

MOLOKAI PLANNING COMMISSION
REGULAR MINUTES
NOVEMBER 13, 2019

A. CALL TO ORDER

The regular meeting of the Molokai Planning Commission was called to order by Chairperson Lori Buchanan at approximately 11:13 a.m., Wednesday, November 13, 2019, at Mitchell Pauole Center, 90 Ainoa Street, Kaunakakai, Island of Molokai.

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

- 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: . . . and this is only reserved if someone has to leave right away and cannot stay for the agenda as posted or any other planning issue. Is there anyone in the public wishing to testify at this time? Okay, seeing none, we're going to close public testimony for item B, and we're going to move right into item C, item no. 1:

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

C. SPECIAL MANAGEMENT AREA (SMA) EXEMPTION

1. **MR. IAN SIMMS, requesting a SMA exemption for an after-the-fact addition of an approximately 672 sq. ft. open deck on a single-family dwelling, located in Kilohana Kai subdivision, 'Ualapu'e, Molokai, TMK (2) 5-6-002:007-0011; (SMX 2019/0225) (Valuation: \$2,500) (S. Lopez)**

At its August 14, 2019 meeting, the Commission voted to review the subject SMA assessment. The Commission may act to approve or disapprove the exemption, or defer.

Chair Buchanan: You have a memo report that was included in your packet, Commissioners, and we heard this at our August 14th meeting, and at that time the Commission voted to review the subject SMA assessment, so the Commission may act to approve or disapprove the exemption or to defer, and I wanted to refer to the memorandum of November 1, 2019 from the Molokai -- Department of Planning, and you see under the application it's reiterating that we had our August 14, 2019 meeting and the Commission voted to not waive its review, so that's where we are. Staff Sybil?

Ms. Lopez: Thank you. Thank you, Chair. Thank you, Commission. I'm Sybil Lopez, the Staff Planner on this project that you have before you, and this matter arises from an application for an SMA assessment originally filed on June 28, 2019. So the application was filed pursuant to Chapter 205A, Hawaii Revised Statutes, and Chapter 302, of the SMA rules of the Molokai Planning Commission, by our consultant, which is here today if you have any questions, on behalf of the owner, Mr. Ian Simms, which he is also here today, on that in the State urban land use district, the community plan is rural designation, and it is located in the Ualapue area of Manae, on the island of Molokai, in the Kilohana Kai Subdivision, so that's a little bit east of the Kilohana Elementary School area. So the application is actually for an after-the-fact, it's a 672 square-foot covered deck on an existing single-family residence in a subdivision, which is condominiumized and is locked -- locked, yeah, so if -- and so there is a six-inch maximum depth of topsoil disturbance within a total of seven footings, as you can see noted in the bigger plan that was submitted by the consultant and which he updated as you can see on the middle of the bottom area, yeah. So if you have any questions at this time, I'm available as well as the owner and the consultant. Thank you.

Chair Buchanan: Okay, Commissioners, I know a few of you had questions at the time about the after-the-fact permit and the waive, to not waive review, and we voted that you guys wanted more information, and thank you, Sybil, for supplying that information about the digging of a six-inch depth, I think that was not disclosed at the first application, at least I don't remember that, and, for myself, I'm happy to hear that because we do have issues with iwi and digging deeper than that, to depths of two feet, so at this time, Commissioner, you guys have any questions for staff? And if not, we can go right into public testimony. You like take public -- Commissioner, you want to ask staff questions now? Okay. So we'll come right back and ask then. Anyone in the public wishing to testify? I'll open for public testimony on this agenda item. Okay, awesome. Seeing none, we're going to close public testimony on this agenda item, and, Commissioners? Commissioner Pele?

Mr. Pele: I wanted to -- I wanted to move on this item actually. Can I throw it out there? I move that we --

Chair Buchanan: Sure.

Mr. Pele: I move that this project be exempt from the SMA permitting process for this Commission.

Mr. Sprinzel: Second.

Chair Buchanan: Okay, it's been moved, and seconded by Commissioner Sprinzel. We're now in discussion.

Ms. Espaniola: I have a question. So after-the-fact, if someone has more than one application that was placed in and -- and an after-the-fact application, does it affect, does Mr. Simms have any other after-the-fact applications? Is that something that I can ask?

Ms. Desjardins: It's not relevant to this project at all of how many --

Ms. Espaniola: After-the-fact.

Ms. Desjardins: After-the-fact permits he may or may not have.

Ms. Espaniola: Okay. Thank you.

Chair Buchanan: And so I think I have a question for Corp Counsel. It's not relevant to this case but is the Commissioner outside of her purview to ask the question of staff?

Ms. Desjardins: If it were part of the record and it became part of the reason why, for example, you decided to determine that he should get a permit that that would not be a legitimate reason, so I would strongly suggest staying away from something that's not relevant to the decision that you need to make today.

Chair Buchanan: Commissioner Nora, you have anymore questions? That was it? Okay.

Ms. Espaniola: Yeah, that was it.

Chair Buchanan: Thank you.

Ms. Espaniola: Thank you.

Chair Buchanan: We still in discussion. Commissioners, any questions for staff? Commissioner Bill, no? Okay. He checking it out. Because if there's no more questions from this Commission, then I going call for the vote. Okay, all those in favor of motion, please raise your right hand? Okay, eight votes in affirmative, motion carried.

It was moved by Commissioner John Pele, seconded by Commissioner John Sprinzel, then

VOTED: to approve the request of Mr. Ian Simms for an SMA exemption.

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

Ms. Lopez: Thank you, Chair.

Chair Buchanan: Thank you very much.

Ms. Lopez: Thank you, Commissioners.

Chair Buchanan: Hang on. Okay, we're going to move right on but, before we do, thank you, Planning Staff, for the additional information, it was very beneficial and helpful, so thank you, Sybil, we appreciated the added information in your memo for the -- thank you very much.

Ms. Lopez: Okay. And -- and, sorry, if you needed me to clarify, but we did make the adjustments as requested by the Commissioners so I didn't know if you wanted me to note those changes --

Chair Buchanan: Yeah.

Ms. Lopez: But we did make -- we did make those.

Chair Buchanan: That's -- yeah, we already voted --

Ms. Lopez: Thank you.

Chair Buchanan: But that was good. Thank you. So we're going to move on to item D:

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

D. 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. WAYNE RIBAO, requesting SMA review for an after the fact addition of a 720 sq. ft. covered deck, an approximately 288 sq. ft. art studio, 144 sq. ft. storage shed, 49 sq. ft. storage shed, and front yard fencing located at 235 Seaside Place, Kaunakakai, Molokai, TMK (2) 5-3-006 011; (SMX 2019/0194) (Valuation: \$8,000) (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: And you folks have additional information that came through the mail including a bigger map, which I really appreciate. Thank you, staff. This 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 SMA assessment and act to approve or disapprove an SMA exemption, or defer. Planner Sybil. Thank you.

Ms. Lopez: Thank you, Chair. Thank you, Commission. And what you have before you is another SMA after-the-fact addition, and Mr. Wayne Ribao as well Mr. Luigi Manera is here if you have any questions or concerns, and the added -- so we added new or added more information as requested by the Commission in your -- in the submittal, so if you have anymore questions. Thank you.

Chair Buchanan: Okay, Commissioners, you guys have the packet in front of you. Do you guys have any questions for staff? You know, if you don't have questions right this - - I'm going to take public testimony at this time. So anyone in the public wishing to testify on this agenda item, please come up and state your name for the record. And if not, awesome. Okay, seeing none, we're going to close public testimony. And so, Commissioners, again, if you guys have any questions for the applicant or for Planning Staff on the information that they provided. Okay, if not, I have questions of staff. My first question would be the multiple improvements were done all at the same time or incrementally, and why did -- why wasn't a permit issued for the work? 'Cause all of this is after-the-fact, yeah? Is this -- I don't understand the -- the combination of all of the the area and the total area that or square footage that is being asked for to be exempt. You know what I mean? Right here you get the 720 square-foot covered deck in addition to, yeah, the 288 square-foot art studio because all of that is not included in the 720 square feet. That 720 square-foot covered deck is one item; the 288 square-foot art studio is another item; the 144 square-foot storage shed is another item; the 49 square-foot storage shed is another item; and the front yard facing -- fencing is an additional item, so there is a total of one, two, three, four, five, six items that you asking this Commission to waive review for. Is that correct?

Ms. Lopez: Correct.

Chair Buchanan: Okay.

Ms. Lopez: And so the reason being is that the applicant, originally, the applicant initially submitted for an after-the-fact just for the art studio, so as the Department reviewed the project and the property, we did do a site inspection, and upon the site inspection, we

found all the others, and so it was an incomplete application until they further provided all of the depth of the amount of work that has been done including what they originally came for, which was just for the art studio. So, again, upon site inspection, we found a fence, we found two storage sheds, we found the deck, and so we required that the applicant submit and update their SMA application to include all of those as -- as noted in the submittal pictures, it kinda shows a thousand words, so you can see on our Pictometry that is provided for you, the before, and you can see on the last page, oh, did I not include it? So that's the before the property had any work being done, and then as you move along into the pictures, it -- it clearly shows you all of the improvements that had been made on the property.

Chair Buchanan: What type of fencing is that? I no see the fencing. Wait. Is it just --

Ms. Lopez: What kind of material, is it vinyl or wood? Wood? Wood fence?

Chair Buchanan: I see chain link but am I confusing it with the neighbor's?

Ms. Lopez: Yeah, you're confusing it --

Chair Buchanan: It's chain link.

Ms. Lopez: With the neighbor's; that is already existing. The wooden fence is in the --

Chair Buchanan: Okay.

Ms. Lopez: The frontage of the property along the Seaside Place road. The wood fence is only for the frontage as both -- both sides of the neighboring properties have one side was the chain link fence, the other side I believe is a stone wall.

Chair Buchanan: I don't know. Yeah, I sorry. We just -- I'm assuming, you know, on page 11, Exhibit 11, on pictures 4 and 5, so pictures 4 is the that vinyl frontage --

Ms. Lopez: ...(inaudible)...

Chair Buchanan: Yeah.

Ms. Lopez: Yes.

Chair Buchanan: Picture 5 is that a chain link fence on the other side?

Ms. Lopez: Yeah, it's -- it's towards the -- the rear and that would be where the storage is located, and that is the chain link fence that is existing by the neighboring property.

Chair Buchanan: Okay. Yeah, so the only fence he asking about is the frontage fence?

Ms. Lopez: Correct.

Chair Buchanan: Okay, we've heard testimony by the public in the past about after-the-fact permits, and a suggestion that we shouldn't having to do reviews on after-the-fact dwellings, so I'm assuming that the applicant did all of the six items improvements on their own?

Ms. Lopez: Yes.

Chair Buchanan: Did the County, in its application for an exemption and site inspection, review the plumbing and electrical and to see if it was up to County Code?

Ms. Lopez: Usually part of the review is -- is consulting with other agencies and we do have a Kiva system that you can actually see ...(inaudible)...

Chair Buchanan: Is it -- is our zoning inspector actually coming out to check if the -- if the plumbing and electrical is up to County Code since the owner did their own improvements without a permit 'cause a permit is usually the -- the thing that triggers the review, and so if we at the point where we asking to waive review, I'm wondering if the County, in their due diligence, went and did the electrical and plumbing inspection to see that it was up to County Code.

Ms. Lopez: I would want to divert that question actually. I wanted Luigi to answer that question.

Mr. Dack: Yeah, okay. Yeah, before Mr. Luigi comes -- Mr. Manera comes up, I just wanted to mention that that's not a normal part of the process to review, when we get a request for assessment, exemption it's not a normal part of the process and go, you know, to make somebody go through a miscellaneous inspection would just be the normal process to confirm that everything's up to code. If we have some reasonable suspicion that there may be something that might have been done outside of code, then we'll look into it, but, normally, that's not something we would normally get into, but sounds like your Staff Planner was requesting a comment from Mr. Manera.

Mr. Manera: Chairman, Members of the Commission, Luigi Manera. The normal process during whether it's after-the-fact or not, before we apply for a building permit, I get all the inspector to come and take a look at the project. We have to have an SMA approve. When it's approved, we apply for a building permit. In this case, the owner had to apply for after-the-fact building permit, and he's going to have five after-the-fact building permits. He had to pay a fine on all five for building, electrical, and plumbing, and they all have to come and take a look at the -- on what he did, and, most likely, he has to open

some wall to take a look how the electric is done, how the plumbing is done; if not, he have to -- there's a -- another process, it's called a "hold harmless agreement" in between the County and the owner that will be responsible for all the thing he did, and not the County, so he have a choice on that.

Chair Buchanan: Okay, wow. Well, thank you. I have a question then for you, Mr. Manera. Can you explain what is the normal process if -- if Mr. Ribao came to you and said this is what I want to do, what would you -- what would you, as a consultant, and you've been here many times, what would be the first thing, second thing, and third thing that you would advise him to do? Now, this is pre-building. This is just a concept he comes to you and says this is what I want to do.

Mr. Manera: In this case, we reach so far, my suggestion to him is pay the fine, that have to be no matter what choice he got, and go ahead and do the hold harmless agreement. That's -- that'd be the smart way to do it get too many -- I no think he want to -- it's a brand new building what he did, basically, and there's electrical and plumbing, I mean there's electrical for sure, I don't know about the plumbing. He have to remove the wall and show all the part, all the electrical. I no think that's the right -- that's my advice. Whether he want to do it or not, but he have to do one or the other.

Chair Buchanan: Okay, thank you, Mr. Manera. I think I was asking more of a question --

Mr. Manera: Oh.

Chair Buchanan: Not specific to this case --

Mr. Manera: Oh.

Chair Buchanan: But, in general, I think what happens when somebody has a proposed project, they bring the plans, they get it approved first --

Mr. Manera: From you guys.

Chair Buchanan: Yeah.

Mr. Manera: Yes.

Chair Buchanan: From us, and then they go through Kiva and building, and fire, and all that kind stuff, they jump through all the SMA hoops because they building in the SMA, we just give the SMA permit, but we would have seen all of that prior to coming in now for an after-the-fact permit.

Mr. Manera: Okay, every time I apply for a building permit, it needs an SMA, it doesn't go anywhere because they want to see the SMA approval first, so it's a -- it's little catch-22, you know, but I cannot go farther than a point, they wanna see you guys first, and then they can go ahead with all the departments, fire, whatever, plumbing, electrical. Actually, plumbing and electrical, they come after the building permit is issued, so that's way, way down the line.

Chair Buchanan: So -- so had this come as one regular permit, we would have had the SMA checklist, we would have known that it was probably a project or projects that could have been exempted --

Mr. Manera: Yes.

Chair Buchanan: From the SMA review.

Mr. Manera: Yes.

Chair Buchanan: But we never have the opportunity to do that.

Mr. Manera: Correct.

Chair Buchanan: So, you know, now you coming in and asking us to do something, which we never have the opportunity to review in advance, and it's not just one item, it's multiple items, and so in the case of the fencing or the footing or it's always been this Commission's concern for iwi kupuna and inadvertent finds because the law mandates us to do that, we have now not had that opportunity to make that review and recommendations, so we're now at the fact where, you know, okay, we have one after-the-fact review, pay the fine, this Commission has no authority in enforcement of what those fines may be or could be, and so that part of it is out of our hands, and that's difficult for us to do too. So I appreciate Mr. Ribao coming in. I mean it's obviously, as a landowner, you would want improvements to be conveyed because it increases the value of your property, so the right thing to do is to get it conveyed. So it would be up to these Commissioners if they do want to waive review. They've waived review but they have been in projects that were not after-the-fact, and -- and against my own recommendations, so I'm just one person, I going throw it back to this Commission if they want to, and for the sake of brevity, I'm not going to belabor the points. I am concerned, and I probably, based on whatever this Commission wants to do, I will let the Commission know that how I going be voting, but, for now, I am concerned that the square footage, if I add up all the square footage of improvements, they come out to like another house, and so a lot of stuff was built without review, and you just explained that the County has a either/or, and I wasn't aware actually of the either/or until today, so either if -- if I'm his neighbor and his electrical box catch fire, and he signed that he's going to take liability and responsibility, I am to sue him and I cannot sue the County because he's waived the

County of that liability; had he gone the route of getting a building permit, and the County, through its due diligence, approve, then the liability would fall upon the County then because they approved, you know, well, more or less, you could sue everybody actually, but I think that's important for this Commission to know also. You have feedback?

Mr. Manera: I want -- what I want to say in regard of that is I know there is five different after-the-fact, like you mentioned, that's correct, but there is only one of those with some electrical, only one, all the other is basically deck, covered deck, a ... (inaudible)... storage and another little storage, so but I do agree with you, that's his call as far comply with the County to open the wall and take a look at the electrical or get the harmless agreement done in between the County and him. I understand that. Now, the other issue when you mentioned all the work is done in the ground, the owner is over here, but I went to the property several times, take a look, I don't think he ever -- there's a footing down more than four or five inches, to be honest with you. I no see anything. And for this question, maybe he can answer better than me. He did the job on his own.

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

Mr. Manera: Thank you.

Chair Buchanan: Maybe then I have one question for Mr. Ribao.

Mr. Ribao: Hi. Good morning. My name is Wayne Ribao.

Chair Buchanan: Aloha, Wayne.

Mr. Ribao: Aloha.

Chair Buchanan: Thank you for coming today. Weren't you a police officer? Are you retired?

Mr. Ribao: Yes, I'm retired. I retired about eight years ago. I'm married to Vanessa Cabico, she's a Molokai girl

Chair Buchanan: Yeah.

Mr. Ribao: Yeah, we lived on Maui all this time, but about five years ago, we moved back here to Molokai.

Chair Buchanan: Well, thank you for moving home, and thank you for your service to the people of Maui Nui. I really appreciate all of our policemen and fire, so thank you very much.

Mr. Ribao: Thank you.

Chair Buchanan: I have one question.

Mr. Ribao: Yes.

Chair Buchanan: Were you aware that you needed a permit to do improvements?

Mr. Ribao: I guess afterwards I realized yes, I needed a permit, but you see my wife and I, we moved here, again, about five years ago; about that time, our tenants moved out of both homes, we had long-term tenants, and, just so happen, both homes, both tenants moved out at the same time. So I was retired already. I decided to move here to Molokai and try to do improvements on the home, so I started painting the inside, outside, doing some minor plumbing stuff. No major additions or anything. And while I was living here, I just -- I told my wife just retire too and you just -- we just go live Molokai, so we sold our home on Maui, moved back here to Molokai, and we wanted to build a place where we could be proud of, was kinda buss-up actually. Our tenants kinda left both places in a kinda bad shape. So we -- we decided -- I think we put the deck first because we wanted to kinda keep the sun away from the house, kinda keep things cooler with a deck. We started doing landscaping. We decided to do the studio, we both retired so that we could keep busy, I -- I enjoy painting, she enjoys making jewelry and woodwork, just something to keep us going in our older years, so that's why we did the studio. Then the setback, there was a problem with the setback, our studio. We corrected that as soon as immediately, I would say, I think within a couple months we corrected, we actually moved the whole studio, brought in a couple forklifts and they moved it and -- and did all that. You know, I, like you said, I was a cop for 32 years, I kinda feel little bit ashamed because of doing this after-the-fact thing. I'm -- my wife and I, we try to live our lives good. We're not -- we just try to make improvements. We got carried away. We jumped the gun. I'm the first to admit that. You know, we didn't mean to skirt the -- the proper permits and all that, and we both feel bad about it, and we understand your concerns. As far as the footing goes, or anything, yeah, we never dug deeper than the -- the -- I don't know, the foundation block depth, and I did most of the digging myself, and I'm not an expert, of course, in archaeology or anything like that, but I never have come across any type of bones in the footings that I dug or anything like that and -- and, again, I apologize to the Commission if we jumped the gun, and if there's anybody that feels bad about it, it's me and wife though, and I don't know. I'm willing to answer any questions though that any of you have you have.

Chair Buchanan: No, thank you very much. You answered all of my questions.

Mr. Ribao: Okay.

Chair Buchanan: I appreciate you and I thank you guys for coming --

Mr. Ribao: Okay.

Chair Buchanan: And to -- 'cause we all get something that we gotta fix, so thank you very much. I appreciate your testimony. Thank you.

Mr. Ribao: Thank you.

Chair Buchanan: Commissioners, any other questions? Oh, Uncle Bill has one. For staff or for the applicant? For the homeowner? Oh, Mr. Ribao? Thank you.

Mr. Moore: My question is was this work done before or after the drawing of these plans?

Mr. Ribao: Some of the work was done before the drawing of the plans, and some of it was not. I don't really know. Maybe Luigi can clarify.

Chair Buchanan: Uncle Bill, you had one question about the plan itself?

Mr. Moore: Yeah.

Chair Buchanan: Okay.

Mr. Moore: When the work was.

Mr. Manera: Okay, the three storage in the back facing north, they was there for I don't know, way, way before. What he did after-the-fact is, basically, well, since we got involved, is the studio and the deck. The rest was there before. Some of the things was there before.

Mr. Moore: So you're saying that these plans for the studio and the deck was made the same time as the plan for the existing buildings?

Mr. Manera: No. No, no, no, no. The other way around. No.

Mr. Moore: The plan was made after the existing buildings --

Mr. Manera: Yeah.

Mr. Moore: But before the studio and the deck?

Mr. Manera: No. No, no, no, no.

Mr. Moore: After the studio and the deck?

Mr. Manera: Right. That's correct.

Mr. Moore: Okay.

Chair Buchanan: Yeah.

Mr. Moore: Alright. Thank you.

Mr. Manera: But the two, what I wanna say, the two storage in the back, if you take a look at the plan, that was there before.

Chair Buchanan: Okay. Okay, thank you. Commissioners, anymore questions? Okay, seeing none, then I'm going to call for the question for a motion on this agenda item. You guys need -- need to go over what your options are? No? Yes? No? This Commission may act to waive or not waive its review, or defer, and this is an after-the-fact permit for an after-the-fact SMA assessment permit or SMA permit.

Mr. Sprinzel: Chair?

Chair Buchanan: Yes?

Mr. Sprinzel: Waive.

Mr. Pele: Second.

Chair Buchanan: Okay, Commissioner Sprinzel, thank you, no, no, has moved to waive, and it's been seconded by Commissioner Pele. Commissioners, we're now in discussion. Okay, no discussion? Okay, so it's been moved to waive and seconded, and I am going to call -- oh, Commissioner Poepoe, you have a question?

Mr. Poepoe: No a question, but just a statement.

Chair Buchanan: Okay, we in discussion.

Mr. Poepoe: Okay. So every previous meeting we had this -- the same situation where we dealing with the -- the waiver and, to my understanding, was mostly to avoid increasing the -- the square footage of -- of the development, so Commissioner Sprinzel always brings up the point of this was -- was a -- a function of allowing like what is the -- the hotel rooms and stuff, the condos to do improvements within their condos so that it didn't backlog the system, but for this particular case, this is one pretty significant increase in square footage, so I kinda thinking like this is bad practice to keep on allowing this type

of exempted -- exemptions to happen without additional -- like more information if that's a point that keeps on being made.

Mr. Sprinzel: Well, I don't think that the deck is a -- square footage of the deck is any problem and -- and two sheds don't exactly upset me, so the actual increase in proper buildings, as Lori said, is 288 square feet which, again, is not really very big is it. I agree with you, I hate after-the-fact applications, and I've been as hard on them as anybody here over the years, but a couple of sheds, you'd probably do that, your neighbors would do it, and not even think about it. A fence, we've all built bits of fence and not gone to the Planning Commission or to the Planning Department. I worry a bit about the 288 feet, but I can accept it. Okay? It isn't outside the bounds of why we made this exception rule when we made it, Steve and the Commission, what, ten years ago. Thank you.

Chair Buchanan: Okay, I totally get your point, Commissioner Poepoe. We did the waive or not waive was for simple projects, and we seen that just most recently with the interior renovations of the Molokai Drugs and interior renovations with no altering of footprint to condominiums, such as Wavecrest, and so I totally do support the sense that this -- that we took about waive and not waive. This is a little bit more and bringing up that art studio square footage, I do have one question for either the architect or the homeowner, and my question, and I'm sorry I'm asking it now after we called for the question, but are there any kitchen or bathroom facilities that are located in the 288 square-foot art studio? Just one simple yes or no.

Mr. Ribao: No.

Chair Buchanan: No? Okay. So there has been no additional plumbing, and the reason why I ask that is not to be covert, but we have always an issue, and the public knows this and they've testified for it, against doing additional dwellings under the guise of a shed or a carport that's then converted to a short-term rental or something like that, so that's the reason why I ask, so thank you. I'm happy with that answer. So, Commissioners, back to we're still in discussion. Commissioner Sprinzel?

Mr. Sprinzel: If you walk up the street where I live in the heights, you can probably find about six houses built behind houses and never came to us, so I don't feel very worried about a 288-foot studio, which is for their use in their old age, just like I'm here in my old age, so I don't worry about that 288 feet. Thank you.

Chair Buchanan: Thank you. Commissioners, anymore questions? We're still in discussion. We do have a motion on the floor to waive. Anymore discussion? Seeing none, then I am going to call for the vote. All those in favor to waive review, raise your right hand? Thank you. Six ayes. And then I wanna all those opposed, raise your right hand? You got that, Suzie? We have one opposition. And all those that abstain? Which is counted as a -- an affirmative vote. Okay, thank you very much.

It was moved by Commissioner John Sprinzel, seconded by Commissioner John Pele, then

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

(Assenting - J. Bicoy; L. Buchanan-Abstain; L. Espaniola; W. Moore; B. Mowat;
J. Pele; J. Sprinzel)

(Dissenting - L. Poepoe)

(Absent - J. Perez, III)

Ms. Lopez: Thank you, Commission.

Chair Buchanan: Thank you for coming in, Wayne. We appreciate it. We're going to move right into item E, awesome, the Director's Report, and under item E, Director's Report, all at one time, we're going to cover items 1, 2, 3, and 4, and then we can also cover item F, so who's doing the Director's Report? Your staff ran away, Jeffrey.

E. DIRECTOR'S REPORT

- 1. Pending Molokai Applications Report generated by the Planning Department with the November 13, 2019 Agenda Packet (Appendix-A)**
- 2. Closed Molokai Applications Report generated by the Planning Department with the November 13, 2019 Agenda Packet (Appendix-B)**
- 3. Agenda Items for the December 11, 2019 meeting**
- 4. 2020 Molokai Planning Commission Meeting Schedule.
*The Commission may accept or amend the meeting schedule.***

Mr. Dack: I apologize. You will probably need to wait her -- oh, here she comes, because she can tell you which items are on the December agenda.

Chair Buchanan: Okay, we're moving way too fast today. Thank you.

Mr. Dack: So what -- what, if you can recite the items on the December agenda. Thank you. I --

Chair Buchanan: We're on the Director's Report, item E.1, 2, 3, 4, and F.

Ms. Lopez: So the last meeting of the 2019 year, so we wanna propose on the next meeting our -- so the Planning -- so our new Planning office here on Molokai will be having a door so we are coming in for an SMA application to install a door in our office so that

we can be more accessible to the public and provide more services, that will in front of you, we would want to have the Friendly Market expansion of their warehouse to be in front of, and also an after-the-fact stonewall that has been built in Kawela. Thank you. So far.

Chair Buchanan: Okay, what about -- you want Commissioners if any Commissioners have any questions on pending applications or closed applications? 'Cause, I sorry, we just went skip 1 and 2, so I asking now if you guys have any -- okay. So we do have agenda items for December 11. Sybil, is it safe to assume that we will not be having a second meeting in December or the second meeting in November? Did we discuss the second November meeting?

Ms. Lopez: So we -- so the Planning Department usually don't schedule two -- two meetings a month for all our Commissions, so usually in November and December we only have one -- one meeting, and you can see in the calendar 2020 year.

Chair Buchanan: I see it, yeah, the 2019 schedule.

Ms. Lopez: Yeah.

Chair Buchanan: Thank you.

Ms. Lopez: It's just that we find that during those holiday seasons we can't find quorum --

Chair Buchanan: Awesome.

Ms. Lopez: For all Commissions, so it's around the whole board.

Chair Buchanan: Okay. Are we doing item 4 today? No? It's the 2020 Molokai Planning --

Ms. Lopez: Yeah, you have that in your packet.

Chair Buchanan: I do have it in my packet?

Ms. Lopez: And so if you can review that, so the Commission may accept or amend the meeting schedule for the year 2020. It should have been provided as part of the packet. Thank you.

Chair Buchanan: Yeah, I know. I think Corp Counsel and myself has lost our sheet or whatever. I thought was stapled but it's not. Okay, so do you want us to vote on that? Thank you. I have one. Okay. Everybody have a copy? I needed to look. Okay, January,

February, March -- okay, it's still always the second and fourth Wednesdays, which has never been good for me, but Tuesdays would be better. Commissioners, you guys have any questions with the 2020 schedule, and if not, under item E, no. 4, I would like this Commission to accept the 2020 schedule as given to us? Can I have a motion to accept?

Mr. Sprinzel: So proposed.

Chair Buchanan: Thank you, Commissioner Sprinzel. Can I have a second?

Mr. Pele: You got it.

Chair Buchanan: Commissioner Pele. Okay, any questions? If not, all those in favor of the proposed 2020 schedule, raise your right hand?

Mr. Poepoe: Hold on. Question.

Chair Buchanan: Oh, I have a question. I'm sorry.

Mr. Poepoe: So the last day, it's implied that the -- the schedule ends on December 9th?

Ms. Lopez: That will be your second Wednesday of that month 'cause it's usually the second and the fourth Wednesday, so that will be the second Wednesday in --

Chair Buchanan: 2020

Ms. Lopez: The 2020 calendar, so it would be December 9th.

Mr. Poepoe: Yeah, and the fourth Wednesday of December is missing so I'm assuming that it's implied that we're going to only have that one meeting.

Ms. Lopez: Correct.

Mr. Poepoe: Rather than -- because it's --

Ms. Lopez: As well as November.

Mr. Poepoe: Okay.

Ms. Lopez: But November will be a Thursday, not a Wednesday, because that Wednesday is a holiday, it's Veteran's Day, so Veteran's Day falls on the Wednesday so Thursday will be your meeting --

Mr. Poepoe: Okay. Thank you.

Ms. Lopez: For next year. Thank you.

Chair Buchanan: Okay, we'll --

Ms. Desjardins: Can I say something?

Chair Buchanan: Sure. Hang on.

Ms. Desjardins: So we have an education moment. Your rules provide in that, 12-301-9 provides that you're supposed to have your meetings, under your rules, at least once a month on the second Wednesday, so anything else that you do is gravy, so that's why you're voting, I mean if you vote this in, you're voting beyond what your rules allow you to do, but your mandatory rule is your second Wednesday of every month, just so you know how it evolved that you have two meetings a month, your rules say once a month.

Chair Buchanan: Thank you.

Mr. Dack: If I might also, and as I'm sure the Commission knows that it's often if we do not have sufficient items, we'll confer with the Chair and may cancel the meeting, so it's not like you need to -- certainly, please, make available all the meeting dates on the calendar but, again, we'll cancel things when there's nothing to bring before you. Thank you.

Chair Buchanan: Thank you. And thank you for reminding us of our own rules so thank you very much. Okay, so we have a motion to accept, and it's been seconded, we've had discussion. Anymore discussion? Seeing none, move to -- we're voting to accept the 2020 schedule. Raise your right hand? Okay, unanimous. Thank you. Motion carried.

It was moved by Commissioner John Sprinzel, seconded by Commissioner John Pele, then

VOTED: to accept the 2020 Molokai Planning Commission meeting scheduled as proposed.

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

(Absent - J. Perez, III)

F. NEXT SCHEDULED REGULAR MEETING DATE: DECEMBER 11, 2019

G. ADJOURNMENT

Chair Buchanan: And I think -- are we done? We are? Awesome. So we stand adjourned. Thank you very much. I think this is the fastest ever.

The meeting was adjourned at approximately 12:05 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, III

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