

MOLOKAI PLANNING COMMISSION
REGULAR MINUTES
MARCH 11, 2020

A. CALL TO ORDER

The regular meeting of the Molokai Planning Commission was called to order by Chairperson Lori Buchanan at approximately 11:10 a.m., Wednesday, March 11, 2020, at Mitchell Pauole Center, 90 Ainoa Street, Kaunakakai, Island of Molokai.

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

Chair Buchanan: Aloha everyone and welcome to the March 11, 2020 meeting of the Molokai Planning Commission. I think today we shouldn't have too long of a agenda, but thank you everyone for coming.

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

Chair Buchanan: If there's no objections, we're going to move right into item B, Public Testimony, always at the top, at the discretion of the Chair, you should be testifying on an agenda item or any other planning specific item, and if you cannot stay for the agenda item, now would be your time to come up and give testimony, so is there anyone in the public wishing to testify at this time? Seeing none, I will close public testimony, and move into agenda item C, number 1:

Chair Buchanan read the following agenda item description into the record:

C. WAIVER OR NON-WAIVER OF SPECIAL MANAGEMENT AREA (SMA) ASSESSMENT REVIEW

1. **MS. MICHELE MCLEAN, Planning Director, notifying the Commission pursuant to the provisions of Section 12-302-13.1(a) of the Molokai Planning Commission's Special Management Area Rules that the following proposed action located within the Special Management Area is not a "development" and therefore exempt from the requirements of the Molokai Planning Commission's Special Management Area Rules:**
 - a. **MR. JOHN SABAS requesting to install A new six foot high by 85 foot long redwood fence with four inch by four inch posts not**

to exceed two feet in depth along the front of the property located at 165 Kolapa Place, Kaunakakai, Molokai, TMK (2) 5-3-009:002 (SMX 2020/0068) (Valuation: \$9,000) (S. Lopez)

The Commission may act to waive or not waive its review or defer. If the Commission votes to not waive its review, it may review the subject SMA assessment and act to approve or disapprove a SMA exemption, or defer.

Chair Buchanan: Planner Sybil?

Ms. Lopez: Thank you, Chair. Welcome, Commissioners. We added a few, excuse me, so we added a few exhibits onto the Sabas dwelling, so I hope you guys received it. We added the assessment as well as the drawing plans for the materials for the fence, and the updated pictures as of March 2020, if you need a few minutes to look at it. I do wanna point out, there's a correction on the assessment, if you guys wanna take your assessment out, the correction will be made on page -- page 3, under 2.J., the first one, that the property does not lie adjacent to the shoreline area, therefore, it is, which I will wanna include "not subject to the Molokai Shoreline Rules," so I just correcting and adding in the word "not." And so mister -- Mr. Sabas and the consultant is here today if you guys have any questions that you wanna address both the owner and consultant, so they are here today. But, basically, we're requesting to waive its review for the installation of the fence and it's actually located right here at Kolapa Place so --

Chair Buchanan: Okay, thank you very much. Commissioners, you guys have any questions for the applicant or for Planning Staff on this agenda item? Seeing none, since it's an agenda item, we'd like to open up for public testimony if there's anyone in the public wishing to testify on agenda item C, number 1, item a, installation of a fence for John Sabas. Seeing none, I going close public testimony. Commissioners, if there's no discussion and questions, the floor is open for a motion.

Mr. Sprinzel: Chair, propose to waive.

Chair Buchanan: Proposal to waive.

Mr. Poepoe: Second.

Chair Buchanan: Okay, there's been a motion to waive, and a second, any discussion? Seeing none, I will call for the vote. All those in favor, raise your right hand? Motion carried unanimous.

It has been moved by Commissioner John Sprinzel, seconded by Commissioner Laakea Poepoe, then

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

(Assenting - J. Bicoy; L. Buchanan; L. Espaniola; W. Moore; L. Poepoe; J. Sprinzel)

(Excused - J. Pele)

(Absent - J. Perez, III; B. Mowat)

Chair Buchanan: Thank you very much.

Ms. Lopez: Thank you, Chair. Thank you, Commission.

Chair Buchanan: I just love it. And -- and I did want to mention that I did appreciate the information that was given to help this Commission make a speedy assessment. Thank you very much.

Ms. Lopez: Chair, can the owner say something --

Chair Buchanan: Sure.

Ms. Lopez: And address the Commission, please?

Chair Buchanan: Sure.

Ms. Lopez: Thank you.

Mr. Sabas: Aloha.

Chair Buchanan: Aloha.

Mr. Sabas: I just wanted to thank the Commission, thank Sybil for getting this on the agenda so quickly, and thank you all for hearing it, and thank you, Luigi, for working with me so quickly to get this done. The last time I -- I faced this honorable Commission, my mother was with me. Unfortunately, she's no longer here, but she's here in spirit, and so part of the reason we why we wanted to have this done now is because we're planning on having her farewell services on the property, so, again, thank you.

Chair Buchanan: Thank you, John. Much aloha to you and the ohana. Thank you very much. Planner -- hang on. Oh, we moved so quickly on that one. Okay, back to agenda item C.1.b.:

Chair Buchanan read the following agenda item description into the record:

- b. **MR. WESLEY UJIMORI, on behalf of THE HAWAII DEPARTMENT OF EDUCATION, requesting to replace the air conditioning unit and condensers within Building H of the Kaunakakai Elementary School Library located at 175 Kamehameha V Highway, Kaunakakai, Molokai, TMK (2) 5-3-002:052 (SMX 2019/0170) (Valuation: \$280,000) (S. Lopez)**

The Commission may act to waive or not waive its review or defer. If the Commission votes to not waive its review, it may review the subject SMA assessment and act to approve or disapprove a SMA exemption, or defer.

Chair Buchanan: Planner Sybil?

Ms. Lopez: Thank you, Chair. Sybil Lopez on the next project that you have in front of you. It is in relation to our Kaunakakai Elementary School Library. The Hawaii Department of Education is requesting to replace the air conditioning unit located in their Building H, which is the Library, on the Kaunakakai Elementary School property. And so they did come in to do their flood development permit and it's -- it has been issued, and so we request to waive to move forward with the project. Thank you.

Chair Buchanan: Okay, thank you very much. And again, thank you, Sybil, for all of the information that was supplied in order to make one good assessment. I appreciated that. Thank you. Commissioners, any questions on this agenda item for staff at this time? Seeing none, I would like to open this agenda item open for comments from the public if there's anyone in the public wishing to testify at this time on this agenda item. Please state -- okay. Seeing none, then we're going to close public testimony. Commissioners? Really good to have good information, yeah, up in the front row? So, Commissioners, if there's no more questions for staff on this agenda item, the floor is open for a motion.

Mr. Sprinzel: Motion to waive.

Chair Buchanan: There's been a motion to waive by Commissioner Sprinzel.

Mr. Poepoe: Second.

Chair Buchanan: There's a second by Commissioner Poepoe. Any discussion? Seeing none, I will call for the vote. All those in favor to waive, raise your right hand? Motion -- okay. Hang on. We going be -- do this again just to make sure. On the motion to waive, all those in favor, please raise your right hand? Unanimous. Motion carried.

It has been moved by Commissioner John Sprinzel, seconded by Commissioner Laakea Poepoe, then

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

(Assenting - J. Bicoy; L. Buchanan; L. Espaniola; W. Moore; L. Poepoe; J. Sprinzel)
(Excused - J. Pele)
(Absent - J. Perez, III; B. Mowat)

Chair Buchanan: Thank you very much.

Ms. Lopez: Thank you, Chair.

Chair Buchanan: How was that for speed?

Ms. Lopez: Two for two.

Chair Buchanan: Hey, don't you love it when everything works out? Awesome. Okay.

Mr. Sprinzel: Hey, Chair, you've beaten my record.

Chair Buchanan: Oh, I -- oh I'm so honored. Okay, maybe not, so we're going to move right into agenda item D, the Director's Report, and I do want to take a second or more than a second for Commissioners to please review the pending applications because we ran out of time during the last two meetings and I did have questions about -- but I'd like to give our staff time to report and make the director's report. Thank you.

D. DIRECTOR'S REPORT

- 1. Pending Molokai Applications Report generated by the Planning Department with the March 11, 2020 Agenda Packet (Appendix-A)**
- 2. Closed Molokai Applications Report generated by the Planning Department with the March 11, 2020 Agenda Packet (Appendix-B)**
- 3. Agenda Items for the March 25, 2020 meeting**

Mr. Dack: Yes, thank you, Chair. So you have, obviously, attached to your agenda itself the report on pending applications as well as closed applications. The Department is working to reduce the number of those, finding those which we can close out, removing them from the list, so the report becomes shorter and then maybe, hopefully, have less

questions in the future in the Commission's mind, so, hopefully, this will be winnowed down as we're moving along, we've made it -- we've reduced it somewhat recently, but we still have some more work to do, so thank you for your patience with that. And then other than that, the only agenda item that we anticipate for a March 25th meeting is the return --

Ms. Chen: Oh, excuse me. Sorry, Jeff. Could you address the mike? It's really hard to hear.

Mr. Dack: I'm so sorry. Wow.

Ms. Chen: Thank you.

Mr. Dack: Can you hear me now? Anyway, so I -- I'm expecting I don't need to repeat what I said but I'll try, and then -- so the only item that we have that we anticipate for the meeting for you on March the 25th is the return of the Verizon Wireless antenna application, which was deferred from a recent meeting. Thank you.

Chair Buchanan: Okay, maybe, Planner Sybil, I see that the -- I wanted to ask one question about the first one is on page 1, I see that the project lead is Waikiki, but the State of Hawaii, DOT Harbors Division, about the new office storage building, that never came to us, yeah?

Ms. Lopez: Okay, so it's -- regards with the Department of Transportation, Harbors Division, as -- as -- I mean you probably can help me --

Chair Buchanan: What is FDP?

Ms. Lopez: It's a flood development permit.

Chair Buchanan: Okay.

Ms. Lopez: So the flood development permits are usually always with the Zoning and Enforcement Administration and -- and so they -- they issue the flood development permit, and so you would see other names beside my last name on the right side, and that's to deal with anything dealing with the zoning division in regards to your question and that project, that specific project.

Chair Buchanan: Okay, but I think my question was how did the review and the building of the -- occur? Who gave the permit? And I don't -- I don't know, I mean it's on the harbor, so it's not in the SMA?

Ms. Lopez: It -- it is but it's under the direction of the State, and so, in this particular case, the State exempted themselves, but if Jeff wanna expound more on that, they did put in a request for comments and we provided them the comments, and then they moved forward with the project.

Chair Buchanan: I -- yeah. I just wanted clarification on how this works.

Mr. Dack: I believe, under the State law, the Coastal Zone Management Act, projects that are under the purview of the DOT Harbors Division are not subject to local authority of any of the commissions, so this is an -- there are some exemptions, some unusual situations, and this is one of them. We have similar situations where, for example, SMA assessments may not sometimes be necessary on the Kahului Harbor. This is -- it's not -- it's kind of odd, but it's not -- not something we hadn't run across before.

Chair Buchanan: Thank you.

Mr. Sprinzel: Chair?

Chair Buchanan: Yes?

Mr. Sprinzel: We've had a lot of cases in the past concerning the harbor and we hadn't really had any say. Lots of programs were done, the pipeline and remember the car park and all that, we just didn't have any say in it.

Chair Buchanan: Okay. I know when the harbor improvements, the harbor improvements came for comments to the Planning Commission when they wanted to build the bathroom that nobody uses, and when they wanted to install a 26-inch main that was unheard of to the end of the Kaunakakai Wharf for fire suppression, and they wanted to do improvements to the launching, they wanted to harden the second-half of the wharf, the pier, and they wanted to remove hazardous -- hazardous waste; those issues were all addressed in an EA that came to the Molokai Planning Commission, so when I saw the new structure being built on the wharf, I was wondering why it had not come for review because I thought they was in the SMA, and similar to the Airports Division in Kalaupapa where there's no oversight, we were told that the Office of Planning was going to provide Coastal Zone Management oversight over the projects at the airport in Kalaupapa as well as any other State projects, my first thought on seeing the building built at the wharf was, number one, are they meeting the height restriction of 30 feet? And if not, did they apply for a variance? Also, we were told during the improvements to the harbor that are, obviously, used with public funds that -- that there was no room to do anything else, and then they went and built one big harbor building. We were also told that although there were ferry improvements monies, that it was also going to be open to general use by the public, and ever since the ferry stopped, they shutdown the brand new bathrooms, and

so we keep on inquiring to the State of Hawaii why, what are they doing at the harbor. I, personally, contacted the Small Boat Harbors Division as well as DOT, and they couldn't give me one answer, so I think if the State going be arbitrary in -- and if we're calling it "odd," I not real happy with that, and so when the Planning Department is asked to respond to inquiries from the State, in the past, what I did was I just called the engineers at DLNR, and I just talked to them, and when they came here, I met with them, and they didn't realize that we had -- we wanted to have so much input in what they do at our harbor, it's really important, we only have one, so maybe I asking the Planning Department to help us help this community engage with the Department of Transportation, in this case, Harbors, that when you see things like that coming across, at least flag it so at least I can call or somebody can call engineering and say, eh, we want to have some input in what's going on in our coastal waters and our near shore waters and on our coastline. So when I seen it on this, I thought was an opportunity to say that because it's -- it's in the KIVA system, so -- and you better believe I going try and find out about odd projects, does -- how the State going exempt themselves with projects on Molokai that may or may not have detrimental affects and -- and -- we like know about 'em, not just watch 'em go up. Okay, I sorry. I'll give chance if anybody else, Commissioners, get anything else on the -- I had on the old one, but I don't have -- I never take the time to look at this one. There was one unless--

Ms. Lopez: Thank you, Chair. I will note that and bring it back to the Department. Thank you.

Chair Buchanan: Sybil, we had one person asking for an extension on one short-term home rental. Who was that?

Ms. Lopez: Well, we are in a process of renewals, so I do have a few renewals on my desk. The renewals regarding the time extension for the State special permit in relation to their short-term rental permit would be on page 1, and that would be D. Leith Anderson.

Chair Buchanan: Oh, okay.

Ms. Lopez: The SUP2 2016/0009, Hale Puu Koa. And we do have one more.

Chair Buchanan: Would the Planning Department know if the second and last hearing on the short-term home rentals has been scheduled with committee or with the Council?

Ms. Lopez: We -- we are --

Chair Buchanan: No?

Ms. Lopez: Awaiting their final decision.

Chair Buchanan: Okay. So --

Ms. Lopez: Until the final decision is rendered and the bill becomes an ordinance, then we can start planning the processing of those renewals and those permitted short-term rentals.

Chair Buchanan: Okay, so you guys don't have any notice of committee -- I mean Council meeting for that. Okay.

Ms. Lopez: It's still under review.

Chair Buchanan: Okay. Okay, thank you.

Ms. Lopez: Thank you.

Chair Buchanan: One last question, since my fault I never review this. When the Planning Director renders a decision on the request for -- to waive additional parking on the movie theater, will -- will we get notice?

Ms. Lopez: I -- that's -- I don't know if I can answer that question, but are you requesting to be cc'd on the --

Chair Buchanan: I requesting to be cc'd.

Ms. Lopez: Okay. Just checking. We can do that.

Chair Buchanan: Alright.

Ms. Lopez: Thank you.

Chair Buchanan: Thank you very much. Okay, anybody else get last questions? If not, and the Director's Report is done, yeah? We covered everything?

Ms. Lopez: Yes.

E. NEXT SCHEDULED REGULAR MEETING DATE: MARCH 25, 2020

Chair Buchanan: Did we have the next meeting? Yeah.

Ms. Lopez: March 25th.

Chair Buchanan: Okay.

Ms. Lopez: So we're continuing --

Chair Buchanan: And we only have one thing on the agenda right now.

Ms. Lopez: The Verizon. Yeah.

Chair Buchanan: The Verizon.

Ms. Lopez: So we're going to continue the Verizon CUP.

Chair Buchanan: Okay, awesome.

Ms. Lopez: And they secured that date so that the engineer can be here to answer any of your questions.

Chair Buchanan: Okay. There was a request from Commissioner Pele to make sure that got noticed in Maunaloa.

Ms. Lopez: Yes.

Chair Buchanan: So, in the past, I know that the liaison office would go and post notices. Are they still doing that?

Ms. Lopez: Yes.

Chair Buchanan: So that would Zhantell?

Ms. Lopez: Well, for the Planning Commission, that would be Nina Kawano.

Chair Buchanan: Okay. So they going drive up to Maunaloa and post?

Ms. Lopez: She's been on every --

Chair Buchanan: Okay.

Ms. Lopez: Every meetings that you've had been posted.

Chair Buchanan: Okay, awesome. Manae too, yeah?

Ms. Lopez: Correct. At the Goods and Grinds.

Chair Buchanan: Okay. Alright, thank you very much.

Ms. Lopez: Thank you.

Chair Buchanan: So seeing no other business --

Ms. Lopez: Well, I'm sorry. Can I clarify? Was he requesting for it to be there or just for it to be noticed?

Chair Buchanan: No, he was -- we -- I told him we would notice --

Ms. Lopez: Okay. Yes. Yes.

Chair Buchanan: Put notices in Maunaloa. I was at a meeting Manae last night and the -- the question of 5G also came up.

Ms. Lopez: Came up. Okay.

Chair Buchanan: So Manae wants to be noticed as well.

Ms. Lopez: Okay. Thank you.

Chair Buchanan: No, thank you very much. Thank you for awesome information.

Ms. Lopez: It's a work in progress.

Chair Buchanan: It's good. It makes for a speedy meeting.

Ms. Lopez: Yes. I agree.

Chair Buchanan: So if there's no other business, seeing none, we're adjourned.

F. ADJOURNMENT

The meeting was adjourned at approximately 11:32 a.m.

Submitted by,

SUZETTE ESMERALDA
Secretary to Boards & Commissions II

RECORD OF ATTENDANCE:

Present:

Lori Buchanan, Chairperson
Laakea Poepoe, Vice-Chairperson
Julie-Ann Bicoy
Leonora Espaniola
William Moore
John Sprinzel

Absent:

Bridget Mowat
John Perez, III

Excused:

John Pele

Others:

Jeffrey Dack, Planner VI, Current Division, Department of Planning
Sybil Lopez, Staff Planner, Molokai, Current Division, Department of Planning
Stephanie Chen, Deputy Corporation Counsel, Department of the Corporation Counsel
Suzette Esmeralda, Secretary to Boards & Commissions II, Current Division, Department of Planning