

MOLOKAI PLANNING COMMISSION
REGULAR MINUTES
OCTOBER 9, 2019

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, October 9, 2019, 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. Thank you for your patience. Welcome to the October 9, 2019 meeting of the Molokai Planning Commission here at Mitchell Pauole Center, in Kaunakakai. We calling this meeting to order, so unless there's any request from the Commissioners for a change of -- to the agenda, we'll go on and proceed. Seeing none, okay. Go ahead.

Ms. Lopez: Good morning, Chair --

Chair Buchanan: Good morning.

Ms. Lopez: And Commission. So just one change that Commissioner Moore brought to the attention of the Department is that C.1.a. should be changed to 1094 Kamehameha V Highway instead 8051 Kamehameha V Highway. So thank you to Commissioner Moore for pointing the correction out.

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: Okay, very -- very good. Thank you very much. We will move right into item B, Public Testimony, and testimony will be limited to three minutes and 30 seconds to conclude. If there's anyone in the public wishing to testify, it's usually this part where anybody who has to leave or needs to testify for an agenda item has the opportunity to do so, so if there's anyone in the public wishing to do that at this time, and seeing none, we're going to move right into item C:

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. **MRS. DYVETTE FONG proposing the relocation of an approximately 1,120 sq. ft. two-bedroom single family dwelling to be situated with a new approximately 168 sq. ft. covered lanai and concreted driveway on a .178 acre parcel, located at 8051 Kamehameha V Highway, Kaunakakai, Molokai, TMK (2) 5-4-005:022 (SMX 2019/0182) (Valuation: \$45,000) (S.Lopez)**

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

Chair Buchanan: Staff?

Ms. Lopez: Thank you, Chair. I’m Sybil Lopez, the Staff Planner for the project that is -- that you have in front of you, which is in regards to Mrs. Dyvette Fong, located in the Kamililoa, below Kamililoa Heights, along the -- the shoreline by the Kolokoeli Fishpond area, and you have your packet. We do have the consultant here today, which is Mr. Luigi Manera, if you have any questions. If you have any questions regarding the submittal that is in front of you, I can go over it. There are some new information that we gave with regards to the questions that you’ve had the last meeting, so we did include the agency transmittals and we did include our, the Department’s assessment, and if you have any questions for the consultant as well, he is here.

Chair Buchanan: Okay, Commissioners, you guys have any questions for the staff report? But I do want to state that I just received the staff report in the mail and that’s why we kinda -- I started a little bit late convening the meeting, I was trying to catch up, and from the staff report, I was unable to discern what lot it was or the orientation of where this was. Is it my understanding that this is a beach lot?

Ms. Lopez: No. It’s not a beach lot. There’s a TMK and a fishpond in front of it. So there’s parcels --

Chair Buchanan: Oh.

Ms. Lopez: And, let me see, if there is -- so if you see the A-1, the location map, so it actually -- it’s actually a subdivided area. If you look -- if you look at the -- where the Kam

V Highway's on the top, there's actually a road behind it, and then there's more parcels in the back prior to the Kalokoeli Fishpond.

Chair Buchanan: Okay, just for the record, I'm unable to read the small print, and the map location. I did try to look at that earlier. I couldn't read the road name, so I think that's why I was really -- I was having trouble trying to figure out where exactly the orientation of this dwelling was supposed to be moved to.

Ms. Lopez: Mr. Manera, would you wanna come up and have --

Chair Buchanan: Is the map you passing around, does it have the orientation of the home to the shoreline or to the TMK of the pond?

Ms. Lopez: It -- it should have on the vicinity map.

Chair Buchanan: I understand that there's a TMK, which is the fishpond TMK, but if the home is --

Mr. Manera: Okay.

Chair Buchanan: Okay.

Mr. Manera: There's a -- there's a road, there's a lot, and then the ocean. Okay --

Chair Buchanan: Okay.

Mr. Manera: Kamehameha High --

Chair Buchanan: Yeah.

Mr. Manera: This lot face Kamehameha Highway. After the lot, there's a road, after the road there's a lot, after that, there's the ocean. It's right there.

Chair Buchanan: Okay.

Mr. Manera: It's not a shoreline lot.

Chair Buchanan: Okay.

Mr. Manera: If you asking.

Chair Buchanan: Yeah. Yeah, pass 'em down. My apologies to the public. And then, yeah, if, Commissioner, you have question, I guess you can ask of staff or the testifier.

Ms. Mowat: I -- I just -- get plenty kiawe trees, yeah? You cannot really see the lot. I mean it's --

Mr. Manera: The lot is clear.

Ms. Mowat: Oh, it's cleared now? I mean 'cause I did go look at it and -- and I could tell from the picture --

Mr. Manera: It's mainly -- it's mainly all clear.

Ms. Mowat: 'Cause I pass by it. I'm --

Mr. Manera: Yeah.

Ms. Mowat: Real close. I live close by.

Mr. Manera: It's a small lot.

Ms. Mowat: Yeah, and I could tell where it was by that white van. The white van is still there? Okay, so it's right off the highway, and then there's -- you cannot really tell, yeah, if, yeah, it needs to be -- I mean there's a lot of clearing that has to be done as far as -- so it's about like a quarter of a mile from my house. Yeah, guesstimate. Yeah. And it's -- it's on the makai side -- mauka -- makai side of the highway. I just -- can I make comments?

Chair Buchanan: Yeah.

Ms. Mowat: Okay, I was just reading the Department of Water Supply, their comment, and the big guys really gotta follow through with what they're saying as far as the waterlines and the groundwater and what safe practices and so did you -- did you guys go through the best management procedures?

Mr. Manera: Yeah.

Ms. Mowat: With the BMPs 'cause it's -- even -- even later on when your plants are established --

Mr. Manera: Well, that's --

Ms. Mowat: You cannot use pesticides and all that stuff so --

Mr. Manera: Yeah --

Ms. Mowat: Yeah.

Mr. Manera: I mean normally --

Ms. Mowat: No, that was the only concern I had.

Mr. Manera: We just moving a house. It's already built the house. It's the fire station in Hoolehua, I mean ...(inaudible)...

Ms. Mowat: Yeah, no, I'm just making comment on what --

Mr. Manera: Yeah, we just --

Ms. Mowat: What the Water Department has talked about because you going put in pipes, you going put waterpipes, you going have put electric lines, you going have to establish the home, you cannot just put the home there, right?

Mr. Manera: Yeah, we do that every home. I mean we gotta -- we need the water. We need electric. Electric is over ...(inaudible)...

Ms. Mowat: Well, that's -- all I'm saying is I was making comment on the Water Department's comments that's all. That's all I'm saying.

Mr. Manera: That's -- that's normal comment they comment all the time for a home. It's nothing --

Mr. Poepoe: Chair? Oh. Can I just go ahead and ask questions?

Chair Buchanan: Yeah, you can.

Mr. Poepoe: Question for staff. So the agenda has the relocation of a building, and within the planning -- the site plan for the building also includes graphic that includes a septic system that goes into Flood Zone AE, is that within our purview to include that for our review if it's only stated that we're reviewing the relocation of a building to this site? It wasn't agendized and I asking if it needs to be.

Ms. Lopez: You asking the relocation from the previous location for it to be reviewed? Is that what you're asking to review the location or to review --

Mr. Poepoe: As a complete package, the relocation of the building going require -- it is drawn out to have -- install a -- a leach field.

Ms. Lopez: Well, it is in -- it's in this packet. It's in his scope. If you look on the map, it tells you the location of where the distribution box is, where the septic tank will be going in, and the connection from the evaporation field to the house. It's on the drawing plan, so it's included in this SMA assessment. Is that the question?

Mr. Poepoe: Yeah, if it's within our purview to review the details of it, okay. If it is, then I get some questions about --

Ms. Lopez: Sure.

Chair Buchanan: Commissioner Poepoe, just so we clear, and I clear, you asking -- I think everything is included in the waive or not waive review. This project is before us today with the Planning Director asking us to waive or not waive review. Review would include all of the other things associated with the project, like the leach field or pier and post or digging, grading, grubbing, and any other. To me, it's kinda like a new development in way even though you just moving a house, you still have to put post and pier and concrete and whatever else you going do including installing one leach field in the SMA. So I mean I'm happy to entertain that stuff if, at the end, it's we come to one conclusion that we going waive, or we not going waive review, then the client has to come back, the applicant has to come back and present more information, and then it would helpful for us to supply what type of information we would need to come to one decision to waive or not waive. Is that helpful?

Mr. Poepoe: Yeah, I was satisfied by the -- Sybil's answer.

Ms. Lopez: Thank you, Commissioner, for the question.

Chair Buchanan: Commissioners, any questions for staff or the applicant?

Mr. Poepoe: Question for the applicant. The property to the east is backfilled. Is there plans to backfill this -- this property that wasn't put on the map?

Mr. Manera: No.

Mr. Poepoe: So the septic going be in the AE Flood Zone?

Mr. Manera: Yeah.

Mr. Poepoe: A part? Okay.

Mr. Manera: A portion. Some of the leach line.

Mr. Poepoe: And --

Mr. Manera: Only the leach line.

Mr. Poepoe: There's intention to -- to fill?

Mr. Manera: No.

Chair Buchanan: I -- I going give one chance for every Commissioner to review the plans being moved down the line, and so they may have questions. I think I have some concerns, and maybe not addressed at this time, but or I couldn't clear see it, the installation of the leach field, and I think I saw on the plan that you using four-by-four and two-by-four at a depth of two feet or more for foundation. It's been a normal practice with new developments, and although this is not a development, a new development because, technically, you moving one house and you putting 'em on -- you also -- you have to construct all the things you would need for one residence that is not there, so digging near -- in the SMA, near the shoreline, albeit near an ancient fishpond, I would have some State Historic Preservation concerns for inadvertent finds, I don't see that addressed in the application because it's a waive or not waive. If -- if we had someone there during excavation in order for utilities and appurtenant kinda stuff, I would be more comfortable because, as a Commission, we do have responsibility to adhere to that type of Section 6E and 343 issues that may arise --

Mr. Manera: Okay.

Chair Buchanan: And I think I would be more comfortable if I knew that some type of SHPD plan was in place for an inadvertent find because we know that other developments in that district have unearth inadvertent finds and triggered, so that's my feedback right away. Okay.

Mr. Manera: You know, I'm -- I'm okay with that. I'm pretty sure the owner is also. But there's something else. I did send everything to Historic Preservation, and I don't know why they never reply, but we did send them months ago.

Chair Buchanan: Yeah, it's probably because they inundated.

Mr. Manera: No, no, I mean --

Chair Buchanan: Yeah. And this type of -- of issue --

Mr. Manera: I know -- I know we did.

Chair Buchanan: Falls off the map for them, you know, honestly, I not speaking for the department --

Mr. Manera: No, no.

Chair Buchanan: But I'm aware of multiple projects that have --

Mr. Manera: I -- I got it. No, no, no.

Chair Buchanan: One big waiting line, yeah. Commissioners, on the east of me that just finished reviewing, you guys have any question? No?

Ms. Lopez: Chair, I can to that and that with what the consultant said that upon the -- their approval letter that the Department sends out, just to reassure the Commission that on the approval for the SMA exemptions, all exemptions have a template that states about DLNR in the event of any findings that they should have to contact -- that they would have to cease work and contact the State Historic Preservation's office immediately so they -- we do have verbiage in the -- in their approval letter regarding your concern, and I don't know if the Commission needs more time if there's testimony, I mean so you can --

Chair Buchanan: Commissioner Pele.

Mr. Pele: This question is for staff. Sybil, in our review to waive or not waive, my assumption is everything in this packet will have to go through the proper permitting, leach field, building permits, and the essential County agencies or State agencies or Federal agencies who deal with these types of permits will be actively involved with the process?

Ms. Lopez: Yes.

Mr. Pele: So -- and with the State Historic Preservation District, when you say this language in there, is that the responsibility of the owner, contractor when they make a find?

Ms. Lopez: The owner.

Mr. Pele: Okay.

Ms. Lopez: Yes.

Mr. Pele: And is there any repercussions for not making contact with anybody?

Ms. Lopez: Yes, because it's stated.

Mr. Pele: How do we, along those lines, how do you verify that -- what I'm trying to say, what if somebody just says, oh, you know what, just put 'em over there and go bury 'em?

I mean that's -- that could be a realistic -- okay. Alright, but everything else far as the permit is concerned will go through the proper agencies, proper permitting?

Ms. Lopez: Right.

Mr. Pele: And built to the specs of the County and State agencies? Okay. Thank you.

Ms. Lopez: Yes. Thank you, Commissioner.

Chair Buchanan: Commissioner --

Ms. Bicoy: I have a question for staff. With the changes of the ocean rising, will that have a great effect on the structure that's being relocated?

Ms. Lopez: Well, during the review process regarding the sea level rise, we do consider that and we consult with the applicant and that they knowing the risk of what they're taking, being that the mapping does show the inundations within the 30 to 50-year periods of where the inundation will be in regards to that property and where they're at, so it's -- it's upon the risk of the applicant and the owner and the understanding that they know and the sea level change, but during this process, I mean we all -- we all are still processing and going through that, going through those changes so -- but -- but part of our review is that we do look at that as well.

Ms. Bicoy: Okay, thank you.

Ms. Lopez: You're welcome. Commissioner Pele.

Chair Buchanan: Commissioner Pele.

Mr. Pele: Yeah, I've been thinking about that, this flood inundation, and I just wanna kinda wrap my head around, when we talk about 30-year and 50-year floods, sea level rise, obviously, the world is changing, but are those best estimates? I mean like where -- is it written as policy into -- into these applications, like or are we just thinking -- I mean like where -- where do we get this information and how do we apply it to these applications where it's not just theory or a guesstimate of where our oceans will be in 30 years so we can make more concrete -- I mean I've had people knock on my door and tell me the world's going to end tomorrow; that doesn't mean it's going to end tomorrow. You know what I'm saying right? I'm just saying when you say that the town will be flooded, it could be in 50 years, it could be in a 100 years, how do we, as a Commissioner, I'm just trying to grasp my head about, and I think we're dealing with this with the County -- with the college application also is how do we grasp where we'll really be in 50 years? What if -- so when you say you let them know about their risk, how do you -- is it a definite that -- that, in 30 years, that -- that this house will be flooded due to ocean rise or is that a theory?

Ms. Lopez: It's based on the report , and the report just came out, and what the -- I mean it's the whole County that has to go through this process on which -- where, to answer the questions that you're just stating, and so it's not a all, end all answer, it's a move in progress, so --

Mr. Pele: So the report is taken from what we've experienced in the past years and they're just kinda like projecting it out like --

Ms. Lopez: And the reports.

Mr. Pele: Half-an-inch or a foot every five years or in 50 years, we'll have so many feet or --

Ms. Lopez: Yes.

Mr. Pele: I mean I just -- I'm trying to grasp my head around making a decision where it's going to be theoretically -- it's theory or it's science.

Ms. Lopez: So I'll my supervisor answer that for you.

Mr. Pele: I no like the meeting end too early so I gotta just pontificate.

Mr. Dack: Yeah, Jeff Dack, I'm the Current Planning Supervisor. I have -- I have had particular knowledge of the question you're asking. There's a reference to, in late 2017, there's a State Climate Commission that adopted a sea level rise investigation adaptation report, I'm not remembering the exact title, in it defined -- it defined areas of risk for Molokai but just define that to be areas that would be inundated with 3.2 feet of sea level rise. I just asked the consultant what the elevation of this property is, he says around 12 feet, so this would not be expected to be in -- you know, if you looked at the map, we wouldn't find that this would be in an expected inundation area, again, if that 12 feet is correct 'cause that's where the -- again, the report that I'm referencing is 3.2 feet. Now, there is a policy that the Commission has adopted relative to how, unless it's in the Molokai Community Plan, I must admit I'm not sure of that, but at least within your rules you haven't adopted anything relative to setbacks or what you do if you happen to be in a sea level rise exposure area or not, so what we do is we'll, you know, Sybil will, as reviewing an application, she'll look for a variety of possible areas of concern and -- and if those -- if there's possible areas of concern that could end up having some kind of significant impact, which is something you do have to address in your rules, then we will address it but, in this case, again, three-foot of sea level rise, elevation 12 feet, is that the area should not be inundated.

Mr. Pele: Okay, so that -- that theory, that formula is a baseline and it can't be -- we shouldn't be applying our basic personal feelings or, you know, I mean that's something that can be challenged or is it that's what we're going to use, three feet rise, and that's it, that's our baseline, so anything that you say out of that is -- is something we can't interject upon or you know what I mean? We can have a debate about sea level rise for six hours here and go away without a decision.

Mr. Dack: Sure.

Mr. Pele: I'm just trying to say, as a Commission, I would like to have some kind of baseline, and you've already explained that baseline to me, so I'm satisfied --

Mr. Dack: Okay.

Mr. Pele: But just -- just trying to figure out these little details that sometimes are hard to nail down.

Mr. Dack: Yeah. I understand. Okay. Thank you.

Chair Buchanan: Commissioner Poepoe.

Mr. Poepoe: The -- the elevation that you mentioned, is that the mean elevation or is that the highest point or is the -- the lowest elevation?

Mr. Manera: The 12 feet is actually 12 point something is the center of the road, Kam Highway, but the property, in front of the property, and the property is just -- just either flush or even little bit higher.

Mr. Poepoe: I am aware that there's a slope that gradually drops from the road down into the property.

Mr. Manera: Yeah, in the back. Mainly where the ridgeline are.

Mr. Poepoe: Is the elevation of the -- where the leach field is known?

Mr. Manera: The leach field -- the leach field, a portion of the leach field is low. Yes.

Mr. Poepoe: Is that at 12 feet?

Mr. Manera: The leach field? No. You said the house. The finish floor, the ground is 12 feet where the house is, and then it drop down, and that's where it's marked flood. If it's low, they put pillar up. What is the problem?

Chair Buchanan: Okay. Okay, maybe I just have couple more questions and then we going open this for public testimony. Sybil, can you explain the flood information area on the zoning and flood confirmation form where it states zone -- Zones XS,AE, and six feet? That might help people. Might help me.

Ms. Lopez: Yeah, so what they were -- what Commissioner Poepoe was alluding to was where the leach field location, so this is the whole property, from here to here, it's actually in the Zone X, XS, where they don't -- they don't -- they're not required to have a flood development permit versus if you are in the AE, so BFE is the base flood elevation, which is six feet, so in this piece, this diagonal piece on the property, that's where it's located in the AE Zone where it's a possibility that they would need a flood development permit. In the event that they would need a flood development permit especially that some of the leach field is in there, then the applicant would have to sign it and it -- it actually is a Department issued permit and, therefore, the SMA would not be issued prior to the flood development permit, so the development -- the Department would hold the SMA until the development permit is issued and then the permit will be approved, and that wouldn't -- that wouldn't hinder your decision. I mean it shouldn't.

Mr. Pele: So you're saying if -- if they need one because they're in the six-foot zone, so who's determining if they need that flood permit?

Ms. Lopez: Zoning, but it's a type of development which may or may not be exempted 'cause it's a leach field and --

Mr. Pele: So department of?

Ms. Lopez: Oh, zoning, our Zoning Administration and Enforcement Division part of our Planning Department.

Mr. Pele: And they haven't made the determination whether they're going to need a permit for that?

Ms. Lopez: They haven't responded to say that they did need a flood development permit, but in the event, we'll double-check with them to make sure that they would need one.

Mr. Pele: Okay. Alright.

Ms. Lopez: Thank you for the question.

Chair Buchanan: Okay.

Ms. Lopez: Oh, another one.

Chair Buchanan: Yeah, hang on. So which is going to trigger in what permit is going to trigger the language about the inadvertent finds?

Ms. Lopez: We -- it's just standard. It's something standard that we put in all of our SMA exemptions.

Chair Buchanan: Oh, okay, okay. And then the concrete that going be poured is off of the highway to the residence? I just was -- I just saw it on top there. Yeah? Going get one driveway and then the concrete slab?

Ms. Lopez: Correct. Correct.

Chair Buchanan: Okay. You know, 'cause I just looking at runoff. Okay.

Ms. Lopez: Yes.

Chair Buchanan: And then where the runoff going go. So besides that, the other issue that came up from the Commissioner was the actual permit, so when the County actually gives a permit in an area where it may or may not be inundated with climate change and whatever else, does the applicant have to sign or waive liability for that permit with the County of Maui?

Ms. Lopez: Good question. Maybe I'll refer it to the supervisor.

Chair Buchanan: Maybe let me -- let me expound on that. So on the North Shore of Oahu, where the houses are now falling into the ocean, the county is going to be sued for issuing permits in areas where they knew was -- that may or may not be affected from climate change or inundation, and so we've seen a number of emergency permits come in for shoreline homes, and so I'm wondering now if the County is going to continue to give out permits in flood zones if the applicant has to waive liability that they not going come in for an emergency permit when they house fall down or flood. I just asking. I just curious.

Ms. Lopez: I'm guessing that we are still working on it as a Department --

Chair Buchanan: Okay.

Ms. Lopez: But he can answer.

Mr. Dack: There is no such waiver of liability provision that's being applied at this time.

Chair Buchanan: Thank you. Commissioner Pele.

Mr. Pele: I'm sorry. I'm sorry, when I asked, didn't you say that you let them know, Sybil, that you let them know the risk of flood zone when --

Ms. Lopez: Well, we give them the information and we provide them the maps to let them know where the inundation will be according to what the report is.

Mr. Pele: And it's up to them if they're still going to build there or not --

Ms. Lopez: Yeah.

Mr. Pele: So long as they get the permit so --

Ms. Lopez: But in this case, it -- that's out -- in this case, we're talking about --

Mr. Pele: ...(inaudible)...

Ms. Lopez: Yeah.

Mr. Pele: Just the leach field is within that --

Ms. Lopez: Well, it's in the --

Mr. Pele: That half of the leach field.

Ms. Lopez: Yeah, and that's it. Thank you.

Chair Buchanan: Okay, thank you. At this time, I'd like to open up -- sorry, Commissioners, you guys can come back and ask questions after, but I would like to open up for public testimony. Anyone in the public wishing to testify on this agenda item, please come up, state your name for the record, and thank you very much.

Ms. Poepoe: Hi. My name is Mahina Poepoe. Before I forget, I wanted to let you know that, from the Aha Kiole, we did not receive the information for review previously, so if you did defer today, it would give us a chance to review and come back at the next meeting. I did receive the one for the batching plant, I received the one for the stonewall, Johnson I believe, but I didn't receive for this specific project. Okay, that -- so in a lot of these applications, all the different applications, it seems enough to say that the project is not anticipated to affect the environment or the natural resources, and that's enough to say that, and so as -- on the opposite side, can someone say it is expected to adversely affect and that carry just the same amount of weight with nobody providing proof on either side? That's just for you to think about. About sea level rise, I do find that this is in an environmentally sensitive area because of the proximity to the ancient fishpond, but also because of the projected sea level rise. It's one thing to say that you consult with the

applicant, let them know, like of the risk of being in the sea level rise area for their safety, for the safety of their property, but what about the safety of the environment and ecosystems when the sea level does rise? It -- we have to start planning for the next 50 years, for the next 100 years, and not just for right now, like today. So I -- I do see a progressive environmental impact of all development in the prospective sea level rise zones and critical areas. And I would -- I would recommend a site visit because I am -- I am confused about what the actual elevations are. I'm -- I don't know why the Planning had to ask the applicant what the elevation was. I thought that that should be something that is already well investigated and documented. I don't know, the middle of the road elevation and the actual property elevation, I was confused about that still, so I just wanted to put that out there and recommend a site visit. Thank you.

Chair Buchanan: Thank you. Corp Counsel has a clarifying question.

Ms. Desjardins: Thank you. Ms. Poepoe, in the beginning you said that you didn't receive a mailing. Are you on a mailing list to receive agendas?

Ms. Poepoe: So my testimony after I said that was my personal testimony, but I am the -- I'm secretary for the Aha Kiole Organization and I receive the -- the disks and the comment forms and I didn't get it for this specific one, but I see that it was checked that it was sent, it's not certified mail so I don't know.

Ms. Desjardins: Okay, I just wanted to clarify --

Ms. Poepoe: But, yeah, did not receive it.

Ms. Desjardins: But -- but you're -- the organization you're talking about is on the mailing list to receive agendas and agenda items for the Molokai Planning Commission?

Ms. Poepoe: Agency transmittal --

Ms. Desjardins: I can't hear you. Sorry.

Ms. Poepoe: List.

Ms. Lopez: She's on the agency transmittal list.

Ms. Desjardins: Okay, that's what I was -- that's what I'm asking. And -- and you did or did not receive this packet of information for this meeting?

Ms. Poepoe: Didn't receive the packet of information for this meeting. Did not.

Ms. Desjardins: Okay. Okay, thank you.

Chair Buchanan: Commissioner Pele.

Mr. Pele: Yeah, hi, Mahina. So my question, you talk about sea level rise, do you agree with the question that I asked earlier about the County's assessment of how they use three point -- three feet in the next -- at the report they was talking about?

Ms. Poepoe: I do think that those maps should be included in the SMA review. What was --

Mr. Pele: The question is I asked Mr. Dack there, he gave a report that in their findings, in their baseline reports from the experts that they gave out that the house is not in the flood zone for the next 30 or 30-year flood zone based on the numbers that they came up with, and I don't know, listening to your testimony, it sounds as you have concerns about that number, so I'm asking you if you agree with the number that the County had given me, Mr. Dack had talked about recently or if you disagree with that number, and, yeah, I just wanted to know.

Ms. Poepoe: Okay, I'm still not quite clear on the question, but I agree that the sea level is rising and that, in my personal opinion and from all the information I've received in being trying to stay up to date with sea level rise, that the ocean is rising faster than is anticipated, and I just think it's good practice to plan for the -- the highest level of impact and the lowest level of impact always, so I don't know. I agree with -- I base my opinions and thought process on the sea level rise reports that are recently released.

Mr. Pele: Okay, so --

Ms. Poepoe: And we had the climate summit --

Mr. Pele: Right.

Ms. Poepoe: Last weekend that had a lot of good information about all that stuff.

Mr. Pele: So one of my reasons for asking that question and you testified was to find out the County's baseline, and -- and he gave a report that said with what information that the newest statistics that came out, that that would not be in the flood zone. Is that correct? I'm sorry. You said the --

Ms. Poepoe: In the sea level rise map?

Mr. Pele: The best would be three feet?

Mr. Dack: There's a big difference between a flood zone and the sea level rise exposure area. I was referring --

Mr. Pele: Okay, I'm sorry. The sea level rise was three feet you said, right?

Mr. Dack: Three point two feet is the standard that the State is using right now.

Mr. Pele: Right, 3.2 feet.

Mr. Dack: We wouldn't be in the sea level rise exposure area --

Mr. Pele: Okay.

Mr. Dack: But it clearly it is in -- part of the site is in the flood zone as ...(inaudible)...

Mr. Pele: I'm sorry, so 3.2 feet, and you did confirm that the site is 12 feet?

Mr. Dack: That's what the applicant has told us it is approximately 12 feet.

Mr. Pele: So using that number of 3.2 feet, when I -- I'm asking you do you agree with that number as a testifier talking about sea level rise? You just said you agreed -- you read the reports that they ...(inaudible)...

Ms. Poepoe: Well, you can go on a sea level rise viewer and you can put it up to six feet. You can -- if the County is planning 3.2 feet, do I agree that they're -- they should plan for that or more? I don't know exactly what the question is. But if this particular property is not -- if the County uses 3.2 feet, if it's not in the 3.2 feet of sea level rise, then maybe including a map of the sea level rise and -- and a highlight of the property in relation to that would be helpful to see exactly where that sits without me having to go pull it up and look at it for myself.

Mr. Pele: Right. Well, I'm just asking about your testimony. He just told us that the State agencies are using 3.2 feet as their threshold for sea level rise.

Ms. Poepoe: I didn't say that.

Mr. Pele: He said that.

Ms. Poepoe: Oh yeah.

Mr. Pele: The State is using that, so as a testifier, are you in agreement with that? It's a yes or no question.

Ms. Poepoe: I'm in agreement with that the sea level rise area and all of -- all the sea level rise --

Chair Buchanan: It's a complex issue.

Ms. Poepoe: Yeah, it is.

Mr. Pele: Well, I'm just -- I'm trying to -- 'cause this is the point that I made, we could battle -- I know that we're going to have people back and forth on sea rise and it's hard for me to make determination 'cause I'm -- I gotta listen to my testifiers, right, and I don't -- and I just wanna know if she agrees with that particular point, 3.2 feet.

Ms. Poepoe: I agree that -- that the maps are accurate.

Mr. Pele: Yeah. And then based on your opinion or is this an expertise that you have?

Ms. Poepoe: Or the projections are accurate.

Mr. Pele: Yeah. Is this an expertise in that field or is it an opinion in that field?

Ms. Poepoe: I'm basing it on the expertise that is coming from the studies on the field. I'm not just making it up.

Mr. Pele: Yeah, I know. I mean I'm just -- yeah.

Ms. Poepoe: I agree -- I --

Mr. Pele: I'm going to use 3.2.

Chair Buchanan: Okay, no, yeah --

Mr. Pele: Right, because that's what the State -- that's what the State --

Ms. Poepoe: Well, that -- that is what everybody is using. Yeah.

Mr. Pele: Yeah, that's what the State said. Are you in disagreement with that in your testimony or are you in agreement with that that the sea level rise could be more than 3.2 feet and we should be aware of that?

Chair Buchanan: I think that's one --

Ms. Poepoe: I mean it all depends on really what happens politically and in societally of that's going to determine how much the sea level actually rises. We don't know what

that's going to be, but we can only make our best predictions and base our actions on that, so it is a really complicated question.

Mr. Pele: Right, 'cause if I'm -- if I'm -- I might be representing your testimony, but I think you have concerns with sea level rise as it applies to this project specifically and it could be in more jeopardy than maybe the 3.2 would lead it to be in.

Ms. Poepoe: Yes.

Mr. Pele: Am I misrepresenting your testimony?

Ms. Poepoe: No, that is right.

Mr. Pele: Yeah, so I am -- so my question is what expertise should I be basing your opinion on or should I be basing my opinion on what the State agencies are telling me, like it's a difficult situation for me, as a Commissioner, because I believe you're not in agreement with this project based on sea level rise information that was provided by our agencies.

Ms. Poepoe: I -- I just think that that's something that needs to hold more weight in these considerations than they do now. Am I in agreement with the 3.2 feet? I'm in agreement that that's where it sit right now to, in the next hundred years, to be at. I, personally, and -- and other reports and studies have said that it could be much higher, so I think plan for the worse and plan for higher and just start thinking about that, but I just think that sea level rise should carry more weight in reviewing these applications especially with septic and leach field issues.

Chair Buchanan: On the shoreline, yeah, for sure.

Ms. Poepoe: On the shoreline.

Chair Buchanan: Yeah.

Mr. Pele: Yeah, I mean I'm not trying to grill you --

Chair Buchanan: Okay.

Mr. Pele: But it's -- it's -- there's a lot of opinions out there and I just gotta go based on what's -- what's information that is given to me.

Chair Buchanan: Okay.

Mr. Pele: I can't -- the Commission is -- right? I can't just --

Ms. Poepoe: I think if you feel --

Chair Buchanan: And I want to help you in any way you need to make your decision.

Mr. Pele: And -- and, as a Commissioner, I believe using the 3.2 is a threshold, right, right now? Or is it not?

Chair Buchanan: That's a State. Yeah.

Ms. Poepoe: Yeah. That is the State inundation.

Chair Buchanan: Well, they gotta do something. They cannot give out permits without some kinda criteria so that's the criteria right now. Okay, you get anymore other question?

Mr. Pele: No, I just ...(inaudible – not speaking into the microphone)...

Chair Buchanan: Okay. Thank you, testifier. Oh, you was on the -- anyone else in the public? Oh, I sorry, I never even ask other Commissioners if they had questions. Commissioners, anybody else had questions of the testifier? Please state your name for the record.

Ms. Lindo: Hi. My name is Zhantell Lindo, and I am on my own time, not testifying on behalf of the office. I just would like to -- to ask the Commission to consider always not waiving any of these projects especially close to the shoreline. My -- so what doesn't make sense to me is the inconsistency of policy versus Molokai Community Plan. So Molokai Community Plan clearly states that even Kaunakakai Town is slated to be moved out of the flood zone and inundation zone. Regardless of whether or not we're taking the 3.2 sea level rise, which, by the way, is only rise, it doesn't take into consideration high water mark or how that increases the line of flood inundation zone, so when we look at sea level rise, we're only talking about how much the sea rose up, but in addition to that, that means that more high tides will bring the water further inland, so what is now 12 feet to the road, I think gotta be considered that if the house is next to the road and the leach field is a little bit more down, then you take the depth of the leach field down 7 feet, you really looking at a lot less space between the actual leach field and contaminated water to our shoreline and our ecosystem on the -- on the shore side. But our community plan clearly states that we going move Kaunakakai Town out of the flood inundation zone. By eye level, if you just look from the common eye, we stay above where the property proposed project is going to be, so why is it that the County continues to give out permits for more structures and additional infrastructure on our shoreline and in the flood inundation zone that will continue to cause both liability and the struggle and challenge of how we going remove those things once the sea -- once the sea starts to come up or -- and one of the -- whether or not the County adapts this, I can tell you that DHHL has

spent hundreds of thousands of dollars now executing an emergency plan to retreat Kapaakea and Kamililoa residents, and so that, in itself, should be one indication to the County that there are the powers that be which supersede in many cases for land use, the State is already looking at retreating people from those areas and -- and looking at monies of how they going mitigate to take out existing sewer lines and septic and those kinds of things. So I absolutely agree that people should be able to continue to build, and we cannot be scared and live in one world where you absolutely cannot build on this land, but I think there's something to be said about looking at mitigation efforts, like compost toilets, or things that should be included in near shoreline or flood inundation areas that can be one better plan. So you like build one house closer to the ocean, fine, but how about the County or -- or the Commission or, for this instance, look at other ways that we can help to mitigate and not put so much more liability on ourself than already is, and composting toilets, even Dr. Pang has strongly suggested that above-ground solutions for wastewater and wastewater treatment and those kinds of things be looked at before we start digging anymore holes in the earth. The other thing, just before I leave, is when we look at sea level rise, the experts have also said that, and which is -- which is pretty common sense, but as the sea level rises, and we can see 'em in places like Kapuaiwa, as the sea level rises, the groundwater also, under our earth, starts to rise and it causes these marsh type areas all over so we're seeing sinkholes and ponds appearing in areas, like Kupeke and Kaunakakai, that we've never seen before, which makes it very unstable. Now the thing about liability in Honolulu County is is the County of Maui prepared with their current policies and -- and agreements to continue to let these kinds of buildings go on to mitigate for the ground being unstable and things that are happening, and what we going do should these guys build and the County gives the okay and all of a sudden we start getting sinkholes and things in that area, so do I know for sure it's going to happen? No. But I think before we start doing it as a body, legally, maybe we should take a look at what lands are still stable enough to be building on. And so that's my testimony. Thank you.

Chair Buchanan: Thank you. Commissioners, any questions for the testifier? Okay, seeing none, great testimony. Thank you very much.

Mr. Copp: Yeah, aloha.

Chair Buchanan: Aloha. Please state --

Mr. Copp: My name is Kekoa Copp.

Chair Buchanan: Thank you.

Mr. Copp: I live right next to that property, the one we talking about.

Chair Buchanan: I sorry, my Corp Counsel never catch your last name or spelling.

Mr. Copp: C-O-P-P.

Chair Buchanan: C-O-P-P.

Mr. Copp: Copp. Yeah. I don't have too much to say but my main concern is I know it's a residential area and it's a small -- it's a small piece of property, it's only seven thousand something feet, same like mine, but I tried to purchase that property one time but I couldn't because Maui Master Builders is in charge of it, okay, as far as I'm concerned, and if somebody wants to buy it and live there and build their home, that's fine, 'cause I built mines right there. I have SMA. I have everything. I know we live in one flood zone, but we pay, and if Mother Nature going come, she going come. I born and raised Waimanalo. I reside over here 15 years now. Uncle Luigi help me all this time getting my SMA. I finally went build my house over how many years. But all I got to say is that house that you going bring on top there, is it commercial or is it residential? That's the whole object of this thing. Because if it's commercial, that's residential area. I mean, you know, that's a neighborhood area. We get school busses stop right over there in front my house every day pick-up our children, you know. I not here complaining, I'm just concerned, and I wouldn't do that to not one of you guys here too. I wouldn't put one commercial building right next to you guys because as the influx of different people come from off-island going utilize that place and build up over here. If I wrong, I'm sorry. But that's the kinda wind I get. I live over there, and I don't want all kinda influx of people coming around my resident, it's only seven thousand something feet, and you got people from all over the islands 'cause they work for Maui Master Builders and they going use that place as a -- a sleepover until their job is done. You guys like that next to your guys' house? Thank you. Oh, excuse me, yeah. I mentioned earlier I tried to purchase the property but, you know, it -- it just didn't happen but now the property is overgrown. You got 20-foot halekoa. It's growing underneath my wall. Now they going come, they going cut, they pull my whole concrete wall down. Now who's responsible for that? 'Cause I told them, matter of fact, the people that work for them over here, go clean your guys' property, you know. I get one bruddah in this room right now, he had stuff over there, and he was willing to help them keep the place clean. They tell him, eh, take all your stuff out of here. Now the place look like one jungle. Now they going bring one project over there. It's not even a - - it's, yeah, it's a house, but it's used for commercial. That's what I'm saying. Mahalo. Thank you guys.

Chair Buchanan: Hang on, Kekoa. We have a question.

Mr. Poepoe: I get one question. You mentioned commercial, you get one specific type of commercial use in mind?

Mr. Copp: Well, what I mean by commercial is the property -- the place not used for -- I mean -- I mean I don't know the criteria with the law, okay, I'm just -- I'm right adjacent to

that property and I'm very concerned because over hearsay I know what that place is going to be like, okay, and I mean I can see if you can live next to one neighbor that you know instead of having all kind, I mean that's what I'm saying, that's why my complaint is here for, I don't know if it's for residential or for commercial use. If it's commercial use, fine. I mean is that under who? Maui County? I mean Maui Master Builders? That's the kind stuff we need to know because we get residents all live in that area over there. We like know too. I paid out the okole for get my place over there. I live right there. And I know what that sister talked about over there, about SMA. Every year, we getting erosion, of course, not only this island, the rest of the islands we get erosion, but that's how it is, and just like us, we get old. We get eroded. We not going be here forever. But in the meantime, you know, we gotta work together and see what we can, you know, instead of just -- I mean that's a whole place over there, that's Kamiloloa, yeah, that's where I stay, lot 22 or 23, I don't know, okay, Aunty Cricket was a decent neighbor. She sold her property. I wish bruddah was here 'cause I invited him. I sorry, bruddah, what was your question?

Mr. Poepoe: I wanted for see, yeah, you went answer my question. Thank you.

Chair Buchanan: Hang on, Kekoa. One more question.

Ms. Mowat: So you're saying that this -- it's not going to be rented out, it's not going to be --

Mr. Copp: Oh, I have no idea. I'm just -- I mean I live right there. I tried to buy the property, okay, and then, out of good info and, you know, I, you know --

Ms. Mowat: But -- but you would feel if it was rented out or if it was one person live inside --

Mr. Copp: Well, it's not mine. I don't know.

Ms. Mowat: What would you --

Mr. Copp: That's not my choice. I don't know because he had a lot of stuff come for short-term rentals and we -- we no like short-term rentals.

Ms. Mowat: Yeah. I think that's a good question.

Mr. Copp: Yeah.

Ms. Mowat: I mean what is it going to be used for? Is it going to be a short-term rental?

Mr. Copp: That's what I said. If it's used for commercial --

Chair Buchanan: Hang on. Hang on. We getting lost in the translation because we take -- we transcribe all of this information so let one person talk and finish talking and then da kine try not to talk over Commissioners. So, Bridget, you have the floor.

Ms. Mowat: Okay, I -- I just -- what you was saying is that you was worried about all kind different guys coming and not -- it sounded like what you were saying is that maybe they going use that -- that -- that hale for their construction workers to come in and out and -- and that's what it sounded like to me, and I could understand how you feel.

Mr. Copp: Well that's --

Ms. Mowat: But I -- I'm asking do you know if it's going to be used for such? Is it going to be a -- do you have any information on what you --

Mr. Copp: Honestly, I cannot give you that answer right off the top of my head.

Ms. Mowat: Okay. Alright. Thank you.

Mr. Copp: Truthfully, I cannot. I'm sorry.

Chair Buchanan: Commissioner Pele.

Mr. Pele: Yeah, I just -- this might be a little bit on the side, but you said you right next door and you went through the same SMA process as -- as they, you know, you paid through the okole, you had hard time with your -- do you have a leach field or septic tank?

Mr. Copp: Yes. I have all of that. Yes.

Mr. Pele: And was it difficult for you to get permitted and --

Mr. Copp: No, it just took time. You know, it had to go through the --

Mr. Pele: Same agencies as we're -- kinda like what we're looking at right here?

Mr. Copp: I had go through Maui County. Right.

Mr. Pele: Okay. Thank you.

Chair Buchanan: I get one -- one question for you, Kekoa. Did you receive notice from the County of Maui for this proposed project or did you get anything in the mail as a -- as a neighbor?

Mr. Copp: No I haven't, ma'am.

Chair Buchanan: Okay, thank you very much.

Mr. Copp: Okay, thank you.

Chair Buchanan: Thank you.

Mr. Copp: Thank you folks.

Chair Buchanan: Anyone else in the public wishing to testify? Somebody can take the mike to Aunty or closer or no more one plug? Thank you, Aunty Judy. Sorry, we going - - maybe we should make accommodations. Maybe we get one like one battery mike we can use in the future?

Ms. Caparida: Aloha everybody. You know, it's so -- I mean to Molokai is -- they ask for something, and they do something else. I mean this is the way it is on Molokai, you know, and so that's why we're so concerned of what they ask. If it's a residential area, that means it's for you, the family, it's not a business place, and that's why we reject everything that happens and we're open, but you know the, like the water, hey, God is the boss. We don't know how high the water going to come, but, man, you better be prepared. What I really think to myself that when they come over here, if I was going come to ask something, be honest. Be honest. If you want to say something, make sure your heart is with it, not say you like something, and then you get 'em, and then later on, you make a big thing out there. The monies, we gotta pay. The taxes go up. Everything goes up. So this is why I needed to share that 'cause I love Molokai and we got the highest of everything, but we thank Jesus we can survive, so I need to share that with you, bruddah, whoever is responsible for this, just consider that if you going ask for something, make sure you're going to do it. Aloha.

Chair Buchanan: Aloha. Thank you, Aunty Judy. Any questions, Commissioners, for the testifier? Okay, seeing none, thank you very much. Anyone else in the public wishing to testify on this agenda item? Seeing none, we're going to close public testimony. Again, before us is the application to waive or not waive review. Commissioners, after hearing more testimony, you guys have any questions for staff or the applicant? Commissioner Sprinzel.

Mr. Sprinzel: Before I can make any sort of decision on this, I would like to talk to Mrs. Fong. Normally, people do come in front of us to let us --

Chair Buchanan: Is the applicant, is Dyvette Fong here today? The applicant's representative is Luigi Manera. Would you like to speak to Mr. Manera?

Mr. Sprinzel: Well, no. I know Luigi very well --

Chair Buchanan: No?

Mr. Sprinzel: And trust what he does, but he does it for a lot of people. I would like to talk to Mrs. Fong. Does she live on the island?

Chair Buchanan: I don't know. No, she doesn't. Okay.

Mr. Sprinzel: Well, this is a problem for me.

Chair Buchanan: Good point. Alright. Well, Commissioner, then I guess that would, you know, if she's not here and you need to talk to her before a decision is made, then it's pretty obvious how you feel. So if no one else has a question for staff --

Mr. Poepoe: ...(inaudible – not speaking into the microphone)...

Chair Buchanan: Okay. Go ahead, Commissioner Poepoe.

Mr. Poepoe: Sybil, I not sure if it's a requirement, but were any neighboring adjacent property owners notified of any of the changes?

Ms. Lopez: No. It's not a requirement.

Mr. Poepoe: Okay. Thank you.

Ms. Lopez: Thank you.

Chair Buchanan: Good question, Commissioner Poepoe. That was one of my questions, actually. On the waive, not waive there's no notification given to the 500-foot buffer when you do with a regular SMA permit so, in other words, his neighbors would not be notified that they would have a new neighbor or have the opportunity to come here today if they weren't notified except by public means that we use right now. That's a good question. Second, question, I sorry, I have a question for the person representing the Aha Kiole, Mahina. Mahina, I have a question for you. Sorry, for calling you up again. Mahina, having stated that you also are a member of the Aha Kiole of Molokai that you are on the transmittal for notifications from the County of Maui, do you feel that if this project is not - - is waived today that you, that the Aha Kiole, as an organization, would forfeit their due process rights to review this project?

Ms. Poepoe: Yes.

Chair Buchanan: Okay. Thank you very much. That's it. Commissioners, if you guys have -- you guys don't have anymore questions right for staff? For staff?

Ms. Espaniola: For staff. Yes.

Chair Buchanan: Okay.

Ms. Espaniola: So I don't know if I'm at liberty to ask this question, but the owners are Dyvette Puanani and William Fong. So are they two different -- are they related? I'm not sure if I can ask that question, but are they husband and wife or two different owners?

Mr. Manera: ...(inaudible – not speaking into the microphone)...

Ms. Espaniola: Two different owners? Okay. Thank you.

Chair Buchanan: Okay.

Mr. Dack: Okay, I just --

Chair Buchanan: Hi, staff. Do you have --

Mr. Dack: Yes.

Chair Buchanan: Information?

Mr. Dack: I'd like to offer that --

Chair Buchanan: Okay.

Mr. Dack: If the Aha Kiole would like to review the project, they still do have the opportunity to do that. They could submit information to the Department even if the Commission were to waive its review and we would consider that information in the Department's final decision, so I -- she might have felt she was waiving her right to review, but we would still take -- be interested in taking their information if it was submitted in some reasonably timely manner. Thank you.

Chair Buchanan: Okay, thank you, Planning Department. At this time, the Chair would like to call for a recess. Please give us about give us about five, ten minutes recess. We need to consult with notification standards. Thank you. We are in recess.

(A recess was called at approximately 12:17 p.m. The meeting reconvened at approximately 12:25 p.m.)

Chair Buchanan: Okay, where's Bridget? Oh. Thank you. We're going to call this meeting back from recess. Thank you for your patience. I think where we left off was questions for staff, and if there was anymore questions for staff, and I had a question, is this parcel part of a subdivision?

Ms. Lopez: Historically, if you look at it, it -- it was and the way that it was formed, but I don't know what occurred 'cause that was beyond that time and what was shown historically and how the maps were made, but other than that, that's -- that's all we have.

Chair Buchanan: So -- so is it safe to assume it is part of a subdivision?

Ms. Lopez: I don't wanna make that assumption.

Chair Buchanan: Oh, I think we need to know. I mean at least I think I need to know. Yeah, I need to know if it's a subdivision, and what would be the -- because if it's a subdivision, the subdivision would have requirements or -- or covenants and restrictions that are -- that go along with the subdivision, and then my next question was -- would be does the Department have proof of ownership, of land ownership? If they got the deed, that's fine. The deed should give us more information, but with every subdivision, the requirements for the subdivision for infrastructure would apply but it -- and if it's not a subdivision, then I can see waiving what further requirements would be for a subdivision for infrastructure like roads, sewage, runoff because it would be part of a larger development and the SMA rules say if it's part of a larger development, and so I need to know if this is a subdivision, then the parcel in question is part of a larger development, and then I would need to know what are the things associated with the larger development of the subdivision, and I no think I way off.

Ms. Lopez: No, yeah, you correct. Thank you for the question, Chair, but according to the deed, it is not a subdivision, but according, as like I said, the history and the map that shows that, I think at the time the owner intended it to be a subdivision, but I don't think it fully ended up being a subdivision, so according to the deed, it doesn't state in here that it is -- it was --

Chair Buchanan: How can it not be a subdivision --

Ms. Lopez: 'Cause it don't state that.

Chair Buchanan: If they have individual TMKs as opposed to undivided interest?

Ms. Lopez: Bankruptcy. It's the time of which where the owner at that state probably couldn't fulfill the obligations of such subdivision so that's why I kinda didn't wanna answer it 'cause that's before my time but it's just looking at the historical, the way the land has

been divided and what the deed states, so just -- just providing you the information from what was submitted by the application.

Chair Buchanan: Okay, because so I went back to the plot – thank you very much, Planner Sybil. I went back to plat -- plot and I -- and that's how come I was confused in the beginning where you said, well, there's a road behind it, well, there's no road behind it but there's a road in a subdivision plot plan that the County has that is on that paper that shows that this is a single TMK within a subdivision, so if roads are planned to go in, if I go on the Maui property tax map key right now and I start clicking on that area, it's going to show me individual ownership of multiple TMKs within that subdivision?

Ms. Lopez: Most likely.

Chair Buchanan: So who would be responsible for the road and stuff that is on top there, like because, right now, they're putting in concrete for one driveway?

Mr. Manera: Okay, hold on. Hold -- wait, wait. Excuse me.

Chair Buchanan: You gotta play with 'em.

Mr. Manera: Oh. Anyhow, these -- I assume the whole island is subdivided somehow. Somebody must got lot somewhere, Ranch Camp or wherever. In any case, this particular, all the lots on the road. The one facing Kam Highway, they all have TMK, and they all on the map, if you take a look at, I'm thinking 1960 or prior to that, that's where those lots they show under County of Maui. Beyond that, there's a road, supposed to be a road, and there's more lots behind that. I don't know about that. I got nothing to do with that. But those facing Kam Highway, that was there prior to 1960. I don't know if I'm making -- I mean that -- I no understand really --

Chair Buchanan: I know but I just thinking about the same scenario that we've had in East Molokai that came out to be very arduous and -- and wrapped up into kind of all kinds of legal responsibility as to who owns easement of roads of old subdivisions that are on parcel that was never improved or the responsibility of improvements, so I just asking if this is part of a subdivision.

Mr. Manera: No. No. There's no such thing over here. There's no easement. There's not any requirement. The only thing we have to have a State Highway approval to connect, like everybody else, from the asphalt to the property line. We have to have our own sewer. We have to have our own electric, our own water. It's not part of a subdivision, like in Kawela. There is a subdivision and you gotta get, you know, this -- all these things. That's different.

Chair Buchanan: Okay. Who own the easement of the road on the virtual road that is on the plan right now? He own the road?

Ms. Lopez: Clarence Chow.

Chair Buchanan: I was trying to get 'em up on my phone.

Ms. Lopez: So Mr. Chow owns the road and all the TMKs that are on the south shore alongside of the Kolokoeli Fishpond.

Chair Buchanan: And they all have individual parcel numbers?

Ms. Lopez: Correct. Individual parcel numbers.

Chair Buchanan: So the ingress and egress is not touching any of ownership from Chow that's associated with that -- that road?

Ms. Lopez: None. Oh, wait. Excuse me. Try repeat that question? So any of the property that --

Chair Buchanan: So ingress and egress of the driveway off of the highway to the -- to the house site does not -- is not including any of that road that is owned by Chow or part of the non-subdivision that is on paper? There's a paper subdivision as far as I can tell.

Ms. Lopez: So the ingress and the egress of this property that we're looking at right now, the Fong's, falls on the State highway.

Chair Buchanan: Okay. Okay. Okay, thank you.

Ms. Lopez: Opposite side of the road.

Chair Buchanan: Okay. Okay, I don't know if I'm -- I fully understand the ramifications of the other multiple TMKs within that area 'cause if the County came up and saw it, they would like, oh, subdivision, okay, boom, approve. Okay, thank you. Commissioner Pele.

Mr. Pele: But I think the back of the lot goes to that road, right?

Ms. Lopez: The back of the lot is --

Mr. Pele: Is on the -- that --

Ms. Lopez: Adjacent to the road where the leach field, so if you look at the map, the leach field is closest to the Malina Road.

Mr. Pele: Right. The back of the lot goes up the road --

Chair Buchanan: Goes on --

Mr. Pele: The road that Clarence Chow owns --

Chair Buchanan: Right

Mr. Pele: Is on the back of the lot.

Ms. Lopez: So you know where the --

Chair Buchanan: Yeah.

Ms. Lopez: The dilapidated house is at? So it -- the road that -- the road starts going in, so right after the dilapidated house, the Malina Road you go in, the ingress and egress is right there along the State highway, and then you go in, and you turn, and you go in the back of those TMKs that front the Kamehameha V Highway.

Chair Buchanan: Okay, thank you. That would be nice to review that because now you looking at like infrastructure for one subdivision and then whether or not he get ingress and egress over that and who owns -- who has rights over the easement of the road. Okay. Thank you very much. Okay, Commissioners, anymore questions? If not, then I am going to call for a motion to waive or not waive this agenda item. Okay, Commissioners, the -- I have -- the floor is open for a motion to waive or not waive or something else.

Mr. Poepoe: Motion to not waive.

Chair Buchanan: There's a motion on the floor to not waive. Do I have a second for discussion? There's a second by Commissioner Bill. Discussion?

Mr. Pele: Yeah, Chairman, my problem, and actually I don't have a problem with the motion to not waive, what my -- what I try -- what I've been trying to express as an -- as a member of this Planning Commission is I feel that even when we do a -- if we were to vote to not waive, we'd have a review and I'd be faced with the same kind of information that I'm faced with now, and it's hard for me to make a determination or a decision when we have varying opinion from the public, which I do not disagree with, it's just that how do I make a decision based on hearsay? It's really tough for me. And that's some of the line of questioning that I gave it's I'm pretty sure we're going to see the same 3.2 will be the -- the sea level rise on the review, and then I'll have a testifier stand here and tell me they don't agree with that and we should be looking at this and looking at that, which I

tend to not disagree with, but, as a Commissioner, how do I make that determination based on what's given to me to make -- to make a determination? You know what I'm saying? Obviously, there's houses, we had a testifier say that he had to go through the SMA process, so somewhere along the line they approve that SMA process, so that's -- that's just one of my -- my concerns moving -- moving forward when we revisit should we vote not to waive.

Chair Buchanan: Commissioner Sprinzel.

Mr. Sprinzel: Chair, when we put in this waive, not waive into the rules, the intention was that small stuff for people who live on the island, they would be saved all this backward and forward and the expense. I cannot see how these people who don't even live on the island are moving a house five miles. Why? I really worry about that. This is not one of the cases we felt would be or should be waived. Thank you.

Chair Buchanan: Thank you, Commissioner. Anymore discussion? Commissioner Pele, would it help you if it turns out that we need more information? Would -- would having more information help you?

Mr. Pele: I guess it's not -- it's not having more information, but when it comes to the point of discussing whether, and I'm just being arbitrary here, whether that 3.2 is the right threshold, obviously, there's -- there's opinions that differentiate from that determination. I just wanna know, as a Commissioner, when we look at a packet, when we decide to look at something, we kinda gotta look at what's -- what's -- what's before us and that's where I'm just having, personally, I'm having a hard time grasping whether I believe it's going to be 20 feet, I don't if that's applicable to any decision that I should make on this specific property, whether or not, although I don't like the idea of it being used commercially, personally, I might not like that, but is that something that we review when we look at whether we're going to permit -- give this permit or not, it's just one of those things that I -- that I struggle with.

Chair Buchanan: Okay, Commissioner Bill.

Mr. Moore: Okay, one of the reasons I think this should not be waived is because we don't know what the intent of the owners, since they live on Maui, they're going to put a house on this property, what's the house for? And then on this assessment page, it says, "Whether the proposed action is or is not a development," it says, "Proposed is not a development." But then you go down to the bottom of the page and it says, "It is not anticipated that the proposed development," and then you keep reading through and every time it keeps referring to "development," so is it or is it not? Now I know the Director says it's not, but then all the statements should be consistent.

Chair Buchanan: Okay, thank you, Commissioner. Any other Commissioners have discussion on the motion to waive or not waive? One question is for staff. Staff, if the vote is to not waive, can you tell me what will happen after that? What is the Department going to do?

Ms. Lopez: Thank you, Chair, for the question. Just like the previous not waive, what we have to do is come in with a full report, so the Department would have to make a full report back to the Commission so that the Commission can make another decision, so, basically, trying to bring the applicant to some type of compliance where the Commission can be satisfied with the application.

Mr. Dack: Excuse me, I'd like to add to that. And we've heard a lot of questions from you today and I believe that, with a little bit further work, that we can come up with some answers to some of those questions at least, so you'd get a report that, hopefully, will give you better -- enough information that you can feel comfortable making a decision, so we'll do a little more work on the questions and discussion you've had to address concerns raised.

Ms. Lopez: So -- so with that being said, then I mean in the event that you would then -- the Department kinda recommends that feedback. Thank you.

Chair Buchanan: Thank you very much. Okay, Commissioners, if there's no more discussion, I'm going to call for the vote. All those in favor to not waive review, raise your right hand? Unanimous. Decision is to not waive.

It was moved by Commissioner Laakea Poepoe, seconded by Commissioner William Moore, then

VOTED: to not waive its review of item C.1.a.

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

Chair Buchanan: And then thank you for taking notes, so you know our concerns, so I appreciate that. I would also have concerns about notification, proper notification, and if we not waiving, the next time, will neighbors within 500 feet be notified?

Mr. Dack: There is no requirement in the rules to provide any notification whatsoever, nothing in your rules unless a project happen to be an SMA major use permit, a use permit, it means that a project is considered to be a development and it's over \$500,000.00 in valuation. Again, there is no notification requirement in your rules for exemptions or minor permits.

Chair Buchanan: So the next time this project comes back to us because we didn't waive, it's going to be with more information, also to probably agree or not agree with the exemption from the Planning Department, and if there's no -- like explain that, if at that point there's no agreement, does it come back as an SMA minor?

Mr. Dack: Since you haven't waived, the decision whether to issue an exemption or not will become yours. Should you issue an exemption, then that's the end of it. Should you not issue an exemption, you will -- you have to -- then it would -- the only way it could be approved would be through an SMA minor permit 'cause you would have made a conclusion it's not exempt and, therefore, it would need a -- a permit. I believe the valuation, this is under \$500,000.00 so it would come back as an SMA minor -- it would - - that would be the only way you could approve it would be through an SMA minor permit should you choose not to issue an exemption.

Chair Buchanan: Okay, and then, in that event, the neighbors would be notified?

Mr. Dack: No. No. I said earlier there's --

Chair Buchanan: Oh, sorry.

Mr. Dack: There's nothing in your rules requiring any notification for an SMA exemption or a minor permit. It's only when you have a major permit, which is -- has a permit of over \$500,000.00 valuation, per your rules, where you've stated as a Commission that your rules require notification.

Chair Buchanan: Okay, we gotta change that. Oh, so the reason why is we heard neighbors come out today and say they really wish they had notification because it doesn't afford the public due process in being able to chime in on concerns, like we heard earlier, so I feel kind of bummed out for -- for the testifier actually because I know, in my neighborhood, and just for the record, if you guys looked at your paperwork, the State district zoning is urban, the County zoning is interim district, and where a single-family residential came in is actually under the community plan, and so I just wanted to point that out for the record 'cause we keep on hearing it's residential, it's -- under the community plan, yes, so I just want to afford my community a chance to chime in on who going be their neighbor and if they going have concerns, so thank you very much.

Mr. Dack: Well, there is -- there is a procedure, any -- any person who wishes to be notified of meetings of the Planning Commission can sign up to receive email notifications of the those regardless of where they happen to be if they wish to follow all the meetings of the Commission.

Chair Buchanan: Okay, thank you very much. So, okay, so we did -- we voted, this Commissioner voted to not waive. Thank you very much. So we're going to move on to

our next agenda item. Does the Department -- I sorry, before we move on, you guys need more feedback from Commissioners as to what they would like to see?

Ms. Lopez: Yeah, just the comment that Commissioner Moore was, 'cause I need more clarification, if that's one to be considered for more information.

Chair Buchanan: Okay. So, Commissioners, now's the time to tell 'em -- I kinda interested in the whole subdivision part because, on paper, it looks like, wow, we have one road going in, like one road road going in behind that, near to shoreline, with more homes on the shoreline, so I -- I would like to know little bit more about that whole subdivision. Okay, and then, Uncle Bill, you had specific stuff you need? No? ... (inaudible)... Commissioner Poepoe, something you like staff --

Ms. Lopez: So Commissioner Moore does not want us to address that. Okay.

Mr. Sprinzel: And talk to the owners.

Chair Buchanan: Talk to the owners. They like to ask the owners about the use 'cause, obviously, the community plan is single-family and we don't know if any type of short-term home rental would be associated or whatever with that unless they talk to the homeowner.

Ms. Lopez: Okay. Will do. Just I don't know if this is privilege information or but you will see another permit in front of you regarding the batching plant, and these are the owners of the batching plant.

Chair Buchanan: Commissioner Poepoe, you had feedback?

Mr. Poepoe: Yeah. I just wanted, Sybil, the information -- the information within the Department's assessment if you can clarify all parts of the SMA rules, all whatever is included in the review in bold can be explained, it includes like is the previous owner ... (inaudible)... if everything environmental can be actually included somehow --

Ms. Lopez: So you speaking of the assessment?

Mr. Poepoe: Yeah.

Ms. Lopez: Okay, so this is an assessment that is a template throughout the Department, so this is what the Department uses for all of our SMA assessments, and so this is based on Chapter 205A-22, and so that's why I asked the question to Commissioner Moore because he brought it up that when you read these, you're reading these as it's a proposed development in regardless of what was determined, which was determined that it is not a development, we need to accept that this is a proposed development, so the proposed development is not anticipated to do the following effects according to the law,

so according to the rules that I stated in Chapter 302-12(a) that is -- that comes -- that stems from Chapter 205A, which you guys are reviewing, so each one is taken out from that law, and each one let's you know how it -- that it is not because the conclusionary is that it is not a development, and so each from a to I that it describes under Chapter 205A and in your Molokai Planning SMA rules, it actually gives you that description, so that -- that is what is being explained, and the conclusionary would be the one ...(inaudible)... so that's what that assessment, so you are asking for more thorough approach to what is already been ...(inaudible)...

Ms. Desjardins: Can I clarify? I'm sorry for interrupting you, Commissioner Poepoe. HRS 205A defines what a development is, so in this case, my understanding is this is a single-family dwelling that's less than 7500 square feet and, therefore, it would be excluded from the formal statutory definition of a "development," which is what starts them down the road of saying you don't need an SMA minor or major permit, so they've identified it as not a development as a matter of law, however, they're also using the word "development" not in its statutorily defined way, but just as a project, maybe the word "project" would be a better word to use since development is kind of a term of ...(inaudible)... but the reason that they brought this to you and said no SMA permit is required is because they've already -- they made a determination in this that it wasn't a development.

Mr. Poepoe: ...(inaudible)... all those answers that's from the Department attached to the SMA review that's default answers?

Ms. Lopez: Well, then look at it as if it was a development, then you would have a full-blown report stating from A to L, and the criterias of which that it constitutes a development, and it will state in the report why A, 1.A is a development is it is dah, dah, dah, dah. But because we're requesting exemption, it'll actually be defaulted because the -- because the Department determined that it was an exemption so --

Ms. Desjardins: So -- so what I heard you folks grappling with is not so much development or not development, but what is the environmental impact? You have questions about sea level rise, you have questions about habitat, or, you know, the cultural concerns, so, to me, in looking at the report, what you are asking the Planning Department to do by not waiving review today is to give more meat to that aspect of the subject of this development, if I got it right.

Mr. Poepoe: Yeah.

Ms. Desjardins: Yeah, so we're not so worried about is it a -- well, you have a question about whether it's really a residential single-family home as well, but more your questions are like, you know, what is the environmental impact, which is the other thing you need that you need to consider here, so maybe that's what they need to work on is giving you some more information about that as well.

Mr. Poepoe: If the -- if all these -- these -- these things mentioned in the SMA rules is explained as things that the whole development is not going to impact this, I'd like to see the how behind the not that's all.

Ms. Lopez: Okay. Thank you.

Ms. Mowat: I -- there's going to be the -- I don't know if this is appropriate or not, but there's a time where they're going to be clearing the land, there's going to be construction going on, and we don't know with the rain and runoff, you know, it's going right into the pond, I wanna know how they going take care of that when they clearing with all the -- the lots are so small, how are they protecting or considering their neighbors 'cause, to me, I think that's something that's really as far as environmental and especially the runoff and I kinda think about the -- the, you know, the setup with our aquifer and whether they going adhere to all that kinds of good practices.

Ms. Lopez: Thank you. I don't know how the Planning Department can address that but I -- thank you for the concern. It's just that different departments has different types of standards that they would, like, for example, that you seen the Water Department provide their standards of practice that they would have to abide by same goes for Public Works, same goes for Department of Health, so they have standards of procedures and practices that -- that, at the minimum, every contractor that is licensed put their -- put their license on the line to provide that type of service, so beyond what they do, like what it stated, I don't know how you want the Planning Department to reassure that within your SMA 'cause like this is the first line of defense before they go to like 12 different types of permits, you know, whether they have to get the noise and water quality control, whether -- so I just wanted to make sure that I can provide that information although that information that they would have to meet those types of requirements when they go through Water, and they go through Public Works, when they go through building, so I mean unless you want me to comprise all of that as their standards of this is the basic that anybody wanting to development a home would have to comply with already. So I'm thinking you might be missing the standards that they already have to comply to meet compliance.

Ms. Mowat: Well, I'm concerned about the neighbors, and I'm concerned about the -- the runoff going into the fishpond, so that, to me, is a concern and that's something that should be addressed 'cause it's -- it's a downslope, it's a downslope, and if there's a big rain and there's no coverage, where is all that dirt and stuff going to go, so that's just something I want to see.

Ms. Lopez: Okay.

Ms. Mowat: Okay.

Ms. Lopez: So, well, no I understand the concern, it's just that like Department of the Environmental Management, we send them their comments, that's something that they could provide that information.

Ms. Mowat: Yeah. Yeah maybe we should have more comments.

Ms. Lopez: Yeah. Yeah, and so --

Ms. Bridget: Yeah, so we could get their expertise on --

Ms. Lopez: That's kinda the preface to why we provided this that you guys know that the Planning Department, we not experts, we ask the experts of those types of concern, runoff and ...(inaudible)... and so whether or not they respond --

Ms. Bridget: Well, maybe you could try give them one more letter then, you know, give them more time.

Ms. Lopez: Sure.

Ms. Bridget: Thank you.

Ms. Lopez: Thank you.

Mr. Sprinzel: Mrs. Faulty -- no, Sybil, sorry, when you submit these to us, can you get rid of all the development, all the words "development."

Ms. Lopez: You want us to get --

Mr. Sprinzel: I think there is 17 of them.

Ms. Lopez: Sure. What -- what word would you want us to replace with the proposed development, would like a proposed action, proposed project.

Mr. Sprinzel: Project. Project is fine.

Ms. Lopez: So instead of using the word "development," what would you be more comfortable with?

Mr. Sprinzel: Project.

Ms. Lopez: Okay.

Mr. Sprinzel: Is fine. 'Cause it's ridiculous to say this is not a development, but the development. Thank you.

Ms. Lopez: Thank you.

Mr. Sprinzel: Okay, are we done?

Chair Buchanan: I think so. Okay, right on. Thank you very much. We really appreciate it, Sybil, thank you very much. Okay, so we are moving on to item C.1., item b:

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

- b. MR. RICHARD S. YOUNG, on behalf of MSM JOINT VENTURE LLC., proposing to do interior renovations to Molokai Drugs store by adding new interior walls to convert a portion of the existing retail area into a meeting room and relocating the checkout area and miscellaneous electrical conveyances, located in the Kaunakakai Country Town Business District at 20 Kamoi street/116 Alohi street, Kaunakakai, Molokai, TMK (2) 5-3-002:121 & 112 (SMX 2019/0273) (Valuation: \$20,000) (S. Lopez)**

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

Chair Buchanan: Staff? Thank you very much.

Ms. Lopez: Thank you, Chair. Thank you, Commission. So just one little correction on the last page under K that I wanted to point out that the Department will amend that the proposed development, oh, proposed project will not alter natural land forms and existing public -- public use to and along the shoreline. The proposed action involves no ground-disturbance activities.

Chair Buchanan: You asking to add that to under item b?

Ms. Lopez: To amend K, yeah, to include "no ground-disturbance activity." This proposed action is within the Molokai Drugs store structure already and it'll -- it's just an interior renovation to --

Chair Buchanan: Okay.

Ms. Lopez: Relocate their cashier area and to put some partition walls to create a conference room type of area and to relocate the cashier's corner to a different area as - - as noted in the diagram that you have as part of the package.

Chair Buchanan: Thank you, Planner Sybil. We're amenable to those -- those amendments to, again, item C., no. 1, item b, I think twice you said K and I never -- I wasn't following you.

Ms. Lopez: Oh, I'm sorry. On the package.

Chair Buchanan: Oh, on the packet.

Ms. Lopez: So SM5 Assessment.

Chair Buchanan: Okay. Got it.

Ms. Lopez: So would be on the last page, under K.

Chair Buchanan: Okay.

Ms. Lopez: So we'll just include the "no ground-disturbance activity."

Chair Buchanan: Now I following. Awesome. Okay, got it.

Ms. Lopez: On page 3.

Chair Buchanan: Thank you. So -- so amended.

Ms. Lopez: Thank you.

Chair Buchanan: Alright.

Ms. Lopez: And so they're relocating their checkout and a miscellaneous electrical conveyances within the existing drug store, and I do have both the consultant and the owner available here if you have any questions, and that's all I have unless -- unless Mr. Young or Mr. Sventin would wanna add in too.

Chair Buchanan: I think we can -- if the Commissioners have questions, they should can da kine --

Ms. Lopez: Oh, okay.

Chair Buchanan: If -- unless they really have a burning desire. Okay, thank you very much. Commissioners, questions for staff? Okay, seeing none, at this time, I would like to open this up for public testimony. Anyone in the public wishing to testify on this waive and not waive review for this agenda item, please come up, state your name for the record? Seeing none, I will close public testimony, and you want to give you staff report

or that's it? We no need? Okay. If there's no more questions, then I'll call for a motion on the floor, Commissioners?

Mr. Poepoe: Motion to waive.

Chair Buchanan: I have a motion to waive and it's seconded. Any discussion? Only my -- my only observation is this is what the waive or not waive was for. It's a good example.

Mr. Sprinzel: It's exactly what we intended.

Chair Buchanan: You know what we say, huh? Boom kanani. So thank you. Okay, so there's no discussion on the motion to waive, then I'm going to -- no. Then I'm going to call for the vote. All those in favor of waiving review, raise your right hand? Unanimous. Thank you, Commissioners, very much.

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

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

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

Chair Buchanan: We look forward to the improvements. Thank you. We can move on. Now we moving at the speed of light. To the Director's Report, item 1, open applications followed by completed applications and agenda items. We'll do it all at one time. Thank you.

D. DIRECTOR'S REPORT

- 1. Open Molokai Applications Report generated by the Planning Department with the October 9, 2019 Agenda Packet (Appendix-A)**
- 2. Completed Molokai Applications Report generated by the Planning Department with the October 9, 2019 Agenda Packet (Appendix-B)**
- 3. Agenda Items for the October 23, 2019 meeting**

Mr. Dack: ...(inaudible- due to technical difficulty)... on items 1 and 2, unless you have any questions about those, we can move on to item 3. So at your next meeting I understand there's a ...(inaudible)... The Commissioners may or may not have heard of something called the "Minatoya List," that's fine because it's not really applicable to the island of Molokai, it principally affects the island of the ...(inaudible)... the area of Kihei

on Maui Island, and a little bit of background on this, many, many years ago, transit vacation rentals were actually allowed by right in apartment zoned districts and then, later down the road, I can't give you exact dates and years on this, but many years later, maybe around three years or so ago, they were no longer allowed by right in the apartment districts, but then the -- those that had been established legally within apartment districts retained their illegal -- legal nonconforming status called -- sometimes referred to as "grandfathered status." The -- the ordinance that'll be coming to you, again, it has to come to you 'cause you're -- the Council needs recommendations from all three island commissions even though it isn't very relevant to you. It'll make some technical amendments to how that process of determining if something can or cannot be considered by right as a transient vacation rental in apartment district how that's established. So again, that's -- that will be an item before you, and then the only other one is there'll be -- we're proposing to bring another SMA assessment waive or not to waive for -- to you for a lot line adjustment at 1571 Kamehameha V Highway, just a lot line adjustment. That's all we have for your next agenda. Unless -- unless I guess I heard there was some interest in having some reporting out on HCPO. We can add that as another item too. The Hawaii Congress of Planning Officials was held on Maui Island a few weeks ago and I heard, before the meeting, there was interest in having an opportunity for folks who attended that to -- to discuss it and for the Commissioners to ask the other Commissioners questions. So we can add those three items of substance.

Chair Buchanan: Commissioner, you had one question, Poepoe?

Mr. Poepoe: We get any update our unfinished business? No more updates?

Mr. Dack: What unfinished business?

Mr. Poepoe: The last agenda? Isn't that finished business? That's considered finished business? Okay. Never mind.

Ms. Lopez: Those are ...(inaudible)... reports. They're not ready. It's probably another six months or so.

Chair Buchanan: Okay, thank you very much. Director, I always get nervous when it says that Maui going do something, but shouldn't affect you guys now because it's not relevant and I think that's how we got stuck with stuff we never like, and so I would be interested because, you know, we plan for hundred years, yeah, and so it might not be relevant today but it might be relevant tomorrow and then I think what we want to do is, well, at least what I wanted to do was stop the inclusive decision-making processes that is might be okay and relevant for Maui, but not okay and relevant for Molokai, you know, except for Molokai, if except for Molokai can work on all of these amendments to ordinances, then I'm happy.

Mr. Dack: The item is coming before you so you certainly can make your own conclusion on that, but that was -- that was my ...(inaudible)... but, you know, you can make your own conclusion ...(inaudible)...

E. NEXT SCHEDULED REGULAR MEETING DATE: OCTOBER 23, 2019

F. ADJOURNMENT

Chair Buchanan: Thank you. Okay, if there's no more questions, yeah, are we done? We're done, yeah? Okay, we are adjourned.

The meeting was adjourned at approximately 1:12 p.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
Bridget Mowat
John Pele
John Sprinzel

Absent:

John Perez

Others:

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