. You bet you can farm. If we can farm lo'i like that, we are farming our ocean. Anyway, that's my testimony. I do not support this Resolution. Put a ban on it.

Chair Stephenson: Thank you, Ms. Hanapi. Any questions for Ms. Hanapi? Okay. Next testifier please.

Mr. Alapai Hanapi: Aloha, Molokai. Alapai Hanapi, kau inoa. My Mana'e, Molokai nui aina. I belong, I'm a member, an advisor, and a consultant for Hui Aloha Aina o Mana'e. Like my wife say, this is all native -- native kuleana landowners and native tenants of each ahupua'a. That's the way we live. We are kings land peoples and there are many cultural and legal issues at us that we face daily on the east end of Molokai, multitudes of civil rights violations, multitudes. We ask that the Honorable Maui Mayor and the entrusted Maui County Council of the County of Maui not pass Resolution No. 17-74, adopted by the County on the 21st day of April 2017. This is why we feel the way we do. The facts are well documented that the land titles on the east end of Molokai are unclear, okay. Unclear intentionally, illegally, clouded, and burdened. Resolution No. 17-74 omits this valuable information. I mean if you don't know where the boundaries is for the ahupua'a for the districts, and for the kuleana, I mean how can you go ahead with something like what's being proposed with these first unregulated illegal vacation rentals and now, moving ahead, after illegally allowing them to continue, now we're moving ahead and we're going to legalize it? Well, Resolution No. 17-74 omits this valuable information and is a perfect example of administrative collusion to deprive us, the kuleana heirs, our inherent native and legal rights. Much of the Molokai heirs live here on Molokai and most of us are in court, and some of us for a long time, unnecessarily and discriminately burdensome. Realtors have brought in a class of people so wealthy that lawsuits, land taxes, diminished equity, and value don't affect them. They buy the aina, develop it, vacation rental it, sit back, and let the money come in so they could spend it somewhere else in the world. They bring the wealth to our island, they bring the wealth to our island and our people. Only to the realtors, the landowners, and the people who serve them by cleaning their houses, and that's usually us. Only for themselves are they making the money. Like the kolea bird - you guys know the kolea bird? Comes to Hawaii, get fat, then fly away to somewhere else to enjoy their wealth health. They don't bring nothing to

us. That's what this is like, the kolea birds, okay? Root families of Molokai are still living on their ancestral lands in Manae. Civil cases involving the East End families are moving through the courts and have moved through the courts over land title. Now the legislature is being real slow. Everything is being made about titles, boundaries, everything through the courts. The legislature is slow. They behind time. Besides all this, it's important for us, the people, to see consistency in government, thus, you know the general policy plan, you know, like I said, it brings out a different class of people. You can't come over here and just -- East End is all -- is all banned. You gotta pay outright. You can't go to a loaning institution or a bank to get money to buy land out there. Hell no jack. You gotta pay outright, and that's the way it is, and that's what's happening to us with Maui County's fundraising off of us with land taxes. You're taxing us right off of our lands allowing other people to move in and do what they like, like vacation rentals, making other people rich, not us, okay. This is how it affects us kuleana landowners and the native heirs of our lands. Our constitutionally protected legal rights, what's up? What's happening with them? You guys are not in sync with State law. You guys gotta get with it. You're not regulating the illegals. You not in sync with State law that deals with us native -- native people. Hey man, I don't want my subsistence, traditional subsistence, fishing grounds loaded with kite surfers, jet skis, and everything else out there, and then what? What happens, huh? What happens with our gathering rights versus recreation? I wonder who wins. The private property owner or us guys, the natives who been here. I'm sorry. Don't listen to the way I'm talking but what I'm saying, okay, because you guys got us all upset out here in Manae. We're upset and you ain't seen nothing yet. The zoning has a direct impact upon us kuleana lands. The native people will be directly affected by tax increases with the zoning for commercial property right next door. There's no special breaks for us, us kuleana, no. None. Zero. Nothing. If you're on your family lands and can show you have lived there for more than 20 years, the family land should have an automatic exemption. You guys should be doing that for us, the natives of this land who come from here, not from nowhere else.

Chair Stephenson: Mr. Hanapi, if you can wrap it up in the next --

Mr. Hanapi: Okay.

Chair Stephenson: In the next -- next couple sentences.

Mr. Hanapi: We'd like you guys to protect and address these important, legal, and lawful issues, okay, and we want our kuleana land, our native rights reserved, preserved, protected, and enforced in favor of our constitutional equal rights to protection because, you know, when you guys do your zoning and your ordinances and it becomes law and everything, man, you know, I mean, you know, it's just law but, you know, not just laws, no law at all, so we gotta -- let's think and let's think hard, okay? So all these guys, there's a lot of absentee landowners that are taking this money, and taking their money, buying

up over here, taking their money and leaving, you know, and there's a lot of legal implications here that have to -- have to be addressed and you folks need to -- need to educate yourselves on those things before you start coming forward. I don't see anything about native rights inside anything about the vacation rentals, the Resolution, I don't see nothing about it. When you guys going address that? That's law. Okay? So let's get in sync. You upset us. You guys have upset us. How many of you guys from Manae? Raise your hand, brah. Bam. Yet you guys are making policies and plans for us down there in Manae. How about you guys get your booty down over there in Manae, come and address us over there instead of burden us having to come over here at 11:00 during a week -- weekday and in, you know, 11:00 in the weekday. I mean, you know, if we're not working on our lands or at a job or something, I mean who's got -- who's got the opportunity to come over here and voice their opinions? Who? I represent a hundred people down Manae, okay. I represent a hundred people down Manae. And so you listen to the voice of the people, and not the developers, okay, not the developers and the people who want to change our lifestyle. You listen to the people of the -- you listen to the voice of the people of Molokai and especially us natives who came first to Hawaii. Thank you.

Chair Stephenson: Thank you, Mr. Hanapi. Any questions for Mr. Hanapi? Okay, seeing none, so next testifier? Anyone else like to testify? Yes, please.

Ms. Deborah Maples: Hello. I'm Deborah Maples. Sorry I came late. I didn't sign up. Hi, Will, Clayton, Lori. Deja vu, yeah? We were the first generation short-term rental Molokai Planning Commissioners, and I do support this Resolution because after - I know it's been more than ten years, I cannot tell you exactly when the first one was, but it's something. Is it perfect? No. Is it my first choice? No. But it's something. And it's very, very, very difficult to come up with these things, and I learned that as a commissioner, and the first one that we heard was the Dunbar rentals and it took several days, several meetings, many, many hours, and we did come up with some really great conditions and some ideas, but we found out a lot of things are not legal. There's a lot of things that are discriminatory and laws and this and that. So numbers. I'm a numbers person. I also happen to live in Waiialua, and it's very interesting when you've sat on that side of the table and decided something, and put your name to it, and then you end up in the middle of it, okay. So I have some perspectives. And one of the perspectives is how does it affect you as a landowner and a resident? I recently had to make a second mortgage on my home so I could buy the property across the street to block any more short-term rentals in front of my house. I'm over 60 years old. I did not plan on making a second mortgage. I have to put off putting a roof on my house. I had -- I cannot get UV because I don't have the money 'cause I decided, in my neighborhood, which you guys are well aware of how close together all of those houses are, and if I had not have purchased that property, there would probably be four more houses right in front of me, so this was a tough decision for me, okay, and that's a big impact on my life and something I did not

expect and, yes, I was one of those people who approved these things. Do I believe there's a place for short-term rentals? Of course there is. When we approved it, we approved so, just like Mililani said, local people inherit land and the tax rates change. When you inherit from your parents who had their rates capped, and you're a young person and you inherit this land, your taxes go up considerably. And if you're going to find a way to pay that property tax, one of the ways was to do short-term rentals. Now when we first heard this, there was only B&Bs, and even that was kind of loosely written up, and now, as you see, there's Airbnb, and there's this, and there'll be more. There will be more and times will change and everything we do has to be amended and changed to go with time. Waialua. Waialua. Small area. There's ten homes on the beach side. There's only one full-time resident there. And there's, on the mauka side, there's eight homes; there's only two of us that are full-time residents. There are some family homes, there's some permitted short-term rentals, and if you look at your paper, there's three more on the pending list. So numbers matter. Yes they do. When we had people come and apply that had multiple homes that they wanted to put into short-term rentals, one of the conditions we proposed was only 50% or less could go into short-term. All the other homes they owned had to go into long-term rental. And we felt that was fair. If you wanted to own a hotel, go get a hotel. If you wanted to buy ten houses and turn them all into short-term rental, we weren't going to allow that. So we felt half and half. We have to take care of long-term renters and short-term rentals. And also in Waialua, which we haven't mentioned, is a church pavilion, which is very popular for family reunions and churches and scouts and all kinds of things and -- which I love 'cause it's a happy place, okay. Anytime you have a happy place in your neighborhood, that's a good thing. And a lot of people in this room have rented those surrounding short-term rentals when they were using the pavilion or they've rented it for family members, and, like I said, there is a place for short-term rentals, but the numbers thing is very tricky, and Mahina hit it on the head, when we say "East End," this is such a broad area, but there's a lot of areas that are just not desirable, and we know the desirable areas and those areas are oversaturated. I live there. I don't have neighbors. My stream floods, I gotta go dig it myself with my other neighbor. I can't call those ten people on the beach to come and help me dig this stream. You know, there's a lot of -- a lot of impacts that, through all those hours and testimony, we just -- we didn't think of. You just can't think of it all. So this is a start. And I strongly support it and I appreciate Stacy finally bringing something, something that's doable that we can start to amend. The suggestion I would make, and I'm guilty, I didn't read the Resolution, I'm sorry, I just don't have time, but with the numbers thing again, as a property sells or a person gives up their short-term rental, we could decrease the number. We could say, right now, we start at this number. But what is our desirable number? And, again, you look at percentages. You always want to look at your percentages in your neighborhood. So as a short-term rental permit is no longer valid, we could start decreasing that number and say this is the number we see now, and in the future, we'd like to see this number come down and reconsider it as applicants come in because I do not know what -- how you're going to choose who gets to take the

next opening, and it could be in the Resolution, and I apologize I didn't read it, okay, so if you're just lucky lucky as the applicant when one becomes available or is there a waiting list or what, but we need to bring the number back down, we need to look at specific areas 'cause you can put the dots on the map and you'll see it clear as day. So thank you again for allowing me to testify without signing up. Nice to you see you guys.

Chair Stephenson: Thanks, Ms. Maples, very much. Commissioners, any questions for Ms. Maples? Go ahead, Lori.

Ms. Buchanan: I just mostly wanted to thank you as the resident of the infected -- the affected area.

Ms. Maples: Infected was correct.

Ms. Buchanan: Because you make all really good points, and you really put before this Commission a very real -- a very real look at how you have been affected by the proposed things on the agenda today, and you coming from the perspective of where this was many years ago till now, and saying that you never could foresee what the impacts were but now you do, I really appreciate that, so thank you for coming today to testify, Debbie, appreciate it.

Ms. Maples. Thank you, Lori.

Chair Stephenson: Any other questions? Thanks, Ms. Maples. Okay, would anyone else like to testify on this?

Mr. Palmer Naki: Aloha, everyone.

Chair Stephenson: Aloha.

Mr. Naki: Thank you.

Chair Stephenson: Can you, pardon me, can you please state your name for the record?

Mr. Naki: My name is Palmer Naki, and I'm from Mana'e, Molokai. I'm kinda like -- I'm not really in support I guess, you know, because I cannot see 15 short-term rentals up on the east so I guess I like make a little propose there. I feel you should stop it at nine, deny the six that's pending, and then we strategize. We work out like what Uncle Walter Ritte said, temporary ban it and figure out all the problems and all of the things that's happening that has screwed up the sister islands, okay, and then we take it from there, you know. I know Mr. Sherrell, you know. He helped me out a few times, you know, so, you know, so the other one over there, Megan, you know, and I know they're applying for this short-

term rental, but I feel that they came Molokai to live Molokai, not to change Molokai, okay, so I'm hoping and I'm crossing my fingers you deny them because the place that they're at is for all of us to use, not for just them and their associates or whoever they're going to bring in, because trying to rent this short-term rental place is I can't afford it, you know, neither can a lot of us Hawaiians can afford it, so, you know, if you're going to put this thing there, it's going to change, and it's going to ruin what we have their for many, many, many generations. So I'm hoping you deny Mr. Sherrell and Megan because it's going to change and I don't like it, you know, just as my personal feelings. And that's it I guess.

Chair Stephenson: Thank you very much. Any questions for Mr. Naki? Okay, thank you very much. Appreciate it. Anyone else like to testify on this particular agenda item? Yes?

Ms. Buchanan: Chair, before the next testifier, if we still taking testimony on item 1 at 1:30, can we take a bathroom break? 'Cause we've been going from 11:00.

Chair Stephenson: Of course.

Ms. Buchanan: I thirsty. Okay, thank you.

Ms. Evelyn Cullen: Aloha, my name is Evelyn Cullen. I am a Honolulu resident. A quarter time I would consider myself a quarter-time resident here since December only because I come in often to cut the grass on my kupuna's aina on the East End, so if you past the dip, diagonally across of the fire station mauka, so if you've seen a change in the aina, that was because my husband and I have been malama the aina. So after listening to what was being said here, I kinda not support the Resolution. I'm more pili to what the people of the area have been saying. As I reflect upon what my kupuna might want to say, I would have to go with what they stand for. So I'm not paying taxes yet in Maui County but I'm looking towards doing that, and that's just where I'm at, and also I see a lot of those white notice signs and like, okay, can I go there? When I was little, I could wherever I wanted to. Today, I have to make sure I stay on the straight and narrow as I head towards the seashore. Yeah, that's me. Okay, that's all I have to say. Thank you.

Chair Stephenson: Thank you very much. Any questions for the testifier?

Ms. Buchanan: I have a question. You said your property is directly across the fire station.

Ms. Cullen: Diagonally.

Ms. Buchanan: Okay. Are you with --

Ms. Cullen: So right after the dip.

Ms. Buchanan: Oh, thank you. Are you within the 500-foot notification radius?

Ms. Cullen: Yes, so my aunty has been receiving at least five of them and I've kind of been designated as the -- the go-to person for my ohana.

Ms. Buchanan: The reason why I ask that question is because on our paraphernalia for this -- the case coming up, and I don't want you to run away that's why, it says that they received zero feedback from people testifying against within that 500-foot radius, so what I'm hearing now is that you are an affected person within that 500 feet and you are testifying against this ordinance, and I hope you stay for the next one too.

Ms. Cullen: Yeah, so it goes to my aunty and she comes to me for, I guess, to share her manao, and then I share with her, and I'm also -- I steward my grandfather's aina, so that's my kuleana. I took it upon myself.

Ms. Buchanan: Okay, so for the record, you are testifying in opposition?

Ms. Cullen: Yes I am.

Ms. Buchanan: Okay. Thank you.

Chair Stephenson: Thank you. Any other questions? Okay, next testifier?

Mr. Leimana Naki: 1:30 you going take a break, huh?

Chair Stephenson: Yeah, got a few more minutes so please go ahead. Please state your name, Mr. Naki.

Mr. Naki: Aloha. I'm Leimana Naki. I'm from the ahupuaa of Moanui, Manae. Manae is M-A-N-A-E. Ma, is at; nae is east. In the chant it says, "E ala e ka la I kahikina," that means the sun rises from the east and set at the west. It is important for our cultural people, our traditional people knowing that because it has to do with your head down to your foot. Yes. Addressing the Planning Commission. I think they should know and understand the rules and laws of the kanaka maoli people. I say that again. You need to understand the rules and regulations and the laws of a kanaka maoli. A kanaka maoli is a man or a woman that live from mountain to sea, and after the sea, they go into the ocean, and after the ocean, they come back. Moana, ke kai, uka, mauka, kilohana, mauna. All of these represents us, the people. The short-term, the bed and breakfast, all this stuff is hamburger. Hello. We don't have hamburger. We got fish, poi, taro, and more fish, and more poi, and water. All of these things important for the survival of our people on Molokai that's just a kamaaina. They are indigenous native man and woman

and children and families of this land. That's the number one. Yeah, and all policies, everybody make rules and regulations in all meetings halawai ...(inaudible)... at least they must address the people of this island, not the malahini. Hello. You are just visiting. Yeah, you're on a holo. One holo is run. That's where you're at. You run here, and you run back. Yeah? For us, holoholo means holoholo. That's two holo but it's connected, holoholo. It's not one holo. All you malahini is holo. Run. And us, kanaka, is holoholo; that means mauka to makai, makai to kahakai. That's my address. Now, just a few lines and I'll be done. Thank you. Resolution no. 17-74, zoning has a direct impact on kuleana lands. The native people will directly be affected. I see all of these alii up here. I looking Queen Liliuokalani. That's her. You don't make Queen Liliuokalani a liar. If you are Hawaiian, you don't make her a liar because she said this, yeah, on her throne that my people at such and such time will return. Hello. We return. You say what it means, Mr. Naki? We are police officers, firemen, superintendents, principles, doctors, lawyers. Hello. What more I need to say? Yeah? We have returned. I not saying to replace them, but you can ask them. If you're not there doing -- what you're here for Molokai. Well, my closing. Thank you. If the Molokai Planning Commission doesn't protect or address the important illegal or legal and lawful issues at all, first and most importantly, Manae has a policy. Stacy Crivello, is she here? Council Woman, aloha. We had a meeting in what the strategic plan in Manae to see what can we do to ...(inaudible)... secret agent, a double-0-9, not necessarily, but it was for us to determine the Hawaiians how we think, yeah, yeah, what we're going to do. It was the things that Hawaiians they get the first, yeah, yeah, the difference between us and the malahini is that we put all people first that's why we are so loving people, powerful people, humble people, me ke aloha, nui ke aloha, nu ku haahaa, nu ka mana because it's who we are because He, up there, make the decision to bring us here by our waa. He brought us here by the stars and moon and the birds and the currents and the fish ...(inaudible)... and this is in us. We bring this little house thing like that. This thing can float. Damn thing can fly. Hello. ...(inaudible)... and paddle it. Hello. Thank you, 35 seconds. We are the members of Hui Aloha o Aina. We just a hui. You are part of it. Even them is a part of it. They all making decisions right now. Yes, thinking that, well, well, but it's true. We love our land. We love all the islands out there. Sybil, she doing her best thinking that what she is doing is about her, is about this, but it's not about us. Yeah. It has to be about us. Mr. Ritte, thank you for coming. Thank you for your few words. Yes, stop, yeah, all these things from happening. I do not support whatever that thing is here, this Resolution, and put a temporary, permanent, yes, on all these things and that the land and natural -- Department of Land and Natural Resources, with the help of this Commission, and help with this community will start looking into the decision-making on our lands. Last but not least, Walter Ritte and I and other members of this community from the east, west, north and south, we're building loko ia in Manae and it started in the mid-'90s. He can tell you how many permits we had to go through, 20-something permits before we can move that rock.

Chair Stephenson: Thank you, Mr. Naki. If you can please wrap up your testimony.

Mr. Naki: Yes. I almost there guy. I just told you. Hello. Yeah. Twenty-something permits. He assembled ten men, oh, and few women to make an accomplishment to make a decision to work the loko ia and to have all you malahini come in here getting -- this is just 15, 15 cottage rental, and then 15 short-term, and then 15 this. Hello. You send us to school to learn numbers. Ekahi, elua, ekolu, elima, umi, hookahi hanele. Hello. Thank you. Questions for me?

Chair Stephenson: Thank you, Mr. Naki. Any questions, Commissioners?

Mr. Naki: Aloha ...(inaudible)... your guys lunch.

Chair Stephenson: Okay. Thank you very much. At the request of Commissioner Buchanan, we're going to take a short recess, it's 1:30, we will take a 10-minute recess and resume public -- the public hearing once we resume the meeting. Thank you.

(A recess was called at 1:30 p.m., and the meeting reconvened at approximately 1:45 p.m.)

Chair Stephenson: Okay, I'd like to call the meeting of the Molokai Planning Commission for June 14, 2017 back to order please. We're going to continue with public testimony at this time, so anyone who would like to testify on agenda item E.1., the Resolution for the bill to -- the proposed bill to amend the comprehensive zoning ordinance to place a cap on the number of short-term rental homes on Molokai.

Ms. Zada Place: Aloha. My name is Zada Place. I'd like to testify --

Chair Stephenson: Pardon me. Pardon me, Ms. Place. We're still on the same agenda item that you testified for previously.

Ms. Place: I do know. I'd like to testify on behalf of Nat Bacon, who couldn't be here today 'cause he's off-island.

Chair Stephenson: Okay. Could you hold on one moment, please?

Ms. Place: Sure.

Chair Stephenson: Okay. That'd be fine. Go ahead, please. Please keep the remarks to three minutes. Thank you.

Ms. Place: Aloha, Molokai Planning Commissioners. Don't change Molokai, let Molokai change you. A sentiment shared by most, if not all, of your fellow Molokai residents. Vacation rentals are changing Molokai. Your Commission was formed as our last defense

against the whims and failures of the Maui Planning Commission. It is your duty to protect Molokai from the non-resident investor developers of the TVRs. You have the Molokai Community Plan, including the East End Policy Statement, and the zoning regulations that clearly state the areas where the tourist hotel resort accommodations are to be located and are there to be no tourist accommodations on the East End and where the rural/agricultural zones are. In an effort to prevent Molokai from becoming another Lahaina, these plans were developed by your fellow Molokai residents. The recent increase in vacation rentals is in direct conflict with the lifestyle and sense of community we share here on Molokai. We understand the need for visitor accommodations on Molokai but TVRs, especially in the densities we are seeing in some sections of the East End, are causing irreparable changes to the character of our rural neighborhoods. Neighborhoods are for neighbors, like your fellow Molokai residents. Molokai neighborhoods are not like the gated communities with security guards found elsewhere. They are a mix of residents who watch out for one another, interact with one another, and contribute their talents and support to community causes or events. Unchecked TVRs can take a normal healthy neighborhood and turn it into a commercial zone void of and unwelcoming to your fellow Molokai residents. There's a big difference between a longtime Molokai resident doing a TVR to generate the income necessary to save and maintain their only home and a non-resident investor who comes to Molokai and buys a piece of property or two with the express goal of turning it into an income-producing commercial vacation rental. The latter case does nothing to benefit the local community with the money going into the pockets of the offshore non-resident landlord. As we are now seeing, realtors who are selling Molokai properties as TVR properties and then manage the TVR for not your fellow residents. This activity also artificially drives up real estate prices and neighbor's property taxes since the properties are being sold as commercial investments. These higher prices and taxes make it more difficult for families who want to move here or stay here to enjoy the Molokai lifestyle and culture like your fellow Molokai residents. It would be great if the non-resident investors would help develop or support the accommodation facilities Molokai needs in the appropriate designated areas, then they would be contributing to the Molokai community, not just taking advantage of it. They might come to understand our unique culture and lifestyle and learn to be like your fellow Molokai residents. Thanks to each of you for serving our community. As a former commissioner myself, I know the decisions you have to make are not always easy or well received. I trust you will honor what it says in the Molokai Community Plan, the East End Policy Statement, and the zoning regulations for the sake of your fellow Molokai residents. Aloha, Nat Bacon.

Chair Stephenson: Thank you very much. We'll enter Nat Bacon's written testimony into the record. Thank you. Would anyone else like to testify?

Ms. Hoala Davis: Hi. Good afternoon. My name is Hoala Davis. I'm born and raised on the east side of Molokai, and I wasn't sure if I was going to give testimony today but

listening to everyone, I think it's really important that something happens. I support the Resolution. Yes, it's not perfect. In a perfect world, our government would do what the community wants and what the community's coming before you to ask for, a ban, a cap, whatever it may be, the community is speaking out and asking that you recognize the importance, not only of the community itself, but the people. The dynamics of East Molokai is changing, I can't speak for the west side, I rarely go there, in all honesty, but, you know, when you start creating empty homes and transient residents that come and go, the dynamics of that area changes. When you don't know your neighbors, when you don't necessarily know who's coming and going, the culture and the traditions of that area goes away when they become something recreational that you just pay to see or pay to visit. The arguments that the economic stimulation is happening, I'd like to see the evidence of that because when you look at, you know, maybe certain individuals are profiting, if you're developing, if you're in the real estate market, yes, but there are many working people that still cannot afford to live here, that cannot afford to purchase homes themselves that are being pushed out of their communities, that are seeing, you know, their residential areas changing. And if anyone has been here long enough, you know, Waialua is a great example, when I was a kid, there were families that lived there. We played down there. We had birthday parties down there. My kids don't feel like they can even go to the beaches there. They see it as kind of a taboo area that, you know, they'll get in trouble if they go into the yards, they'll get in trouble if they go to the beaches because that has become the norm, and that same thing is happening in Pukoo because it's become such a concentrated collection of just houses that have people sometimes, visitors coming and going. A lot of times these houses are empty. And there's still places for people to go. We have, in every one of the districts, condominiums and hotels. We have Wavecrest that has many, many rooms, and they are legitimately allowed to rent those place out, three whole buildings, they have hundreds of rooms; you have the hotel; you have Molokai Shores; on the west side, you have Ke Nani Kai, and trying to insert all of these houses in to accommodate who? You know. I did a search on my phone, while I was listening to testimony, just for vacation rentals on VRBO.com and just played around with dates, it ranges from 105 available units to 174 on Molokai. We need a cap. How many do we need? You know, how many have to be single home residence. That's not going to deter people from coming to Molokai to experience what we have, and what they wanna experience is going to go away if the people cannot afford to live here. That's it. And, also, we need to start looking a little further down the line. That's a big concern for those of us that still have families. I went to Kilohana School. It was a thriving community when I was a kid. There's like 80 kids that go there. There are no families that are living on the east side, or very little. They're being pushed out. They're being centralized to, you know, the middle of Molokai where it's more affordable for them to live and undesirable, you know, not that Kaunakakai is a terrible place, but when you compare East Molokai, and I have a prejudice 'cause I'm from out there, you know, the numbers are dwindling. When my kids are adults, I worry that they won't be able to afford to live in this community. They're gonna, you know, in 15, 20 years, what will the housing prices

be like? I would like them to stay where we are. I have three kids in one house, so then, you know, all three of them can live together or they're going to move off-island where they can afford to live. So I speak in support of the Resolution. I think we need to start somewhere. Thank you.

Chair Stephenson: Thank you, Ms. Davis. Commissioners, any questions for Ms. Davis? Yes, Lori?

Ms. Buchanan: I have a question for -- 'cause thank you. You came to a number of the community plan update council committee meetings.

Ms. Davis: Right.

Ms. Buchanan: And we talked about -- a lot about jurisdiction during those meetings, and was it your recollection, or I'm trying think it was just me, that we brought up the east side in the planning during -- multiple times --

Ms. Davis: Right.

Ms. Buchanan: During those committee meetings and, basically, we were told that that wasn't part of all of the future planning within the community plan update. Was that your understanding?

Ms. Davis: There -- there was a push to remove the East End Policy Statement, and I think a lot of what the community plan was trying to do was absorb and incorporate, island-wide, the policies instead of recognizing the specific importance of the east area of Molokai, and from that, that's where Maunaloa Town also created their own policy statement because it's really important here to recognize you can't lump everything into one category, every, you know, every area, every district, the people that come from region or another have different expertise, different upbringings, different traditions, different culture; yes, we're all part of one island, but it, you know, Halawa Valley, Pukoo, Waialua is very different from Papohaku, from Kaunakakai Town, like we can't just compare everything as if it's the same. So as far as the meetings, I don't specifically remember, I remember that there was a big push from the, I'm sorry, the Manae community to maintain that East End Policy Statement to take it back to committee and actually ramp up the original policy to make sure that we maintain what -- what makes Manae special.

Ms. Buchanan: And, in your opinion, would that include the type of development that we talking about in this ordinance today?

Ms. Davis: I don't think there's enough specific verbiage for the vacation rentals themselves. No I don't. I think it's important to have this Resolution and the cap.

Ms. Buchanan: Okay, thank you.

Ms. Davis: Alright. You're welcome.

Chair Stephenson: Thank you. Any other questions? Okay, seeing none, anyone else like to testify on this agenda item?

Mr. Peter Pale: I used to fit this shirt. First of all, I must aloha and respect everybody in this room. Thank you, Commissioners, for being here. Thank you, Aunty Stacy, for coming over. It's kinda ironic but in this same very room I attended the funeral for my great-grandmother, her casket was right over there, and it's kinda making me think about that and where my family comes from. Our family comes from Pelekunu, Waialau, Halawa Valley, Pukoo, and Kamalo. That's where our family resided. Way back --

Chair Stephenson: Excuse me, Peter?

Mr. Pale: Sorry.

Chair Stephenson: Pardon me. Can you state your name for the record, please?

Mr. Pale: Yeah, my name is Peter Pale. Sorry.

Chair Stephenson: Thank you.

Mr. Pale: And, you know, so like our roots here on the island go -- go deep and so with all those things in my mind, this makes me more emotional about the whole process and how things are planning out on Molokai. I mean just being here for a little while here on the island, when we see -- when I see different people, different faces that you see they're very comfortable here, it makes me nervous, I'm not talking about, you know, Planning Commission, I'm talking about like these people visiting our island and they seem so, so relaxed and like they belong here. It makes me nervous because I know that, who knows, that might be the next short-term rental that pops up somewhere down the line and a lot of people you see coming on the island, they're not poor now, the people who are coming here. You can tell that they got, you know, they got money and they're here to come and when they see this place, how beautiful it is and how it looks, of course they wanna change the place. There's no question in my mind that they do because we see it happening, I've seen it happening throughout my life, and with the Resolution, I respect that the Resolution is put in place, I support Aunty Stacy and her Resolution, but at the same time, it's kind of nerve-racking to think that it's like, as a kanaka maoli, we're here,

we're forced again, like our arms are twisted because we have to make a decision now to save ourselves and almost come to a compromise with the process, trying to slow it down is what -- what kinda it feels like is what's happening today is really to try and slow it down, and I agree with Uncle Walter too about the ban until one impact study can be done, I'm not sure if that's something that can be -- that is possible, but, overall, of course I'd like to see that zero, like Mahina said earlier, zero is a number that, you know, would be nice but, obviously, in today's lifetime, it's something that probably will never happen so that's why I feel the ban is important, I mean not the ban, but the Resolution to put a cap on the homes, and so that's kinda where we forced it right now, so I would have to lean toward the Resolution because I am not sure what may happen if the Resolution does not happen, will it become -- so if, as a question to the Planning Commission, if the Resolution does not go through, would that mean that it will go past 15 like after the 9 and the 6 applications? It could possibly happen, yeah? And what are the chances of a ban being done before and studies done first? Is that possible?

Chair Stephenson: I think everything, whether it be the short-term rental home resolution that wants to establish a cap or if there were any type of a ban or suspension, that would have to be enacted by a legislative action through the County Council to actually amend the current law, so the only thing that we have --

Mr. Pale: Recommendation.

Chair Stephenson: The only thing that we have to do -- that we can do is what the current law is and what comes before us, so that needs to go before the County Council. They're the only ones that can change that.

Mr. Pale: Okay. Understood. So yeah, I do support Aunty Stacy's Resolution at this time. Thank you.

Chair Stephenson: Thanks, Peter. Any questions for Mr. Pale? Okay, seeing none, next testifier please. Hi. And please state your name for the record.

Ms. Terry Claraline: Hello. My name is Terry Claraline, and I live in Pukoo, and I am not a very good public speaker but I just simply wanted to say that I am becoming increasingly surrounded by vacation rentals and it disturbs me for several reasons. I've lived there for 13 years and I don't know my neighbors anymore. Sometimes there are no neighbors, it's empty units, and it's not pleasant. It's not a good way to live. I also don't like the idea that -- that there is nobody supervising people when they're staying in the units, and for somebody off-island to buy a place simply to rent it out and not be there, nobody to supervise, I don't like that either. So within the 500-foot radius of a recent application, there are already two vacation rentals and a proposed third, and possibly a fourth. Now, I agree with the person who mentioned the density of permits. If you're going to give out

permits, don't make them like all in one spot like that. Somebody like me, who lives in the middle of that, is -- is at a big disadvantage, and I think that's unfair. And so, at the moment, I am opposed to the plan and I --because I want it done right, and I want all the points that have been brought up today, which are very valid points, to be taken into consideration, please, so that the right proposal comes up because it's too hard to change something once something's enacted. You can't go backwards and take back things, and I would like it to start correctly the way people would like it in the first place. So thank you for your consideration.

Chair Stephenson: Thank you, Ms. Claraline. Any questions for Ms. Claraline? Okay, seeing none, would anyone else like to testify on agenda item E.1.? Okay, last call?

Mr. Charles Spencer: Aloha, everybody. My name is Charles Skip Puaa Spencer. I'm a native Hawaiian from Molokai. My ohana is from here. And I wasn't going talk but I feel like I have to say that I support the cap and as a Hawaiian, also a fisherman, I feel like that this would change a lot of things that I do to survive and to eat. I just recently had a child, I mean three weeks ago, so every time I see my -- I look at my son, thank you, I look at my son, I just think to myself: What will happen to this island 5, 10, 20 years from now? Am I still going to be able to go to the same places where I grew up? Gone with my father to dive, to fish, to throw net? Am I going to see the same people surrounding me at the same places? I don't know. And that's very scary for me, so I support the cap, and mahalo.

Chair Stephenson: Thank you very much. Congratulations on your son. Any questions for Mr. Spencer? Okay, thank you. Next testifier.

Ms. Loretta Ritte: Aloha. My name is Loretta Ritte and I'm really, really happy to hear our community come out and just be really concerned about changes on Molokai. I felt like somebody had a gun at my head when I have to make a decision if I wanna put a cap on 40 homes or we're going to lose it, so it's like listening to the opio, and as a kupuna, we all worry about what's going to happen to our place and what we're willing to give up for this place to remain like how we saw it for our kids and our grandkids. Yeah, I'm not a good speaker either. I get really emotional. But I'm here to support Stacy's Resolution. I don't like the number game. I think there should be a halt to anymore permitting of these -- for these short-term rentals until our community can really get together and come up with something that will truly safeguard us from all the other long -- the new rentals that are here. So that's my manao and mahalo.

Chair Stephenson: Thank you, Mrs. Ritte. Any questions for Mrs. Ritte? Okay, thank you very much. Would anyone else like to testify? Okay, last call? Okay, we're going to go ahead and close public testimony for this agenda item. Okay, now is time for us to discuss this Resolution and, Sybil, is there anything that you'd like to add further to the --

the presentation you gave earlier on the -- to help us to be able to discuss and deliberate on this item? I guess I would ask, at the same time, Councilwoman Crivello, if there's anything that you would like to as -- to add to your presentation to help us to have our discussions and deliberations on this, we'd invite you to come up at this time if there's anything you'd like to add.

Council Member Crivello: ...(inaudible - not speaking into the microphone)...

Chair Stephenson: Thank you. I'd like to take -- actually, Sybil, I apologize. Corp. Counsel just reminded me of something. We'd like to step away from the agenda for just one moment. Tina Thompson, she needs to return on the airplane and we'd like to open up, for Tina only because she's the only one that's come up and said she cannot say, to put her public testimony for agenda item E.2., so we're going to open public testimony for Tina Thompson on agenda item E.2. so she can -- so we can accommodate her need to get back to Maui. And please state your name.

Ms. Tina Thompson: Thank you very, very much. It's going to be really quite short and simple 'cause I pretty much every that I have on this paper was said by everybody, but I am in opposition of the short-term rental that's submitted by the Sherrells. My ohana is within that 500 radius and we have three parcels there, and that's, if you look on the real property tax, it's listed under Kaiawe, Aipa, and they have two parcels, one is mauka and one in makai side. It's just past the dip when you going up East End. And then we have small parcel that's Yip Kong Estate. Aipa is my great-grandmother. Yip Kong is my great-grandfather. And majority of our ohana is in opposition of it. I really wanna say it's the character of the place has really changed. I mean there used to be names like Kaupu, Linki, you know, the old man Felix, and they're no longer there. Whatever happened, they sole, whatever, but at least on the -- farther going town, you can see there's still Goodhue, Quiniones, Akionas, Duvachelles, Yap, Sherwood, they're still there, but it's just our area that's affected. You know the names that I read? Now you see owners their names are Peer, P-E-E-R. They own four parcels that's outlining my grandparents. Then there's Heimebuck. They own two parcels. And then there's Behoonan, Todd, they own two parcels. Vigil own one parcel. Now, that's not local names. I don't know who they are. I'm assuming, maybe I shouldn't assume, it's people that's Mainlanders coming in buying and doing whatever they -- they need to make money back of it so they do short-term rentals. I went on and looked at the information on the property and a lot of them is Mainland addresses. But it's not like how it used to be. I used to live -- I live Maui 25 years, prior to that, I raised my kids, I have three children, I raised them on Molokai and in that area, and it was safe, you know. I mean my kids, I knew where they were, they wouldn't go around and humbug the neighbors, everybody was one happy big family, but now, it's everything has just changed. It just turned around completely. You know, I don't have anything against all these people that own the place, but we need longtime rentals for our local people so that we can keep them back in the area instead having them move

centrally, off island. We need the schools to stay intact for our children. And we need to satisfy our kupuna. My grandmother and grandfather, they retired and they moved to Molokai because they loved Molokai. My grandmother was born and raised here. My grandfather is from Kauai, but he's an ocean person, so he loves the ocean. But now, exactly like how they say, we could before, you know, our lot is by the road, we could walk all the way down to the beach, maybe we gotta duck the bushes and stuff like that, but that was no problem; now, we cannot even go. I think the only place we gotta go through is Beach Access Road, and that's ashame. All I can say is I'm in opposition and I wish I could on and on and on, which I can't, but I won't 'cause a lot of things was already said, but please take it into consideration, our planners. You know, we need to keep Molokai Molokai. Okay, and thank you very much for letting me speak 'cause I gotta catch a plane. Okay, aloha.

Chair Stephenson: Of course. Thank you very much. Does anyone have any questions for Ms. Thompson? Okay, thank you very much. So we'll go ahead and close public testimony for item E.2., on behalf of Tina Thompson, for now. Okay, we're into the discussion phase. Commissioners, we got any questions for Sybil or Councilwoman Crivello on the proposed Resolution as it was presented? Go ahead, John.

Mr. Pele: I don't know if I have any direct questions for Sybil, but I have a lot of questions for us so I don't know if this is the right time or not. I'll wait.

Chair Stephenson: This is the right time.

Mr. Pele: Okay. This is going to be a couple hours, gang, sorry. One of my concerns is, in the public testimony we heard, they want us to create a law banning, I wanna know if this body, right now, today, has that power.

Chair Stephenson: We'll let Corporate Counsel answer that question.

Ms. Oana: Well, on the agenda it does say the Resolution is on the agenda so that's what you have to make your decision on today, but with regard to creating new laws, establishing a temporary ban or any of the other suggestions today, what would happen -- what would happen is either Councilmember Crivello or another Councilmember, or if the Department wants to as well, they can propose a bill and take it to Council, and then the Council will direct it to the various committees, Council Committees, if it pertains to Molokai, which of course it would, it would come back to the Molokai Planning Commission for your review. So it's a long process that, of course, hasn't started yet.

Mr. Pele: Okay, and during that process, the STRH permitting, as it stands, as it is law right now continues?

Ms. Oana: Yes.

Mr. Pele: So it doesn't get suspended because we're trying to --

Ms. Oana: No.

Mr. Pele: So if 50 people apply, and there's no cap, we're going to review 50 applications. In fact, I take that back, and I think it's important that the community know that not, if I have this right from the last meeting, not every STRH permit comes before this Commission. Am I correct in saying that?

Ms. Oana: You are correct. A lot of the STRHs don't have to come before the Commission and it can be approved by the Director. There are some triggers in the STRH ordinance, and if the situation or that application meets the triggers, such as a number of protest, I think, and then the 500-foot radius, if there's already one in the area, then it would trigger coming to the Molokai Planning Commission. But if there's no triggers, then it goes to the Director for approval.

Mr. Pele: And we don't get notified when they're approved at the Planning level, do we? Do we get notification or is it just when we get our -- our next meeting and they announce now there's 22 approved?

Ms. Oana: I don't know if you get notification.

Mr. Pele: Okay. I have more questions.

Chair Stephenson: Go ahead.

Mr. Pele: Okay, so if - I lost my train of thought so I just had so much things running through my -- my question is if we were -- were to defer, or somehow amend this Resolution or decide not go through with it, as a member, with the cap -- the caps won't apply at the Planning Director level? I mean that decision won't hold them up from approving permits at their level will it?

Ms. Oana: I'm sorry. Can you say that again?

Mr. Pele: So if we say we wanna review maybe from the public testimony we don't want to see 40, let's say we wanna see 30, and we make a decision, I'm just pontificating, and we decide to defer, the applications that are not going to come before us that are just being approved at the Planning level, are they also in deferment because we're still trying to make a decision on this Resolution or the cap is just open until we make a decision?

Ms. Oana: It's open until the law changes.

Mr. Pele: Alright.

Ms. Oana: And so today, you know, depending on what you folks are going to do, if you recommend -- if the action is the Molokai Planning Commission recommends this ordinance, then that will go to the Maui County Council and they will vote on it, so this -- this -- the Commission isn't the final say in whether the law changes or not, it's your recommendation to the County Council whether the Molokai Planning Commission recommends approval as is or your discussion today could be, well we like some parts of it, but we want something amended, and that could be your recommendation to the Council is we like this, but we want this changed.

Mr. Pele: But that leaves us, and forgive me, that leaves us open to continue the approvals until something comes through.

Ms. Oana: Until the law changes, the law is what it is and that's what you are bound by.

Mr. Pele: So it's -- okay. Sorry.

Ms. Oana: No, no. I'm sorry.

Mr. Pele: Just have a lot of -- a lot of questions.

Ms. Oana: And so maybe Councilmember Crivello tell the body what will happen if they do recommend any amendments or changes.

Council Member Crivello: Stacy Crivello. I would definitely take into consideration recommendation from the community as well as the Commission, but in lieu to your questions, we do not -- you deny this today, everything remains because there is no change to the law that allows these short-term rentals to continue applications, whether it's approved by the Director or approved by the Commission, and if you want us to take it back to amend the Resolution that's presented to you, that's your call, and I will work towards whatever we can do to make the process workable for the community, but what did I say? How do I say it? Things continue. There's no change. If there's no acceptance for some sort of change to the existing ordinance, then what exist remains - if that makes any sense, yeah.

Chair Stephenson: Councilmember Crivello?

Council Member Crivello: Yes.

Chair Stephenson: I just have a question for you. Given the public testimony that you've heard today and the discussions from the Planning Commission, do you have any proposed revisions to the Resolution for the bill that was placed before us or would you -

Council Member Crivello: What I have proposed before you is, and I haven't seen the Commission get into any discussion in reference to your question --

Chair Stephenson: Okay.

Council Member Crivello: So I've heard the community, I've met with some of the Manae community members, and it's -- it is -- it is sort of like do we have a choice? No, like I mentioned earlier, it's reactionary. The purpose of the Resolution was to actually put a cap so that we can have some control, and then, listening to the community, after that, if you accept it or not, then we have more work to do on the Resolution, but I just want people to be mindful, if there's no cap today, according your recommendation, everything remains as such. We can have more than 15 short-term rentals. We can have 20, 30, however because you folks may make the call or the Director ...(inaudible)...

Chair Stephenson: Thank you.

Council Member Crivello: I think Will wants to say something.

Chair Stephenson: Go ahead, Will.

Mr. Spence: And, Commissioners, maybe I should explain a little bit what that means to put a cap on the number of short-term rentals is, like proposed for Manae, we have nine already permitted, there are six proposed, after that six, and I'm not saying they're going to be approved, I'm just saying at 15, we would accept no more applications. None. Whatever the caps are on, you know, any area in the island, once those -- that number of permits has been approved, we accept no more applications, and anybody that doesn't have a permit is operating illegally, and we go after them, and that's pretty simple.

Council Member Crivello: So -- so that being said, I also have a plane to catch to get back to the hub, where we gotta do our work, I will -- whatever you decide, it's not the end. Whatever you decide though, by allowing the door open, you know, whatever floats through, that's going to be the Director's call and the Commission's call. I'd rather see the door shut for a bit, or longer, or whatever, and whatever else we have to work through. I will say I will come back to the many people who came here to testify and work on something more strategically and more compatible to what they can agree on, yeah.

Ms. Oana: So, Chair, I just wanna reiterate what Ms. Crivello said is that even if you pass this today, it doesn't mean that concurrently or right away she can't start on drafting

something else, something that's more tighter, so if you -- if your action is to recommend this today, something can be in the works right away, you know, it just depends on someone working on it.

Chair Stephenson: You got -- do you have more -- more questions, John?

Mr. Pele: Oh no, I have no -- no more questions, a lot of comments, but no more questions.

Chair Stephenson: Okay. Any questions? I guess, Lori, you're up.

Ms. Buchanan: Thank you, Chair. I guess my question is now for staff. I sorry. I never absorb what you was saying about triggers. So what I did was I actually went online and I downloaded a short-term application. So in that short-term application, as an applicant, the County expresses how they're to fill this out; what is the law; what is recommended; what you gotta do. So on page 2 of that application, let's not even start on page 2, let me go straight to gusto here. In the application submittal, and this has to do for why to do with the cap, I need to know from staff, it says that there are two avenues to approve a short-term rental home project, and then it says, "Once you complete your permit application," right here, "it's going to be reviewed by the Department," and I'm assuming that's the Planning Department, "and all agency comments or concerns have been satisfied, then the permit application shall be approved or denied." Pretty simple. So then it lists two ways for approval. Number one is by the Director administratively, or by a Planning Commission at a public meeting or public hearing. My first question is why is that so? Then my second question is, goes to her, what are the triggers? Why does that short-term rental not come to this community for whatever reason, what are the triggers? 'Cause I was not able to find it.

Mr. Spence: I'm looking at Jen. Okay, so the question, as I understand it, why some are approved administratively and why some come to the Planning Commissions. Usually when -- when these permits are approved administratively, it's like the only application within an area, and then it's either within the urban, State urban district or the rural district. If it's in the ag district, then also needs a special use permit, and that comes to the Planning Commission, so in addition, that's in addition to the short-term rental home permit. If there's another short-term rental home within 500 feet of whatever application, that has to be approved by the Planning Commission. And then there's a couple other triggers that are escaping me right now. If there are a number of complaints or letters of opposition, so when you apply, you send out your notification to everybody within 500 feet, and if somebody writes back, if there's two -- how many? Two or more letters of opposition, then it bumps it up, decision-making, to the Planning Commission. So some areas, you know, people don't seem to mind that there's a vacation rental somewhere in their neighborhood; other places, people most definitely mind, and they write in their

opposition, and it -- you know, we pay attention to that stuff, and it comes to the Planning Commission. So couple triggers like that. Sybil, can I ask what -- do you got idea of how many short-term rentals -- of all the short-term rentals on Molokai, how many come to the Commission; how many were just administrative? Just a wild guess.

Ms. Lopez: So, okay, so to date, we have 20 permitted, so of those 20, how much of 'em actually was seen by the --

Mr. Spence: Right. Commission.

Ms. Lopez: Commission, I would say five on the West End because I know all five of 'em are in ag district and so they're not seen through a short-term rental but they're seen actually through an SUP -- State special permit; one on that end has been seen in front of you, specifically, for short-term rentals. Central, we never had, so all seven of them were administratively approved. I'm going by what you're seeing, yeah, on the map. And so nine of them that were approved on the East End, I'll say Lanikai, one, two -- of nine, only three of them were seen in front of the Molokai Planning Commission.

Ms. Buchanan: Okay, so --

Ms. Oana: Okay, so you asked about the triggers and 19.65.060, of the Maui County Code, that's the permit processing section, in section A.2., that's where you get to the trigger section, so A.2. says: The director shall approve or deny the application pursuant to requirements of this chapter provided that the applicable planning commission shall approve or deny the permit pursuant to the requirements of this chapter when any of the following occur, and so there's the triggers right there, a. The director receives two or more written protest from the owners or lessees of record of two or more lots adjacent to or directly across the street from the driveway access area for the proposed short-term rental home; b. Thirty-percent or more of the owners and lessees of record within a 500-foot radius of the proposed short-term rental home lot submit written protest to the director when there are less than 40 lots within a 500-foot radius of the proposed short-term rental home lot; c. is 15% or more of the owners and lessees of record within a 500-foot radius of the proposed short-term rental home lot submit written protest to the director when there are 40 or more lots within a 500-foot radius of the proposed short-term rental home lot; d. is a variance is obtained to meet the requirements for a short-term rental home; e. two or more existing short-term rental homes are operating within a 500-foot radius of the proposed short-term rental home lot; and f. an owner of the lot for which a short-term rental home permit application has been submitted, or a trustee, partner, corporate shareholder, or limited liability company member of the entity which holds title to the lot is also an owner, trustee, partner, corporate shareholder, or limited liability company member of an entity which holds title to or an ownership interest in a lot with a short-term

rental home permit. So there are six triggers for the application to come before the Planning Commission, otherwise the Director --

Ms. Buchanan: Thank you very much for that explanation. So that is what makes me really upset, and this community should be upset, and this community should be upset because the only reason why this short-term rental is before us today is because of the Planning Department and their failure to be really transparent to this community about the rules and regulations of the Department concerning the application on even the cap. So of the 20 -- currently of the 20 permitted short-term rentals, only -- only 8 came before this Planning Commission, so that's why you don't know. You don't know because was just written off. You don't know. The Planning Department signed off on them because they never have one trigger that she just read. There's a whole list of issues with the triggers themselves as to why it doesn't come to this Planning Department. So my next question then for staff is if the short-term rental is in a SMA, and the Planning Commission being that you would need one SMA permit for short-term rental, what is -- what is -- is it because it's a development or not development? What exempts that review by this Planning Commission for that administrative approval of short-term rentals on Molokai?

Mr. Spence: Okay, Commissioners, first off, we have not failed in our duty to the Commission. We follow the law that the County Council made. I can't tell you why the Council said, you know, no cap on Molokai. I can't tell you why the Council didn't put additional notification requirements, but that's what they did so that's what we follow, okay. The reason nothing on SMA is triggered is because there's no development. There's nothing that is -- there's no construction taking place, there's nothing that is triggered under Hawaii Revised Statutes, Chapter 205A, that requires that an SMA permit be acquired from the Planning Commission.

Ms. Buchanan: I guess we going add that to the list of what we going fix later on. So thank you very much. I appreciate that. So now that we know that these -- all these people waiting in line can just be approved administratively, and they not going come to us unless they meet a trigger, that helps me in my decision-making process whether I wanna vote in favor of the cap or not. You see what I'm asking?

Chair Stephenson: Pardon me. We need to take a short recess. Thank you.

(A recess was called at approximately 2:35 p.m., and the meeting reconvened at approximately 2:42 p.m)

Chair Stephenson: Okay, it's time to reconvene the meeting. I'd like to reconvene the meeting of June 14, 2017, the Molokai Planning Commission. Okay, we're in the middle of discussion on the proposed -- the Resolution with a proposed bill to place a capacity

on the number of short-term rental homes on Molokai, and, Lori, I believe we were in the discussions with your questions.

Ms. Buchanan: Thank you very much. I had just a few more questions for staff. So under the purpose on the short-term rental application, it says that the areas are subject to appropriate restrictions and standards. Where can I find those appropriate restrictions and standards?

Mr. Spence: So let the record show that Corporation Counsel is showing the Commissioner 19.65.030.

Ms. Buchanan: And then so back -- so we're doing the ordinance. So also my question to staff about permit renewals, because the short-term rentals are for three years, on the application, when it talks about permit renewals, it says: Permit renewals may be granted by the Director for terms of up to five years. So again, and then up to one year on the island of Molokai. That would also be administrative?

Mr. Spence: Those renewals can be administrative unless there's problems with that particular rental. If there are problems with noise and the police are called, all kinds of other things could happen, people are parking where they're not supposed to park, etcetera, etcetera, we can definitely bring those to the Commission.

Ms. Buchanan: Okay, the reason why I'm asking the questions about the permitting process and procedure is I'm trying to figure out, Director, that if this community or this Planning Commission decides to not support the current ordinance, and status quo ensues, we going to be subjective still to administrative processing of STRs and the preponderance shows that more than -- about 70% of those are depending on triggers. Okay. So is -- I'm trying to figure out a way for us to review all of the permits that come to this Planning Commission without setting a cap and making -- amending an ordinance, so let me, since I have the mike, I'm sorry, and your attention, let's go straight to the ordinance itself. Let me find it first in all these papers. So, procedurally, what are you asking us to do today?

Mr. Spence: So, today, what -- what the Commission has before it is a Resolution from the County Council to change the short-term rental home law. Currently, there is no cap on a number of permits that could be allowed on the island of Molokai, and this -- what this Resolution does is propose to change that. So what the Commission is doing with this Resolution is they're making a, excuse me, recommendation; in that recommendation you could say, hey, I think this reso is great, you could say we like it except we want this changed or that changed, you could say we don't like this Resolution at all and we'd rather see another change to the law or, excuse me, a different change to the law. Since you're making a recommendation, you can put almost anything that you feel appropriate. If -- if

you, you know, certainly, we would prefer you take action on the Resolution itself but -- in however you would like to make that recommendation, but along with that recommendation, you can recommend other ways that the short-term rental home law changes for the island of Molokai or in general; that would be in and above what this Resolution is about.

Mr. Pele: I have a question. So what you -- but if we decide to amend, change, talk about, say we don't like it, that is going to be considered a deferment of what is in front of us right now, correct?

Mr. Spence: No. If -- to defer the item, you would -- if you can't reach a decision today, what you would do is you would either formally defer the item or, in other cases where -- where say the Maui Planning Commission could not make a recommendation, they couldn't get five votes one way or another, what we would do is we have transmitted up a recommendation from the Planning Commission, in that case, no recommendation but we cited all the different concerns, so we would include all the concerns that we've heard here today, some people want, you know, zero, some people want, you know, fewer, you know, what we have is enough, but we would, you know, we've heard some -- at least some thoughts that the -- the Planning Commission should hear all vacation rental permits, those kinds of things, we would send all that up as just the notation of this is what was discussed at the meeting.

Mr. Pele: But as you do that, the policy and the application process will remain status quo.

Mr. Spence: That's correct.

Mr. Pele: Alright.

Mr. Spence: So I don't -- and --

Mr. Pele: Yeah, I'm just -- I'm just -- I'm a little bit worried because, as one testifier said, they felt like they had a gun to their head, and I, personally, think 40 is too many for this island, but I'm at the point when I'm look at the Resolution, I don't want that door to remain open, so I'm just trying to -- trying to process what's -- what's before us.

Mr. Spence: Right. And just for perhaps for a little bit of context, the Resolution is calling for 40 legal vacation rentals, I forget, I believe it was -- right, but I believe when the Commissioners looked up on their phone, there was like 100 or 150 already advertising, so you're still talking about a fraction of what possibly exist right now.

Chair Stephenson: And, pardon me, John, I just want to make -- make clear, regardless of what action we take today, everything will remain the status quo unless and until the County Council changes the law through legislation. So if we make a decision or recommendation today, that won't take effect. The only time that the change will take effect is when the County Council makes a change to the law.

Mr. Pele: So what happens if during that process, 'cause right now if we vote to accept this as written, I see this nine and six, I'm not saying that all of them will be approved, but if they were approved, how do you go back in time? What happens when 16 are approved on the East End and it's still in Committee, or it's still being heard by the Council Members? I'm just trying to, you know, process that and --

Chair Stephenson: That's an interesting legal question.

Ms. Oana: I think what would -- might have to happen is the Bill would have to be amended to allow for the ones that were already approved to remain approved up until their -- whatever duration they have. You can't take away something that's already been approved.

Chair Stephenson: Yes, Lori?

Ms. Buchanan: I think this is a Sybil question. Sybil, please recount for me the number, again, of permitted rentals by the proposed districts that are right now in those districts permitted.

Ms. Lopez: Okay, so the map that you have, so this shows the segregation by districts. For East Molokai, from Makolelau to Halawa, you have a total of nine permitted; within that area, you have six pending. So you look at the green, in central, which is divided from Kawela to Kahanui, all the way up to Palaau, so you have a total of seven permitted in Central Molokai. And on the west of the Kaluakoi Ahupuaa to Maunaloa and Punakou, you have a total of five permitted STRH. And I don't know if you can see it but those are the names of the short-term rentals that are permitted, and you got two pending, and those two pending will be brought in front of the Molokai Planning Commission on June 28, the next Commission meeting, as a State special permit and not a short-term rental permit.

Ms. Buchanan: Okay, thank you very much. So the Resolution we have before us, Chair, is a proposed bill to amend the comprehensive zoning ordinance, which should have never happened, related to short-term rental homes on Molokai, and on page 5, the underlined is the additions to that, that's the actual amendments --

Chair Stephenson: That's correct.

Ms. Buchanan: That's correct? I'm trying to figure out if we ready to make a motion or not, and then we can make a motion and then discuss after, yeah?

Chair Stephenson: Yeah.

Ms. Buchanan: Okay. So I want to make a motion. The motion is to concur with the cap with the following amendments, and I don't -- I don't know if we can make amendments or not, but on page 5, no. 7, where it starts for Molokai, so the number 40, we know was not derived by any due diligence or process, and what I mean by that is we never take into account the number of current visitor accommodations on the west side from three resorts, from the Wavecrest on the east side with whatever they have, from Central Molokai with Molokai Shores and Hotel Molokai, so remember now, those are all visitor accommodations so the argument about we not having visitor accommodations is really a moot argument because we actually do have, and they're not 100%, so what we really looking at that other type of experience of visitor, which is mostly homes, and it seems that the density is in one area, so for discussion sake, my motion is, for Molokai, we would do 30, provided the following limits will be set for short-term rental home permits in each region as follows: a. East Molokai, we currently at 9, I would say 10, since we're being arbitrary, okay, and following no process, so 10 in East Molokai, and then Central Molokai, where we really don't have a lot of those accommodations, we currently have 7, and, Sybil, please help me out in doing the math 'cause I might go over, and then that would also be, I don't know, maybe 15. We'll stay at 15. And then, yeah, for Central. It is 10. Okay. Well, let's do more. So for Central Molokai would be 10 -- 15, I'm sorry. That's my proposal. So -- and then for West Molokai, you already have 5, and I really am sympathetic in West Molokai because the testifier who lives there was correct that most of these, the density again is the same for West Molokai at Papohaku Beach that it is for Pukoo or Waialua, and we all know that everybody goes there to the west side take their kids swimming, access is always an issue although we do have access in the subdivision, and so that number would be less, so 10. Where we at?

Ms. Lopez: 35

Ms. Buchanan: Oh-oh.

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

Ms. Buchanan: And the reason why the central is because it is the urban center of the island and there should be more accommodations there because the Hotel Molokai and Molokai Shores, yeah. So I know we over, yeah?

Ms. Lopez: So west you want 5, then it'll be a total of 30.

Ms. Buchanan: No, less. Ten, ten, ten? No, not in East Molokai. East Molokai, oh yeah, we did go ten.

Ms. Lopez: You went 10 on --

Ms. Buchanan: Okay. So since we're being arbitrary --

Ms. Lopez: Ten, ten, ten.

Ms. Buchanan: Let's do ten, ten, ten. So that is a recommendation going forward except also on item d, boundaries of each region are as follows: East Molokai, consisting of the ahupuaa from Makolelau to Halawa on the south shore, and from Halawa, so this is where the amendments are taking place that I'm suggesting, 'cause right now it says from Pelekunu to Halawa, I would ask that we amend that to read from Halawa to Makanalua, and Makanalua is the peninsula of Kalaupapa. I actually wanted to go past Makanalua to Nihoa because I was thinking where would you put a short-term rental, so there's a little jetty adjacent to Kalaupapa and it's called "Nihoa" that could possibly have a short-term rental there some day, thousand years from now, so that is my suggestion for East Molokai. Central Molokai would remain the same. And then in West Molokai, consisting of the ahupuaa of Kaluakoi including coastal portions of Hoolehua, so I think I needed staff clarification on that, and Ilioli on the south shore. I am not familiar where Ilioli is, so can staff comment on that? Yeah, I know it's Stacy's bill and she not here, yeah? Okay. So, for West Molokai, consisting of the ahupuaa of Kaluakoi including --

Ms. Lopez: That would be south of Punakou.

Ms. Buchanan: Including everything that's from the point where Central Molokai ends, Palaau, all the way around, Puakina, all of that south shore section coming around to Laau Point to Kaluakoi to Ilioli Point. That would be the West Molokai jurisdictional boundaries on this proposal. And then after that last line, on the south shore, amended, if we could add: and that all completed applications for short-term rental come before the Planning Commission for approval. That's my motion. Would you like me to restate the motion?

Chair Stephenson: Yes, please.

Ms. Buchanan: Okay. I will do that. The motion is, starting from item no. 7, that 30, the number 40 be changed and amended to 30, provided the following limits, and then for a, b, and c would be an equal distribution of 10 each, and that the boundaries, on item d, item 1, or i, no 1, d.i. East Molokai -- East Molokai, consisting of the ahupuaa from Makolelau to Halawa on the south shore, and from Halawa to Nihoa on the north shore.

And then item 2, d.ii. Central Molokai, consisting of the ahupuaa from Kawela to Palaau on the south shore, and from Kahanui to Palaau on the north shore. On the south shore. On the north shore. Okay, that no make sense. Okay, wait a minute. Central Molokai, consisting of the ahupuaa from Kawela to Palaau on the south shore, and from Kahanui to Palaau on the north shore, including the peninsula of Makanalua and Nihoa. I'm amending my own. That make sense. I know where she coming from now. So if you look at the map of Central Molokai, it encompasses the south shore as well as the north shore, so the item that is the central green right there, that area that is not colored green is Makanalua, so it would be -- it's Central Molokai. So I going reiterate d.ii. Central Molokai, consisting of the ahupuaa from Kawela to Palaau on the south shore, and from Kahanui to Palaau, including Makanalua, on the north shore. And d.iii. West Molokai, consisting of the ahupuaa of Kaluakoi, including coastal portions of Hoolehua to Palaau on the south shore and to Ilio Point. And that all completed applicants -- applications for short-term rental come before the Planning Commission for approval.

Chair Stephenson: Okay, we've heard Lori's motion.

Ms. Buchanan: For approval or denial. All the completed applications come before the Planning Commission for approval or denial.

Chair Stephenson: Okay, we heard the motion. Is there a second for the motion?

Mr. Akutagawa: Yeah, I second that motion.

Chair Stephenson: Okay, the motion has been made by Lori Buchanan, seconded by Wiliama Akutagawa. Discussion. Go ahead, John.

Mr. Pele: I like the motion. Again, I'm fearful of the fact that if we -- it's the gun to the head thing again. I'm just fearful that there's so much out of our control with this permitting process, if there's no cap put in place, I'm just -- it's like virus protection on your computer, you gotta pay it or it runs out; or you're not going to pay it and let it run out and just take a chance you're not going to get hit, and, you know, I don't mean to be -- I'm just concerned about losing the opportunity to put a cap in place. That's my biggest fear. I love the motion as it -- you know what? I'm game for 30, but if we can't go back, I'm just fearful. That's just my feelings.

Chair Stephenson: Okay, any other comments? Go ahead. Will has a comment here.

Mr. Spence: Just for the Commissioners' information, and I'm not speaking for or against whether permits should come -- all permits should come before the Commission or not, I'm just saying there's another place within that particular ordinance, 19.65, regarding process and that would be the proper place for all permits come before the Commission.

That's where that would be so just -- and that's probably -- I mean whether you pass it this way or not, that'll probably be our recommendation to the County Council that it be put, not that we'd delete, but that we put it in a different location.

Chair Stephenson: Thank you.

Ms. Buchanan: Planning Director, where would you put that?

Ms. Lopez: 19.65.060 - that's permit processing. So restrictions and standards, where the amendment is, is 19.65.030, which usually transfers to 19.65.060 to just be consistent through the whole ordinance, so that's where you would place that.

Ms. Buchanan: So then my question would be is that -- is the possibility to do that concurrently through this ordinance available? Yes?

Ms. Oana: You can recommend whatever you want. This will be going to the Maui County Council with your recommendations, so if you want to leave your motion as is with your, you know, added sentence, they probably won't put it into the cap situation -- area, but at least it'll tell them that you want it someplace else, and I would also suggest you follow up with your Council Member to possibly do another proposed bill to put this in the right place.

Ms. Lopez: Yes, so for the purpose of consistency, so you want to see that in the ordinance. But I had a question, I don't know who that might be to, with the reference to the peninsula of Makenalua and coming around to Nihoa, I don't know what -- which direction this question would be but would that be within the purview and jurisdiction of Maui County because it's situated with Kalawao County? So we won't include --

Mr. Spence: No, we have no jurisdiction over anything in Kalawao County.

Ms. Buchanan: If we no more jurisdiction, how come our Maui Police Department responds to issues within the peninsula?

Ms. Spence: I'm sure we share some services, but we do not -- it's hard to imagine vacation rentals in Kalawao, but it's under the Department of Health, and I believe it's in -- the Feds own it, but anyway, whatever, we would not have any authority in there to approve or deny vacation rentals. Different county.

Chair Stephenson: Go ahead, Lori.

Ms. Buchanan: That's a whole other subject, but I'm aware that the County of Maui, within discussions and so I was trying to be proactive in including Makenalua because it's joined

at the hip by land to the island of Molokai, and if it's a moot discussion and you can take it out, but that is my motion.

Chair Stephenson: Thank you. Any other discussion? Lawrence, did you have anything? The one -- I have a -- Williama, did you have anything? Any discussion? Okay, one thought that I have is it seems a bit problematic if we were to make a recommendation knowing that by the time that this would take place, it's likely that the bill would have to be revised to accommodate the already approved short-term rental permits that are pending for the east, and it may even affect some in -- in west as well. So the proposal that Lori put forth is to have East Molokai at ten, so you've got six permitted and six pending, so we already would be making a recommendation that would have to be amended by the Council.

Ms. Lopez: Not necessarily. I mean not necessarily because all short-term rental permits has an expiration date, so they are -- they are deemed to expire, so you have a start date, an approval date, and then you have an end date, an expiration date on all short-term rental permits so --

Chair Stephenson: Okay. Thank you.

Mr. Pele: I have a question. Sorry. So that means we can go back? 'Cause if you have -- let's say you had 15, and they expire right? So you could possibly have 10 at one point in time, and when they go to reapply, it's first come first serve for those 10 spots. Let's say in East Molokai, if there's 15, and they expire a period of 5 years, correct? Or 1 -- 3 years?

Chair Stephenson: Three years with one year renewals.

Mr. Pele: So you could -- you could -- yeah, you could eventually weed out pit five of those permits in the future?

Chair Stephenson: But you'd have to change the law to do that and the law has to accommodate anything that's already approved.

Ms. Lopez: If you continue -- if you continue down to 19.3 -- 19.65.030, the R, where we're looking at the amendment, if you continue down to R, it also states that the Council shall review the community plan short-term rental home restriction when the number of approved short-term rental homes exceeds 90% of the restriction number. Short-term rental homes operating with a conditional permit pursuant to Chapter 19.40 of this Title that meet the criteria of this section shall be included in the number -- shall be included in the number of short-term rental homes permitted pursuant to this section. So if I'm reading the next one, which it doesn't say you can amend, well, it doesn't have the

underline, so you would also include the conditional permits within this restriction number. So if you're including that, you have one conditional permit, a transient vacation rental permitted on the East End, which comes to ten permitted as of today, and that is the one that one of the testifiers stated, which was the Dunbar's, so Dunbar's is a conditional transient vacation rental permit, so that would be -- well, that would be included as far as what I just stated in your number.

Chair Stephenson: Okay, any further discussion? Okay --

Ms. Buchanan: Chair?

Chair Stephenson: Yes?

Ms. Buchanan: I never hear from all the Members, but I'm also open to making a friendly amendment on the number 'cause I only heard from one Commissioner that has very strong feelings about the number being too excessive and, you know, the cap can say zero. The cap can say zero. I don't think that the County Council would go for that, for zero, but it's the purview of this Commission to do and recommend whatever we want to recommend based on community input, based on the law, based on the zoning and permissible uses and -- and I think, for myself, I'm comfortable, if you want me to amend that number to zero, I'm comfortable after hearing all the testimony, reading all the paraphernalia, I don't have a problem with amending that to be zero, and then what would happen is all the permitted uses right now would just run out, they wouldn't go away, they would run the course of their permitted permit, and then that would be it. So I'm just throwing that out cause we're still in discussion.

Chair Stephenson: Okay, any -- any further discussion? Does anyone want to take that recommendation to amend the motion that Lori made? Okay, since there's further discussion, we'll call for the question. All in favor of the motion as presented by Lori, and seconded by Wiliama, say aye? Any opposed?

Mr. Pele: I oppose. I just -- yeah.

Chair Stephenson: So the motion fails.

It was moved by Commissioner L. Buchanan, seconded by Commissioner Akutagawa, then

VOTED: to concur with the cap with the following amendments: on page 5, Amend (R.7.) the number "40" be amended to "30" for Molokai; Amend (R.7.a.) East Molokai: "15" to "10;" Amend (R.7.c.) West Molokai: "15" to "10;" Amend (R.7.d.i.) to: East

Molokai, consisting of the ahupua`a from Makolelau to Halawa on the south shore, and from "*Halawa to Nihoa*" on the north shore; (R.7.d.ii.) Central Molokai - consisting of the ahupua`a from Kawela to Pala`au on the south shore, and from Kahanui to Pala`au "*including Makaanalua*" on the north shore; (R.7.d.iii.) West Molokai, consisting of the ahupua`a of Kaluako`i, including "*coastal portions of Ho`olehua to Pala`au*" on the south shore "*and to Ilio Point.*" And add the sentence: "*And that all completed applications for short-term rentals come before the Planning Commission for approval or denial.*"

(Assenting - W. Akutagawa; L. Buchanan)
(Dissenting - L. Lasua; J. Pele; R. Stephenson)
(Excused - X. Bicoy; W. Buchanan; M. Drew)

MOTION FAILED

Chair Stephenson: Okay, let's --

Ms. Buchanan: So, Chair, I'd like to entertain a second motion, since I made the first one.

Chair Stephenson: Okay, go ahead.

Ms. Buchanan: The -- my second motion, and I don't have to read it all because you already heard it, is with all the boundaries drawn the same, the only -- the only amendment would be the number, and the number would be zero. So it would read on Molokai the cap would be zero.

Chair Stephenson: So the motion to place the number at zero with all of the previous amendments to the boundaries by Lori Buchanan. Second? Is there a second for that motion?

Ms. Buchanan: There would not need to be any boundaries 'cause it would be zero, so just that the cap would be zero.

Chair Stephenson: Thank you for that clarification.

Ms. Buchanan: Thank you.

Chair Stephenson: Thank you. So the motion to make the cap of short-term vacation rentals on Molokai zero by Lori Buchanan, is there a second to that motion? Okay, seeing no second.

A motion was made by Commissioner L. Buchanan to amend the cap for Molokai to Zero with no boundaries - NO SECOND.

Chair Stephenson: Does anyone else have a motion on the matter that's before us?

Mr. Pele: Chair?

Chair Stephenson: Yes, John?

Mr. Pele: I'd like to, hearing everything, I just would really like to pass this Resolution at least as written and presented to us today. Like Aunty Stacy said, I wanna close that door now. That's the only thing that's in our control, as far as I'm concerned, so I move that we approve Resolution 17-74 as written and presented to us today.

Chair Stephenson: Okay, there's a motion to recommend to the County Council approval of the item that has been presented to us as presented. Is there a second to that motion?

Mr. Lasua: I'll second that.

Chair Stephenson: Any discussion?

Ms. Buchanan: Discussion, Chair.

Chair Stephenson: Yes, please.

Ms. Buchanan: Thank you, John, for that, trying to meet middle ground. The reason I was trying to find some balance and be sympathetic and empathetic to all the testifiers 'cause I clearly heard my community speak, and the reason why I kinda wanted to expand on the boundaries because everything is in black and white, and we know how important the written word is, so in order to find balance and I'm willing to go forward with this on a few conditions, which does not need to be added to the -- to the motion, is that this Commission will work to fix this -- this issue for our community moving forward, and if we can all commit to working to fixing the pukas in all of this, then I'm happy to support that motion.

Mr. Pele: I really appreciate that and I -- I feel the same way. Unfortunately, government, as we've - I'm not trying to put down government - but I don't think it was ever designed to be efficient from -- from the -- from the inception, if you read the history books, so we're dealt the cards that we're dealt with, and I just want to make sure that this is what we do have control over and that's all I have to say about it.

Ms. Buchanan: One last comment. I know I talk too much. You know when the Mrs. Crandall spoke about West Molokai, because a lot of us don't live in West Molokai, we're unaware of the issues in West Molokai, and it's very much true. The sewage is an issue. The roads are an issue. There's a lot of infrastructure issues because it's an old subdivision. The rights of ways and the access to the beach is an issue, encroachment of the sand dunes is an issue. And so that's why I was really sympathetic to Mrs. Crandall, who is a long-time resident of West Molokai, that this pristine area and the reason why they purchased homes in West Molokai was for ag purposes, and that's why we see all of the applications 'cause the ag is the trigger, so these gentlemen estates and their ag estates are all on the shorelines and sometimes I get community members that come and tell me that they feel that they not wanted on the beach and so that's how come I thought here argument to lessening that number of short-term rentals was a very valid concern for the people on West Molokai as is the density in Pukoo, and so moving forward, we're going to have to deal with that density issue because otherwise we're going to end up like Kauai and Haena and just getting priced out of wherever we live. So that's my only comment. So I kinda was hoping that we could move the numbers around but still stay with the ordinance.

Chair Stephenson: Thank you. I'd just like to comment on the -- the comment about the sewage. It's interesting, it might seem that way, but, actually, many of the homes on the West End have more than three bedrooms, and the maximum allowable bedrooms is three bedrooms, so it would actually cause less of a strain on the home to be used for a short-term rental than it would if it were used for a full-time residential use at full occupancy. So I just wanted to put some perspective in there to -- to clarify that particular issue. As far as infrastructure goes as well, many of the homes, if they were used for long-term residential use, it would actually have a greater impact on the infrastructure and the roads because the capacity is larger than what is allowed by the short-term rental permits. So I just would like to add that for some perspective to the discussion. Thank you.

Mr. Pele: But I do -- thank you for mentioning that because I'm from the west side and often when I -- and I fish Papohaku sometimes four days a week with my pole and I often feel like I don't belong there, so I appreciate you saying that.

Ms. Buchanan: Chair, I would like to ask the person who made the motion, Commissioner Pele, if he would consider a friendly amendment to items A and B, and adding -- taking away from the East Molokai number of 5, and putting that into Central Molokai, so Central Molokai would be 15, West Molokai 15, and East Molokai 10.

Mr. Pele: I wouldn't -- we're in discussion still yet, correct? Again, my only -- my only hesitation to that is if it will delay further this Resolution. If it will continue to leave that

door open for a longer period of time than if we were just to pass it as written. Does that -- having the number remain the same, is that gonna affect --

Chair Stephenson: I guess if you wanted to amend the motion, then we could call for the question and take a vote, and if the motion passes, then the motion will pass; if it doesn't, then we would look for another motion to -- something that would pass.

Mr. Pele: If it -- well, my question, if it passes, then it goes back to Council as our recommendation to change the numbers, are we starting from square one again? Are they starting from square one again meaning the process is open?

Ms. Oana: I'll try to answer this and maybe Will can jump in if I get this wrong, but so this is coming before you, it's already been to Council, and I believe it went to the Planning Commission or Land Use Commission who referred it to you folks, it's going to go back to the County Council, maybe through one of the committees, and they're going to review it as well, so at that committee, they're going to get your recommendation, and at the committee meeting, they can amend this. Through their discussion, they can change it, and vote on it, and then pass it up to Council for their final vote. So things can get changed at that level, so if you wanna say, you know, we recommend a little bit of changes to this, then in their meeting, they can say, okay, Molokai Planning Commission recommends changes, let's go with what they say, let's change these numbers.

Mr. Pele: Okay if --

Ms. Oana: So it -- so it's not really starting from the square one, it's already been to Council, came back down here, and then it's going back.

Mr. Pele: Alright. You know my concern is -- my concern is -- is leaving that door open. That's pretty much what I'm trying -- I don't have a problem with the adjustment of the numbers if it has the same effect and run as it would if we accept it -- it the way it's written.

Ms. Oana: In terms of timing with the Council, I think it'll be the same time. Will, do you have any other --

Mr. Spence: The, again, the Planning Commission is making a recommendation. They could -- if you want to change the numbers, that's fine. They will take that as your recommendation and they may say, okay, that's great. We'll go with those. They may go, no, I think that's too low, or I think that's too high, or, you know, you don't know what you're going to get until you get into the actual committee meeting so --

Mr. Pele: And I apologize. What were the numbers again you were suggesting, counsel, -- I mean, Commissioner Buchanan, what were the numbers you were -- for amendment?

Ms. Buchanan: It would be East Molokai 10, Central Molokai 15, and West Molokai 15. And let me tell you, Commissioner Pele, why. Yeah, what? No? We have a new motion, it's 40, it's back to 40. Commissioner Pele made the motion for 40 'cause the first one never pass. Sorry, just explaining. The reason why I feel strongly about East Molokai is because I see my Manae bruddahs that no come meetings, they come meetings, they almost crying. Very passionate about how this bill is affecting them. I hear Debbie saying I had to tell my kids for buy the lot just so one short-term rental no come in. That kind stuff really pull at my heart, and so if I can help my East Molokai community, you know, and me trying to be meeting you folks halfway in voting to move this ordinance forward, I would hope that you can seriously consider lessening the East Molokai and putting that into Central Molokai because our community from Manae has come out very strongly in opposition, and if was up to them, would be zero, you know. So that's -- that's my thinking.

Mr. Pele: I -- and I hundred percent agree with you. You know, and I apologize for -- I do live on the west side, I try to respect my west side, and I don't go to the east side too much until I started click on the realty property tax online when I became a commissioner and I was blown away by the ownership of the lots on the -- I had no clue. I really didn't. So I will amend the motion, so my motion will now reflect to accept Resolution 17-74, as presented, with the exception that we change the cap numbers: East Molokai 10, Central Molokai 15, and West Molokai 15.

Chair Stephenson: Okay, the motion has been amended. Lawrence, you seconded that. You okay to second that?

Mr. Lasua: Yeah, I'll second.

Chair Stephenson: Okay, any discussion? Any further discussion? I'll call for the question. All in favor of the motion -- of the amended motion, say aye? Any opposed? Motion fails.

It was moved by Commissioner Pele, seconded by Commissioner Lasua, then

VOTED: to accept Resolution 17-74 with amendments to page 5, (R.7.a.) East Molokai: from "15" to "10", and (R.7.b.) Central Molokai: from "10" to "15."

(Assenting - W. Akutagawa; L. Buchanan; L. Lasua; J. Pele)
(Dissenting - R. Stephenson)
(Excused - X. Bicoy; W. Buchanan; M. Drew)

MOTION FAILED

Chair Stephenson: I'd entertain another motion please?

Ms. Buchanan: Chair, since you were the descending vote, I think it's up to you to -- or the Chair cannot do motions? Cannot?

Mr. Pele: Okay, I'm going to try it again.

Chair Stephenson: Perhaps a -- perhaps a similar motion unamended.

Mr. Pele: Chairman, if I could, I so move that we accept Resolution 17-74 as presented to us today in its entirety.

Chair Stephenson: Motion by John Pele to accept the Resolution as presented. Is there a second? No second to the motion? Motion fails. There is no -- there is no motion on the floor.

A motion was made by Commissioner Pele to accept Resolution 17-74 as presented in its entirety - NO SECOND.

Chair Stephenson: Okay, so let's begin with if we want to have any comments or recommendations, or do we want to make a motion to defer this?

Mr. Pele: I'm trying to figure out, you said maybe with more amendments, I'm reaching. What more amendments did you want to see?

Chair Stephenson: With no amendments.

Mr. Pele: Oh, with no. Alright.

Ms. Buchanan: Chair, are we in -- can we discuss? Are we in discussion?

Chair Stephenson: Go ahead.

Ms. Buchanan: So I just said why I wanted the amendment, and it's really the community that drives what we do as Planning Commission Members. I'd like to add to that that the current Community Plan, which is the 2001 plan, with the East End Policy Statement is very adamant about what that community wants or has a vision of. The new Community Plan has not been adopted and so we operating under the 2001 Community plan, and in that plan, it's very clear as to the vision and the -- and the permissible uses in East Molokai and that is really the driving force of why this cap that was initially created arbitrarily can be adjusted accordingly for that and that's how come I felt strongly that based on the

testimony, Community Plan, something that should be zero, should at least be curtailed back. That's all.

Chair Stephenson: Thank you. So I just want to explain the reason why I voted in opposition to that last motion is because I feel that the numbers that were put forth in this Resolution were put forth by Council Member Crivello and the Planning Committee along with the Planning Department consultation, and there are a number of people who are currently in the permitting process on the East End, and it seems to me that if we place a number lower than those that are pending, for the people that actually came in under the law as it is now and it currently exist, that would be doing a disservice to their private property rights and the law as it currently is, and for that reason, I voted against that motion. I can say that had the motion been made unamended, then I would have voted in favor of that motion. So if anyone would like to make a motion as it is, I would -- Chair would accept a motion for the item as it's been presented.

Ms. Buchanan: I have a question for staff. Is what the Chair just said true? The question is is what the Chair just stated on the record true? Did the Planning Staff meet with Council Woman Stacy Crivello in order to come up with the number of -- for the amendment to the ordinance, was -- were the Department, Planning Department Staff, Planning Director, whatever Chair just said on the record is it true? Did you work with our Council Woman to come up with these numbers? And if you did, I want to know the due diligence, the procedure, and what you used to make your determination with -- for these numbers?

Mr. Spence: Mr. Chairman, I don't -- I never met with Stacy, with Council Member Crivello. I'm not aware that -- of any Planning Staff that did, and whatever came out of Planning Committee, I was not at that particular meeting so I can't tell you exactly where the numbers came from. I'm not aware of any private meetings or anything of that sort. Whatever came out of the Planning Committee, I was not there, but it was all discussed in public.

Ms. Buchanan: Then I would ask that the erroneous information provided by Chair be stricken from the record.

Chair Stephenson: I would like to, for the record, that was my understanding and perhaps I have misunderstanding, and if that was a misunderstanding, I apologize for misspeaking. So there's no motion. Chair would entertain a motion to defer this item until another time.

Mr. Pele: Are we done talking or I mean -- I mean there's 20, how much testifiers do we have today, one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve -- I count 23 people who were either in favor of the Resolution or not in -- or against STRHs, so I

know the reduction in number might seem unfair to the people who are in the process, but it's my understand they're not a guaranteed application. That's not a guarantee approval is it? The six that are pending? So I'm just thinking, I don't know, guys, I don't -- I don't want to defer this but you guys gotta help me our man. Let's talk about this.

Ms. Buchanan: I like help you out, John. You should never feel pressured. Never feel pressured when your heart is supporting your community. It's your fiduciary duty as a member of this Commission to act on behalf of your community. This is the Planning Commission. That is what it states within your duties. Never feel like that. No ever feel pressured. No ever let one top -- one clock ticking drive what you do. So if we defer this, it's deferred. The cap, you know what? You know what we move on the next one? We move that every single short-term rental come before this planning committee. You like bog down the system? We can bog 'em down. That's not what we trying to do here. We trying to find balance. I'm trying to be sympathetic to the people who actually went through all of this paperwork. I know their heart is good. This is not whether you one good person or bad person issue. This has nothing to do with the legality of having a use in an area that is not consistent with that rural area, so all the personalities in the world get nothing to do with this, absolutely not, whether you a good guy, bad guy, I no care, or you rich, you poor, you black, you white. The law is blind, supposed to be blind. So we have a rural community. Comprehensive zoning came down from Heaven through County of Maui and said, okay, all of a sudden, this is allowed in all of your zoning, interim zoning, whatever. This community was sleeping. We was sleeping. We went miss 'em. At that point, we should have said except for Molokai, this ordinance and this comprehensive zoning does not apply. We was napping at the wheel. That's why we here today, okay. That's my understanding. That's the makaainana definition of what happened. So now that we here, yeah, I thank my Councilwoman. Stacy, I sorry you gone, but I really thank you for responding the cries of this community and kneejerk, whatever, you needed to do something, and I thank Kelly King and the committee, and I thank the County Council Members for hearing our plea and coming up with amending this in such a short time. This is like the race. Like I have never seen anything go to resolution and ordinance that fast, and that's a testament to our Councilwoman and our County Council that they heard us, so now we sitting here. I heard everybody today. I seen my bruddah Peter crying. What I going do? That's why I trying to do this, yeah. Okay. We meet everybody. Go. Let's do the ordinance. I have every intention of trying to work backwards. That's what I asked for in the beginning. So again, I going say you knew, we knew, we don't know all the laws, we makaainana, we practitioners, we not Corporation Counsel, we not the Deputy Director, we don't know Title 19 in and out, but we know our community. That's why we here. No ever feel pressured, my bruddah, okay. No ever feel pressured. That's all I like say.

Mr. Pele: Thank you. Thank you.

Ms. Buchanan: This no pass, no pass. Whatever. But at least I can turn around and go store in my community and love on them tomorrow, so that's fine.

Mr. Pele: Thanks. I appreciate that.

Chair Stephenson: Okay, so at this point --

Ms. Buchanan: At this point, I would hope my Chair provide the leadership that this Commission needs to move and pass this ordinance 'cause it's important. You know where all our concerns lie. Would you have a suggestion how we can move forward other than taking this as it is because we spent about two hours on this?

Chair Stephenson: Well, if anyone has a motion that they feel would pass, please bring it forth. If not, then we will defer this matter.

Ms. Buchanan: Chair, I'd like to make a motion, I'd like to try to make a motion that we approve for recommendation to the County Council the ordinance as stands with one exception, and the one exception would to be decrease item a, in East Molokai, the number from 15 to 12, and then the rest be distributed to Central Molokai. Trying to balance again.

Chair Stephenson: Motion by Lori Buchanan ...(inaudible)...

Mr. Akutagawa: I second that motion.

Chair Stephenson: Second that motion. Any discussion? Call for the question. All in favor, say aye? Any opposed? The motion, two no's, three ayes.

It was moved by Commissioner L. Buchanan, seconded by Commissioner Akutagawa, then

VOTED: to approve the Resolution 17-74 with the amendments to page 5: (R.7.a.) East Molokai: from "15" to "12", and (R.7.b.) Central Molokai: from "10" to "13."

(Assenting - W. Akutagawa; L. Buchanan; J. Pele)
(Dissenting - L. Lasua; R. Stephenson)
(Excused - X. Bicoy; W. Buchanan; M. Drew)

MOTION FAILED

Chair Stephenson: So looks like we'll defer this until the next meeting.

Ms. Buchanan: Do you need a motion for that? Chair, I'd like to move that we defer this item.

Chair Stephenson: Motion to defer the item. Is there a second?

Mr. Pele: I second.

Chair Stephenson: Any discussion? All in favor? Any opposed? Motion carries.

Ms. Buchanan: Chair, I'd like the record to reflect that I abstain.

Chair Stephenson: The record reflect that Lori Buchanan abstain, the motion still carries.

It was moved by Commissioner L. Buchanan, seconded by Commissioner Pele, then

VOTED: to defer item E.1.

(Assenting - W. Akutagawa; L. Lasua; J. Pele; R. Stephenson)
(Abstain - L. Buchanan)
(Excused - X. Bicoy; W. Buchanan; M. Drew)

Chair Stephenson: So we'll move on to our next agenda item. Next agenda item is a public hearing for -- pardon me. We'll take a brief recess.

(A recess was called at approximately 3:46 p.m., and the meeting reconvened at approximately 3:56 p.m.)

Chair Stephenson: I'd like to call this meeting back to order, and we have our quorum back, and thanks to everyone for sticking with us today, some very important discussions, some very good points and good discussions today, so thank you for everyone's participation. We'd like to now move to agenda item E, Public Hearing, no. 2, and I'm going to turn this over to Sybil Lopez to give us a presentation on the Sherrell short-term rental home permit. Sybil?

2. **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: 5-7-007:008, Pukoo, Island of Molokai. (STMO T2016/0007) (S. Lopez)**

This application is being brought for review by the Molokai Planning Commission because there are at least 2 permitted short-term rental home operations located within 500 ft. of the subject property.

Ms. Lopez: So I'll try to be as swift as I can, but as clear as you guys can hear me. Aloha and good afternoon. My name is Sybil Lopez and I'm the Staff Planner assigned the public hearing that you have here today, it's called the "Pukoo Polynesian Beach House," STMO No. T2016/0007, today at the Molokai Planning Commission, June 14, 2017 in relation to the TMK No. 2-5-7-007, parcel 8, located 8778 Kamehameha V Highway, Pukoo.

So the Pukoo Polynesian Beach House is here to seek approval to operate a three-bedroom short-term rental home. It is situated in a parcel area that consist of 18,190 square feet. The State land use is rural. The Community Plan is rural. County zoning is interim. And it's in the special management area. So the location on the whole island of Molokai, it is located on the east side in the Pukoo area, more specifically the TMK no., as you can see on your bottom center of the screen, in the Pukoo area. This is a site map of how the property looks with the -- so it's a -- a main house dwelling and an accessory dwelling unit. The main house consist of one bedroom. The accessory dwelling consist of two bedrooms. You can see the parking, which is the short-term rental parking lot, the garage, and the driveway. And I'll give you a depiction of how it actually looks like in an aerial view. So there's the two-bedroom accessory dwelling. You got the main dwelling. The STRH parking. The garage, which is kind of hidden under the coconut tree. And you got the driveway.

So why are you reviewing the STRH? Based on the Maui County Code 19.65.060(2)(e), so there has been two or more existing short-term rental homes that is operating within that 500 feet, so as you can see in the picture, we got actually one, two, three.

Why are you -- the second trigger is why are you reviewing this STRH? It's the because of 19.65.060(2)(f), so the limited liability company member of the entity which holds title to the lot is also an ownership interest in a lot with a short-term rental home permit. So STMO 2017/0001 is the Pukoo Plantation Bungalows. Oh, and I wanted to let you know, sorry, I kinda went ahead of myself. We do have the consultant here today, Mr. Luigi Manera, and we actually do have the owners, Mr. Jim Sherrell and his wife, Kaaren Sherrell. So Kaaren Sherrell owns -- is the permit holder for the STMO 2017/0001, Pukoo Plantation Bungalow. Her husband, Mr. Jim Sherrell, is the owner and the applicant that his here today for the Pukoo Polynesian Beach House. So the Pukoo Plantation Bungalow is located right next to the Pukoo Polynesian Beach House, which you are reviewing, the STMOT 2016/0007. So they are adjoining neighbors. So this is the Pukoo Plantation Bungalows. It's a two-bedroom STRH, which was permitted administratively, and the location, as you can see, on your right, far right.

So the Molokai Community Plan falls under the economic activity and the objectives and the policies so, as you can see, a balanced local economy that provides long-term viability, employment levels, sustainability while meeting residents' needs, respecting cultural and natural resources, and is in harmony with Molokai's rural quasi-subsistence lifestyle. Objectives and policies is to ensure that visitor facilities are in harmony with the landscape or surrounding character and consistent with the availability of infrastructure and resources.

So this is a testimony that we have that was sent so there -- there was a Pukoo petition, which was to defer the approval and permitting of this STRH, so that was online, which had 133 signatures supporting the Pukoo petition. We had 82 -- actually 83 of letters submitted through Malama Molokai in opposition of the short-term rental. So this is an example if you wanna look at it. The 82 letters that was online through Malama Molokai that came to the Planning Department. So this is a stack that -- that you see that depicts the 82 letters, so what I did is, if you look in your report, I condensed it, so what I did was I put them all numbered by name, categorized by what -- what they depicted, which they had a total of 9 statements and each statement has been tracked from 1 through 9, and 1 through 83, so you see 82 on here but when the final report came in, it was a total of 83 as well as 83 of their comments. So, from this stack, the Department worked from this stack to condense it so you can read it more thoroughly by here. So if you'd wanna review this stack, the Department has this on file.

So one letter of opposition that was submitted, one written letter of opposition submitted to the Department, which was outside of the 500-foot boundary; there was one letter of deferral submitted to the Department outside of 500 feet boundary; and 3 of the 24 properties within the 500-foot boundary submitted written protest against the STRH; along the lines, there were public testimony from May 10, May 24, and today. Mahalo.

Chair Stephenson: Thank you very much, Sybil. I just have to let the Commissioners know that the reason that the information for all of those letters was condensed was because it was requested by a Commissioner. Sybil, just one question about these letters that came in, how many of these letters were within 500 feet of the applicant property?

Ms. Lopez: So none. None. Zero were within that 500 feet --

Chair Stephenson: Okay.

Ms. Lopez: But they were outside of that of -- but on the East Molokai, I think I put in here 27.5% of the 83 names or submissions reside on the East End of Molokai.

Chair Stephenson: Okay. Thank you very much. So at this point, we've gotten the presentation, we'd like to open up the public hearing for agenda item E.2. at this time.

Ms. Lopez: But can we --

Chair Stephenson: Go ahead.

Ms. Lopez: We do have the consultant and the applicant. Can they make a short presentation since they're here --

Chair Stephenson: Yes.

Ms. Lopez: 'Cause they have a little something to say regarding their -- the applicant -- application, so I would like to call Mr. Jim Sherrell up. Thank you.

Chair Stephenson: Okay, I will close public testimony and invite Mr. Jim Sherrell up.

Ms. Lopez: Thank you.

Mr. Jim Sherrell: Hi. Jim Sherrell. I live in Pukoo and a little background. I came here with my best friend, Herman Tancayo, in 1961. He was on the Mainland and we stayed together for years, so I lived with the Tancayo family, and I picked pines at Maunaloa, and since that time, I have always come back to Molokai. I always loved Molokai. And one of the main reasons I love Molokai is the people, and I have a great ohana, the Tancayos, that I've been tight with for all those years, and it wasn't until recently that we got to buy property on Molokai, and part of it's due to my age, I'm 73, so I like to come back to the island I love. When we did the application, what I can assure you of is that we understand the rules and regulations, and the property that we're putting up for short-term rental is actually our home, and so we vet every person that is going to be there, and I do have a sheriff in town that watches over it, and that's Harley Boy, and so he -- he does oversee that, and one of the things I noticed in the application was the great restrictions that we have on people, and I don't disagree with that at all, so we do monitor. Bill Caster is a very good personal friend of mine, and he also lives up there and works with us on the property and gives us information because on the of things that I believe in is I hear what's going on here with you people, and I know the Nakis, I know different people, and I don't want to change Molokai, that's why I'm not -- I'm not saying that all. I endorse what you guys are doing. How you save Molokai. I gotta say that Kaunakakai, the town of Kaunakakai looks the same as it did in 1961, and I love that. That's part of the things that I love in this whole -- whole town. But -- and I understand keeping Molokai the same because I want that also, but there's also another side of this for me and that is that I have a lot of friends that do work on our property, and I don't take money out of Molokai, I bring my money to Molokai, and I started at age 23 with my own business, and

I've been almost bankrupt. I know what it's like to earn a dollar, and I'm still in business. I'm not retired at 73, so I'm still bringing money to Molokai. So I don't know. I guess I can answer questions if you have anything of me but --

Chair Stephenson: Thanks, Mr. Sherrell. Appreciate it. So if there's no objections from the Commissioners, we can -- can we go into the public hearing at this point and ask questions after the public hearing? Do I hear any objections? Okay, so we'd like to open up the public hearing for this agenda item at this time, so let's go back to the list of folks that wanted to testify and I'll read off this list, let's see, Harley Tancayo, would you like to testify on this particular item?

Mr. Tancayo: Hi, everybody. My name is Harley. I don't know what else to say, what he already said, but like I said earlier, you know, all the -- the places I take people that are not abiding by the law, and these guys are trying to do things the right way. That's it I guess.

Chair Stephenson: Thank you. Anyone want to -- did you have anything else to add? Okay. Are you in support or opposition of this?

Mr. Tancayo: Oh, full on support.

Chair Stephenson: Full on support. Okay. Any questions for Mr. Tancayo from the Commission? Okay, thank you, Mr. Tancayo. The next person we have the list here is Kaaren Sherrell, and please state your name for the record.

Ms. Kaaren Sherrell: Hello. I'm Kaaren Sherrell. Oh, that's okay. And I just want to give a little history of myself because I know, in Hawaii, relationships are very, very important. My great, great, great grandfather came here from the Azores in Portugal. He worked in the sugar cane fields in Honolulu, and my mom was fourth generation born here in Honolulu. I love Hawaii. I love Molokai. I love everything about the local people, the local culture. I am so happy. I feel so blessed to be able to be here and share that with everyone. We were blessed enough to purchase this house, and we wanna keep it like it was. We wanna spend as much time here as we can. We're hoping halftime and then to retire here. The house, the history of the house, it's been there for 17 years and it's been welcoming visitors for those 17 years illegally. So what we wanna do is just do what the house has been doing for 17 years and that is welcoming visitors to come and visit the pristine beautiful area that it is. We hire local people, we spend our money locally, and we wanna stay there as much as we can. When we bought the house, it had been sitting vacant for two years. It hadn't been lived in for four years. It was all grown over with lots of vegetation. We've been able to clean it all up, make it look great. We love our friends that visit us on the beach and walking the beach. We love Pukoo. And I just

wanna say I agree with you guys. I don't want to see it change. And I wanna take really good care of it. So anyway I am in favor of the petition.

Chair Stephenson: Thank you very much, Mrs. Sherrell.

Ms. Sherrell: Okay.

Chair Stephenson: Is there any questions for Mrs. Sherrell? Okay. Thank you. Next on the list is is Ms. Crandall still here? Okay. Is Palmer Naki? Yes, Palmer.

Mr. Naki: My name is Palmer Naki again, and you know I'm in opposition. I mean Mr. Sherrell, he knows me, I knows him, but, you know, they say they wanna keep it pristine, well, don't do it because pristine it is and leave it like that, okay. So I'm in total opposition, you know. I go there to launch my boat, I fish there, I do all my things there, and they all know, you know. He's not stopping me from going there and that's -- that's a fact, okay. You know, I born and raised there. I live there majority all my life and I ain't going let Molokai or Manae change, well, in my lifetime should I say, you know what I mean? But I don't mean no disrespect to Mr. Sherrell and, you know, them, but, eh, they came to Molokai, they said they love Molokai, well, show some love man. You know, it's not about your friends, it's not about having a party, you know, it's about malama aina, it's about malama that land and that ocean that feeds all of us, it feeds me, it feeds my son, and I'm hoping going feed by moopunas, you know. So I'm in opposition. Thank you.

Chair Stephenson: Thank you, Mr. Naki. Any questions for Mr. Naki? Yes, John.

Mr. Pele: If I could, sorry, thanks for that testimony. You mentioned that -- that you launch your boat there and he doesn't stop you and he not going stop you. I'm just wondering is there a situation, I'm not familiar with the property, that he --

Mr. Naki: Well --

Mr. Pele: He could, I mean is there -- is there a situation where you could be stopped from launching your boat there is that what you're conveying to us and do other -- are other East End residents also able to launch their boat where the spot you're talking from?

Mr. Naki: Yes. Yes. Yes. We do.

Mr. Pele: Okay. Okay.

Mr. Naki: You know, he's not stopping us.

Mr. Pele: Okay.

Mr. Naki: But you know what I mean? In the matter of time, you're going to have so much different faces and different people show up that it's going to be an inconvenience for them and they going to be like, whoa, you get so much of these Hawaiians over here. That's the same thing we saying about them, whoa, get so much of these malihinis over here. You see. So he's not stopping me at this time but, you know, in fact, he helped me a couple times, you know what I mean? You know, so I'm just in opposition of the short-term rental.

Mr. Pele: Okay, thank you. Thank you.

Mr. Lasua: Palmer, in regards to your relationship with Mr. Sherrell, do you consider it a good relationship?

Mr. Naki: Well, I barely know the man. He just helped me twice and he seems like a good gentleman, but like I said, I'm against the short-term rental, okay, not against Mr. Sherrell.

Mr. Lasua: Okay, thank you.

Ms. Buchanan: Chair, I'm kinda confused about the procedure because staff made presentation, then Mr. Sherrell was part of the staff presentation, I'm assuming, and Kaaren, but we never ask staff questions and we never ask Mr. Sherrell questions. I was assuming that we was going ask them after the public testimony?

Chair Stephenson: That is correct. Yes.

Ms. Buchanan: Okay.

Chair Stephenson: Okay, next testifier. Would anyone like to testify on this item?

Ms. Cullen: Aloha again. My name is Evelyn Cullen. My ohana aina is within that 500 meter radius. I was a recipient of this certified mail through my aunty. I'm here today to speak in opposition of it reason being, so let's go back to January, around December when I started coming here more often, I -- this month alone, this is my fifth trip to this aina for various reasons, and primarily it's to cut the grass, but from day one, I've never had so many people come and introduce themselves to me, and it was not my poe Hawaii, it was malihini people that I've never seen before. They were very friendly. They came and introduced themselves to me but I felt very foreign in my own land and that I did not feel comfortable with. I would like to see the future of my kupuna's aina kept the way it is today. I've had other poe Hawaii drive past and make comments to me that I am bringing this land alive again, and my akua are looking down upon me and smiling for the great work that I'm doing, and what I want to see come of this is to perpetuate things for the

future of the poe of Hawaii and that is to keep it the way it is. Allowing this business to take place is just opening the flood gates of what's to come for the area of Pukoo. There are numerous I would consider them all million dollar homes. I am from Honolulu and we are inundated with tons and tons of vacation short-term rentals. It's all around us. Majority of them aren't legal as well. I commend Mr. Sherrell for wanting to come forth and legalize it, but then again, I do not want this to take place, and I'm sure my aunty and my other ohana would agree with me. I'm part of Tina Thompson's ohana. I'm speaking for the ohana that lives mauka of the alanui. She speaks on behalf that's makai. So aloha. Mahalo.

Chair Stephenson: Thank you, Ms. Cullen. Any questions for Ms. Cullen? Lori?

Ms. Buchanan: Ah, no, Chair. Thank you. I just wanted the record to reflect the correction I think from the presentation earlier that there was no opposition so citing that within 500 feet, there is opposition from the testifier previous that had to catch the flight and then this one that's within 500 feet.

Chair Stephenson: Thank you for pointing that out and adding that.

Ms. Buchanan: And I believe the -- Tina Thompson said she was speaking on behalf of three landowners, individual TMKs.

Ms. Lopez: Thank you, Commissioner Buchanan. Just -- just to let you know that the report has been done as of May 26, so when I did my presentation, I added the written protest from the testifier as well as Ms. Thompson, so that stands as the three properties located within that 500 feet.

Chair Stephenson: Thank you. Anyone else like to testify please? If you can please state your name for the record.

Mr. Henry Tancayo: My name is Henry Tancayo. I'm a resident of Molokai. See I'd like to say that I wish that you folks approve the -- I'm lost for words. But anyway, Jim, I know Jim and I trust Jim. Jim been here -- I met Jim six -- in 1960, when he was just out of high school. He came here. He know what the fishpond is. He know what going in the fishpond catching crab, picking alamihi, eating Samoan crab and all that. You know, so he been around like us young boys used to do, learn the skills of survival, fishing and all that, so he knows what we went through to be where we are today. So Jim even worked in the pineapple fields. Jim, we got to know him and we trust him and, you know, we came just like blood brothers. So my brother Irman, he went to school with him up in Oregon. But anyway, we went go do the world. He came back. He became successful in what he was doing, and he decided to retire here on Molokai, and he bought the, you know, beautiful piece of property up Pukoo. It's a nice beautiful place. And he -- and I

said, wow, you're going to pay that much for it, but because he loved that place, he bought it, and he said he wanna die here because his experience here was something that he loved, so, you know, that's why I trust that man. But anyway, our economy, we're very - what's the word I'm looking for? You know, we're struggling. We're very struggling. We economically depressed, yeah? Our industries, in the State of Hawaii, number one is tourists, number two is military, number three is farming. Agriculture and the military is failing, so we depend on the tourist to bring the money so we can enjoy whatever we have here. Sure we can go out there fishing, but it's hard. It's very hard to do that. So we gotta depend on other source of things to provide for us and the tourist is our only key. We don't have no gold, we don't have no oil, you know, to depend on. So the tourist is important. And Jim coming in to make things, bring money to Molokai. That's what he's doing, bringing money to Molokai. So, you know, I really feel that you guys should approve his request for permit, approve his permit, so and that's all I have to say for Jim. Thank you.

Chair Stephenson: Thank you very much. Any questions for Mr. Tancayo? We are running short on time. The Planning Department needs to depart Molokai. They need to depart here at 4:30, so we're going -- we plan to recess the meeting and suspend public testimony, suspend the public hearing where we will -- okay, continue public testimony at the next time when we reconvene the meeting, which will be on June 28, at 11 a.m., here at Kalaniana'ole Hall, and per the Molokai Planning Commission Rules of Practice and Procedure, I would like to disclose a potential conflict of interest that we can address at that time.

Ms. Buchanan: Chair?

Chair Stephenson: Yes?

Ms. Buchanan: Can I have -- I need to know from staff if deferring -- if there's like a time ticking for an approval of the permit and if deferring this item is included in that time because if it's like 180 days 'cause, forgive me, I'm new to the Commission, I'm a dinosaur so I don't know if get new rules, but I know once the application is handed in, the clock starts ticking, and if that application is not acted upon, then it's already -- it's automatically approved, so can I have staff comment on that?

Chair Stephenson: Well, actually, what I'd like to point out is we're not deferring the item, what we're doing is we're going into recess, so the meeting never ends, it just recesses, and so -- so from what we learned at the last meeting, the computation of time comes from the point where the Director has deemed the application complete or the conclusion of public testimony, the public hearing -- closing of the public hearing, or at the conclusion of the contested case hearing, so the time wouldn't begin ticking on this application until the conclusion of the public hearing, which would be at our next meeting.

Ms. Buchanan: Would the -- Chair, can I recommend that we reconvene this meeting at a site visit because I'm not getting where all of this is occurring and since the two triggers are because the properties are adjacent, and there may be more than one -- the two properties, I think I need to have a site visit.

Chair Stephenson: So I believe to -- to have a site visit, we have to make a motion, but we need to be able to demonstrate that we could gain additional information that's not provided to us in our packet or the presentation, and that information may include information that comes to us at the reconvening of this meeting.

Ms. Buchanan: Chair, I just was trying to save the applicant and the Department some grief and time in the whole review process of this application 'cause it seems to be kinda lengthy; if only after we receive information, we going ask for one site visit or maybe not, so maybe in the meantime I do my own site visit. I don't know. We see. Okay. Cannot? Okay. So according to the Planning Director, I cannot have my own site visit even if it's only me and nobody else, okay, so I can see this meeting going into quite some length for review as long as nobody surprises me and says we reached the 180-day maximum and the permit is approved, I'm okay.

Chair Stephenson: I believe the intent is to reconvene this meeting after it's recessed on June 28, 11 a.m., here at Kalaniana'ole Hall and continue with the item before us.

Ms. Buchanan: Because if at that point we need a site visit, you're going to need time to agenda that site visit and that's the only reason why I'm -- I'm trying to mention that here now.

Chair Stephenson: Okay, so at that time, we can -- we can discuss that and deal with that at that time.

Ms. Lopez: Chair?

Chair Stephenson: Yes?

Ms. Lopez: Point of clarification. So are you recessing the public hearing item E.2. and we'll continue with the agenda, or are you gonna --

Chair Stephenson: That's correct. We are recessing the meeting on agenda item E.2. and when we reconvene, we will continue this item, and dispose of it, and then we will continue on with the other agenda item and dispose of it because we're recessing the meeting, so the meeting and the agenda still needs to be disposed of.

Ms. Lopez: So E and F and G and H will continue to the next meeting?

Chair Stephenson: That is correct.

Ms. Lopez: It's just that I have another project under F and the consultant did come from Maui to come here to present to the Commission.

Chair Stephenson: We'll ask our legal counsel.

Ms. Lopez: Although it's not a public hearing item, it is F, under Communication, Chris Hart & Partners, from Maui, came all the way -- I mean came all the way from Maui to be here today to be able to present to the Commission, and he does have a powerpoint that he wanted to share, so I don't know. I might have to talk with the consultant himself if it's going to be possible for him to come back on June -- mindfully known that we do have two public hearing items set for that June 28 meeting as well.

Chair Stephenson: Yes.

Ms. Oana: Okay, so we're just not going to have time for the item F.1. as well as the rest of the item G is on the calendar, we have to leave, probably we have to start packing up in a little bit, so I would suggest deferring the rest of the items on the agenda to a subsequent meeting that we can have the Department put this on the agenda for.

Chair Stephenson: Okay, apologies, Mr. Hart. Our sincere apology. We have -- we just don't have enough time to get through this, so we'd entertain a motion to defer the item to a later date that coincides with the availability of Mr. Hart coming over to present.

Mr. Jordan Hart: My name is Jordan Hart, Chris Hart & Partners. That's -- that's completely fine. I guess, if possible, I do believe that we have a short item, which is basically maintenance and safety oriented, and so if, possible, we could go at the beginning of the agenda at the next meeting, I think that we would get out of your way pretty quickly.

Chair Stephenson: That's a fantastic idea and if -- if you folks, Sybil, if you can put that on the agenda as the first item, please, for -- and it won't be next -- it won't be on June 28 because we have so many items, what we can do is -- it doesn't, I'm sorry, it doesn't have to be on June 28, but if you're able to come on June 28, we can do it then.

Mr. Hart: I believe we're available.

Chair Stephenson: Okay.

Mr. Hart: Thanks.

Ms. Buchanan: Chair, are we allowed to give feedback to that item even though it's -- 'cause it's already on the agenda?

Chair Stephenson: We -- we're going to --

Ms. Buchanan: It might help the Chris Hart & Partners prepare for next time. No?

Chair Stephenson: That might be a good offline conversation to have.

Ms. Buchanan: Okay. Oh, I cannot have that and he just said that. Okay, thank you.

Chair Stephenson: So as it stands right now, we're going to recess the meeting of June 14, 2017, Kalaniana'ole Hall. We will reconvene June 28, 11 a.m., here at Kalaniana'ole Hall and continue the agenda items where we left off, and public hearing for this agenda item E.2. will be continued so the public will have an opportunity to give testimony at that time, so we call this meeting in recess.

***** The meeting was RECESSED, at approximately 4:45 p.m., to June 28, 2017, at 11:00 a.m. *****

Submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commission II

RECORD OF ATTENDANCE:

Present:

Robert Stephenson, Chairperson
Lawrence Lasua, Vice-Chairperson
Wiliama Akutagawa
Lori Buchanan
John Pele

Excused:

Xavier-Kaniala Bicoy
William Buchanan
Michael Drew
Marshall Racine (**Resigned** effective June 13, 2017)

Others:

William Spence, Planning Director

Clayton Yoshida, Planning Program Administrator, Current Division

Sybil Lopez, Staff Planner, Molokai

Suzette L. Esmeralda, Secretary to Boards & Commissions II

Jennifer Oana, Deputy Corporation Counsel