

MOLOKAI PLANNING COMMISSION
REGULAR MINUTES
FEBRUARY 28, 2018

A. CALL TO ORDER

The regular meeting of the Molokai Planning Commission was called to order by Chairperson Lori Buchanan at approximately 11:09 a.m., Wednesday, February 28, 2018, at the Mitchell Pauole Center, 90 Ainoa St., Kaunakakai, Molokai.

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

Chair Buchanan: Aloha and good morning everyone. Thank you for attending the February 28, 2018 meeting of the Molokai Planning agenda -- I mean Molokai Planning Commission. You see when we running late. I'd like to call this meeting to order, and ask Commissioners if they have any amendments to the agenda at this time. Any request?

Seeing none, we will go right into Public Testimony, on item B, of the agenda, and this is the time for public testimony. If what you see is on the agenda for later and you can hang out and testify at that time, that would be great, and if you cannot, this is your opportunity to provide testimony on any agenda item, and so if anyone in the public wants to testify at this time, please come to the podium and state your name for the record. Thank you.

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.**

Mr. Luigi Manera: Oh, good morning. Thank you. Thank you, everybody, Members of the Commission, Chairperson. Can I testify on anything or have to be something for today?

Chair Buchanan: My understanding this -- this is your time to tesify on any --

Mr. Manera: Okay.

Chair Buchanan: Community item. Thank you. No? Only on the agenda? Hang on a second. Thank you, Mr. Manera. So I old, and I apologize, but I was just asking that if the Planning Commission rules had changed since I had previously served in the dark ages, so at the discretion of the Chair, I'm allowing public testimony, and it should be on agenda items, but I'm going to use my own discretion as the Chair, and if I feel at anytime the testimony is more than what needs to be, then I'll let you know; other than that, go right ahead.

Mr. Manera: Well, it's probably is not related to one particular item on the agenda but is related to short-term rental in general, so since I have two on the agenda, I think it should be allowed to say a few words. Thank you very much. You know, during the past few months, we get so much problem with the community in favor of short-term rental, against it, I think it's a -- it become a problem for all the community whether you're in favor or oppose, and I thought I can say something in regard of this matter, I think I mentioned this to couple of the Commissioners before, you know, discussion, if we keep denying those short-term rental, no matter what, they're going to do it anyhow whether you guys like it or not, they find one way to do it, and you cannot stop 'em. You'll probably stop one or two, but they don't because all the one you deny so far they keep doing it anyhow. They find one way to do it. Why instead deny everybody don't try to do something the community can benefit for, like, per se, we have -- if we have so far what the Council -- Councilwoman Stacy Crivello 15, 10, 15, or whatever the cap might be, it doesn't matter, if we have 15, 10, 15, for a total of 45, if you had to allow the short-term rental, assuming they renting for half of the year, just a number, 180 days a year, maybe more, maybe less, but let's take a half, and if we have to come up with either a tax or some other word, maybe the lawyer can come up with, 5% each day, and put 'em in a -- in a trust or, I don't know how you say it, but in a -- in a tax made by the County of Maui for the education system on Molokai, it could be for the high school, every school on Molokai, they can benefit. If we had to pick a number just for the -- on the 40 cap and the 5%, we're talking about almost \$70,000 a year could be used by the school. I think it's a decent amount of money, and I think it's a win-win situation for everybody. That's what I -- I want to briefly -- I took a legal advice also, you can, as they say, you can -- you can take the money as a tax, the County of Maui can -- can add a 5% tax just for that. It's actually legal to do that. That's one -- that's one thing. I don't know if there's any discussion or whatever, whatever. If you have any question, I can answer, or --

Chair Buchanan: Thank you, Mr. Manera. Does that conclude your testimony for that and then --

Mr. Manera: For that. For that, yes.

Chair Buchanan: Okay.

Mr. Manera: I have one more.

Chair Buchanan: Okay, for it. Do the second one.

Mr. Manera: Okay, this is in regard of the reconsideration of Hamamoto and Pillar. There was a miscommunication in between myself and Clayton, at the Planning Department, that I was advised that the meeting was on March 28. Instead, couple days ago, I have a notice saying it's February 28. The owners, they want to be present and, unfortunately,

one is living in San Francisco, and the other one is traveling for business. They're kinda upset with me because I gave them the wrong day. I actually got the day from the Planning Department verbally, and I want to ask if we -- if we'd be able to postpone to March 28, it happen to be on Wednesday too, it's the same -- same day, same -- unfortunately, it doesn't change anything as far as the time go by getting approved or not. There's nothing to do with that. That's all.

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

Mr. Manera: Thank you.

Chair Buchanan: Hang on. Are you able to stay around until your item come up? Or you would -- that's why you wanna testify on no. 2 now?

Mr. Manera: Okay. What happened -- okay, I'd be able to stay, on another matter, I gotta leave in two, three hours so - but I have Friendly Market and Chris Schroll is very important. I gotta -- I gotta get those two things done. And after that, Rob actually he can answer, you know, he can answer most of the question if I have to leave.

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

Mr. Manera: Thank you.

Chair Buchanan: So we can address the second part of your testimony at that time --

Mr. Manera: Okay.

Chair Buchanan: As it's on the agenda, and then on the first part of your testimony, without taking up too much time because it sounds like a bigger more complex issue --

Mr. Manera: Sure.

Chair Buchanan: Type of discussion, does any Commissioners have questions for the testifier on the first part of his testimony except that this Chair will take that under consideration? Okay, seeing none, thank you, Mr. Manera.

Mr. Manera: Thank you.

Chair Buchanan: Next testifier?

Ms. Machado: Aloha, Members of the Molokai Planning Commission and to the Chairwoman, Lori Buchanan. I'm here to speak in favor of item D.1., in communications

from your Planning Director, William Spence, he quotes that provision Section 12-302-13.1(a), of the Molokai Planning Commission SMA Rules, that the following proposed action located within the SMA area is not a development and, therefore, exempt from the requirements of the Molokai Planning Commission SMA Rules. Today you'll be reviewing, in greater detail, this request by my neighbor, I reside at 8702 Kamehameha V Highway, at Pukoo, and this project is 8582 Kamehameha V Highway, it's referred to as the Pukoo Cloverleaf or the Pukoo Lagoon.

The applicant is seeking approval of a 2500 square feet concrete slab where he can put -- place his -- currently, there's not going to be anymore new 20-by-40 containers, he has 20-by-40 containers already existing that brought his material to the property to construct his single-family home that was already approved with -- with an SMA permit, and then to put a roof on. You have authority in your rules to waive this. And the valuation of the project is up to \$60,000.00, not to exceed that. So I just wanted to -- I'm not sure if you've done waivers before for SMA permits, but this is not a dwelling, it's to cover the 20-by-40 containers that is already there; as you know, the project is right along the shoreline, it gets really hot and sunny, this way the roofing would protect the containers from rusting, and etcetera, and then he stores other equipment in there, like his tools to do mill work that they've been using for the project that he has. So I would seek your consideration for the waiver just for the slab and the roof project as described in the application and communications from the Planning Director. Thank you so much. If you have any questions, I'm available.

Chair Buchanan: Thank you, Ms. Machado. Are there any questions for the testifier? Ms. Machado, are you going to be here or --

Ms. Machado: Oh yeah, I'm not planning to go.

Chair Buchanan: Okay.

Ms. Machado: Yeah. I wasn't sure if this was the time to add.

Chair Buchanan: Yeah. Yeah.

Ms. Machado: I was going to wait till the application comes up but --

Chair Buchanan: Right.

Ms. Machado: I wasn't clear so I just figured to make things more smooth I just voice --

Chair Buchanan: Awesome.

Ms. Machado: My support of this project --

Chair Buchanan: Nice.

Ms. Machado: Or D.1.

Chair Buchanan: Okay. Thank you. I think we might have more questions.

Ms. Machado: Okay. Thank you.

Chair Buchanan: Thank you very much. Is there anymore testimony from the public at this time? Thank you. Just state your name for the record. Mahalo.

Ms. Wright: Aloha everyone. My name is Kaala Wright. So I'm here today for two -- two reasons. My priority reason is Friendly Market Center and what we're trying to do, so I'm here in support of that as community member and an employee. And then my second reason I'm here is on behalf of the short-term rentals. It's hard for me because I live here, but I also am employed by one of 'em, so I wanna support him, but I also want you guys to -- I don't know how we can work it out, but we need to have enforcers, like somebody that can go to make sure that they're doing what they're supposed to be doing, and if there can -- if there can be a limit to the amount of rentals, and also if the owners of the house can live there part-time, I don't know how. If they want to rent here, they should live here. So I don't know how we can come about working that out 'cause that's hard for me, for you, for everybody, community, the houses out there is ridiculous, I can't even afford to rent it myself, so if I wanna go off on the subject, I want them to, you know, just put a limit on it, but I'm, you know, I want to support it but like put limit and have them enforce whatever has to be enforced so that they're keeping their part of their obligations to us, as community members, but I still love my boss when he's here, so that was what I needed to say. I don't know if I have to stay here later for Friendly Market and I don't know.

Chair Buchanan: Mahalo, Kaala. Any questions for the testifier? Kaala, I have one -- I just have one question for you. Do you own your own home?

Ms. Wright: I do. I own my -- I am a homesteader.

Chair Buchanan: Oh, you have homestead? Oh nice. But they -- were you able to build a home on a homestead?

Ms. Wright: Yes.

Chair Buchanan: Nice.

Ms. Wright: I currently reside in Kalamaula Mauka.

Chair Buchanan: Good. Awesome. Congratulations.

Ms. Wright: Thank you.

Chair Buchanan: Okay, thank you. Hang on, Kaala. Corp Counsel wants to ask a question.

Ms. Oana: Sorry, just for the record, you mentioned that you want to support your employer, would that be Stephen Pillar?

Ms. Wright: No. No.

Ms. Oana: The Friendly Market?

Ms. Wright: Yes.

Ms. Oana: Okay. Thank you. I was just getting confused. Thank you.

Ms. Wright: But short-term -- short-term rental, he's not my -- who I work for but I wanna support however. I have one employer, I don't think he's on the agenda, but, yeah. So, yeah, I work for the Sea Ranch, Molokai Sea Ranch, on the west side, which is not on the agenda. She's approved.

Chair Buchanan: Thank you, Kaala. Is there anymore testimony or people in the public wishing to testify at this time? Aunty, you like? You like bring the da kine over there? Okay, hang on, hang on, hang on. Thank you, Sybil. So kind of you, Sybil. I appreciate that.

Ms. Caparida: Thank you. Aloha everybody. I'm so thankful there's another day we can be together, and, yes, I really, you know, for me --

Chair Buchanan: We know who you. Did I miss your name for the record? I went miss. You said Judy?

Ms. Caparida: Judy --

Chair Buchanan: I did.

Ms. Caparida: Caparida. Kupuna Judy Caparida. Anyway, I'm here to just oversee some of the problems that, you know, I felt from long time ago and because you live here, but I just wanted to know that, you know, let everybody know agriculture, at the time, was agriculture, residence was residence, business was business. You wanna do business, it was always in a business area. You wanted to live, hey, we live together because it's residential, that's family. Now, I see that all these things is coming into the family's way. Residence is being broken up to go do business, and the thing is that we are the one to get affected because why? We so simple. We're so blessed. But we get to pay a lot of stuff that is not -- is not called for. I say if you want business, go put 'em in a business place. If you want to live, live where families are all there to enjoy. That's the way I feel from way back as we were raised, you know, and I -- I just wanted to say that, and then there was supposed to have a limit on this. We need a limit because it's getting so -- my next door neighbor going to wanna build and then extra room. Eh, we never used to have ohana house. They made up that. They made up that. Just to make money, they make up the name "ohana," hello. We're Hawaiians but we never had that kind of mind of being tricky. That's really a trick to go and get money to come in and put us in a place that is ohana. No it's not. Ohana is family. Ohana is not trickery. Ohana is not to cheat on each other. That's what it is. I say you know what? We are so thankful. What we got on Molokai is real. It's not make believe. It's not cartoon. But that's the way life is now. They're trying to do all these things that it's been affected to us, all the ones that cannot afford. That's why get so much homeless, houseless, whatever you call it. But on Molokai, we take 'em in. We try to go ahead and explain to them what life is about. Find a job. All that kinda stuff. You know, they had no time. What they do? They go ahead and go ahead rent out the house and then they're in the Mainland or wherever they at. Somebody else is doing all the dirty work over here. So, you know, I just wanna pour out my heart to you guys that I not going change until I leave this earth because God blesses us. He say if you contented with what you have, wow. That's all you need. But then nobody is contented what they have. They wanna have more and more and make people sad because they don't even talk to their neighbors. Hello. Go down to the beach, oh, they look at you like they own the beach, and the beach was there all the time for us to enjoy, you know, so that's why I just wanna say that that I don't feel good because our families hurting. Our families hurting while all those that is making money is having a good time. They one, two, three, some of them, and you know what? If locals was supposed to do that, go ahead and go rent out the places like that without even getting a permit, they go jail. You do simple things, you go jail. And these crooks, they making thousands of dollars, and they don't even have nothing to do, and then they come last minute, what you call that? That's why I say, you know, after the affect, that's what they call it. I call it cheating. I call it lying. That's plain English. That's the way you was brought up. You don't do that kinda stuff. So I needed to pour out my heart. Long time I no see you guys. I love you guys. Thank you.

Chair Buchanan: Love you too, Aunty. Commission Members, any questions for the testifier? Okay, seeing none, thank you, Judy.

Ms. Caparida: Thank you.

Chair Buchanan: Anymore testimony from the public at this time? Okay, seeing none, then we're going to close public testimony and move into the next agenda item, which is item C, under Communications, and item 1, under item C is:

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

C. COMMUNICATIONS

- 1. MR. LUIGI MANERA on behalf of OKIMOTO HOLDINGS, LLC requesting a Special Management Area Minor Permit in order to build and operate a 7,544 square foot warehouse and loading dock with office located in the B-CT Country Town Business District at 98 Alohi Street, TMK: (2) 5-3-002: 124, Kaunakakai, Island of Molokai. (SMX 2017/0279) (Valuation: \$400,000) (S. Lopez)**

The Commission may take action on this request.

Chair Buchanan: Thank you, Planner Lopez.

Ms. Lopez: Thank you. Thank you, Chair and Commissioners. I'm Sybil Lopez, the project planner for this project, and I do have Mr. Manera here to -- the consultant on this project, and we do have some of the employers here today. But I would like to turn the time over, I guess we're going to do it together, Luigi and I will do the -- the powerpoint presentation together. Mr. Manera can talk and I can press the button.

Mr. Manera: Well, Luigi Manera. Thank you very much. First of all, I want to say this project was presented a few years ago. It was already approved by the Planning Commission, and, for whatever reason, I think because they already have a -- a transaction going on with the Okimoto family, the permit was valid only for two years, so expired, and then the owner they wanna go ahead reactivate the permit so they -- and they wanna go ahead and build the thing, well, everybody know why, it's just a mess, but they all run out, they don't have enough space, so they wanna move the warehouse across the street. Okay, Friendly Market Center warehouse, TMK 5-3-2:124, 98 Alohi Street, Kaunakakai, Hawaii 96748. The applicant is Okimoto Holding, 85-863 Farrington Highway, Waianae. Consultant, Architectural Drafting Service. Architect, Tom Hackett. Location is downtown Kaunakakai, 90 Alohi Street.

The project, the land is 19,182 square feet. The State land use is urban. Molokai Community Plan is business commercial. County of Maui zoning BCT. Special management area it is. Flood Zone AE, BFE 8. Flood development permit required.

Friendly Market Center is centrally located in downtown Kaunakakai Town in central Molokai. The subject property is an inland parcel situated in the heart of Kaunakakai Town along the south central coast of Molokai. The property has a street access from and is fronting the makai side of Alohi Street to the north and is directly adjacent to Kamoi Street to the west. Proposed improvement of the 19,182 square-foot parcel, the plan include the construction of 7,544 square-foot warehouse and loading dock with office, and a parking lot with 13 parking stall including one handicap accessible stall, three loading area stalls, roadway and drainage improvement. The proposed warehouse with loading dock and office, parking lot, roadway and drainage improvement has been designed utilizing the guidelines for the Country Business Town District of Kaunakakai to reflect the existing aesthetic characteristic in existing neighboring building and blend with the surrounding neighborhood. The proposed use as a warehouse with office is nonconforming within the business country town zoning district, and does not require a County special use permit. Onsite improvement including various places of existing concrete and chainlink fence, there is an existing 12-inch water mainline, and existing wastewater connection bordering the property. Site utility will consist of water, wastewater, electricity, and drainage system.

Ms. Lopez: So just to give you a brief history of the project. So April 11, 2018, the Molokai Planning Commission concurred with the recommendations for their first SMA exemption, which was to widen the road, they needed to leave six feet out off the main road from -- of Kamoi Street and so many feet on Alohi Street, and so the Planning Commission concurred with those recommendations. On May 17, 2013, the Friendly Market went in front of the -- Mr. Manera went in front of UDRB, which is the Urban Design Review Board in Maui, and they reviewed the project and provided comments to the Planning Director. So on June 17, 2013, the Department actually denied it administratively, and so on -- three days later, the consultant actually appealed, so they appealed the -- the decision by the Department and the Molokai Planning Commission took it up on July 24, 2013. So they took up the appeal, which the Commission approved it, so by the Commission approving the appeal from the applicant, it reversed the -- the denial, the administrative denial to approving it, with the same time, they also approved the country town -- the County special use permit and the SMA minor permit. So that was done in July 24, 2013. So County Council reviewed and amended, on September 5, 2014, the country town business district permitted use, and so they added, in 19.15.025, a little spicket called -- which includes warehouse facilities associated with a permitted use within the district. Allowing that type of use to be permitted in the country town business district.

Mr. Manera: The design guidelines --

Chair Buchanan: Hi. Mr. Manera?

Mr. Manera: Yes?

Chair Buchanan: Hi. Hang on a second. I was going to wait to the end but I think this is too much for me to absorb, and I'm sorry and I apologize that I wasn't here, but the timeline is very important to me, so if you could, Planner Sybil, if you could go back to the timeline again because all I heard was rumblings as a community member at the time of issues that the prior owners were having with the Department on getting their warehouse permitted, so, basically, what happened is the County Council changed the urban design board's rules?

Ms. Lopez: It changed the -- the country town business district law, Chapter 19.15.025, and so with the County special use permit, so Council has authority over the law, which was the County country town business district, so that's a comprehensive zoning, which this property is zoned country town business district, so at the time when they put in the application, which was 2013, this portion where it says "warehouse facilities associated with a permitted use within the district" was not in that -- in that zoning at that time, and so, at that time, they had to -- they concurrently submitted the SMA application and a County special use permit because it wasn't a permitted use, and so during the 2013, July 2013, the Commission, at the time, has that authority to make that decision whether or not they can approve or deny that permit, which they approved all of what was before them, SMA minor, and they appealed the country town business district, allowing that to be approved, and the County special use permit, which the County special use permit was supposed to be expired July of this year, but since County Council amended the Chapter 19.15.025, County country town business district law in 2014, this use actually becomes permitted so, therefore, you don't need a County special use permit.

Mr. Sprinzel: If -- if I may interrupt. I was chairman of the Commission at the time this went through. The only objections were some materials used on the cladding and as a - - which the Planning board had to refuse because it was in the Molokai district what's it - - but we could overrule it and we did. It was a good two hours of meeting about it. Nobody objected in the end. We investigated everything and it was approved, and I must say that no business is going to spend, I don't know, 40,000, whatever it is, dollars or more to do something which isn't necessary and which doesn't help the distribution of food on this island, so that's why we approved it, and I'm pretty hopeful that this Commission will approve as well. Thank you.

Ms. Lopez: Thank you, Commissioner. Okay.

Chair Buchanan: Thank you, Planner Lopez. In my -- in my brain, all I say is this is really messy and so that's how come I'm having a hard time to wrap my head around it, but it's important to understand the history before you can move forward because I just was -- I see that it was denied administratively, and that's a red flag, and -- and I understand that the changes in 2014, similar to the short-term home rental changes, was done by Council whether there was public hearings on adding that, I don't know the process for that, but kinda makes that discussion now moot. I would have thought that the more appropriate process for that would have been to seek a variance for that condition, but since we here now today, after all this messy stuff, then I guess go ahead and continue with the caution I guess how -- how detailed is this, the presentation is, similar to what we already have, yeah, in hand?

Ms. Lopez: Well, the next couple slides that Mr. Manera will go over is about the country town business design guidelines --

Chair Buchanan: Okay. Thank you.

Ms. Lopez: That you actually don't see there because the guidelines, the design guidelines is, they're old, they're guidelines that follow since 1985, I think, in the '80s, and so they have to conform to that, and so I wasn't there at the time during the UDRB, Mr. Manera was, he can probably add -- add to that, but it was as far as historically on documentation it shows that it was something to do with the -- the design and the aesthetics of the building.

Chair Buchanan: Thank you very much.

Mr. Manera: Just to bring you up to speed on this, the application no was denied, only the business country town. When we went to the design review board, it was denied because, well, they follow all those guideline on Maui, they want this concrete building have to be done some kind of way, all the landscaping and whatever, and they denied my presentation, so we went to the Planning Commission and said this is what we want to do and they deny it, and you guys actually approved it, overrule what the business, you know, what these people on the design review board did on Maui. That's all. It's mainly for the material we use and the look, aesthetic look. That's it. Nothing more.

Chair Buchanan: Go ahead, Commissioner Pele.

Mr. Pele: Yeah, so in reading the packet, the design, the only thing the problem was -- was the metal siding? Was that it?

Mr. Manera: That's correct.

Mr. Pele: Metal siding on the building.

Mr. Manera: That's correct.

Mr. Pele: Okay.

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

Mr. Manera: Yeah, well, that's couple hundred thousand actually in money-wise. Anyhow, the sitting of the structure, the orientation of the building entrance toward the primary street frontage. The building setback, side streets of Mohala, Kamoi, Alohi portion is not built. Ailoa, Ainoa, and Ehu not built ...(inaudible)... eight-foot setback, well, I guess see the Figure 6-D and 14-B. Side and rear yard building setback, they vary. Provide parking and define circulation for disable person within the parking lot. Screen parking lot with landscape planting as follow: One crown shade tree for every five parking stall or in compliance with the County off-street parking and loading ordinance. One crown shade tree is a three-foot wide plant in island or triangle for every five stall within row or ten or more consecutive stall, see Figure 7-B, 8-D, 96. Provide a minimum two feet wide planting buffer along the side, the rear yard of parking lot and a minimum four-foot planting buffer along streets fronting the parking lot incorporating a five-foot high ...(inaudible)... fence along the property line abutting a parcel that is designated residential in the community plan. In addition to that, they require landscape planting, see Figure 5-B. Comply with requirement of the County off-street parking and loading ordinance in accordance with Molokai ...(inaudible)... Chapter 19.36, design guideline for country town business town district in Kaunanaki. The landscaping incorporate tree, shrub, and groundcover wherever possible to soften the mass of building elevation. A root barrier should be used for all tree planting and be a minimum of two feet deep provide and maintain automatic irrigation system for side landscaping planting. Select plants that are appropriate in size, irrigation requirement, and growth pattern for their location; to the extent practicable, encourage to use all Native Hawaiian plants species, see plant material matrix in the reference section. To the extent practicable, prevent intact or relocate on site or existing healthy and mature canopy tree. Lighting. Prohibit to use lighting fixture element and overlay bright and destructive. Site lighting should enhance structure and landscape by being positioned to provide indirect light source that illuminate wall, paving, and landscape planting. See Figure 10-B. Pole-mounted light should not exceed the height of 15 feet. Use shielding walkway light fixtures to direct light into ground area.

The soil and character of the project should relate to the following quality of the design or existing town. Scale. Maintain a urban scale of pedestrian orientation be compatible in scale with the existing business district along Ala Malama Street and with surround development. Figure 24-B. Limit building height to two-story, maximum 30 feet. See

Figure 25-B. Incorporate pre-finished deep corrugated traditional metal roof. See Figure 29-B. Encourage simple shaped lightweight form. Conceal mechanical equipment from the view. Be oriented to the street. Be easily accessible to persons with disability, provide three-foot minimum width at door. No clear exposed aluminum. Integrate ornamentation with the building façade. Avoid apply of plastered and look. Minimize use of several different colors. Three color maximum. Soft and mutual color are encouraged. Utilize matte or eggshell finish. No glass or not glare. Be compatible with adjacent building and the -- and the business districts along Ala Malama Street. Lighting. Use incandescent and exterior lighting warm color, shield the source of light from public view. See Figure 35-B. No glaring, bright, or harsh light. No moving or blinking light. No exposed can or ball shaped light fixture. Avoid historic and traditional feature from other period. Avoid high tech or contemporary design feature. The building exterior wall consist of stucco and will be painted red in color. The roofing material consist of metal and will be gray in color. The canopy material consist of metal and will be red in color. There will be no signage used on the building. Graphic element will be incorporated into the building façade. See architectural drafting drawing for detail.

Okay, well, this is basically the plot, what is located on the property. For orientation, this is Kamoi. That's the -- this is the actual warehouse, and this is the loading dock. This is open. They get three loading dock for the truck. And the little office on the warehouse. That's the look. This is facing Alohi, and this is facing Kamoi. The same thing. Same elevation. Kamoi Street and the other side. There's the -- there's the foundation. That's the roof. This is where the roof slope. That's the framing of the roof. That's a section how the actual warehouse look, it's not more than 30 feet, sloped to one side. This is basically out at the parking, and the loading dock. Same thing. Little bit more specific dimension. This is -- this is the drainage. In-between the parking and the building, we have a drainage, onsite drainage. The -- just the detail on the handicap, some notes. This the -- all the electrical and the pole, no more than 14 feet. The light shining down. That's the electrical plan inside the building. This the landscaping, basically, it's all around facing Alohi and Kamoi, all the planting. Irrigation again, how underground irrigation work, sprinkler system or drip. That's the -- some of the color rendering we submit to the -- to the County during the process. This is what the -- the original they want to be all concrete, whatever, but we changed that to metal siding because of the cost was outrageous. That's what required to show the picture of the surrounding area.

What they using right now is a whole bunch of container. I think they -- they really need something. This is the Drug Store across the street. The Drive-In on the south. And on the -- on the west, I think --

Chair Buchanan: Thank you, Mr. Manera. I have a question, I don't know, maybe it's for staff. The last multiple schematics of the plot plan, the elevation drawings, the drainage and all of that is not in my packet. Am I like the only one that does not have that

information? Commissioners, do you guys have all of the schematics, the plot plan, the engineering laid out? 'Cause I do have the verbiage of the hydrological reports and the report by the consultant, but I don't have any drawings, and as well the Pictometry on Exhibits 7 and other exhibits Pictometry that is not labeled as exhibits, it's not legible, or, well, I can't make it out except for the TMK lines. Thank you, Mr. Manera. I really wanted to see the plot plan and -- and how the project is laid out, and thank you for the business country town training for the -- for the urban design for BCT. So is it just my packet that is missing?

Ms. Lopez: No. I forgot to include that in the exhibits. It should have been a part of Exhibits 1 through 5.

Chair Buchanan: Do we have that available?

Ms. Lopez: No.

Chair Buchanan: No. Suzie is shaking her head no. Okay. Then I'm going to have to ask the applicant, I hate to bog this down and defer it because of missing paperwork, but I want -- I want to take the opportunity to say that this is very important to include all of the information in the packet when we presenting. And then I have other questions besides us not having -- I see, Commissioner Lasua, you have additional questions for staff?

Mr. Lasua: Yes, Madam Chair. What -- what exhibits are missing? One through four?

Chair Buchanan: The presentation included the plot plans. If you can go over -- if Planner Lopez can go back to the presentation and then go over the plot plan, the elevation drawings, the regular things that are submitted for the assessment. So all of that right there, go all the way back to -- all that is part of the engineering and architecture, so all of those documents should be included in your packet, so starting from the first one. Right about there, yeah?

Ms. Lopez: So as part of the report, because we were planning to do the presentation, we kind of included it as whole, so but if you wanted it in the packet, I could include it, but it usually would be in the first exhibits one through five, so that -- that's my oversight, so I apologize for that.

Chair Buchanan: Okay, so I don't know if Commissioners need that, but I do. I definitely need all of that for every packet or subsequent application for review I would need that, the engineering part of it.

Mr. Manera: I know you -- I know you cannot see it of course but --

Chair Buchanan: Well then it might help either to raise the --

Mr. Manera: This is the drainage, basically, it starts from the entrance --

Chair Buchanan: I think -- I think we cannot really see the schematic from here, and then also the podium might also be in the way, but, yeah, I really hate to delay stuff, and I am interested in the parking requirements and off-street parking.

Ms. Lopez: If you give us a few minutes, we can run off the copies --

Chair Buchanan: Awesome.

Ms. Lopez: And we can provide eight documents for the Commission, but we still can answer the questions while they can runoff and get the copies for you.

Chair Buchanan: Okay. That would be nice. Commissioner Pele, you have a question?

Mr. Pele: Yeah, in the -- in the approval 2013 - when was this approved?

Mr. Manera: Yeah, 2013.

Mr. Pele: Same drawings?

Mr. Manera: Same drawings. Same everything.

Mr. Pele: Alright.

Mr. Manera: Nothing changed.

Mr. Pele: Okay.

Mr. Manera: Yeah, anyhow, from the previous application to this one, there's nothing changed, only the name from Egusa to Okimoto. Everything is the same. Every single parking stall, every single line, every single drainage is -- nothing different. But for your - to respond to you, the drainage start from the entrance, it goes about 40 or 50 feet this way, and all the length of the property, and we have three catch basin, one, two, and three, where the -- where the water go into the ground, into -- I think the - I cannot read it - it's about a 12-inch pipe, perforated pipe, and the water disperse into the ground, like everybody in town. We all got the same drainage. Everybody in the town, with the building, they have the same drainage, from -- from the Drug Store, to the Post Office, to my office, everybody.

Chair Buchanan: I sorry. I apologize, Mr. Manera. I think I was distracted. The percolation, the drainage is percolated, it is not tied into the Kaunakakai Town drainage system or parts of it is? No?

Mr. Manera: We no have any Kaunakakai drainage system in place. It's not completed.

Chair Buchanan: Okay.

Mr. Manera: None of -- there is no building or any business in town connected to any County drainage as of today.

Chair Buchanan: Okay, but I know we do have a Kaunakakai drainage system plan whether it's --

Mr. Manera: Yeah.

Chair Buchanan: Tied in or not, and I know it wasn't complete 'cause we just saw that not too long ago, I thought the idea was to tie all existing development within Kaunakakai Town to the drainage system, so maybe it's -- it's a Planner Lopez kinda question because I understand the percolation part, I don't know where the percolation basins are, and I think that's why I needed to see it.

Mr. Manera: Okay, I can reply for some. Okay, like they -- they did start the drainage from the town, only Ala Malama, it go all the way to Bank of Hawaii, and it's stopped. There's no -- there's no exit. So they never finish the project. It'd be nice to have it finish because all these people they no have to do this type of drainage, it's not just money, but even for environmental issue I think, it's not that I think to add, but that's the only thing we have. Now this property is also located in Kamoi Street and Alohi Street. I never see any plan showing any drainage by the County in those area. There is none. The only one is from over here, from the town, all the way to Bank of Hawaii, and who knows where that go. It's not defined yet.

Ms. Lopez: So the Commission just seen Phase 1B, which what Mr. Manera is stating, which is the frontage of the Ala Malama to Kaunakakai Wharf Road draining down into the wetlands, so that project is underway. Also in your report, in Exhibit 8, it does show a preliminary drainage report for the new warehouse for the Friendly Market Center, so once they complete Phase 1B, they do have Phase 1C and Phase 1D, which comes out along Kamehameha V Highway into the rest of Kamoi's - what is -- Mohala -- Mohala, Kamoi's, and it runs out and it -- that's Phase 1C and 1D, so we're actually on 1B right now for the drainage if -- for the drainage is concerned.

Chair Buchanan: Commissioner Pele.

Mr. Pele: Yeah, this is not really a question specifically to this when we're talking about drainage that we saw, 1B, 1C and 1D, does anybody -- can anybody give me who will be the regulatory agency to enforce compliance with when those are completed? Who will be the regulatory agent that -- that make sure that businesses are tied in or drainage is?

Ms. Oana: I think that would be Public Works, yeah.

Mr. Pele: And that's a governmental agency?

Ms. Oana: Yes, County.

Ms. Lopez: And -- and it's in --

Mr. Pele: So I can --

Ms. Lopez: The Master Plan of the Kaunakakai drainage system under the purview of the Public Works.

Mr. Pele: Well, my question is because your recommendation for conditions, full compliance with all applicable governmental requirements shall be rendered, so we can take that into consideration that when 1C and 1D are enforced, whenever that gets done, took 20 years for 1B so maybe 60 years, that this application -- I'm looking at item no. 4 on page 7, so they will be held to be in compliance with any drainage that is established after-the-fact?

Ms. Lopez: Yes.

Mr. Pele: Page 7, no. 4 says that that's one of the conditions, right?

Ms. Lopez: Yes.

Mr. Pele: Full compliance with regulatory government -- so, in 20 years, if Public Works says, okay, you guys built this warehouse on this property, you have to now hook up to drainage one, where would that be, 1C at the time?

Ms. Lopez: Yes.

Mr. Manera: Yes.

Mr. Pele: Okay.

Mr. Manera: Yes.

Mr. Pele: Alright, that's just my question.

Chair Buchanan: Well, thank you, Commission Pele, for that question because it really does then prompt me to ask an additional question because the -- what you referenced is an August 6, 2013 correspondence to Mr. Manera from the County, it is not marked conditions, currently, part of my further question would be that I do see findings of fact and conclusions of law, I do not see a conditions, I do see a decision and order dated 2012, I do see --

Mr. Pele: I'm looking at the recommendation on page 7 from the Planning Department that says, "Pursuant to aforementioned, the Planning Department recommends approval for SMA minor permit subject to the following conditions," and no. 4 is a condition that they comply with all applicable government requirements.

Chair Buchanan: Thank you.

Mr. Pele: Yeah. That's the one I was looking at.

Chair Buchanan: Yeah. I guess my question then would be a Corporation Counsel question because is it written -- let me check the recommendations --

Ms. Lopez: So can I add while you look, while you search?

Chair Buchanan: Sure.

Ms. Lopez: So I just wanted to add in regards to the August 6, 2013 approval letter that was given, so the reason why the -- they had to come in this time was that, based on condition no. 3, so on the August 6, 2013 approval letter has four conditions, and because of no. 3, the third condition that states that the project shall be initiated by July 31, 2014 and shall be completed within one year of said initiation, and so it expired in 2015, and it's due to the fact that the -- the owner at the time, Mr. Egusa, was selling that property, and so now that it's actually fully turned over to the new owner, which is Okimoto Holdings, the Okimoto Holdings wants to move forward with same exact plan that the Egusas had for that property during the 2013, and so that is the reason why Okimotos are here today is to proceed with what had -- what had been planned out from the preceding owner and now they wanna continue that.

Chair Buchanan: Thank you, Planner Lopez. I guess I having a procedural issue. Where did you just read from?

Ms. Lopez: The -- the August 6, 2013 that you were stating regarding the Department's letter to Mr. Manera of the approval of the SMA minor, and that would be Exhibit, I believe, 7. Oh, it's within Exhibit 6, so it's the last page of Exhibit 6 in your packet.

Chair Buchanan: Because we're talking about it, it would be helpful to have the exhibits clearly marked for easy reference in the future. I'm sorry, the August, the one we just was reading, this one. So just for the public, and then, Planner Lopez, the August 6, 2013 letter is not marked as an exhibit, for the record, so --

Ms. Lopez: It's part of Exhibit 6, so Exhibit has all of the historical letters, and so that -- that's part of the historical letters which is included with Exhibit 6.

Chair Buchanan: It would help the Chair if that was stated in Exhibit 6 is one of six letters on the record then that would help me or even to say Exhibit 6-1, 6-2, 6-3, then I would know that they're all part of one exhibit. Thank you very much. Okay.

Ms. Lopez: Yes, so noted, Chairman. Chairwoman.

Chair Buchanan: So I think, and I wanted to apologize to the applicant, Mr. Manera, I'm very sorry because I see that this item before us today is -- is a continuance of an item that you folks fully, this Commission fully vetted five years ago, and I understand that it must be frustrating, but -- but knowing that this -- that a lapse of five years has transpired, and just picking up and -- and running with it when you have all new Commission Members, maybe not all, I'm happy for historical and institutional knowledge from then Chair Sprinzel, but I need help. I mean I need help. I needed documents. I needed to see how the drainage is occurring within Kaunakakai, also, yeah, is it tying in later? Who does it? Was there an amended flood map that came out between 2013 and 2018, in the past five years? That would be a question of me. And if that -- and if a new flood map did come out, how does that affect the project? So just -- just questions for in the future, everything should be looking like a new project. The more information, the better then we can move on quicker than always having more questions. Go ahead.

Mr. Manera: Well, first of all, you don't have to apologize. I'm fine. I'm okay. I understand and you are rightly so, you need to have all the information, and not a problem. Just to bring -- hopefully, they're going to bring the map for you to take a look how the drainage work. To be honest, there is no plan to connect to the -- to the County drainage because there is none. Nobody even mentioned about having a drainage, it may be in the plan, but this probably going to take another 20, 30 years, that's what's happening. What I wanna say is this drainage, this particular drainage is the same like all the other new buildings in town is done starting from Kamoi, to Take's, to my place, to lot of them, to everybody. They have the same type of drainage. It's the only solution we have. There's

no other way to do a drainage. Now, as far the flood go, the map, they did change in 2015, but actually they got better, so we kept the same height elevation of the previous, we never change it because we still above the eight-foot flood elevation, so that never change, they got a little better, but we keep the same elevation, the same, we never like change anything.

Mr. Pele: Sybil, so when that flood plain changed in 2015, the Department took that under consideration for this reapplication before you brought it to us?

Ms. Lopez: So I will continue what he said. So in November 2015, the map did change. It decertified our levy, and allowed a lot more properties within Kaunakakai Town to be in the AE Zone, however, in March 14 of 2017, they recertified the levy, which went back to normal as far as what 2013 was to 2017, and so they did -- that was part of the review that they had to update, which in Exhibit 4, the flood insurance rate map, to the March 14, 2017 updated revision of the map in town, which it states that they are in elevation, AE elevated, eight feet of the base flood elevation, which the design is concurrent with what the elevation is requested, and part of the slide shows that they are required to do a flood development permit, and so they are going through that process which they concurrently submitted with -- within our Department.

Mr. Pele: And that flood permit will come before us?

Ms. Lopez: No, the flood development does not.

Mr. Pele: Okay.

Ms. Lopez: Yes.

Mr. Pele: So this is our kuleana? It's just this right here?

Ms. Lopez: Correct.

Mr. Pele: Alright.

Mr. Manera: For the -- in regard of the flood permit, mainly for not just for commercial building, but for every home; if you are in the flood plain, you're required to have a flood permit submit with your building permit anyhow. It's just the law. You have to be above flood -- whatever the flood elevation is, even for insurance and a few other little -- you might want to be above anyhow for everything, it's not just for commercial.

Chair Buchanan: Okay. Thank you, Mr. Manera. Any other Commissioners have questions for the applicant?

Ms. Espaniola: So this isn't --

Chair Buchanan: Yeah.

Ms. Espaniola: I'm wondering if this is an added structure because, obviously, we have a drainage problem, and I don't, you know, like you're saying, 20 -- the year 2020 is when they probably going decide to do something about the drainage, so with an added structure, in your opinion or your knowledge, you think it'll affect again our drainage even if the government or agency has okayed for you folks to move forward?

Mr. Manera: Thank you, Commissioner Espaniola. The reason why they require us to add the drainage is because you build a structure, so they wanna know where the water from the roof or the parking is going to go. It's the same water even if it's an empty lot, it's just that the empty lot, the water go into ground right there. When you do a structure, when you do a parking, it's all concrete or -- or metal, whatever it is, we have to take the water from the roof or from the parking and put it in the ground instead let it seepage, we have actually convert that to some drainage pipe underground. If we have the County drainage, we collect the water and go into the drainage, but we don't have that. It doesn't increase any water whether you building or not, it's the same water come down in the same square foot of the lot.

Chair Buchanan: Commissioner Leonora, you have anymore questions?

Ms. Espaniola: Thank you.

Chair Buchanan: That was a great question, by the way, Commissioner, and I'm not aware if the other Commissioners had training on storm water, and drainage, and discharge, but I, you know, I believe, and my Corp Counsel is sitting right next me can correct me to say that the rules say when you build a structure or hard surface, that the water that comes off of that structure has to be retained on your own property, and that's the reason why you create these drainage mitigation type of action. Oh, one big map. Thank you.

Ms. Oana: So, Chair, just to clarify that a developer would have to take care of the additional drainage that would be created due to the development --

Mr. Pele: Can I ask a question?

Ms. Oana: Over the natural state.

Mr. Pele: So, and -- and through the process of approval, this application is showing that they've done what they need to do with drainage as it stands now? I mean we can make up rules all day long on whether I wanna see or you wanna see, but they're held to the standard from the Planning Department, correct, and the governmental agent?

Ms. Oana: Because this application goes to all of the reviewing agencies, which Public Works is one of them, and they're the ones to make comments on what the applicant would have to do --

Mr. Pele: So whether I had draining on flood or not, I can't arbitrary ambiguously just make up my own opinion and say, oh, that's law now? I mean I'm just asking the question ...(inaudible)...

Ms. Oana: I mean you can rely on the fact that Public Works has reviewed it, and if it's gotten to this stage, then -- then you can rely on that.

Mr. Pele: Thank you.

Mr. Manera: Basically, the law say you have to keep the water in your property. You cannot discharge the water on somebody's property or on the street, that's why we have to do this, and we have to show them --

Mr. Pele: Right.

Mr. Manera: Through a report in the worse drain we can get how we can contain the water. That's the process.

Ms. Espaniola: So --

Mr. Pele: Yes. So I was just concurring that if a governmental agency in control of the flood is telling us that you've done everything that you needed to do, as a Commission, I'm satisfied with that and rather than creating law myself.

Mr. Manera: Yes, sir.

Ms. Espaniola: So, Mr. Manera --

Mr. Pele: Personal opinion, as a Commissioner.

Chair Buchanan: Commissioner Leonora.

Ms. Espaniola: Oh, thank you, Madam Chair. So I don't know if you know where the -- the Door of Faith Church is, so they have STRs, temporaries, and so what they did was they elevated their lot, they filled it up, and now, where the Door of Faith Church is, it's always flooded, so having it approved by the agency, you know, I don't know if they took that into the consideration, I mean if they can find a way out, they going elevate and then somebody else gets flooded and that was their remedy, so I don't know, I'm thinking about that in regards to even if the agency approved it, some stuff that they didn't look out for or I don't know. I'm just making a --

Mr. Manera: Well, I prefer not to answer. I want to be honest with you. Well, anyhow, you not supposed to fill the lot at all because you're in a flood zone, so you cannot. If you did it or whoever did it, they did it illegally. Now you supposed to prove it doesn't affect the neighboring property or you have to take 'em all out. That's, basically, it what come down to. I not a government agency, but since I went through enough of those, yeah, well, let me tell you, but she -- she can probably answer better than me.

Ms. Espaniola: So I'm -- I'm saying this because that same problem could occur here in town because we have definitely a drainage problem --

Mr. Manera: Yeah but --

Ms. Espaniola: In town.

Mr. Manera: What happened in this case, we don't raise, we don't rise the property. We left -- we leave the property the way it is. We get the water into the ground. That's all. We don't fill. We just building on top the existing ground.

Chair Buchanan: Thank you Mr. Manera. Yeah, so --

Ms. Lopez: Public testimony. Are you taking?

Chair Buchanan: Okay. I going -- I just going bring up one more issue 'cause I going bring 'em up again, going be about parking, and I saw the BCT parking and all of that, and being that I just drove past the site on my own this morning and I saw that there was definitely more than eight cars in -- currently there, and all of the street parking was full, so that's another concern that I going have, but I'm going to stop. If Commissioners have any other burning questions, and I really -- I think this discussion is really awesome 'cause I just -- I think it shows that this Commission really could use more training on all the types of things that we would be incurring as a Commission, so with that, I'm going to take a five-minute break to review what was given to me, and then we're going to resume with public testimony, okay? And then there's another copy for the public there. So --

Ms. Oana: Okay, wait, wait, wait.

Chair Buchanan: Hang on.

Lopez: Thank you, Chair.

Chair Buchanan: Okay, hang on. We not on break yet. Okay, so my Corporation Counsel has discussed with me that we cannot have any discussion on this items, instead I'm going to have a short bathroom break or recess. I would caution anybody, if you looking at the materials at that time, we're going to actually look at them, I'm going to hand them down when we reconvene before we open public testimony. And that's it. So we're on a bathroom break. Couple minutes. Hang on.

Ms. Oana: Okay, so just to clarify what Chair was saying, we can't be discussing what you guys are seeing on the map in recess, we should be doing it in open session if you guys are going to be discussing amongst each other while you're reviewing it, so I think now what the Chair is saying is we're going to take a break, you guys can look at it, hold any discussion on it until we reconvene the meeting.

Chair Buchanan: That's it. And with that said, hearing no objections, we're on a break. Thank you. Adjourn for five-minute break.

(A recess was called at approximately 12:26 p.m. The meeting reconvened at approximately 12:40 p.m.)

Chair Buchanan: Aloha. Thank you for that more than five-minute break. Appreciated it. Call this meeting back to order. At this time, hang on. At this time, we're going to take public testimony on this agenda item C - what is it - Communications, no. 1. State your name for the record. Thank you.

Ms. Machado: Aloha. My name is Colette Machado. I'm here with my husband, Myron Akutagawa. I wanted to draw your attention to the letter from Will Spence regarding the request by the Okimoto business to the SMA, minor SMA to build and operate a 7,544 square-foot warehouse. I want to cause you to look at pages, of this letter, pages 5 and 6, it's identified as findings of facts, I want you folks to consider implementing no. 7 as a condition, which is they are willing to provide for a cultural monitor during all of the excavation and subsurface digging, so no. 7 actually indicates that they are willing but in the conditions to approve the permit, it's not listed at all. I see some numbers under 1 as recommendation for approval, I'm not sure if that reflects item no. 7 on the facts -- facts and findings because not too often people will volunteer to provide a cultural monitor during the subsurface digging, so the concern about cultural artifacts; for us, as Hawaiians, it's always about skeletal, the iwi kupuna skeletal remains and other important

factors, but the applicant has agreed to do it but it's not part of the conditions, so I would encourage you to add a condition no. 5 that would allow this to occur as part of the approval. And I am in strong support of this applicant. You and I know, the Egusas were a family-run operation. They had a single business. The Okimotos run more than one store, but I'm really happy that they chose Molokai 'cause now we're improving; more stuff they can store in a bigger warehouse, we benefit. They can bring in bulk stuff that we can get better pricing on once-a-month. At the top of the month, they do special sales for all of us to benefit from. So this is something good for our community. The entire project is estimated at \$400,000.00, that's a tremendous commitment on behalf of the Okimotos to provide better service to our people with goods and, you know, food and whatnot. So I'm in strong support for this applicant. Thank you.

Chair Buchanan: Any questions for -- hang on, Ms. Machado. Any questions for the testifier? So I have one question or one follow-up, but thank you. Under the recommendations, we did kinda catch that -- that whole item no. 7 was not included as a condition of the permit, which it really should have been included, and it's been standard practice for this Commission to include that type of language in ground disturbance of greater than two feet, but we also waived new application for a home being built in the SMA, and my argument was exactly for no. 7, that there was no condition for iwi kupuna or discoveries, so I'm glad that you testified that to the Commissioners to validate how important that is, so thank you. We'll take that into consideration.

Ms. Machado: You going spare me, John? No questions?

Mr. Pele: No ...(inaudible - not speaking into the microphone)...

Ms. Machado: Okay. Thank you. Thank you, John.

Mr. Pele: No worry. Thank you.

Chair Buchanan: Next testifier? You like, Aunty, we'll bring the stuff to you again. Just - I know. I get to sit down so you can sit down too.

Ms. Caparida: Okay, my name is Judy Caparida, just for the records. Anyway, I remember all the meetings. I used to come to all the meetings, my sister and I, and if there were two meetings at one time, I would go to one and she would go to one, we get together, and we start talking it over, and I remember this meeting, but we're all in flood zone. The whole thing over here is flood zone, even the policemen and all of them, they wanna get outta here. The firemen, they got outta here and got on higher ground, but you know the water, there's only one way the water can go is go to the ocean, and if it doesn't flow right, that's when we get flood, and that's why we get the machine over there for take all the water out so we can pass the road, but, you know, there is a need, and

the only reason that -- was we got held up was because of the material that they were going to use, but I feel that, you know, I'm in support because our -- our community is getting bigger, and then, in the meantime, they can look after that, you know, they can look at it. You know, bruddah, I gotta fix this, yeah, fix it before somebody drown or what, but, in the meantime, I support this. Thank you.

Chair Buchanan: Thank you. Any questions for the testifier, Commissioners? Seeing none, thank you, Judy. Anyone in the public wishing to testify on the agenda item?

Ms. Wright: Okay, Kaala Wright again. This is why I'm here. So I was hoping that it would get approved today just for the reasons of it getting approved previous. I was so sure, like, yes, we're going in there, but, you know, you're right, Aunty. We -- we weren't whatever, you weren't provided correct information and, hopefully, that doesn't hurt us today, but Okimotos, we just made a year. They've been great to us. I love Egusas, but Okimotos has provided us better opportunities, food-wise. We all know how much food cost. It's so expensive. I hate going into Friendly Market when I'm off of work but I gotta eat, so after I'm done with work, I become a shopper, so everything that Okimoto is doing for us, they're doing for us as a community, and I asked Sybil to take it back to one more with all my product out 'cause I'm warehouse, I used to be a cashier, but I'm warehouse and I'm a operator, so this is -- this is my job every day. The containers hold our products and every day we go in and we take it out so we can provide the product for the community and put it on the shelf. As we're taking it out, things get damaged; as we're putting it in, things get damaged. We just need it for more efficient so as things get damaged, it trickles down to the community, so if we save, you save. Everything that we do for Friendly Market will always reflect to the consumer. So I'm -- I'm just here to beg that -- I mean I know that they will hold -- like I'm happy that you guys holding them accountable for, you know, if, in the future, for the drainage, I'm sure -- I'm scared of the amount, but I'm sure they would, you know, do whatever they needed to do necessary to, you know, make everybody happy especially the community, and everybody that's there now between Kamoi's, the post office, Ace's, they're all doing the same drainage system, I don't know -- I'm sure we're going to -- we don't wanna do nothing we're not supposed to do, but that's why we're going to have vegetation and try to run off our water however means necessary, and I'm happy that he's leaving it at ground level so we still have level, we're not putting cement, which means it will still recede through the ground somewhat. So thank you for your time. I'm happy I was here. I hope whatever -- whichever way it goes, we're still a community, we're still going to stand together, and hopefully if it does not get approved, if we can speed it up because, like I said, I am the operator, I drive the forklift, and it would be so much easier for me to just -- so thank you.

Chair Buchanan: Thank you, Kaala. I hear you. I wouldn't wanna be putting things in and out of a 40-foot container every day. Any questions? Commissioner Leonora.

Ms. Espaniola: I don't have it for Kaala. Thank you, Kaala. But I do have something and I wanna comment on, I should have with Machado.

Chair Buchanan: Is it for the earlier testifier?

Ms. Espaniola: Yeah.

Chair Buchanan: Or for --

Ms. Espaniola: Yeah. Yes.

Chair Buchanan: Okay. Hang on.

Ms. Espaniola: So --

Chair Buchanan: We can recall the testifier later.

Ms. Espaniola: Okay.

Chair Buchanan: But other -- go ahead, Commissioner Poepoe.

Mr. Poepoe: Hi. Would you think that would need any safety considerations going across the road?

Ms. Wright: Crossing the road. That's one good one. We're pretty safe right now crossing the road. We have to be very diligent when we're on the forklift always watching our surroundings. It is -- we do have to cross over so safety concerns with that, the traffic is picking up, I don't know, maybe we can all come up on a solution with that. It would make it easier for me if I could drive it over. Yeah, I don't know how we could make it a safety -- right now, we don't have a safety issue driving over. Everything is pretty safe 'cause it's like, you know, we don't have consistent traffic, but if -- as the traffic grows, you know, I'm not too sure, as the community grows in the future, if that could become an issue. But as for now, no. We're pretty -- everything we do is pertaining to safety. Yeah, and we do training. We take classes. Yeah.

Chair Buchanan: Great question. Commissioner Poepoe, you have any other further questions? Any other -- okay, seeing none, thank you, Kaala. Next testifier on agenda C? After which, I believe Colette, we're going to recall you for questions. Thank you. Thank you. State your name for the record.

Ms. Poepoe: I'm Mahina Poepoe. I just wanted to say how pleased I am at being able to see all the information. So that's the building. It's 7544 square feet. If it were 44

square feet smaller, it would not be considered a development, and this is kind of just going back to a point that we've been discussing here about the waiving and not waiving, if I'm correct, this, if it were that much smaller, would have come as a waive or not waive option instead of a full review like it is today, and we wouldn't have been provided all the good information that was presented with the presentation, the conversation, all these documents. We would have had that much, maybe three inches and a couple sentences. I just feel so much more empowered when I'm shown these things and information is really important in making -- being confident in your decisions, and as an audience member, in being confident with your decisions. So that's all. I just wanted to say how grateful I was for the information that was provided, and I hope you were too, and I hope you feel better about making a decision. Thank you.

Chair Buchanan: Hi. Thank you, Mahina. Any questions for Mahina, Commission Members? Thank you. You always do your homework. I admire that. Okay, seeing none, thank you.

Ms. Poepoe: I just have one more comment.

Chair Buchanan: Okay, go ahead.

Ms. Poepoe: I was just wondering if any of the neighbors, like drive-in or Ace, commented on anything. I'm not sure. That's all. Thank you.

Chair Buchanan: Thank you, Mahina. I actually wrote that as a question for staff after the public testimony. Okay, anymore members of the community wanting to provide testimony on the agenda item? Okay, can we please recall testifier Colette Machado? Thank you, Colette. And then, Commissioner Leonora, you can ask questions, thank you, on her previous testimony.

Ms. Machado: Aloha, Nora.

Ms. Espaniola: Aloha, Colette. I just -- something you said that really caught my attention regarding the Friendly Market bringing in more products and being bigger and cheaper, and I really -- I really think that's a good thing, but I -- what came to mind is that wouldn't it be like a big Costco over here and how is it going to affect, it's more economic, how is it going to affect our mom and pop stores in that sense? That's -- that's one thing I was thinking about when you said that. I just got back from Kansas maybe about half-a-year ago, and they built a Costco in their small town, and now going through the town, all of the stores are mostly all of the stores, 80% of the stores are closed; that's because we got a bigger store to take care of the community. That -- that just came to mind when you said about how it -- I'm for it. I mean I'd like to see it because they need it, they already

have a need for a warehouse, but that -- when you said that, that came to mind. How you think it's going to affect our mom and pop or do you think it will?

Ms. Machado: Well, I can tell you, my preference for shopping is at Misaki 'cause I know where everything is. If we cannot find it at Misaki's, we go to Friendly Market, and it's night and day. But I will tell you, if Kevin and his wife doesn't makaala and get onboard to make improvements as necessary, that's just how life is. They going make improvements that is conducive to the business and make it easier for us as consumers. That's a basic understanding of economics and it will hurt Misaki's, it'll probably hurt some of the other stores that do bulk purchasing. They go directly to -- to them. There's two stores that do bulk purchases. All I know is that when Friendly Market does their sales, I compare with my store, at Misaki's, versus Friendly Market. The prices are almost equivalent to what is on sale to Oahu prices 'cause I shop at the big box too, Sam's, because I frequently fly to Oahu every week, so I have access to Sam and I have access to Costcos, and if you compare, it's equivalent to even Foodland and also to, it's not Star anymore, but those other kinds of service providers, yeah, but it's comparable and that's what we're always looking for, what is comparable. I don't live on food stamps, so when come first of the month, when everybody -- or every time we shop, we write personal check so, for me, whatever the price is, we don't look already because, if not, I gotta pack 'em up for come from Honolulu. But I think it's good business practice on Molokai to have a competitive spirit. So pray for Misaki's that they -- that Kevin them has the wherewithal to do an expansion and to provide the same kind of services equivalent to Friendly Market 'cause if not, that's what just happens, you have to keep up with the times.

Ms. Espaniola: Thank you. I know you can't answer this but, on the mindset of some of our community members thinking that small is better, it goes beyond just our businesses, it goes having more - what is that - the STRs, the temporary housings, so, you know, everybody saying the more -- the bigger it gets, that means more people, so looking at the -- looking at Friendly Market and expanding, I believe most community members would agree that if you go bigger, it's like, again, a big Costcos here. I'm totally in agreement with, again, for them remedying their problem, their warehouse problem, but that -- that came to mind again, like I said, so thank you.

Ms. Machado: When you go to Friendly Market, you park in the parking lot, you look at the old method they have, it's very inadequate for security-wise. People can jump over the fence while they in the store when weekends come, you lending to the opportunity for possible thefts and other kinds of break-ins. This would assure little bit more security of the investment to the community, and those things are very important on our island. We don't want to have opportunities to allow people to be tempted if they choose to jump over that -- that fence, which doesn't even have barbed wire on the top. So I'm looking at it in a way that they still seem to keep the -- the small community approach, we're not trying to keep up real big security protection measures whether it's scanning, all the high-tech

stuff that could come in to watch, all of that is not present currently. So I still think they thinking small-scale, accommodating our community, but it's all about the competition on this island and the better prices we can get, we benefit as consumers, that's a selfish attitude, but that's just how it goes. You going pick. You have opportunities to choose how you shop and what you purchase.

Mr. Pele: Can I chime in? I don't have a question though. I just --

Ms. Machado: Okay, can I go back --

Mr. Pele: Yes.

Ms. Machado: Down to my seat? John, thank you.

Mr. Pele: I just thought -- I just thought I'd address -- can I address my fellow Commissioner?

Chair Buchanan: Thank you, Colette.

Mr. Pele: I just wanna let you know that I am a small -- I own a -- I don't know if anybody knows, but I've owned Maunaloa General Store for 12 years, a grocery store on Molokai, so I am the small mom and pops. I think this is awesome. Jeff Egusa was super good to me when I started my store, super. PJ is still super good to me, and it's not -- I mean it's just my relationship with them as a business owner. I don't look at this as a Costco. They just need space to improve, and Colette was very adamant about the pricing. If you guys go to Oahu, you don't realize how subsidized this island is with groceries. It's way more expensive to shop on Oahu than it is to shop at Friendly Market. You go to Safeway, you go to Foodland, you go to Costco, you think you're getting a deal; when you go to Friendly Market, you'll see that they do subsidize this island as far as pricing is concerned. I dare any of you guys go walk into the stores on Oahu. I walk the aisles, 'cause I own a store, I walk the aisles and say for -- and I compare, I write 'em down, I'm writing down prices, and even Maunaloa General Store is cheaper than some of the items in Safeway. Truthfully. So that's just -- I thought I'd let you know the small mom and pops business, as a grocery store owner, it is what it is, like Colette said, it's -- it's, you know, unfortunately, our landlord won't let us expand the way we want to, and that's the bad thing about it, and they want too much for the store, so there you go.

Chair Buchanan: Thank you, Commissioner Pele. Is there anymore testimony by the public? Thank you. Just come up and state your name for the record.

Mr. Augustiro: Aloha everybody. My name is Patrick Augustiro, Jr. Everybody knows me as PJ. Just to clarify some of the questions that came up, safety. He was asking

about safety, Laa. Safety, forklift drivers, all our forklift drivers went to some kind of safety classes, so we try to -- the business try to protect themselves in every way the guys can. Traffic-wise, it's hardly busy there, but our drivers are diligent about paying attention in crossing the road. Hopefully, that kinda answers your question. And then as for the question about us getting bigger and getting out to be like a Costcos, it's nothing like that right now. If you look on the property right now, there's three containers on the property. This warehouse is actually going to take up that three containers right now to consolidate everything to the warehouse instead of going in and out the container, like Kaala said. Every day the boys have to go in and out of that container, forty-footer, they have to restack it, bring it out, restack it, in and out every day consistent. It takes a lot of time, like Ala said, it's a lot of damages happen and, of course, it trickles down to the customers, and the other thing too is the protection of the elements, rain, sun, we have to battle the elements every day, every day we gotta pulling 'em out, the product, it sits in the rain, we gotta scramble, covering 'em with tarps, that's -- that's our main concern about providing this warehouse. It's going to be -- it's just gonna -- just hard to explain if you don't actually work there. I've been there for 28 years, January, this past January, and Jeff them been, the old owners been trying to do this for a while, and he kinda put it on the side, he kinda talked to me and he said, "I don't even have the gas to do it anymore." What else. Like the Okimotos, when he talked to me about Okimotos coming in to take over, he said we got new blood, they're younger, they're little bit more aggressive, meaning they can follow through because Jeff, he felt like he did his best already and he's at his -- at his max already, so he said he's enjoying life right now golfing every day. Lucky thing the golf course not open seven days a week 'cause he would be there seven days a week instead of six. But Okimotos is really -- really worried about the community. They always questioning us: What you think the customers going to say? How you think they feel? What you think about the changes we doing over there at the store? So all these -- all of these things, they thinking about everything, they not just throwing 'em out there because they like throw 'em out there, they're thinking things really through and they really concerned about what the community is thinking and have any questions about it, so they're really open-minded. If you guys have any questions, they open to any questions. They not somebody that -- or the three brothers, they're not guys that just going to listen to you and just throw it on the side. They actually think it, they think through it, they talk among themselves and discuss it. So, you know, I'm just here to testify that we're not here to build a Costcos, like you -- you brought up, and it's nothing like that. It's more for protection of the products, bringing in more products, we can bring down the prices little bit better for the community. That's what our goal is to provide better pricing for the community, not to make a Costcos here, 'cause we got lot of guys wholesaling in town right now and we not -- we not about trying to compete with them either. We're just trying to do what we need to do and that's it. That's just the bottom line. That's all I got for say. You guys got any questions?

Chair Buchanan: Go ahead, John.

Mr. Pele: Hey, PJ, how many employees are at Friendly Market Center?

Mr. Augustiro: I just counted yesterday 44.

Mr. Pele: Forty-four employees. And are any of them from off-island?

Mr. Augustiro: No. The owners kept it as is.

Mr. Pele: So all the management positions and everything are on-island people, personnel?

Mr. Augustiro: Yes, it is.

Mr. Pele: Alright. Thank you.

Chair Buchanan: Commission Members, anybody have questions for the testifier? PJ, I have one question. At any given time during your hours of operation, how many staff is working within Friendly Market Center store?

Mr. Augustiro: Roughly around maybe 20 to 25 'cause there's part-time and there is different shifts.

Chair Buchanan: Does all the employees find their own way to work or you guys have a ride-sharing program or anything like that? 'Cause I'm kinda wondering with -- right now, when I passed this morning, there were definitely more than eight cars parked in the area that is proposed for the warehouse, so I'm kinda thinking that the project shouldn't interfere with off-street parking for other customers, so how you think that -- that would work out?

Mr. Augustiro: Oh, that's a good question, Aunty Lori. I not sure exactly, but as for the employees, there is a bunch of them that rides their bike to work, there's a bunch of them that walks to work, and there's a bunch of them that get dropped off to work, and there is a great amount that does drive themselves to work.

Chair Buchanan: Did the County ever tell you that, as part of the -- the expansion or the warehouse, that you guys needed to also provide off-site parking from -- no? Has he ever -- the County ask you to provide off-site --

Mr. Augustiro: That I cannot --

Chair Buchanan: Not off-street now --

Mr. Augustiro: Yeah.

Chair Buchanan: Off-site.

Mr. Augustiro: I cannot answer that question. I not too familiar with that.

Chair Buchanan: Okay. Thank you. I think, Commissioner Poepoe, you had a question?

Mr. Poepoe: I change my mind ...(inaudible)...

Chair Buchanan: You change your mind. We thinking. We thinking. We ...(inaudible)... okay, okay. Anymore questions? Seeing none, thank you, PJ. Hang -- no, you cannot ask the testifier questions. Thank you, PJ. But anybody else in the community wants to testify on this subject? Thank you, PJ.

Mr. Augustiro: Thank you.

Chair Buchanan: Testimony is still open.

Ms. Naki: Aloha everyone. My name is Gladys Naki. This is all awesome. From a little girl, I've been in Friendly Market, and seeing that it's come up to the point where we wanna improve, you know, we all looking to better ourselves here on Molokai, we're all looking for the betterment for our community, and I'm for this. I'm -- I'm interested in knowing will there be, with this proposal, will there be more jobs? Yeah? Yeah --

Chair Buchanan: Gladys, I will ask that question of staff --

Ms. Naki: Okay. Sorry.

Chair Buchanan: For that. No, but go ahead. Just continue. What else your concerns and we'll bring it forth.

Ms. Naki: Okay, so I'm for this. I'm glad that where Molokai, as a community, as a whole, we're moving forward. Yeah, so thank you for letting me share.

Chair Buchanan: Thank you, Gladys. Commissioners, any questions for the testifier? Okay, seeing none, thank you very much, Gladys. Anyone else in the public wishing to testify? And I see other things, if you guys have --

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

Chair Buchanan: I will allow you to come up with a follow-up testimony. Thank you.

Mr. Stephenson: Aloha, Chair Buchanan, Vice-Chair Sprinzel, and Commissioners. My name is Rob Stephenson, here to testify on behalf of the Molokai Chamber of Commerce. This is, in our view, a good project for our community, and with everything as been said by Mr. Manera and by the representatives from Friendly Market, the intent with this is to try to offer greater variety, in part, to try to offer a greater variety of products at more affordable prices, and that's really key because I'm sure that most of you have heard, but if you have not, there's a rather large financial and employment event that's getting ready to happen in the next few months, which is Mycogen Seeds is going to close their operations and that affects about 82 jobs that people are not going to have jobs here on the island, and so any type of help whether it be lowering their prices or greater selection or possibly an expansion to some more employment opportunities to help absorb some of those employees is a good thing, and this -- this project, as is proposed, appears to meet several of those criteria that would help to offset and absorb some of the negative impacts of this upcoming closure, so from our perspective at the Chamber, we believe that this is a good project and should be allowed to move forward on its merits alone. Thank you very much.

Chair Buchanan: Awesome, Rob. Thank you. Commissioners, any question for the testifier? Seeing none, thank you. Appreciate that.

Mr. Stephenson: Thank you for the opportunity.

Chair Buchanan: Anyone else in the public wishing to testify?

Ms. Poepoe: Hi. Sorry. Mahina Poepoe. I just had a couple thoughts after some of the other testimony. In regard to the safety, it's not just about the safety of the forklift drivers and how safe they're being, it's about the people in the cars driving by, like traffic, so maybe a good idea would be to put signs up that says forklift crossing or something. I don't know. And then with the explanation that this is storage and not additional shelf space, that kinda address for me the Costco issue and that, theoretically, in like a big huge disaster, having the additional storage could be helpful when if supplies can't come in on the barge. So that's all. Thank you. Sorry.

Chair Buchanan: Awesome. Thank you. Commissioners, any question or follow-up on the -- that? They were all really great suggestions. Thank you. No? Okay, seeing none, thank you, Mahina, for the follow-up. Anyone -- sure if you testified before, you have a follow-up, then you can come up by all means. Commissioner Pele is entertaining us in the meantime. Thank you.

Mr. Augustiro: Sorry about that. Just to answer the last testifiers question, that was one of -- that was another, not option, but the bosses brought up, when they took over, their concern was to provide at least a 40-foot container of water for a natural disaster, so exactly what she was just saying, that's what this warehouse going provide and the shelter for -- the main thing is that the shelter, you guys don't see the everyday operation that we go through, so if you guys see the operation, you guys going know why we need this warehouse 'cause the freight is just sitting, we only get like one -- like one chicken coop kinda operation in the back there with easy-up, with one roof, like it's so manini it's -- you would crack up laughing you look at 'em, like wholly shit, oh, excuse for the language, but -- buy, yeah, and for the job-wise, they also even brought up to my attention, when they found out that Mycogen was kinda shutting down, they was asking: You think we can handle more employees? So, of course, they have that in their minds so they trying to provide, trying to find out a way to provide more jobs here locally, and going back to John's question about if we had an off-island new staff when they took over, no. We didn't. I already answered that question. But I brought up to some of the staff, I said: Would you guys want new management here, or you guys want somebody else to tell you guys what to do? Everybody is all familiar with everybody over here, so even the bosses, they trip-out, the new owners, they trip-out, when they going down the road, they see everybody waving to everybody, like ho, brah, everybody knows everybody here, so everybody's pretty tight, so as for the -- the staff, they wanted for keep everybody on with no changes and just try to see if they could provide more jobs when the closeout of Mycogen, 'cause of the closeout of the Mycogen. So as for the -- I sorry if kinda little bit mumbo-jumbo, I little nervous over here, but as for me too, when they took over, that was my concern if they was going to bring new staff here and tell us what for do, and I would say: Hell no. Nobody going tell me what for do. I've been there 27 years, and then I made 28 years in January. I've been in there long enough where, you know, as the days go by day-to-day, I still learning. Every day is a new day. So, you know, not -- not one day I can say that we doing repetition, it is repetition, but I learning, so I not sure if that went answer any of any other questions when come up or what, but anybody get any questions?

Chair Buchanan: Mahalo, PJ. Commissioners, you guys get any questions? No more questions, but I do have feedback, which is interesting, it's nothing to do with the project, but are you currently the manager at Friendly Market Center, like for day-to-day operations?

Mr. Augustiro: Yeah, sorry for I never address it. Yes, I am.

Chair Buchanan: Okay, awesome. So when they came to do that -- that -- the conversion, since then, it's been a year, and then I'm sure it's been a very hectic year trying to do that transition, but you was provided in training on administration and anything other that you wasn't getting the last 27 years? I just curious for myself.

Mr. Augustiro: Pretty much was just hands-on, learn as we go. I kinda went sponge everything and I took 'em into my own hands and I know, just paving my own way, I just wanted to pave my own way, so I knew where I wanted to be, I never know I was going be in this position, but it's actually was one really good ride from actually that 27 years, and now, with the new owners, with different -- it's not a right or wrong with the owners because, you know, the Egusas, they kinda like went raise me there 'cause I been there from when I was 15 years old, they went ask when they left: Oh, how you feel? I told them straight, I not going find anybody better than you guys. You guys get any questions?

Chair Buchanan: No. No, that was awesome. Thank you. Okay, seeing no questions, thank you, PJ. Anyone else in the public wishing to testify on this agenda item? Come now. Okay, I see guys in the back. No? If not, then I going close public testimony on the agenda. No. I just was checking if was a hearing. So I'm going to close public testimony, and then Corporation Counsel has something to say,

Ms. Oana: Thank you, Chair. I heard a lot of great discussion and comments from you folks already. I just want to kinda focus you onto the law, and the Molokai Planning Commission rules on special management area minor permits, it says: The Commission shall approve, approve with conditions, or deny such permit in accordance with the guidelines in Section 205A-26, Hawaii Revised Statutes. So during the -- the break, I did pass out to each of you HRS 205A-26, which is the guidelines that you have to review the -- follow when in your review for developments proposed in the SMA. So if you're -- so, basically, refer to that while you're discussing your approval or denial of this permit.

Chair Buchanan: Okay, thank you very much. I think we going ask, Planner Lopez, if you can come up and go over the application again and the recommendations by staff on the project.

Ms. Lopez: Okay, so in accordance with the SMA rules for the Commission, a determination has been made relative to the above project, so the above project is referenced to the request for approval with conditions a special management area minor permit to build and operate a 7,544 square-foot warehouse and loading dock with office, located at 98 Alohi Street, Kaunakakai, Molokai, Hawaii, TMK: 2-5-3-002, parcel 124, and that the project is a development, a construction, reconstruction, demolition, or alteration of the size of any structure, and that the project has a valuation not in excess of 500,000, which the valuation if 400,000. The property does not lie adjacent to the shoreline area, therefore, it's not subject to the Molokai Shoreline Rules. The project will have no significant adverse environmental or ecological effect taken into account potential cumulative effects. And on July 24th, the Commission voted to grant the applicant's appeal and approve the design plan that the application submitted on August 22, 2017 reflects the design plan as presented to the Department on June 13, 2013; that the project

will not impact historical sites and/or site's remnants of archaeological and/or cultural significance based on proper implementation of archaeological monitoring; that the project will be consistent with the objectives, policies, and SMA guidelines set forth in HRS Chapter 205A and will be consistent with the County General Plan, the Community Plan, and zoning. So in consideration of the foregoing determination, a SMA minor permit is required for the proposed action; that pursuant to the aforementioned, the Department recommends approval of the SMA minor permit subject to the following four conditions: That the new construction of the warehouse is made according to those figures noted in the slides, descriptions within the application submitted on August 22, 2017, and representations made to the Department prepared by Thomas E. Hackett and Architectural Drafting Service; that the applicant shall employ BMPs for proposed construction to minimize the impact on the areas air, water quality, or ambient noise levels; that the project shall be initiated by February 28, 2019 and shall be completed within two years of the said initiation, and that full compliance with all other applicable governmental requirements shall be rendered.

So in consideration of the foregoing, the Department recommends that the Commission adopt the Department's memorandum to the Commission for a February 28, 2018 meeting as its findings of facts, conclusions of law, decisions and order, and authorize the Planning Director to transmit said written decisions and order on behalf of the Commission. Thank you.

Chair Buchanan: Thank you, Planner Lopez. Commission Members, you guys have any questions for staff? Commissioner Leonora.

Ms. Espaniola: I do. I just wanna ask a question, just for the record so that I -- I asked that, it crossed my mind, number one, if the project will have solar system implementation, that's one, and, number two, if I noticed the -- the Okimotos continued the application or was there a new application or the transfer? I'm not sure if there's necessary for them to apply in their own name because of the new owners, and I'm not sure how that works, so maybe Corporation Counsel can make clarity for myself on that.

Ms. Lopez: For number one?

Ms. Espaniola: One.

Ms. Lopez: Your first question, as part of the design, there is no solar system implementation in the design that -- so the design was created back in 2012 and so they're not -- they've never added any changes to that design, so you're looking at the same design that they started with from day one with no changes. And so as far as your second question, it is under Okimoto Holding, this application, so this application is no longer under the Egusas, and so the application you have for -- Mr. Luigi Manera is the

consultant for Okimoto Holdings LLC, and they are the applicant and the owner of that property.

Ms. Espaniola: Thank you.

Chair Buchanan: Thank you, Commissioner Leonora, for that question. Planner Lopez, on the second question, where is the found? Where's the ownership in the application found?

Ms. Lopez: You mean of the report or the application itself?

Chair Buchanan: I guess within the -- I guess within the findings of fact.

Ms. Lopez: So on --

Chair Buchanan: And the recommendation.

Ms. Lopez: Oh it's -- so in the report, it's under the application title, so it -- in the first paragraph it states when they filed the application, who filed it, on behalf of the Okimoto, and on the brief history of application, it has a small history of that property, and on that first paragraph, the last sentence it does say that the applicant purchased the property from Friendly Properties LLC on February 10 of 2017, so it's on your first page of that report. But as -- as far as the application, it's filed with the Department and we do have records of the warranty deed and showing who is the holder of that property.

Chair Buchanan: And then, Planner Lopez, on the recommendation, on item 1, the figures T-1, C-1, C-7A, and etcetera, that was submitted today as all of the --

Ms. Lopez: As was submitted on August 22, 2017, so they filed that with their application including that in their application submitted on August 22, 2017, and so what -- what we wrote in the report to reflect, so as a condition, the reflection of what actually going be done would reflect the actual figures that is in this permit as a condition.

Chair Buchanan: Okay. That's fine. Thank you. And then I guess I going let the Commissioners, in their motion, add to that recommendation the conditions that was brought up during testimony, so thank you, Planner Lopez.

Ms. Lopez: You're welcome.

Chair Buchanan: Members of the Commission, you guys have any other questions for staff? Seeing none, I will entertain a motion on the agenda item.

Mr. Pele: Chairman, I move that we approve with conditions the special management area minor permit to build and operate a 7,544 square-foot warehouse and loading dock with office located at 98 Alohi Street, Kaunakakai, Molokai, Hawaii, TMK: 2-5-3-002:124, following conditions attached, page 7, 1 through 4, which the Planning Department read. I'd also like to add on those conditions no. 7, of page 6, which addresses the project will impact historical sites -- do I have to read the whole thing? No. 7? Do I have to read the whole thing? Okay. So I would like to make no. 7 no. 5 on the recommendations: The project will not impact historical sites and/or site's remnants of the archaeological and cultural significance based on the proper implementation of archaeological monitoring. The applicant is willing to retain a Molokai archaeological monitor to be onsite during ground-disturbance activities. In the event that historic properties including concentration of artifacts, human skeletal remains, subsurface cultural deposits, or structural remnants over 50, 5-0, years of age are identified during construction activities. All work in the vicinity of the find must cease. The find must be protected and additional disturbance -- from additional disturbance and Department of Land and Natural Resources, State Historic Preservation Division, Maui Island Section shall be contacted immediately at the number listed 243-1285.

Mr. Sprinzel: I second the motion, and thank Friendly Market for feeding me since you've been there. Thank you.

Chair Buchanan: It has been moved and seconded. Maker of the motion, on the first, second, third line of the proposed condition listed in item 7 to deal with archaeological monitoring, I'm suggesting a friendly amendment reading the applicant is willing, to strike the word "willing" and to add "shall." So the applicant shall retain a Molokai archaeological monitor, etcetera.

Mr. Pele: I'm willing to that friendly amendment if it's amicable, or not amicable, but if it's feasible to find somebody in that -- that capacity for them. I mean if they do those -- do people on Molokai exist in that capacity? Okay, then I am more than willing to amend my motion to include to strike "willing" and "shall" use a Molokai archaeological monitor.

Mr. Sprinzel: And second.

Chair Buchanan: Thank you, Commissioner Pele and Commissioner Sprinzel. It's been moved and seconded. We're now open for discussion, Commissioners, on the motion. No additional discussion? Okay, I'm looking at Planner -- so I have my own discussion, seeing that there's no discussion by Commission Members, the Chair will not be voting in the affirmative on this motion, and I going state my reason for the record, not saying that I going vote against it, but I'm just saying I not going vote in favor of the motion, and I apologize, it's mostly maybe because this application is now five years past the 2013 application date, I felt that I wasn't given enough information in my paperwork prior to this

meeting that I thought was -- was in here but, apparently, it wasn't, some issues that I have a hard time, and I wanna make -- make no mistake that I totally support Friendly Market Center, their employees, and the Okimotos in what they doing, that has nothing to do with my review of the engineering schematics that I really needed to see in order to evaluate if I felt, in my capacity, as a servant of this community, that the flooding issues are being met appropriately, I was not able to determine that at this time. Procedurally, I wasn't sure, and I didn't see comments, I don't know if having five years being expired past the initial application, which was the exhibits, items 1 through 6, that said that reflected there was no changes, my question would have been, and I should have asked it earlier, if there needed to be a -- a resubmission for a 500-foot buffer for comments by businesses or anybody within 500 feet of the project, which is in the rules, so I didn't see that comment by Fire and Police and that's probably why the issue -- discussion of safety kept on coming up. The other thing I did not see was a traffic study and a traffic report, and I was concerned about ingress and egress of the, as you guys said, coming back and forth, but customers egressing out of Friendly Market Center currently, how that would work with the ingress and egress of the proposed new project, and there was no traffic study to address that. There was also no comments, current comments even if was dated August 2017, it would have been fine, from Fire, Police, Public Works on the proposed project. One would think within five years lapsing that there could have been work done to make the project current and easier to review, at least by myself, so that's why I'm hesitant, it's not the hesitancy against the project itself, it's not, it's hard for me to serve my community in this capacity without having all the tools and knowledge that I need within, for myself, to make these types of safety flooding types of calls on behalf of my community and that's why, at this point in time, I cannot vote in the affirmative, but clearly want to state that I totally support making life easier and, PJ, I wanted you to know that Auntie did park outside and watch your operation for a few hours, and so I know how hard things are logistically for you folks to operate as a business, and you are totally correct, and it does need to be mitigated, so it's not a punishment to you, as the applicant, but I'm hoping, moving forward, that further future applications meet all what is expected by me, as the Chair of the Commission, for review, and then that's all I wanted to bring up because, procedurally, you don't want this to come back and bite you later on that we never say this and we never do that, and we see that all the time now. So thank you very much. Go ahead, Commissioner Pele.

Mr. Pele: All those things that you mentioned, are those part of the requirement for them to apply with - traffic studies, Fire? I mean wouldn't it be in the packet that we received? I mean, again, are we -- are we just creating things? I'm just asking a question.

Chair Buchanan: Let's ask staff.

Mr. Pele: Yeah, okay.

Ms. Lopez: You're correct. You're correct, Commissioner Pele. That's actually for an SMA use permit. So under a regular SMA assessment, those are not required.

Mr. Pele: Yeah, so --

Ms. Lopez: And because it's a new application, they went through the review of all of the agencies and no one responded or they had no comments, and if they would have comments, it would be included in your report.

Mr. Pele: Okay. I just wanna -- just 'cause I want to make sure that we're not just throwing stuff out there that could influence decisions knowing that they didn't have to do that.

Ms. Lopez: Thank you.

Mr. Pele: Is that a true statement or not?

Ms. Lopez: Yes.

Mr. Pele: Okay. That's all.

Chair Buchanan: For the record, you said that they never had to do that. They did have to do that.

Mr. Pele: No, but if they're --

Chair Buchanan: But we just never see 'em.

Mr. Pele: Yeah, 'cause they were not relevant. Correct?

Ms. Lopez: If it was relevant, it would have been in your report.

Mr. Pele: Yeah.

Chair Buchanan: Wait a minute. Don't --

Mr. Pele: Okay, can we just --

Chair Buchanan: Don't go there. Don't say whether it's relevant because the only people that decide whether something is relevant or not, is right here. They sitting right here. Okay?

Mr. Pele: But the requirements. I'm asking what are they required to do.

Chair Buchanan: Answer the one question. Are they required to do that?

Ms. Lopez: Required to do the traffic study and what -- is that the question?

Mr. Pele: Yeah.

Ms. Lopez: Can you be a little bit more specific so I can answer accordingly?

Mr. Pele: No, she was saying that she didn't see --

Chair Buchanan: Are you required to get comment back from Fire and Police?

Ms. Lopez: Yes. Oh, yes. That's what I said. So they -- we, during every new application, they went through an SMA assessment application.

Mr. Pele: Correct.

Ms. Lopez: So assessment application is different from an SMA major use permit application.

Mr. Pele: Right.

Ms. Lopez: So they have different requirements. And so under this purview of an assessment application, every agency that is pertinent to the particular application needs -- they all do their review and they --

Mr. Pele: What my question is I'm asking when you stated why -- the reasons why is because there were no Fire report, nobody came back. I makes me question myself, as a Commissioner, are they valid comments that she's making --

Ms. Lopez: Yeah --

Mr. Pele: That they need to be in here or did we have all the information that we needed to make a decision?

Ms. Lopez: You had all the information you need to make a decision.

Mr. Pele: That's all I wanted to ask.

Chair Buchanan: Thank you, Commissioner Pele. So I really just need to validate that it was required, okay, you do need to get -- if you have an SMA permit, again, maybe we

need to get training again on what the rules are in Chapter 205A, but it is required for the application before us today, now someone decided, somebody in staff decided that either it was relevant or irrelevant for us to see the comments. For myself, guess what? I like see the comments. So if -- if Fire and Police came back, if -- if it said no comment, then say no comment. At least give me, as the Chair of the Planning Commission, the opportunity to -- to determine whether I found that relevant or not. If you tell me no comments, it's not relevant. But if you tell me, you know what? We had some concern. There was theft. There was an accident over here. That's for you to determine it's relevancy not the Department.

Mr. Pele: But -- yeah, but there were no comments. That's why we didn't see them.

Chair Buchanan: How do I know?

Mr. Pele: Because staff did their job.

Chair Buchanan: Thank you. So you know what? I going do my job. My job is give me the letter from the Fire Department that says I have no comment. So I going be happy. That's it. Fire said I have no comment. I'm happy. All I'm saying is there was not enough information --

Mr. Pele: For you.

Chair Buchanan: To satisfy me --

Mr. Pele: Okay.

Chair Buchanan: Within this application today to feel really awesome and good about throwing down and saying yeah because I --

Mr. Pele: Alright. No, that's cool.

Chair Buchanan: I anal that way.

Mr. Pele: I made the motion. I feel awesome and good today.

Chair Buchanan: Yeah.

Mr. Pele: Really good.

Chair Buchanan: Okay, thank you. Corp Counsel.

Ms. Oana: And I'm not sure but maybe staff thinks it's not relevant because it doesn't pertain to the guidelines that is what you have to review for -- in granting or denying an SMA permit. I don't know, and I don't know if it's just because they all had no comments so don't put it in there, but, you know, I'm just throwing it out there that maybe they felt it wasn't relevant because their comments were not in accordance with the SMA guidelines, it could be something off-topic and really you shouldn't be putting in conditions that don't have a nexus to what you're trying to protect in SMA, which is the environmental and ecological adverse effects so, Sybil, maybe you can elaborate on what the comments were or that there were just no comments and that's why you didn't put in the report. But I just wanted to bring it back to there's SMA guidelines that you guys have to review when you're deciding these kinds of permits.

Ms. Lopez: Thank you, Commissioner and Chair, and thank you, Corp Counsel, for just kinda wanted to reiterate that's how the review process go and everything that you see before you, it has it's own review process so you're not getting something that hasn't been reviewed by somebody or have even -- I mean with no comments, I cannot force the Fire Department to just give me a report if they don't have anything to comment on so --

Chair Buchanan: So let me clear this up. From today's meeting forward, the Chair request that we see copies of the comments that were forwarded to Public Works in the assessment at least that the Chair has a copy so she no have to bring this up at every meeting. Can I, formally and humbly, request that all that information is provided to myself? Thank you.

Ms. Lopez: I think that's up to Corp Counsel 'cause --

Chair Buchanan: Well, she said it has to be to everybody.

Ms. Lopez: It has to be the board had to be in agreement so would be like a --

Chair Buchanan: Can I request that it be distributed to the entire board? I would appreciate that. It would help me do my duties. Thank you.

Ms. Lopez: Then I would ask, Corp Counsel, would that need to be something to be voted on so that everybody concurs on the -- would that be a motion or just --

Ms. Oana: No. Planning can just put in the comments in each of these --

Ms. Lopez: Okay.

Ms. Oana: Things that the Commission has to review.

Ms. Espaniola: I'd like to say that --

Ms. Lopez: Can.

Ms. Espaniola: If I may, Madam Chair, I am in agreement with the fact because, like I said, we do have a drainage problem and making sure that we have all of our basis covered whether it be traffic, whether it be drainage, whether it be the water supply, we should have documentation saying that these guys said is all okay. We should have that. That should be covering ourselves and making sure that we covered all our basis. So in that sense, I am in agreement with Madam Chair making sure that we have -- have this documentation that firemen, policemen said that it's -- they're all good. So whatever comment it may be that -- that it's -- that they're fine with this, it's all good.

Ms. Lopez: So noted. Will do. Thank you.

Chair Buchanan: Thank you, Commissioner Leonora. Anymore discussion? There is a motion on the floor, and it has been seconded. If there's anymore discussion on the motion? Seeing none, I'll call for the vote. All those in favor, please raise your right hand? Okay. Can I -- wait. Can I call for the vote? Commissioner Pele, aye.

Mr. Pele: Aye.

Chair Buchanan: Commissioner Lasua?

Mr. Lasua: Aye.

Chair Buchanan: Commissioner Poepoe?

Mr. Poepoe: Abstain.

Chair Buchanan: Commissioner Sprinzel?

Mr. Sprinzel: Aye.

Chair Buchanan: Commissioner Leonora? I beg your pardon? No. Well, I never call for the no, but that's okay. And then Commissioner Buchanan? Aye.

Ms. Oana: Chair?

Chair Buchanan: Yes?

Ms. Oana: Commissioner Poepoe, can I get your reason for abstaining?

Mr. Poepoe: My reason was pretty much whatever was explained by Chairperson Buchanan and Commissioner Espaniola.

Ms. Oana: Okay, if you don't have a conflict and I --

Mr. Poepoe: Okay.

Ms. Oana: I neglected to mention this previously, you know, we all know that Mahina Poepoe is your wife --

Mr. Poepoe: Yes.

Ms. Oana: And she frequently testifies at every meeting, do you find yourself in any conflict of interest in voting on matters when your wife testifies for or against a project?

Mr. Poepoe: No.

Ms. Oana: Does any of the other Commissioners feel that there's a conflict of interest with regard to Mr. Poepoe voting on matters when Mrs. Poepoe has testified for or against a project? Okay, moving on. With regard to your abstention, you cannot abstain unless there is a conflict, so you have to vote yay or nay. If you abstain, it's counted as a yay, for your information.

Chair Buchanan: So when you abstain, it's counted as a yes vote.

Mr. Poepoe: Okay.

Chair Buchanan: That's all you have to know.

Mr. Poepoe: Yeah, I vote that way because I feel like I wasn't informed enough, that the lack of information that could have been provided that is unnecessary so -- I mean it doesn't need to be included. I probably could make 'em be relevant if I knew what we was dealing with. But we no get for see 'em I guess so, so I cannot make that decision whether or not -- without all the information provided, I mean that could possibly be provided to me. I cannot make one fully informed decision, and it's nothing to do with -- because I am in support of protecting the -- the rice from chickens and stuff because see 'em getting eaten underneath the -- the chicken coop, like PJ was calling 'em. Just for my own peace of mind, I no -- I like make the best decision possible with all the information that could be provided so I feel like made the best decision, fully informed decision just for myself.

Ms. Lopez: Can I comment, Chair? So if you defer or deny, and you want full information, there's nothing, anything different that you're going to see today or the next meeting. There's nothing -- more information that you think that the Department is hiding. It'll be the same information just probably adding five pages letting you know that agencies said no comment. So there's nothing I can add to this presentation what you guys already seen that's going to be any different from what you guys see today. Just for the record.

Chair Buchanan: Okay, let me -- let me stop this right now, okay? The Chair called a roll call vote on the ayes and the yays. Okay, I did not call for a vote on the no vote or on the abstention vote, okay? I never get there yet. So I have to admit, I'm a little bit -- I'm a little bit perturbed, and I'm going to take that responsibility upon myself, as the Chair. Let me do this right now, okay, before I call for the vote, and I've already done it on the aye votes, are there any Commissioners on this board, Commissioner Buchanan, are you paying attention? Are there any Commissioners on this board that have a conflict of interest with the matter before us, on this agenda item today, which we are voting on? Now is your time to disclose that. Okay, seeing none, then the vote, that roll call that I took on the aye votes, I was just looking for aye votes, and I got that. I think it's inappropriate of staff and counsel to go where they've just went. I'm the Chair of this Commission, and if we need to go to executive session to discuss this kinda stuff, then that's what we going do. My bad that I never ask for one disclosure upfront, okay. So I apologize for that. But having done that, having taken the aye votes, the motion that -- so there was no ayes, so I'm going to ask now. Is there any voting to abstain? And if you have an issue not knowing what an abstention vote is, then we can explain it to you. So all those voting -- do you need, Leonora, to be explained what a abstention means that it's -- it's an affirmative vote in favor of the motion, according to our rules?

Ms. Espaniola: No, I didn't abstain, right?

Chair Buchanan: No, you never, but I never call for the no votes yet. So all those that abstain, raise your right hand. And then, for the record, all those voting no, raise your right hand. We are not voting to defer. The motion on the floor is to approve this application with the recommendations, which were conditions in your packet that Sybil read, with the amendment being on recommendation adding item no. 5, taking the text out of 7 on the previous page, changing "will" to "shall," and that's what we are voting on today. There was a motion, it was seconded. There were four votes in affirmative, aye votes. I am now taking the no votes, and then the -- the abstention votes and the no votes. I will have Corp Counsel explain what a abstention vote is, if you don't mind, Jennifer. I would appreciate that. Thank you.

Ms. Oana: So an abstention vote is a silence or refusal to vote for whatever reason, and in the Molokai rules, unless a present member is disqualified from voting pursuant to the conflict rule, their silence or refusal to vote shall be recorded as an affirmative vote.

Chair Buchanan: So you saw that the -- the Chair was willing to vote and to abstain, and I voted to abstain, but I went one further. I went to voice the reasons why I wasn't going to vote in the affirmative to begin with, and so that -- that I did, and so that is on the record. So now that it's on the record, I'm happy. I'm not happy, but I'm okay with putting an abstaining vote because it's on the record as to why I'm abstaining. So that is the reason why. So, right now, just for the record, I am calling for the no votes, but I will entertain again that all those who wish to abstain, raise your right hand? So, for the record, there are no no votes, zero no votes, and three abstainations. With that, the motion is carried. Thank you very much, Commissioners.

It has been moved by Commissioner John Pele, seconded by Commissioner John Sprinzel, then

VOTED: to approve the Special Management Area Minor Permit in order to build and operate a 7,544 square foot warehouse and loading dock with office located in the B-CT Country Town Business District at 98 Alohi Street, TMK: (2) 5-3-002: 124, with conditions as presented, and add condition no. 5:

The project will not impact historic sites and/or sites remnants of archaeological and/or cultural significance, based on proper implementation of archaeological monitoring. The Applicant shall retain a Molokai archaeological monitor to be on site during ground-disturbance activities. In the event that historic properties, including concentrations of artifacts, human skeletal remains, subsurface cultural deposits, or structural remnants over fifty (50) years of age are identified during construction activities, all work in the vicinity of the find must cease, the find must be protected from additional disturbance, and Department of Land and Natural Resources-State Historic Preservation Division, Maui Island Section, shall be contacted immediately at (808) 243-1285.

**(Assenting: L. Buchanan-*Abstain*; W. Buchanan; L. Espaniola-*Abstain*; L. Lasua; J. Pele; L. Poepoe-*Abstain*; J. Sprinzel)
(Excused: C. Adolpho; X. Bicoy)**

Ms. Lopez: Thank you, Chair.

Chair Buchanan: Do we need -- anybody needs a break, Commissioners, or shall we just makaukau.

Mr. Sprinzel: Let's get going.

Chair Buchanan: Let's get going? Thank you very much. Mahalo Friendly Market Center. Go build your warehouse. Awesome. Thank you. Uncle Billy, you need a break? No? Thank you. Okay, we on to the next subject. Thank you, Commissioners. Thank you, staff. Thank you, Sybil, and Jennifer, and staff for working with us through that. I appreciate it. Thank you. We are now on item D, Director's Report, under item no. 1:

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

D. DIRECTOR'S REPORT

1. **MR. WILLIAM SPENCE, 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. LUIGI MANERA, on behalf of MR. CHRISTOPHER SCHROLL submitting a Special Management Area Assessment (SMX) application for new construction of a 2,500 sq. ft. concrete slab to place 3 forty (40) ft. containers with a 2,500 sq. ft. roof on property located at 8582 Kamehameha V Highway, TMK: (2) 5-7-007:087, Puko'o, Island of Molokai. (SMX 2016/0547) (Valuation: \$60,000) (S. Lopez)**

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

Chair Buchanan: Thank you, Planner Lopez.

Ms. Lopez: Thank you, Chair. I do have Mr. Luigi Manera here today that would -- I would wanna turn the mike over to him but, basically, it is a waive to review. This project is requesting for an exemption. It is less than the \$500,000.00 value. They're -- they're just enclosing the -- the three 40-foot containers with a -- a pitched roof located in the Pukoo area, so, Mr. Manera, would you wanna come up, please?

Mr. Manera: Hi. Luigi Manera. I did make copy of the proposed project and this is -- it's just three container on a U-shape with a roof, it's about 50-by-50, at the Pukoo Lagoon, of the -- on the mauka -- on the south side right next to the house that's being built. It

would be about 30-40 feet inside -- outside of the shoreline, they've already certified prior to this, and all the flood zone was approved prior to this SMA. It's just a simple structure.

Chair Buchanan: Thank you, Mr. Manera. Number one, I gotta say I really appreciate getting the schematics. It really helps me in your application or the Department's determination to waive a review. Can I ask you a question about the last, the typical section?

Mr. Manera: Yeah.

Chair Buchanan: I have one pressing question because -- because we have two things in the application, number one is the concrete slab, and number two is the roof. Where is the runoff from the structure going? And is it in here? Because this is -- and if this structure is on the shoreline --

Mr. Manera: It's --

Chair Buchanan: Is it subject to setback?

Mr. Manera: Yes. We are behind -- it's not included. It's not part of the shoreline. It's behind the setback.

Chair Buchanan: Okay.

Mr. Manera: The shoreline, if you take a look at the -- at the map, on the -- well, it's a little bit smaller, but I can give you this, the shoreline is marked with the -- with the dark dotted line. It's actually a fixed shoreline because there's rock, you know. That's a -- that's a fishpond. So it's actually on the shoreline but not within the boundary of the shoreline.

Chair Buchanan: Did you need to get a certified shoreline?

Mr. Manera: Not for this matter because it's behind the house. What we done, they ask for the flood, and we did all the study on the flood. I have the copy with me.

Chair Buchanan: Mr. Manera, if you no mind, you can come -- come over here and point out to me? You know why? It's so small. I cannot see. I apologize for being old. Hang on. In that, why you never give me this? If you no can see, I no can see. Okay. Can we just -- can I look at this for a second? Thank you. I'll push -- I'll push -- push it down. I apologize community members. Just trying to get bearings on where the application project is. Mr. Manera, so the -- this storage is currently behind the existing structure home --

Mr. Manera: Yes.

Chair Buchanan: Where the caretakers reside, right?

Mr. Manera: Right. Right.

Ms. Machado: Lori, you on the other side.

Chair Buchanan: Oh, you on the other side.

Mr. Manera: On the opposite side.

Chair Buchanan: Okay.

Mr. Manera: On the Puanaaha Fishpond.

Chair Buchanan: In reference -- was there a new structure that was built? Fairly new? Remember we had one application?

Mr. Manera: That was for the house.

Chair Buchanan: Yeah so -- so this structure is still behind that?

Mr. Manera: Right.

Chair Buchanan: Okay.

Mr. Manera: Yeah, there's nothing -- yes.

Chair Buchanan: So it's not -- it's nowhere near the water?

Mr. Manera: No. It's --

Chair Buchanan: Okay. I sorry.

Mr. Manera: Let me show, well --

Chair Buchanan: How are we mitigating runoff from the roof because it's 2500 square feet? Talk on the record. So please note, for the record, that the applicant, Luigi Manera, is showing the Commission Members by way of a map, a bigger map, where the structure and proposed project lies. Thank you.

Mr. Manera: Okay, first of all, this is the shoreline setback. Whatever is on this side, is the setback shoreline. The structure is right over here. There's nothing to do with -- with that. So the -- he have the three container already existing there.

Chair Buchanan: So, I'm sorry, Commissioner Poepoe, you have a question?

Mr. Poepoe: Is the property boundary line considered the shoreline?

Mr. Manera: No, no, no. No. The shoreline is just the shoreline. Wherever the boundary is --

Mr. Poepoe: So this Lot A?

Mr. Manera: Yeah.

Mr. Poepoe: This is the boundary line?

Mr. Manera: Considered the shoreline setback.

Mr. Poepoe: And it follows the -- the boundary?

Mr. Manera: The boundary is over here too. The boundary is wherever the boundary is. Lot A and Lot B. And Lot A is just this. And Lot B is this. But this is the shoreline.

Chair Buchanan: So, Commissioner Poepoe, this is the boundary of the property --

Mr. Manera: It's outside.

Chair Buchanan: ...(inaudible)... there is a setback, a shoreline, and that's what you see this line is, so that would have had to come out and they would have had to measure 150 feet from the boundary or the shoreline back for development purposes. Is that correct, Planner Lopez?

Ms. Lopez: Because we don't have any erosion rates for Molokai, we use the lot -- average lot depth calculations, and the average lot depth calculation is correct, either 150 feet would be the max or 25% of the area of the property in order to determine the shoreline setback, and so if they would -- if they would have to come in for a shoreline setback approval, that is determined administratively, so that wouldn't be for the Molokai Planning Commission.

Mr. Poepoe: So my question is if the -- the lot would be considered kinda like a island since that -- that would be all considered shoreline?

Ms. Lopez: Not necessarily.

Mr. Poepoe: 'Cause stay in that fishpond, yeah, that opening?

Ms. Lopez: No. Not -- not necessarily, and you would have to take the TMK, the property line of that and the area so not necessarily.

Mr. Pele: Can -- can I ask you a question?

Ms. Lopez: Sure.

Mr. Pele: So when they measure that setback, where's the beginning point? Where do they -- where do they determine from the ocean where they're going to start measuring from?

Ms. Lopez: The highwater mark.

Mr. Pele: Highwater mark. Okay. So 150 feet from the highwater mark in?

Ms. Lopez: Correct.

Mr. Poepoe: So the dark -- that dark line is the shoreline?

Mr. Manera: That's the shoreline setback.

Ms. Lopez: The setback.

Mr. Poepoe: Okay, okay, okay.

Mr. Pele: That's 150 feet.

Ms. Lopez: So meaning the setback has been determined.

Mr. Poepoe: The -- that's the setback --

Ms. Lopez: Correct.

Mr. Poepoe: That's counted as what is outside of the shoreline.

Mr. Manera: We -- you cannot build --

Chair Buchanan: From the shoreline.

Mr. Manera: Okay, you cannot built within the shoreline setback.

Mr. Poepoe: Yeah.

Mr. Manera: It has to be outside, so you have to -- he built outside that line. It cannot be from the line to the ocean. It cannot. Have to be outside.

Mr. Pele: Can I ask this question? So from the highwater mark, that shoreline setback line is 150 feet from the highwater mark on this map or 25%?

Ms. Lopez: Well, because part of the requirement because they sit alongside of the shoreline --

Mr. Pele: Right.

Ms. Lopez: Part of the requirement in the application is that they have to submit a certified shoreline survey, so they -- they had a surveyor come in and give you the -- provide the shoreline setback, so that's why we said the shoreline setback has already been determined.

Mr. Pele: Okay.

Ms. Lopez: Yeah. So we no have to go --

Mr. Pele: I understand how --

Ms. Lopez: Yeah, so we no have to go another from that setback line and do the 150 feet or 25% because they already hired the surveyor to make that determination; that is part of the requirement when they submit this application.

Chair Buchanan: Commissioner Poepoe, is it because the word "shoreline" would indicate the shoreline and, in this case, it was a old fishpond that was filled, and so when she said the lot depth and the zero line, if it was a fixed stonewall, that would be considered the high -- the shoreline?

Mr. Pele: Yeah.

Chair Buchanan: So maybe that is kinda confusing. Planner Lopez.

Ms. Lopez: Well, not necessarily the stonewall would determine the highwater mark 'cause sometimes the high watermark go beyond the stone line -- the stone wall, so it's the actual highwater mark, but it fluctuates because this is near pond so sand come, sand leaves, sand come, sand leaves, so your highwater mark will be determined by seasons 'cause it fluctuates.

Chair Buchanan: Commissioner Pele.

Mr. Pele: But they use the highest fluctuation, correct?

Ms. Lopez: Yeah. So we're not fluctuating with the --

Mr. Pele: Yeah.

Ms. Lopez: We going use at the highest point, so at times it'll go beyond that and we would take the beyond measure.

Chair Buchanan: And would be determined by time of year whether you in winter or summer. Commissioner Poepoe, you have question?

Mr. Poepoe: I still get hard time looking at this because I know that this -- this portion is in the ocean and this portion -- only have -- yeah, I might have little bit hard time with kinda --

Mr. Manera: It's a very trippy situation because I think because was dredged because of the stone around but that map was approved by the State DLNR, it's not like I just come up with the line. It doesn't work like that. I know it's a very unusual situation.

Ms. Lopez: And so when they do the surveying, they do consider fishponds, and the reason why I bring up fishponds is when you guys had the SMA for the One Alii, when they requested for an exemption to build the facility, if you looked at that shoreline was out beyond by the beach because they considered the fishpond at that time, and I know being the cultural practitioner on the board, I know you would have more questions. And just to know, when they do the surveying, the surveying is only up for 12 months, and so the time of date of which they determined that would matter because then the 12 months would expire and so they would have to come in again and get another surveyor out there to resurvey their land for the time of which the -- the surveying map would be able to exist to be certified, so they only have a 12-month window every certification that they do.

Chair Buchanan: Thank you. Go ahead, Commissioner Poepoe. No feel stressed out. Go ahead. You get question. Go ask.

Mr. Poepoe: This -- this current shoreline setback expires sometime this year?

Ms. Lopez: 'Cause it was made earlier.

Mr. Manera: Yeah, because it was made earlier.

Mr. Poepoe: And it renews every year?

Mr. Manera: Yeah. It have to be renewed. Yeah.

Mr. Poepoe: Okay. And the thing covers the same boundary every year? In that, to whoever the -- they determine the high water line?

Mr. Manera: Yes, because -- because it's fixed. It's a stone.

Mr. Poepoe: Okay.

Mr. Manera: That's why.

Ms. Lopez: It's manmade.

Mr. Manera: Yeah, it's manmade, basically, because the fishpond and whatever they did at the lagoon.

Mr. Poepoe: And that's why get one boat floating inside the shore.

Mr. Manera: They have one. That one was there before. I don't know whatever, whoever did that.

Chair Buchanan: Thank you, Commissioner Poepoe. Commissioner Poepoe, just taking a learning opportunity, you can always ask the date of certification on a shoreline certification. Sometimes it's pertinent especially with shoreline buildings, but there was always a date stamped on a certification of a shoreline so, in the future, you can use that.

Mr. Pele: What happens -- I'm sorry. What happens to that certification once the structure like -- question. Let's say this was approved and they built it. They don't do anymore shoreline studies after that?

Ms. Lopez: No.

Mr. Pele: So in a situation where you run through, like Kaluakoi, where the building starts falling into the ocean, nothing is done after that?

Ms. Lopez: No. The purpose for the shoreline survey is only during permitting.

Mr. Pele: Okay.

Ms. Lopez: Yeah. I mean majority that I know that I see is only during permitting phase. Good question.

Chair Buchanan: Thank you, Commissioner Pele. That's a great question, and I think that's why I argued that at the time we were reviewing the waive or not waive again. Commissioners, any further questions? If not, then the Chair just has one question. Again, how are you mitigating runoff from the 2500 square-foot roof? Where does it go because the -- the other development adjacent to that, there was a sump that was collecting excess runoff so it doesn't go in the ocean.

Mr. Manera: No. It's staying on the property. It's staying within -- within the property. It doesn't go to the ocean. We tried to manage that, in this case, with --

Ms. Lopez: Is there the basin?

Mr. Manera: Huh? No, no, no. There's a basin but there's also grass and rock. We dug a -- like a swamp, like a, not a berm, but a rock, a gravel pit and that's where the water go.

Ms. Lopez: The retention basin.

Mr. Manera: Retention.

Chair Buchanan: So I would assume that there would be the kine stuff they put for catch the rain when the rain flow and then the thing go to one place, and then hit the cement, and then go out to the gravel rock?

Mr. Manera: Yes.

Chair Buchanan: Okay, that's all I wanted to know.

Mr. Manera: And the gutter, you know, but we have a gutter.

Chair Buchanan: Okay, thank you. That's I guess that's what I was asking is how you mitigating the runoff because 2500 square-foot roof is -- is kinda big. So anymore -- anymore questions?

Ms. Espaniola: So I just want clarity, Chair, if -- 'cause it says here it's not a development and exempt from the requirements of the Molokai Planning Commission, so what part is exempt?

Ms. Oana: Basically, it would be exempt from the SMA rules, so they wouldn't have to have a permit. It'll be exempt from getting a permit, SMA permit.

Chair Buchanan: So let me expound for Commissioner Leonora. What they asking us is -- this already came to the Planning Department in Maui for an assessment, Planning Director has determined that this is -- qualifies as an exemption that doesn't have to jump through all the hoops that you would that we just did for Friendly Market Center, so it comes back to this Commission to say yes, we no like see this project, that's why I thank them for this because, in the past, we never have this; otherwise, so if you no have this, then you no more question 'cause it's -- how can you ask question and you based on air, so that's why I'm thanking the applicant for providing this, otherwise, we wouldn't have questions, and then, of course, my only recourse would be to say no, I like see 'em. So this is them trying to mitigate me and us asking to like not concur with the Planning Director -- Planning Director saying no need. No need. No need da kine, this is exempt. So, today, if the Commissioners no have anymore questions, what -- what they asking us to do is to vote or concur to agree with the Planning Department and Planning Director that we waive our right to review this project, and that's it. If we cannot make any conditions to the project, we can only do that if we actually hear the entire project, so is everybody clear in what we doing today? Okay. So, with that, if there's no questions by Commission for staff, you do have a question, Commissioner Pele?

Mr. Pele: It might be hard one. I'm just trying to find out, on this map, I see the setback line, do you know the approximate distance from the setback line to the building itself, to the storage warehouse? Is it listed somewhere? Maybe I missed it. Just -- I'm just -- a rough estimate is good for me. Hundred feet? Two-hundred feet?

Mr. Manera: Probably -- no, I mean from the shoreline --

Mr. Pele: From the setback line. From the setback.

Chair Buchanan: Planner Lopez, what is the buildable --

Mr. Manera: About 20 feet.

Mr. Pele: Twenty feet.

Mr. Manera: Twenty feet.

Mr. Pele: Twenty feet. Okay.

Chair Buchanan: Area from the certified shoreline that one can build?

Ms. Lopez: Buildable area within the shoreline or right after the setback?

Chair Buchanan: Once you get a shoreline setback --

Ms. Lopez: Well, there's no setbacks from the setback.

Chair Buchanan: Okay, thank you. That's the question. Okay, thank you, Commissioner Pele. Anymore questions for staff. If not, the Chair will entertain a motion to waive or not waive review. Oh, I'm sorry. I never get public testimony. Thank you, Vice-Chair. That's why I get him next to me. I'm sorry. You have anything else, Planner Lopez? If not, we're going to open for public testimony on this agenda item. Please come up and state your name for the record. Anyone wishing to testify?

Ms. Poepoe: Hi. Mahina Poepoe again. I wish I can see what you see with the application stuff. I think I have a question about the setback also because there is shoreline on three sides of the house or this slab, so I'm just wondering if it's calculated from all three sides. And I've seen these types of things with the containers and the roof be done on blocks instead of concrete so, you know, concrete's really permanent, if that would be something. I don't know. That's all. I was mostly wondering about the setback from all three sides and not just from the front 'cause there is the fishpond and then it's questionable, is it like a lagoon, is it private, is it public, or whatever so, anyway, thank you.

Chair Buchanan: Thank you, Mahina. Any questions for the testifier? I do have a comment, Mahina. I'm sorry. I'm sorry that you don't have information on this application because it's -- you should have had something to look at to answer your questions as a community member. Okay, thank you. Next testifier? Name for the record. Thank you.

Mr. Napoleon: Hi. Aloha, Commissioners. My name is Sherman Napoleon, and I kinda work for the nonprofit out there in the Pukoo area, at the Pukoo Lagoon area, and so we talked about the runoff, so with the existing project that they have there already, they actually have a sump area, and so that 25 square-foot roof area that they talking about with the workshop containers and that new addition they wanna add to this, this project, it has that existing sump area there already that they had built for the other one, so that

water is probably end up either going to get catchment from, you know, maybe the concrete area or something and have it either piped down there or it's going to basically run on top the grass and go down into that -- that area 'cause sooner or later, that whole area is going to be like landscaped, so it's kinda built already in such a way that all the water that's going to be coming off of that two projects actually, the additional house and then now the addition all ends up running down into the sump area, which is not going to be running into the ocean. Now the ocean side will be on the south side. On the inside side, it's actually the lagoon area. I mean for you, for those of you who are familiar with that area, the inside part would be the lagoon area, so this would -- the water is actually, from that area, would actually run towards the mountains or towards the -- instead of running out into the ocean side on the south side, so that'll be contained all on the property, in the property area. Okay, and that was the only comment that I had.

Chair Buchanan: Thank you. Commissioners, any questions for the testifier? Go ahead, Laa.

Mr. Poepoe: So the -- the water going runoff and be caught with one container or the thing just going run into the -- onto the ground?

Mr. Napoleon: No. And then it seeps into the ground after that so it actually is more like a I guess you can say like a just a catchment area, it's not like concealed, it's like a -- it's like a pond. You end up going be like a -- like a pond there that, when it rains, it fills up and then, couple days later or a day later, the water seeps out and go out. So -- but -- but the terrain of the location of both areas or both projects that are down there ends up into this little -- it's like a sump area and it's basically just like a hole in the ground that they built, landscaping it so that all of the water, runoff water would end up in that area and then gradually seep out. So it doesn't like run in there and ends up in the water, and if it does -- it's not going to run out because we've seen the last rains there and we've never seen it run over into the lagoon. Now, if anything, it's going to run over to the lagoon, not into the ocean side. The ocean side will be considered the south side of the property, which is over there where Lanai is, that side. On the other side, it would be the lagoon, and then the lagoon is, technically, a private lagoon.

Mr. Poepoe: The lagoon is -- is connected to the ocean?

Mr. Napoleon: It's connected to the ocean only on the front side, so that'll be south side. So the outside boundary, wherever -- however they decided the outside boundary, that'll be the outside boundary. In this case, way back when, dredged, filled up the fishpond, I believe that the -- the stonewall, outside stonewall area of that lagoon area is considered the outside, correct me if I'm wrong, but it's considered the outside; after that, it is public. Inside of that wall and that opening will be considered private on the inside, so something like what they doing at Hawaii Kai, go underneath bridge or the inside, private; outside

the bridge on the outside, public. So that's how that -- but it's connected though, I mean it's not -- I'm not saying that it's not open to the ocean but -- but that front part will be considered like a line that says private and, you know, but, like I said, for the last rain, so since they did that development there, it has not overflowed what the -- what the capacity of that sump area is to contain all of the rain water that they have in that area.

Mr. Poepoe: With the -- so you get one -- one low spot that the --

Mr. Napoleon: Yeah, it'll still --

Mr. Poepoe: The runoff would end up in?

Mr. Napoleon: They built -- when they actually did the excavation of the area, they built it so that they had someplace to runoff water, so from the building, the house that's there that they're building, that the Commission approved already, they actually have a little thing that comes down from the house and it ends up inside that area, comes on the ground and then there's a place that water comes into the seep area, and so the same runoff would be that way 'cause of the way the terrain is built that all of the water ends up in that area.

Mr. Poepoe: You get one -- it has a large holding capacity for runoff water?

Mr. Napoleon: Yes. Yes.

Mr. Poepoe: Is there a possibility -- I mean between running off -- if we get one substantial enough amount of water between the -- the ditch and the lagoon, which one would runoff towards --

Mr. Napoleon: It'll -- if it ever got to the point where it would run off, it would run off into the lagoon -- lagoon area, which would be towards the mauka side 'cause the berm on the ocean side must be as high as this -- this ceiling maybe. I mean it's -- it's up there. It is -- yeah. That's from the setback and the berm that comes up, I will say if we was do an elevation thing, maybe 20 feet I think, I don't know, 20-25 feet on that berm. Yeah, and then it slopes on the front side, so on the shore side, it actually -- it slopes like this, it slopes up, and then the -- the developments are in the inside.

Mr. Poepoe: How -- how high of a angle is the slope? Is it the --

Mr. Napoleon: Gee, I can't really say how high the angle is.

Mr. Poepoe: I just trying for make sure that, you know, I mean --

Mr. Napoleon: Yeah, but -- but -- but no, I mean it's not like it's like a, you know, quarter inch for every -- every foot. I mean it's a substantial -- it's a substantial, it's not like it's -- it's, you know, it's like -- like that level like this, it's more like that. I mean you can definitely see that the water is going to flow there. If you were to walk out and see it, it actually -- you can see it's going to slope there.

Mr. Poepoe: And --

Mr. Napoleon: It's not like -- it's not like it's a level thing and chance of maybe running off to the side or anything like that. No. And like I said, the property is like let's say it's like right there, it's like so it's a berm, they're on the inside of the berm, so runoff from that project wouldn't go back towards the ocean.

Mr. Poepoe: I seen had the -- you guys went spray seed or that --

Mr. Napoleon: On top of the berm --

Mr. Poepoe: Yeah.

Mr. Napoleon: They did. On the berm, they did. They sprayed seed and there's -- there's grass and whatever other weeds and whatever the birds went drop, they all growing over there.

Mr. Poepoe: Yeah.

Mr. Napoleon: So it's not like that's going to -- that's bare ground and it's going to get washed away on big rains or anything like that, no. We actually have some groundcover to cover that area, and then once the buildings get up and done, they're going to landscape the inside also, so there's going to be groundcover on the inside too, so having runoff and maybe soil runoff going down into the area, once the groundcover gets in there, I don't think that's going to be a problem. That shouldn't be a problem.

Mr. Poepoe: Okay. Thank you.

Chair Buchanan: Okay, thank you, Commissioner Poepoe. Anymore questions by Commissioners? Thank you, Sherman.

Mr. Napoleon: Okay, thank you very much.

Chair Buchanan: Okay, so where are we? Public testimony. Almost forgot. Anyone else in the public wishing to testify on this matter? Aunty Judy. Coming. Coming. Thank you.

Ms. Caparida: I know Pukoo very well. I'd like to know where is this place you talking about? Can I ask that question?

Chair Buchanan: Sure. Planner Lopez, you wanna respond to that? Where is it? And then maybe if we can get that other schematic, yeah, I don't know.

Ms. Lopez: ...(inaudible)... right-of-way side of the Pukoo Lagoon.

Ms. Caparida: Okay. Yeah. I knew that was so okay. I was kinda guessing on it. But you know what? The DLNR, they own the water. They take the water, okay. We've been having problems over there and the County take care the road, okay. And to get across the sand, we get something else that goes in-between, so you can see me dragging da kine, after you get over there, you gotta drag the boat and go in. I mean you know what? This is really backwards. Maui is Maui. Maui is not Molokai. We're separated from water. We're separated by water. So the rules that they give us sometimes it doesn't apply to what -- what they're saying because they're not having a visit, they don't know what they talking about, so we have to know before we can even give them permission of anything, you gotta let 'em know. You gotta see. You know when you build a house, there's so much permits you gotta get. So much rules and laws you gotta go through. And with all these, they just make all the plans and you guys come over here, you guys just say, oh, it's okay. No. It's not okay because why? We get the hardest time to get any kinda permits. Sometimes it's only a simple place, a simple house. I know 'cause I go to da kine, the capitol and go fight 'em. I say you know what? It's really something when you gotta fight, fight for your life on this island and all because of all these kinda stuff they wanna have. They want to go the shortcut. Shortcut. You got the money, you can get the shortcuts, but if you ain't got the money, and, bruddah, you know what? Forget it. That's why Molokai, they don't fight with our own folks. They never used to fight. I fight because you know why? I was raised over here. I know the lifestyle and I know what's going on today, and it's not really for us. It's not really for us, the families they cannot afford, the families that love to live here. They all moving out because they cannot afford it. All the expenses. We pay the highest gas, water, electric, telephone, everything, and you just gotta go by whatever you have; that's the way we live here. But the way we talking about all these kinda stuff, hey, I mean I know what they talking about. You know it's the right-of-way over there? A lot of stuff you cannot do over there. But, you know, you get the money, it's okay. Everybody play blind, they play blind, deaf and dumb, but the one that live here, we know what is life because you know why? We go through with it. I've been on this. You know what? I've been in these meetings for how many years. I learn from 'em. I learn because I come over here and they educate me. That's why I'm saying, it's not easy. The Lord blesses us with everything, everything, if everybody do the thing they're supposed to do, it's so easy living. It's easy because God he owns everything, you cannot take nothing with you. But this is what I gotta say to you that you know what? God no sleep. He sees everything, and He hears everything, and He knows

everything about us. But I'm here to let you know that you know what? You better get some answers before you come over here. Make sure we get answers because a lot of stuff, first thing you know, oh there's a hearing. Hearing for what? We never hear nothing. But you know what? I think we need to go to a visit, you know, go to a site visit and find out what is really going on. Everybody wanna build, but nobody wanna tell the truth.

Chair Buchanan: So, Judy, are you in favor of us waiving that opportunity review or you not in favor of us? You like us review the project? What is --

Ms. Caparida: I want you guys to review the project. That's right. Review it because Molokai, we need to know what's going on. That's all I need to say.

Chair Buchanan: Thank you, Judy. Where you was last meeting? Nah.

Ms. Caparida: I know.

Chair Buchanan: I just joking.

Ms. Caparida: I wasn't on the island. I sorry about that.

Chair Buchanan: Okay, thank you. Any questions for the testifier? Okay. Thank you. Thank you. I see Colette coming up for testify. Thank you very much.

Ms. Machado: Just a few clarifications. They're not the -- the property owner owns four acres. We subdivided. You saw that map. I haven't seen any of what was prepared by Mr. Manerbi, but the -- the property has been divided into two parcels. They occupy -- he occupies parcel A, I believe, which is four acres. He's only looking at developing less than half-an-acre or even quarter-acre. He already went through the loops, and skips, jumps, and did the full SMA request and got approved by the, at that time, I think Lawrence, that was your first meeting that we had at the DAGS building, I believe John might have been there to review, but they went through all of the loops. The Docket Number was the applicant had provided all of the survey, all of the paperwork that needed to be done to accommodate his SMA request for a home residential property. The fact that he is wealthy doesn't mean he's trying to skip through the loops. This is something that happened after he had all of his materials delivered to the property in three containers, and once it's done on the lower-half and the other two is on top, I encouraged him to try to put a cover over it and put a slab on it so that he could move everything up there rather than build another structure, we just do something simple with the container and put one roof on top so that he could create a workshop in the area and accommodate the kinda things he wanted to do, nothing fancy. He's taking 20-by-40 trailers and putting a roof over it. Nothing fancy. He's not asking for an exemption, it's something that is permitted in your rules. Your Planning Director reviewed the request and he is

recommending that he is eligible for the waiver. As far as the shoreline setback, they've accommodated the survey, not once, but twice prior to the building of the residential home and this project is going to be on the side, so as Sherman described the elevation, all of that is part of the overall picture of this project, all of that has the house itself is almost -- I think it's like 60% completed, and then this project on the side was to centralize the containers and to take better care of it, but I wanna actually say that we are not looking for a shortcut. They have gone through the route. They have done everything for the residential and this is something that's like whether you call it an accessory kind of project but it's something that just occurred because the trailers, I told him don't get rid of the trailers, rather than build a garage or something, he's not parking any fancy cars or doing anything that other people do, his residential home is a small structure, one room, that's all he has, and then this building to take place. So I just wanted to clean that up because we are not asking, this is something that he is eligible for based on the review of the Planning Director, Will Spence. So I wanna just express to you folks this is as transparent as it can be. They have tried to -- he has tried to comply to whatever requirements is needed to protect or comply to environmental rules. We even had Army Corps of Engineers out there to dig to see if it was -- the water was -- if it was, what they call, landfill where the water would settle; they came with their shovel; they dug prior to the building of the house. He hired these surveys that surveyed all of the elevations and, just recently, maybe about, what, eight months ago, Luigi, you had to hire additional surveys to look at the, I forget, whatever, the height and they did their property and where we live on the other side too. So we getting kind of reviewed more than I would say any other landowner or anybody that's along the shoreline, and it's okay. I just want you folks to know we not talking about shortcuts. He is eligible to look at this waiver, and you are the authority to make that determination. So it's going to cost under \$60,000.00 to house these, right now they're kinda rusty these trailers, we probably will have to paint it to get it underneath the roof and make use of it, and this is how it is. You want to keep what you have and not bring in any more else to that area. So I just want you folks to know that I'm not looking for extra consideration but this is something that he is eligible to apply for and I ask you to review, I didn't even look at the paperwork, and I agree with you, the public should have information available, so if the staff doesn't have adequate - what they call - staff or equipment to do this kinda printing, Maui please kinda help us here 'cause they meet once-a-month or whenever it's necessary and we require that that kinda material be present. So that's all I have to say, and I really ask you folks to give it a real good thought, this is the second project, it is considered not a development because it's not going to house anybody, nobody's going to be living in it, it's just a roof to cover the three containers that is currently there. Thank you very much.

Chair Buchanan: Thank you, Colette. Any questions for the testifier? Seeing none, thank you very much, Ms. Machado. Okay, oh, Aunty Judy getting up, okay. Come. Yeah, you can come. Okay, thank you. We're still in public testimony. Thank you.

Ms. Caparida: Sister Colette.

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

Ms. Caparida: You know, you're explaining better. You know, I know that place. I know Mana'e. That's where I grown up and I know that place, so I did not know what they were talking about. That's what I mean. We don't have a clear picture of all that is going on, so I know that you're talking about the Four-Leaf Clover.

Ms. Machado: Yes.

Ms. Caparida: Yeah. So simple. That's what ...(inaudible)...

Chair Buchanan: Thank you, Aunty Judy. Let us -- talk to us.

Ms. Caparida: I just need to ask you. Forgive me, Sis, if I have offended you, but this is what I got, I got a clearer picture of what we talking about because it is the Four-Leaf Clover, and it is a setback where he's -- he want his place to be, and I know what -- what this, they're talking about, and I can say that, yeah, I mean I know that place so well and so, you know, it's a setback and there is -- everything that they already said so I needed to clarify that because I got a clearer picture. If I don't have a clear picture, you better believe it, I'm going to say something, I'm not going to let it go, but, yeah, I know I'm not against it because I know that place and I know what it stands for. I know what is stands for, so I really love you guys, bruddah, but I know that place and it's something that we go over there, enjoy over there, that is the right-of-way, it's on the side of the right-of-way. So if you live there, then you can know and I would want you to go to the site and go visit it, but I know what she talking about so --

Chair Buchanan: So, Judy, you wanna change your -- you supporting or you still like -- like review?

Ms. Caparida: I would support it --

Chair Buchanan: You're in support. Okay.

Ms. Caparida: Because I know that is something that we can ...(inaudible)...

Chair Buchanan: Okay. Okay, thank you. Okay, Commission Members, any questions for the testifier? Just note that she changing her testimony. That's it. Thank you, Judy. Anyone further? Thank you. And, Commissioners, please, if you need to excuse yourself because we're not taking a break, then go ahead. Yeah. 'Cause we still have quorum. Thank you.

Mr. Akutagawa: Anyway, Myron Akutagawa. Anyway, with the containers, you know, we bought two containers maybe 20 years ago, so a great idea came, you know, since two containers, and when you buy one container, you give 'em back, you gotta give 'em back free and they going sell 'em, you know what I mean. So we buy the stuff, we put 'em together, we put one roof on top and we found out from Luigi that's illegal, cannot put one roof on top for protect your -- your container. It seems like just like the County just trying real hard for get more money out of things that da kine, you know. You get one container, you buy lumber, lumber going in the container, that's your container, and then you look, hey, I store my ukana inside there but I like protect since I stay in one rainy place, I like protect 'em, put one roof on top, but if I put one simple roof on top, I gotta pay something to the County put that up on da kine. Now, I like our Molokai Planning Commission to be practical because, on Molokai, we try to cut in so we buy the whole container, and with the whole container, we like store things inside there, but after a while, can use that as storage, and I not talking for the rich, I talking for everybody whether you stay in Hawaiian Homes, whether you stay in one other property, so think about it and tell the Maui County stop nickel and diming everything, you know what I mean? Okay? Any question?

Chair Buchanan: Thank you, Myron. Any questions for the testifier? No. Thank you very much, Myron. Okay, anyone else in the public wishing to testify on -- on the agenda item to waive or not waive review? Okay, seeing none, I going wait till Commissioner Lasua come back. Okay. Okay. No, we just -- can we have -- we can have discussion now, yeah? Okay. Commissioner Poepoe, you have -- you still had one issue? You look like you get one question, you still get one issue.

Mr. Poepoe: Maybe I can ask Uncle Myron come back.

Chair Buchanan: Okay, sure. We can call the testifier back. I'm sure, Lawrence, you was outside but you heard everything that Myron said about stop nickel and diming us, Maui County. Thank you.

Mr. Akutagawa: Okay.

Chair Buchanan: Okay.

Mr. Poepoe: So this structure is planned for stay put in place where the thing going -- going be built?

Mr. Akutagawa: Yeah, they probably going move 'em together so he can put one roof on three, I believe, three --

Mr. Poepoe: 'Cause that's going be big closets pretty much. They not going plan on -- on shifting 'em around or anything then once they put the roof on top.

Mr. Akutagawa: Well, they going put one slab underneath --

Mr. Poepoe: Yeah.

Mr. Akutagawa: You know, right where -- actually, they going lift 'em up, put one slab underneath, and then they going put 'em back.

Mr. Poepoe: Oh, so the thing is -- the thing is up already.

Mr. Akutagawa: Yeah

Mr. Poepoe: So they just going move --

Mr. Akutagawa: No, no. Just -- just the containers is there. Whatever ukana leftover, you know, say they get some tools, all that -- all that going stay inside there, you know, and some other things, I not sure what else that going stay inside there, so with that, they going use that as a -- put one slab underneath, put the container on top, and use that for storage and if you can imagine one U-shape, in the middle I think going be one shop area.

Mr. Poepoe: And then this side open?

Mr. Akutagawa: One -- one -- one side going be open, and I envision the roof, you know, like any other roof going get one pitch and that's where you guys going worry about the water and all that, where the -- where the water going from that pitch.

Mr. Poepoe: So this aluminum containers?

Mr. Akutagawa: Oh man, they look metal, metal.

Mr. Poepoe: Metal.

Mr. Akutagawa: I no can say if it's aluminum. You can sell aluminum for a lot.

Mr. Poepoe: I just kinda thinking of the long -- the longevity of the containers. If the thing going be all buss-up from being exposed to salt and going deteriorate within the structure.

Mr. Akutagawa: Well, they all was pretty -- these containers came and they went look kinda brand new at about maybe four years old at the most and they look in good shape, but, like anything else, the thing going get wetter so --

Mr. Poepoe: But that's the spot he like put his containers then?

Mr. Akutagawa: Yeah.

Mr. Poepoe: Okay.

Mr. Akutagawa: On top there.

Mr. Poepoe: Okay.

Mr. Akutagawa: On top there.

Mr. Poepoe: Thank you.

Mr. Akutagawa: Okay.

Chair Buchanan: Hang on. Commissioner Poepoe, I trying to read between the lines as to why you're being concerned about -- because -- because I know get other stuff in -- within that Pukoo area that has been at this Commission for a long time, is there something else that you trying to figure out whether they going use this as a foot in the door for something else? Okay, because you can ask that question on the record and it would be part of the record, so I just checking with you. Okay, thank you, Myron. Thank you very much for coming back. Okay.

Mr. Poepoe: I going state for the record, no, that's not my intent.

Chair Buchanan: Okay, good. Right on. Okay, so if there's anyone else in the public wishing to testify? Okay. Awesome.

Ms. Poepoe: Mahina Poepoe. I would actually like to know if that use that you just said if that would be a foot in the door. I'm curious about that, like I would like, on the record, to say that these will only be storage containers, we're not going to ever make this into a -- a dwelling or a house or a space for short-term rental, which I know I'm -- I'm -- know they wouldn't do, I don't think, but just like to be on the record to really be clear about what the use is because people do -- it is a trend to make container houses or put windows and doors and live in containers, so I would like to know that just, you know.

Chair Buchanan: Thank you, Mahina. Anyone -- any Commissioners have -- thank you. I see Colette coming up.

Ms. Machado: I just wanna --

Chair Buchanan: Thank you.

Ms. Machado: I wanna thank Mahina for the question 'cause that's all part of the transparency.

Chair Buchanan: Awesome.

Ms. Machado: There is no possibility that he will build anymore dwellings or add on for the kinda stuff that we are fighting against. I'm not in support of the short-term rentals around even in Pukoo and other areas, so do you think I don't advise him that that's not okay? I tell him it's not okay. I tell him what you going do here is just to accommodate for you and your family. That's it. The trailers, again, was my idea 'cause where we live, we bought two trailers maybe 20 years ago and we went put up one roof. What my husband forgot to tell you that we -- we did the illegal structure without the permit to make the roof, but let me tell you, the roof saved plenty 'cause, you know, the trailers stay flat, when rain, the water collect, the roof is very positive, and to keep the current containers at the Schroll's property, we going paint 'em and he wants to make sure that they can last, but there is no intentions to do anymore construction there, it's going to be remain open space for the -- just that's how we wanted 'cause they took it out of urban hotel, six stories, and put into rural, so, Mahina, I give you my word and I not going leave that place, just like you, we love Pukoo. There'll be no more development in any capacity at that -- at that property and even on our side. That's the extension of what we can do and what we would want to do, you know. So I appreciate that questions because who are we to speak when we have been advocating for keep East End Manae rural and to keep it compatible to our lifestyle. If I tell you I want to development this, this is a jewel property, if it was in the wrong hands, it could have been -- don't even have to be two-story projects, people can build dwellings in there, in half-acre lots or even one-acre lots, but that's not what their desire is, it's to be compatible with our rural lifestyle and don't you think I'm their conscience there? Don't you think I'm brawl beating them all the time to remind them it is a privilege to live on this island and I'm pleased that you have chosen to choose Pukoo to be one of your homes, this is not their only home they have 'cause they live in southern -- Northern California but they chose to select Pukoo. I tell you, if other people knew this property existed, hey, you know what would happen, skies the limit, but I am so grateful that they hoolohe, they listen, they pay attention to our community, and they wanna do those things that would be appreciated by all of us so that's all I wanted to guarantee you, Mahina. As long as I walk and breath, and as long me and Uncle Myron are there, that'll never ever happen at that 22-acre parcel that we posses and their 4 acres. So our nonprofit, we posses 28 acres of the -- the property there and we -- we are the largest landowner in the lagoon and they own only 4 acres, so I'm giving you folks my word that there won't be any development there, and I don't support the short-term rentals at all, so I'm behind that, and I don't support a boat ramp too at the Pukoo property going

down there, so my voice going come back if we ever have to fight over that too. So that's what I wanna just express. Thank you for asking that, Mahina. I'm so happy you asked that and I can express that to you 'cause I love you and Laa. We got some good guardians of Pukoo.

Chair Buchanan: Thank you, Chair. Commissioner Pele, you have a question for the testifier?

Mr. Pele: I don't have a question.

Chair Buchanan: Okay.

Mr. Pele: I just have a question within the Commission.

Chair Buchanan: He said he no have a question.

Mr. Pele: Not -- not for you, Colette.

Chair Buchanan: Thank you.

Ms. Poepoe: ...(inaudible)... see if there was any questions from when ...(inaudible - not speaking into the microphone)... nobody had questions?

Chair Buchanan: Oh. No. Nobody had questions. Thank you, Mahina. Okay, Commissioner Pele.

Mr. Pele: I just had a question as a Commissioner, 'cause I hear this all the time about the creep, I guess you would call it, is there any validity to when people say a foot in the door? That -- that can't happen, right, when we address this? I mean can it? Can people just -- unless they do it illegally? Like can they build a structure and then, all of sudden, it's a foot in the door where they're building houses and STRHs? I mean all that stuff has to come back to us, right? Like us approving this one plan doesn't approve an STRH, a house, or anything like that, does it? I mean is that valid or is it not valid?

Ms. Oana: Just to answer your last question about if you approve this, will a STRH automatically be approved, no. So all of these applications are separate applications and they shouldn't -- if they come before the Commission, if that's appropriate, or in front of the Director, if that's appropriate, I don't really know the foot in the door kind of comments, I'm sure everybody can explain what their meaning by that, but all of these things is just you're approving the project as it's in front of you and you're not approving anything else.

Mr. Pele: Right. So if somebody were to choose to do an STR -- let's say they choose to do this, just using this as an example, that's their -- they're doing something illegal that they're not supposed to be doing and they're going to be held accountable, right?

Ms. Oana: Correct. I mean I think a couple of ...(inaudible)...

Mr. Pele: I mean I don't want to -- I don't want to feel like me approving this is like, oh, you approve the containers and you're -- now you approved an STRH 'cause we feel their going to build an STRH.

Ms. Oana: Definitely not.

Mr. Pele: That's not what I'm approving, right?

Ms. Oana: No. You're not approve an STRH or anything else other than you're going to vote to waive or not waive this application's review.

Chair Buchanan: Thank you, John, for that question. There's a bigger question about setting precedence is what I see is the foot in the door and that definitely exist, setting precedence sometimes, and that's another discussion that we'll have some day, not today. Okay, anymore questions? Anymore testimony? Seeing none, I'm going to close testimony on the agenda item, and then I'm going to ask the Commissioners for a motion, the motion is to waive or not waive, or concur or not concur with what we being asked to do. The floor is open for a motion.

Mr. Pele: Chair, I move that we -- we waive the review for Christopher Schroll submitting a special management area assessment application with new construction of 2500 square feet concrete slab, place three 40-foot containers with a 2500 square-foot roof on property located at 8582 Kamehameha V Highway, TMK 2-5-7-007:087, Pukoo, Island of Molokai, valuation \$60,000.00.

Chair Buchanan: Thank you for the motion, Commissioner Pele. Do we have a second?

Mr. Lasua: Second.

Chair Buchanan: Thank you. It's been moved and seconded, and we open for discussion on the motion. Commissioners, you guys have any discussion on the motion? Okay, seeing none, I -- I just wanna say I'm very pleased and happy that staff provided something we could see. As you could tell by testimony, it would have been nice if the public also had something to see, and I going tell you why this is a positive thing today because this was all that was needed, this Chair is going to vote in the affirmative on the motion and the reason why I'm voting in the affirmative is because I had ability to ask

questions or hear testimony on the things that concerned me, drainage was a concern for me, it's always a concern for me in the SMA, shoreline properties, drainage into Class A waters of the United States, clean water. I feel that the testifier Sherman had explained that to me and having been on the property several years ago, I understand, so -- so my concerns are mitigated with that, but, most of all, it had to be testimony by the applicant's agent reassuring us that our concerns in the Pukoo area are being met and heard, and I really appreciated that, so the Chair will be voting in the affirmative on that given the reasons, so that's just my discussion, and so I wanted to thank staff, and we about an hour-and-a-half, maybe hour on this discussion, and -- and this is the whole waive or not waive issue for me is that if I just had a little bit more information other than just saying ah no, somebody in Maui said it was okay, it was all cherry, we good, boom, then I wouldn't that -- that issues, so thank you everybody for that. Anymore discussion on the motion before I call? Commissioner Sprinzel.

Mr. Sprinzel: Sorry, but after that information from the Chair, back in the day when I had something to do with all this, if we got an application, and Luigi will remember this, which wasn't complete, we didn't hear it, we sent it back, and I know it caused some problems, but unless you have all the information right from the start and can give it to the public, we don't know what we're voting on, we don't understand it, so please, when you put in applications, give all the drawings and all the details. Thank you.

Chair Buchanan: Thank you, Commissioner. I -- I second that. Thank you for that. Anymore discussion on the motion? If not, I'll call for the vote. All those in favor to waive review, raise your right hand? Record shows that the vote was unanimous. Motion carried. Thank you very much.

It has been moved by Commissioner John Pele, seconded by Commissioner Lawrence Lasua, then

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

**(Assenting: L. Buchanan; W. Buchanan; L. Espaniola; L. Lasua; J. Pele; L. Poepoe; J. Sprinzel)
(Excused: C. Adolpho; X. Bicoy)**

Chair Buchanan: Okay, do you guys need a break now or we just going makaukau again? Oh, we need a break. Five-minute break. Thank you.

(A recess was called at approximately 3:06 p.m., and the meeting reconvened at approximately 3:13 p.m.)

Chair Buchanan: Okay, thank you everyone. We're going to call this meeting back to order. You know, our Planning Department have to work a little bit harder now days

because their office is gone, and so because their office is gone, they have to travel a little bit farther and then they also have to catch their flight, so it makes them a little bit harder, like Friendly Market Center, poor thing, you know, they work hard, somebody gotta -- yeah, they need one new office. So we're going to call this meeting back to order and move on with our agenda item, and we're going to try to do all of this in the next 15 minutes, believe it or not, yep. Yep. Believe it or not. Fifteen minutes.

E. UNFINISHED BUSINESS

- 1. MR. LUIGI MANERA, agent for applicant PAMELA HAMAMOTO submitting a Motion for Reconsideration by letter dated December 4, 2017 on the Molokai Planning Commission's denial of the following application at its November 8, 2017 meeting. (Matter deferred at the January 10, 2018 meeting.) (Matter was scheduled for the January 24, 2018 meeting but the meeting was canceled due to lack of quorum) (S. Lopez):**

PAMELA HAMAMOTO requesting a State Land Use Commission Special Permit to operate the Hamamoto Hale Short-Term Rental Home, a three-bedroom short-term rental home, located in the State Agricultural District at 4800 Pohakuloa Road, TMK: (2) 5-1-008:035, Kaluakoi, Island of Molokai. (SUP2 2017/0004) (S. Lopez)

The public hearing began at the June 28, 2017 meeting and the public hearing was closed at the August 9, 2017 meeting. The matter was deferred to the August 23, 2017 meeting. The Commission lost quorum at the August 23, 2017 meeting soon after the meeting was called to order and the meeting had to be canceled. The matter was scheduled for the Commission lost quorum at its September 13, 2017 meeting but the Commission lost quorum soon after the meeting was called to order and meeting had to be canceled. The matter was scheduled for the November 8, 2017 meeting and the Commission voted to deny the State Land Use Commission Special Permit at the November 8, 2017 meeting.

The Commission may take action on the Motion for Reconsideration.

- 2. MR. LUIGI MANERA, agent for applicant STEPHEN PILLAR submitting a Motion for Reconsideration by letter dated December 4, 2017 on the Molokai Planning Commission's denial of the following application at its November 8, 2017 meeting. (Matter deferred at the January 10, 2018 meeting.) (This matter was scheduled for the January 24, 2018 meeting.)**

meeting but the meeting was canceled due to lack of quorum.) (S. Lopez):

STEPHEN PILLAR requesting a State Land Use Commission Special Permit in order to operate the Pa Loa Hale, a three bedroom short-term rental home, located in the State Agricultural District at 891 Pa Loa Loop, TMK: (2) 5-1-006:033, Kaluakoi, Island of Molokai. (SUP2 2017/0001) (S. Lopez)

The public hearing began at the June 28, 2017 meeting and the public hearing was closed at the August 9, 2017 meeting. The matter was deferred to the August 23, 2017 meeting. The Commission lost quorum at the August 23, 2017 meeting soon after the meeting was called to order and the meeting had to be canceled. The matter was scheduled for the September 13, 2017 meeting, but the Commission lost quorum at the September 13, 2017 meeting soon after the meeting was called to order and meeting had to be canceled. The matter was scheduled for the November 8, 2017 meeting and the Commission voted to deny the State Land Use Commission Special Permit at the November 8, 2017 meeting.

The Commission may take action on the Motion for Reconsideration.

Chair Buchanan: Item E., Unfinished Business. There has been testimony at the beginning of the meeting by the applicant for the two cases, yeah, Stephen Pillar and Pamela Hamamoto, Mr. Manera acting as the agent, did testify that he wanted to defer and that there was some confusion on communication between the Department and the applicant, and because of that, he wanted to ask that we could defer the motion, however, in that consideration, and also having a discussion with staff, what might be a better fit is for us, today, to make a motion or grant accepting or entertaining, you know, a motion to grant the reconsideration 'cause we never even do that yet. We never even grant them the ability or reconsideration, he just applied, and we keep on deferring this, and it's dragging out, so a motion to grant the reconsideration, and while we do that, we would also set a date for further discussion on this, okay? I see Commissioner Pele making a move.

Mr. Pele: Oh, I'm just asking, so a motion to grant reconsideration changes nothing that we -- that we already voted on. Correct?

Ms. Oana: Correct. You're just granting his request to reconsider it or not, so you'd be - if this Motion for Reconsideration is granted, you would set the March 28 hearing date, agenda date as a further proceeding to hear what Mr. Manera wants to respond to, so in

his request for reconsideration, he wants time to respond to, you know, the papers that were passed out on that November, you know, meeting, he wants time to respond, so you granting his Motion for Reconsideration and set a further hearing to hear Mr. Manera's response does not change anything. At that further proceeding, after you hear Mr. Manera's response, you can discuss, deliberate, change your mind, or not change your mind with regard to the denial of the two permits.

Chair Buchanan: Any question on that? Okay.

Ms. Oana: And, Chair, I just want to remind the Commission that on January 10th, we did go into executive session, and I did discuss with the Commission my opinion on whether the Motion for Reconsideration should be granted, and I'm more than happy to go into executive session again if anybody forgot what I said, Commissioner Leonora was not present, so that's a consideration if we just wanted to go into executive session so I can explain it all one more time really quickly.

Chair Buchanan: Also, I believe Corp. Counsel asked Mr. Manera if they were okay with waiving the time?

Ms. Oana: Waiving the time period to file and issue the decision and order since you filed the motion to reconsider prior to the Commission issuing the decision and order. Can we get a statement on the record that you're okay with waiving the time period?

Chair Buchanan: Again. Thank you. So if anybody is not clear on that process, then, you know, we can reiterate that or go into an executive session. Thank you.

Mr. Manera: Yes, I'm okay to waive the time for reconsideration. Yes.

Chair Buchanan: Okay, thank you. Okay. So staff wanted to ask Commissioner Leonora Espaniola if you had a chance to review the minutes of that November meeting because we -- 'cause we went into, January 10, we went into executive session and she explained all of that to us what we just said so -- or do you think you need to -- you no need? You fine? Okay. So, for the record, you can just say you're okay with that.

Ms. Espaniola: I'm fine with the information that's already presented.

Chair Buchanan: Okay, thank you. So -- so we not going hear all of this today, but we are asking the Department to, in our motion, to -- to defer this to the March 28, so do I have a motion to -- to grant the reconsideration and to set the date for further review to March 28, 2018.

Mr. Pele: So moved.

Chair Buchanan: It has been moved. Do I have a second? Second. Any discussion? All those in favor raise your right hand? Unanimous. Thank you. Item is deferred, item E., Unfinished Business, is, no. 1 and 2, is deferred to March 28, 2018. Thank you very much.

It has been moved by Commissioner John Pele, seconded by Commissioner Lawrence Lasua, then

VOTED to grant the Motions for Reconsideration submitted by Mr. Luigi Manera, agent for Applicants Pamela Hamamoto and Stephen Pillar, by letters dated December 4, 2017, and to defer items E.1. and E.2. to the March 28, 2018 meeting.

(Assenting: L. Buchanan; W. Buchanan; L. Espaniola; L. Lasua; J. Pele; L. Poepoe; J. Sprinzel)
(Excused: C. Adolpho; X. Bicoy)

Chair Buchanan: Now we're on to item F, Director's Report. Told you guys 15 minutes. What? Yeah.

Mr. Yoshida: Thank you, Madam Chair.

Ms. Oana: Wait, wait, wait. Wait, wait, wait.

Mr. Yoshida: Sorry.

Chair Buchanan: Clayton, hang on a second. Clarification on the record. The motion was meant inclusive of both the Stephen Pillar and the Pam Hamamoto application. Yes. That did include -- let the record reflect that the motion did include both applications, Pillar and Hamamoto. Thank you. Okay, thank you, Director.

F. DIRECTOR'S REPORT

- 1. Notification of the Issuance of a Special Management Area (SMA) Emergency Permit pursuant the Molokai Planning Commission's Special Management Area Rules:**

February 16, 2018 Special Management Area (SMA) Emergency Permit issued to KAALA BUENCONSEJO, Director, DEPARTMENT OF PARKS AND RECREATION to repair a leaking roof at the Mitchell Pauole Center, 90 Ainoa Street, TMK: (2) 5-4-017: 019, Kaunakakai, Island of

Molokai. 2366 Kamehameha V Highway, TMK: (2) 5-4-017: 019, Kaunakakai, Island of Molokai. (SM3 2018/0004) (S. Lopez)

This matter is for notification purposes.

Mr. Yoshida: Okay, thank you, Madam Chair. The first item under Director's Report is to notify you of the issuance of a SMA emergency permit to the County Parks Department to repair a leaking roof at the Mitchell Pauole Center, at TMK 5-3-2:parcel 5 because of the leaking roof and its caused the location of the staff to the Moore Center. We're just notifying you that an emergency permit was issued so that work can get started on repairs to the roof next door.

Chair Buchanan: Thank you. And that's no action. You just notifying us. Thank you. Okay. Commissioners any question on that? No? Okay. So moving on. Continue with the Director's Report.

- 2. Pending Molokai Applications Report generated by the Planning Department with the February 28, 2018 Agenda Packet (Appendix - A)**
- 3. Closed Molokai Applications Report generated by the Planning Department with the February 28, 2018 Agenda Packet (Appendix - B)**

Mr. Yoshida: Yes. We have circulated our list of pending and closed Molokai applications if there are any questions on those.

Chair Buchanan: Any questions? Okay, seeing none, Clayton?

- 4. Agenda Items for the March 14, 2018 meeting**

Mr. Yoshida: The fourth item is the agenda items for the March 14th meeting. Remember at your February 14th meeting you voted to conduct a site inspection of the Molokai Public Library for their expansion project at 10:00, so if it's a sunny day, if we can meet in front of the library and we'll do the site inspection, and then come to the meeting at 11, and the Commission can comment on the Draft Environmental Assessment, which has been distributed to you today for your reading pleasure and commenting on that. Their consultant crew will be here to provide overview of the project. And then we also have a State special permit for a short-term rental home on the west side at Papohaku Ranch Lands subdivision. So those are the two major items for the March 14th meeting.

Chair Buchanan: Okay, Commission Members, any questions for the Director's Report? Okay, seeing none.

Mr. Yoshida: So we have to have a quorum for the site inspection otherwise it's canceled.

Chair Buchanan: Okay, so Nina going be putting out the question for quorum? She going send the -- asking if we can meet? Yeah? Okay. Awesome. Alright, thank you. Commissioner Poepoe, you had something? No?

G. NEXT SCHEDULED REGULAR MEETING DATE: MARCH 14, 2018

H. ADJOURNMENT

Chair Buchanan: Anyone has anything? Otherwise, we're going to adjourn. Okay, thank you. Seeing none, this meeting is adjourned. Mahalo. We did 'em in ten minutes. How you like that, John Pele?

The meeting was adjourned at approximately 3:25 p.m.

Submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions II

RECORD OF ATTENDANCE

Present:

Lori Buchanan, Chairperson
John Sprinzel, Vice-Chairperson
William Buchanan
Leonora Espaniola
Lawrence Lasua
John Pele
Laakea Poepoe

Absent(A)/Excused(E):

Carl Adolpho, III (E)
Xavier-Kaniaala Bicoy (E)

Others:

Clayton Yoshida, Planning Program Administrator, Current Division
Sybil Lopez, Staff Planner, Molokai
Jennifer Oana, Deputy Corporation Counsel
Mimi Desjardins, Deputy Corporation Counsel
Suzette L. Esmeralda, Secretary to Boards & Commissions II