

**MOLOKAI PLANNING COMMISSION
REGULAR MINUTES
MARCH 14, 2018**

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

A. CALL TO ORDER

The regular meeting of the Molokai Planning Commission was called to order by Chairperson Lori Buchanan at approximately 11:09 a.m., Wednesday, March 14, 2018, at the Mitchell Pauole Center, 90 Ainoa Street, Kaunakakai, Island of Molokai.

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

Chair Buchanan: Aloha everyone, members of the public. Welcome to the March 14, 2018 meeting of the Molokai Planning Commission. I hope you folks have copies of the agenda, and we do have quorum, so looking at the agenda, I wanted to suggest an amendment to the agenda, if Commissioners are amendable, and that would be to move up, after item B, Public Testimony, after Public Testimony, I'm suggesting that we insert item E, Public Hearing, item no. 1., Joseph and Donna Rubin, requesting a State Land Use Commission special permit. My reason for requesting an amendment to the agenda is that Chair has a flight that I need to catch a little bit later, and I'll be here for a few hours, but in case the rest of the items run long, which I don't see, I know that under New Business, item 1, that might take up some time, but are you folks amendable to being second on the agenda?

Mr. Yoshida: I guess, Madam Chair, if they could -- oh, sorry. Madam Chair, Clayton Yoshida, with the Planning Department. Maybe if they could ask about item C.1. because they have a number of people from off-island, Oahu and Maui, and I don't what their flight --

Chair Buchanan: What their flight time back?

Mr. Yoshida: Limitations are.

Chair Buchanan: I think that's what I asking. How's Department of Accounting and General Services, and Munekiyo, what time is your flight 'cause we all probably going be on the same plane to Honolulu? I wanted to take what I thought would be the items that would be --

Mr. Yoshida: Yeah, I guess the -- for item C.1., the consultant is telling me that their flights are at 3 so they need to be out of here by 2.

Chair Buchanan: So is mine.

Mr. Yoshida: So if they can finish the other items, and get them on, and finish by 2, then I think that will be fine.

Chair Buchanan: Okay. Guarantee we'll be done. Okay, so I'm suggesting an amendment to the agenda, after Public Testimony, item B, taking the Public Hearing, item E, no. 1, to be followed by C, New Business, item 1, and so on and so forth, so the only item coming out of this and moving is item E.1. Commissioners, are there any opposition to that amendment in the agenda? Maybe we should get a vote of that. I'll entertain a motion to amend the agenda for today.

Mr. Poepoe: Chair, so moved.

Chair Buchanan: Do I have a second?

Ms. Espaniola: I second.

Chair Buchanan: Okay, it's been moved and second.

It has been moved by Commissioner Laakea Poepoe, seconded by Leonora Espaniola, then

VOTED: to amend the agenda by moving item E.1. to follow item B.

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

(Excused - C. Adolpho; X. Bicoy; L. Lasua)

Chair Buchanan: Let the record show none opposed, and it was unanimous, so we're amending the agenda. So 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.**

Chair Buchanan: Right now, we're going to move into item B, Public Testimony. So anyone wishing to testify in the public? If -- yeah, so we are suggesting if you're testifying for an agenda item, if you can wait, please do so, but if for some reason you cannot wait on the agenda item, then we welcome public testimony at this time. At the discretion of the Chair, public testimony is not only limited to agenda items, which is -- is my discretion, so if you have other items or concerns, public concerns, you can have three minutes, it's not a question and answer time, it's just testimony that we would love to take in, so anyone

wishing to testify at this time before we go into our agenda, please come up and state your name for the record.

Ms. Mahina Poepoe: Hi. My name is Mahina Poepoe. Really quickly. This is not on the agenda, several months ago, last year maybe summertime, this Commission approved a special use permit and short-term rental for Jim Wayne, Manahale Estates, on the west end, in the ag district, for I believe three bedrooms and six capacity, and, recently, I went through all of the advertisements online and I found his listing advertising for 4 guests, 8 guests, 12 to 14 guests, advertising a detached two-bedroom cottage, which I don't believe was included in his permit, so I just wanted to bring this up because there's a question of the oversight and enforcement of permitted as well and making sure that the permitted ones stay in compliance with the rules that they're supposed to be adhering to, so I just wanted to let you guys know that that happened, and there were many others that I found and also did RFSs for, maybe four or five others, but this was most like blatantly obvious.

Chair Buchanan: Thank you, Mahina. Commissioner Pele?

Ms. Poepoe: I have the prints too.

Chair Buchanan: Okay, I think he, yeah, I think he has questions for you.

Mr. Pele: Yeah, I have a question. Thank you for that research. Have you contacted any of the enforcement agencies as a member of the public?

Ms. Poepoe: RFS. That's all I know that I can do.

Mr. Pele: And you did that?

Ms. Poepoe: I did.

Mr. Pele: Oh. And did anybody reply to you?

Ms. Poepoe: I got no response yet. That was maybe a week-and-a-half, two weeks ago.

Mr. Pele: Okay. Thank you.

Ms. Poepoe: You're welcome.

Chair Buchanan: Thank you very much. Anymore questions for the testifier, Commissioners. Seeing none, anyone else in the public wishing to testify, please come up, state your name for the record? Okay, thank you. Seeing none, we're going to move

right into our agenda items, the amended agenda item, item E, Public Hearing, item no. 1.

Chair Buchanan read the following agenda item into the record:

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

- 1. JOSEPH & DONNA RUBIN requesting a State Land Use Commission Special Permit in order to operate the Poolau Beach House STRH, a three (3) bedroom short-term rental home located in the State Agricultural District at 4242 Pohakuloa Road, Papohaku Ranchlands, TMK: (2) 5-1-008: 051, Kaluakoi, Island of Molokai. (SUP2 2017/0009) (S. Lopez)**

Chair Buchanan: Thank you, Sybil.

Ms. Lopez: Thank you, Chair. I'm Sybil Lopez, the project planner for TMK: 2-5-1-008: parcel 51, which is situated in the Papohaku Ranchland Subdivision on the west side in Kaluakoi subdivision of the island of Molokai. The owners, Mr. Joseph and Donna Rubin is here today, and we also have the consultant, which is Mr. Art Parr, Arthur Parr, who I will turn the time over to after I do a brief introduction.

So the owners are proposing to use the one-story, the 3,692 square-foot farm dwelling short -- for a short-term rental home. The property is 5.174 acres located at 4242 Pohakuloa Road, in the Papohaku Ranchland Subdivisions of West Molokai. The dwelling consist of three bedrooms, three baths, great room, a covered lanai, an enclosed garage, and a media room. I will let the owners talk about the history of that place, which they purchased in 2015, but they have more than 15 years or approximately 15 years of ownership, so I will leave that for the owners to explain, but it is in a flood hazard zone X. It is -- a portion of 'em is in the special management area. It is zoned under the State land use district agricultural and conservation, which this property or the dwelling is not in conservation; it is in ag. The Molokai Community Plan is agriculture. County zoning is ag. To date, there's no permitted STRH located within the 500-foot of the subject property. As of February 20, 2018, there are a total of 20 permitted short-term rentals operating in the Molokai Community Plan region. There is, as of today, no cap for the island of Molokai, however, there is a proposed legislation initiated by the Resolution 17-74, which proposes a cap of 15 within this west Molokai district. The west Molokai district consist of the ahapua`a of Kaluakoi, including coastal portions of Hoolehua and Iloli on the south shore of Molokai. So there are currently two permitted bed and breakfast homes permits and there's no cap on the island of Molokai. If you look into your exhibits, on the west Molokai district, we do have a total of five permitted short-term rentals in the Papohaku Ranchland subdivision. There is one in the process of either being -- either

sold or being sold, so they are still on our list of permitted until the sale is finalized, so you do have five permitted short-term rentals on the west side of Molokai, but you are looking at the State special permit today, and so the State special permit will reflect Chapter 205-6 of the Hawaii Revised Statutes, which allows for the establishment of unusual and reasonable uses in the State agricultural district through the approval of a State special permit. The following guidelines are established in determining an unusual and reasonable use and the response to these guidelines are indicated. And I would like to now turn the time over to Mr. Arthur Parr and he can introduce the owners. Thank you. Mr. Parr?

Mr. Arthur Parr: Chair Buchanan and council members, my name is Art Parr, architect for the Rubins, and the Rubins have been involved in this project since it was built in about 2005. At that time, there were three owners, and since then, two of them have dropped out and so now as of two years ago, the Rubins are the sole owners of the property. Since they've taken it over, they were trying to come up with a way for them to offset some of their maintenance costs on the property, so we talked about possibly a farm plan that would be an active agricultural farm plan, and then we, of course, learned that that property suffers from all the same problems that all the other properties between Pohakuloa Road and the ocean have and that is soil type that does not readily support plant growth, it's very rocky; number two, costly irrigation water; three, a small parcel of land; occasional periods of drought; and, five, two archaeological sites on the property which would leave them with less productive ground for farming. So instead of an active -- active farm plan, we decided to again go back to a conservation farm plan, and we were told right away that -- that that could be a time-consuming effort and that Wallace Jennings, from the U.S. Department of Agriculture Natural Resources Conservation District, would be the one person that had to do the design work for a conservation plan, so Wally is here today in the event there are any questions regarding the farm plan. But it did take a while. We met with Wally and, as it turns out, no one made him aware that this had been added to his job description, but he agreed to help us anyway, and his real job description is to help farmers that are making applications to the Federal Government for monetary help in farming activities and so they took -- they took primary -- they were prime, as far as he was concerned. He had to do deal with those before he could deal with our conservation plan. So it took us nine months to do the plan, and then it took another two months for implementation. I might add that the implementation came at a price of \$40,000. And so, of course, what they're after is getting their house into the County's STRH, short-term home rental program -- short-term rental home program. As Sybil indicated that there's a measure before the County Council stipulating that 15 west end parcels could be used for short-term rental, which that has not been dealt with yet by the County Council, that may happen next month, and I know there's been a lot of stress over short-term rentals, but it occurs to me that most -- most of that is coming from the east end where the parcels are small, and I understand that there are even situations where STRHs are next door to one another. On the west end, it's a different story. We

have -- the Rubin parcel is five-plus acres and all the other parcels out there are five acres or more, so we don't see that as being a problem for an overpopulation of short-term rental homes. So for more than ten years, the Rubins and their partners have owned the property and during that time, they've supported one and sometimes two local families to help with maintenance, so they've contributed to the financial welfare of Molokai. So that's all I have, and if there are any questions, I will field those, otherwise, I'll turn it over to Donna Rubin.

Chair Buchanan: Thank you, Art. Questions for the testifier?

Mr. Poepoe: Questions. Question for the Chair.

Chair Buchanan: Okay.

Mr. Poepoe: I wanted for handout a list of definitions. Is that any -- does that have to meet some type of procedural deal?

Chair Buchanan: Definitions of?

Mr. Poepoe: Within Chapter 19.

Chair Buchanan: Oh. Okay, we should -- that's current? It's all current?

Mr. Poepoe: Yes.

Chair Buchanan: Okay fine. Yeah. Other Commissioners, you guys have questions for the testifier before we hear the next speaker? No? Okay, Art, thank you very much. We might call you back. Did you say there was somebody else, Sybil, that wanted to testify on this -- in this hearing?

Ms. Lopez: So we got the owner, Ms. Donna Rubin.

Chair Buchanan: Thank you.

Ms. Donna Rubin: My name is -- my name is Donna Rubin. My husband Joe and I own the property. He's down there. Joe? Okay, this lot was originally owned by a friend of ours, Gordon Russell, who gave us the opportunity, along with Richard and Maureen Hamner, to buy thirds of the lot and build a vacation home for our families. Our home was built in 2005, and we've been coming to Molokai several times a year since then. Joe and I and the Hamners bought out Mr. Russell in about 2010, and we became the sole owners in the summer of 2015. This is our main vacation spot and we come as often as we can. We would be here more often but my husband is still working fulltime, so it's

two or three times a year right now. We have come to really love Molokai and have enjoyed bringing our family and friends here to show them what a special place it is. Regarding the STRH permit, it has never been our intention to rent our house for the majority of the year. First of all, that would be too much wear and tear and the house, but more importantly, we want to be able -- we want the house to be available when we are able to come and bring our family or friends if they want to use it. We would like to rent enough though to cover our expenses for the year, if possible, and that would be enough.

Getting the information together for the STRH permit and the conservation farm plan has been a daunting process. We could not have done it without the help of Art Parr, and Sybil Lopez, and Wally Jennings, and I would like to thank them all for their help. We started in 2015, so this summer it'll be three years that we've been working on this. With Art's guidance, we started gathering the necessary documents, and it was early in 2016 when I started working with Wally at the USDA to put together our conservation plan. The plan was very involved and time consuming, but over the next year we completed the steps involved including replacement of the fencing around our entire property, additional irrigation, re-contouring part of our landscape to provide a proper area for the native planting, acquiring a variety of native plants, and acquiring our erosion matting -- an erosion matting to cover the exposed dirt areas on the property. We have taken this conservation requirement very seriously and have tried our very best to do what was asked properly, as Art mentioned, at a rather large expense to us. It was very close to \$40,000.

We don't believe our obtaining this special use permit will negatively affect our area. The homes in our area are far apart, and it's very quiet, and that's the way we like it too. We'd like it to stay that way. We do employ several local families to care for the property landscape and our home when we cannot be here. We think it would be a positive thing to have more housing available for visitors to Molokai who will spend their vacation dollars in the supermarkets, the shops, and the restaurants, and enjoying the outdoor activities that Molokai has to offer. We like Molokai the way it is, we don't want it to change, but we would like to have more people able to come here and discover it and enjoy it. Thank you.

Chair Buchanan: Thank you very much. Commissioners, anyone have questions for the testifier? Commissioner Pele.

Mr. Pele: Yes, I just wanna -- you mentioned that you employ local families currently --

Ms. Rubin: Yes.

Mr. Pele: Non -- as being non-permanent residents.

Ms. Rubin: Yeah.

Mr. Pele: Do you see that employment in jeopardy? Is it related at all to you getting this permit or not?

Ms. Rubin: Well, I think that the busier the house is, there is more work involved for them to do. The less that the house is used, I mean there's a certain amount of maintenance, but the more people there, the more the house is being use and the property, it just means more work for the people working for us, so that is a positive thing.

Mr. Pele: Thank you.

Chair Buchanan: Commissioner Poepoe.

Mr. Poepoe: I going expand on that question a little bit. I'll just kinda jump on that one. So were you to have this special use permit denied, would that jeopardize their employment with -- with you?

Ms. Rubin: Well, like I said before, if we don't get the special use permit, then we don't get the short-term rental permit, so we can't rent out the house but just as a property owner here when we're not here, there are -- like I said, the more the house is used, there are more things that need to be fixed, our landscape person is also our maintenance man, the more use there is there, the more maintenance work there is for him to do --

Mr. Poepoe: So your -

Ms. Rubin: And when it's quiet here, you know, when there's nobody here, which is a large part of the year, there's less for him to do there, so I'd say yes.

Mr. Poepoe: Your -- the person that you currently employ would not be terminated?

Ms. Rubin: No.

Mr. Poepoe: Okay. Thank you.

Chair Buchanan: Commissioner Leonora.

Ms. Espaniola: So your expansion, did you have intent for purchasing the other share of the lot? So the expansion, was that you had in mind to do an STRH or was that thought about when you purchased the other half or the -- the lot?

Ms. Rubin: Well, I mean -- I mean it was the whole property. We didn't buy -- own half the property and buy the other half. There were three of us that owned the total parcel and the home, and then the other two partners, for one reason or the other, didn't want to have a home here anymore, so we bought them out, so it's still the same dwelling, it's still the same property that we always owned. Is that what you meant?

Ms. Espaniola: Yes. So did you have plans when you -- thought about plans when you purchased, bought the out?

Ms. Rubin: To?

Ms. Espaniola: When you bought the other share of the property?

Ms. Rubin: Plans to?

Ms. Espaniola: To have any kinda rental?

Ms. Rubin: Well, yes. We would like -- I mean the minute -- as soon -- exactly at the time that we became the sole owners is when I started this process to get the permitting, so yes.

Ms. Espaniola: Okay. Thank you.

Chair Buchanan: Thank you, Leonora. That was a good question. Commissioners, any more questions for the testifier? Anyone else from the applicant wants -- has anything else to say? Staff? Thank you.

Ms. Lopez: So I just wanna make known that we do have Mr. Wally -- Wallace Jennings in today who you've been hearing from both the applicant, the consultant and the owner. His -- his plan that he helped with is in your exhibit, so I just wanted to note that it's in Exhibit 4, which does include the farm plan approval from the County of Maui, including all of the conservation plans that has been done and the reports made by Mr. Jennings with the owners, Mr. and Mrs. Rubin.

Chair Buchanan: Does Mr. Jennings want to testify on that? Sure. As part of the applicant's package?

Mr. Wallace Jennings: So my name is Wallace Jennings, I'm the second, and I'm a certified planner employed by the United States Department of Agriculture Natural Resource Conservation Service, and I'm stationed at the Hoolehua field office, and I can speak on behalf of the property as far as the conservation goes. This property has cultural resources on it. I don't know if you're aware of it. This family is pretty cool because they

maintained that, and they keep it, they're not going to mess with it, so that's one of the areas, if you look at the map, the area to the -- would be the west side, sorry, that'd be the east side. That's all -- that's in trees and stuff you can see on this side. These other areas, they were kinda degraded, and they needed some kind of covering. We kinda know that there's a lot of bad lands on Molokai in the sense that they create erosion, and so these -- this family, the Rubins, have actually addressed the erosion. As they said, it did cost some money. They also put native plants there, which is a really good thing because the natives are going to use less water, so they're going to maintain the natives, and what does that do? Well, it helps the wildlife in the area. There's an endangered yellow-face bee, that's one of things we were trying to address, and then there's some honey operations I know down there and that promotes that. Probably, lastly, the -- about the conservation plan in total, I'm kinda concerned because the -- I know there's supposed to be a farm plan, not with this property because these guys have done a lot, but, you know, if everybody were to go full tilt, that'd be a lot of water, so these guys are doing something to conserve water, so that's a good thing. Any questions?

Chair Buchanan: Go head, Commissioner Poepoe.

Mr. Poepoe: Question. When was the -- can you tell me when the -- is the agricultural conservation plan, can you tell me what -- the -- the time --

Mr. Jennings: The date we started?

Mr. Poepoe: Yeah.

Mr. Jennings: That's a good question. They signed a -- so the Soil and Water Conservation District, you guys know about that, right? They work for you? It's locally led. It's farmers that are on top of the board. If you don't, you can get some information offline. I won't go into that too much. But they signed a, in June of 2016, they signed to be part of the local Soil and Water Conservation District Board. They signed their conservation plan, this was signed in the same month, on the 13th, 2016, and they've been working on it, and they've completed it. So some of you guys know Morgan Puaa, he's a certified conservation technical person, and so he certified their practices. They've been completed according to, you know, our specs and standards. I don't know. Does that answer your question?

Mr. Poepoe: Yeah. 'Cause I was going to lead into if, to your knowledge, do you know whether or not the plan has more so succeeded or failed currently as it is right now on the property, on the subject property?

Mr. Jennings: That's a good question. Right now, it's doing what it's supposed to do. They've covered the ground, so they're addressing erosion. They're obtaining the

moisture that they put on the ground because of the mulch, and they have a mat, which is not just mulch from the dump, but it's something that they purchased, that cost money, so it doesn't move. Mulch moves at about 35 miles per hour. How do I know this? Well, you guys know Kawika Duvauchelle, right? He runs the PMC. At 35 miles an hour, when they were taking stuff down to Mokio for a project down there, things started going off the back, and so that's how come we know where the mulch goes in, and so if we have some way to keep it down, which they've done, which is at a cost. So is it working? The answer is yes, and the natives are growing, and at some point in time, the mulch will kind of burn out, which we all know about, and those plants will take over and they'll do the job of groundcover, holding the soil, holding the moisture.

Mr. Poepoe: So the native plants that were planted that we get pictures of in the -- the -- this application, so are those growing right now currently?

Mr. Jennings: Yes. Yeah.

Mr. Poepoe: They're healthy?

Mr. Jennings: Because we work with Lori quite closely, and she's taking over the calls on bringing in plants, most of these plants are all locally purchased or obtained as much as we can, sometimes -- and that's an area that there's actually a job for somebody to grow more natives, but we're doing a lot of natives, not just in this area, but also in the homesteads and then out on the west end and the east end as well. Thank you. Any other questions?

Ms. Espaniola: I do have a question. So is there any gauge of maintenance that is needed for the grounds, and if so, how often you see maintenance is needed to keep the mulch in its place?

Mr. Jennings: At some point, you know, mulch can always be brought in, and it's always a good thing, but at some point in time, if the native cover is working properly, if you have never been out to Mokio to Molokai Land Trust, they are doing some amazing things out there. If you haven't been there, I would strongly encourage you to go out there and see what -- what happens when you can take the invasive and noxious weeds out and replace it with natives, and get those things up and running, and they'll actually do the job of holding the moisture and holding the soil. So does it need maintenance? Yeah, from time to time when we get a drought. As part of their job sheets that explain, you know, there might need water during the dry season or during the drought time, but for the most part, once they get up and going, they'll do their job 'cause they were meant to be here. They belong here, you know.

Ms. Espaniola: Is there mandatory maintenance that's needed do you think?

Mr. Jennings: Mandatory maintenance.

Ms. Espaniola: You know, like you need to do this or else this is gonna disintegrate? I mean is there any type of the conservation will say that there's mandatory maintenance for the grounds?

Mr. Jennings: So I don't do mandatory things unless I have a contract. They don't have a contract. I didn't give them a dime. I gave them my time. A lot of the guys in the homestead, I've given them lots of my -- USDA has poured a lot of money into things. Those things that we sign contracts for, they're mandatory, but for the most part, these guys put their own money into it. It's kinda like you buy a car and then you just leave it on the side of the road, I mean it kinda wouldn't make sense. You're going to take care of it 'cause you spent a lot of money. So they got a lot of money in, they got skin in the game, so I think they're going to take care of it. I mean I would. You can buy a car for that much. Oh my gosh. A nice one too. Anymore questions?

Ms. Espaniola: Thank you.

Mr. Jennings: Thank you. If there's no questions, I thank you for your time, and thank you for letting me speak.

Chair Buchanan: Thank you, Wallace. Appreciate it. Sybil, unless you have something, then we're going to open it up for public testimony.

Ms. Lopez: I just wanna note that in the report on page 2, the last paragraph, it actually explains what Mr. Jennings was talking about about the two cultural sites on property, and in your Exhibit 1, I know it may not be easy to find, but in Exhibit 1, the property map or the map of the property, it actually pinpoints, I know it's really small, but it actually pinpoints on the layout where the sites are located. If you're wanting that information, it is in your report. I just wanted to note that for your information. Thank you, Chair.

Chair Buchanan: Alright, thank you, staff. So we're going to go and open it up for public testimony in this hearing, so anyone wishing to testify on this agenda item, please come up and state your name for the record. Thank you.

Ms. Mahina Poepoe: Hi again. Mahina Poepoe. Okay, I have a lot to say. So this application is claiming agricultural conservation, I'm assuming as a principle use, and that a conservation farm plan has been implemented. I don't see that it was clearly proven that conservation is being used as a principle use. It should be ongoing and continuous, and there is a scientific process behind it of monitoring -- monitoring the progress, the effectiveness of the methods used, testing soil quality to see if it's improving or not

improving, monitoring rates of erosion, planting, replanting and determining outcomes and stuff, and I didn't see any of that demonstrated in the report. I observed the property a few days ago from the legal limits. On the highway side, I saw a lot of bare exposed soil. I didn't see any mats or mulching. On the side with the public access, there was kiawe trees, bushy buffel grass, I'm assuming, fence, beach access, on the other side of the other side of access, it looked the same as it did on their side of the fence. On the shoreline, it was really interesting. There was clear signs of recent erosion and runoff with new topsoil that had collected. There is a stone wall built that I couldn't find permits for. It is definitely in the SMA. There is a drainpipe maybe 9 to 12 inches wide that goes under their stone wall from their side of the property out into the shoreline side. That doesn't seem like conservation to me. There was mode pass through grass, and even from the application and from looking at it, I couldn't tell if it was pili grass or not, and in the pictures that were provided, I still can't tell. I did see a lawn around the house with landscaping. Whether or not you can accept this information, I just -- I just had to share what I saw. So I did question the authenticity of the conservation efforts and whether it's a means to satisfy an ends because you need to have this kind of plan to get the short-term rental so it's just part of that process. Okay, so that -- so I do find that this use is contrary to 205 and 205A as there is no proof, in my opinion, that conservation is ongoing and happening or the measures have been successful. A farm dwelling, according to Chapter 205, is defined as a single-family dwelling located on and used in connection with a farm. I don't see a connection. I see vacation rental, conservation farm, I don't see them being connected in any way. The proposed use itself does not contribute to the preservation or enhancement of ag use, perhaps the farm plan might, but the proposed use does not. Property improvements and non-ag uses decreases the feasibility for principle agricultural uses in the future. While short-term rental is an allowed as a use in the Chapter 205, it is allowed as an accessories use in -- in the County zoning, but even the County zoning still subjects it to 205. Okay, so I -- the way I see it is the applicant needs to provide legitimate ongoing principle use, a connection between the dwelling and the farm, and they also need to prove that the proposed use will not only not affect the agriculture but will promote the effectiveness of it, and if that isn't demonstrated, I think it would be negligent to grant a permit. The use does adversely affect surrounding properties through what we've been talking about here a lot, which is spot zoning, it might not be officially recognized as spot zoning, but that is what is happening. On the tax map, you'll see all ag, but on the ground is commercial, residential, small hotels. So it's also the sales of these properties that drive up taxes, and the turnover rates do seem higher with these types of properties than with ones that have full-time residents. So in west end, the Sea Ranch, which is a permitted, recently listed for sale for 3.5 million dollars, on ag land, a farm dwelling. The mortgage is estimated to be round \$17,500 a month. So I just -- this is a complete violation of the intent of ag zoning, which is to mitigate rising property values, a violation to discourage the development of residential uses, a violation of trying to keep encroachments from coming onto ag land. Basically, all the intentions and purposes of ag zoning, as defined by the County, is being violated by a single

sentence that says, "short-term rentals are allowed." The use will burden public agencies. First responder's response time is below the national standard. There are no police, fire, EMTs that can provide a timely response. Any increase in population, resident or tourist, will add a burden to public agencies. According to the plan draft, fire issue 3, it states that there will be a lack of fire coverage on the west end if future growth occurs. According to the plan draft, police issue 1, there is a lack of police response capabilities and facilities in the outer reaches of Molokai's east and west ends. I would also say that this would be a burden on the Department for enforcement 'cause they can't even enforce what they have now. Water is an issue. Right now the water I believe is being drawn from Well 17, which is only operating out of an emergency injunction. The service provider is not the County, and I don't know what the quality of this water is or, with the sale of the ranch, the future of the water service is kind of up in the air as with the access roads, that is private too, and it is in disrepair, there's potholes that seems to be crumbling, and the County doesn't provide service to this road. Also, I would say that park services would be burdened because they service all the -- they only do Papohaku Park and the public right-of-ways, and when I was doing my observations, I did witness a, just like the universe just made this happen, a Toyota 4Runner, with the license plate LDR436, pull up, open the back of their car, throw their house trash in the trash, the public trash can, and I believe that that was Mr. Rubin, like I don't have a picture, but that is the license plate number, I saw it happen, and I know that it's true. Unusual trends and conditions. Pseudo defined is -- is defined as not genuine or a sham. That is honestly what I believe these farm plans. They're pseudo agriculture that allows the residents to take over as the principle use. In Kaluakoi, there are already three hotels that are in the proper zoning that offer accommodation to the transient visitor population, very proximal to the hotel -- to the proposed property today. Hotels aren't in ag district because they shouldn't be, and the use being proposed is a hotel type use. The only tourist accommodation that should be in ag is agricultural tourism, which is not -- the criteria isn't meant for that either. It was never proven that the existing stock of properly zoned hotels and condos are inadequate to absorb an increase in tourist needs, and according to the Hawaii Tourism Authority census, the daily average of visitors on Molokai is lower in the past nine years than it was in the nine years before that, which indicates that an increased need for accommodations is not a pressing need, and even if it were, we aren't absolutely obligated to provide that. Daily average visitors from the census, between 1997 and 2007, was 910. Daily average between 2008 and 2016, 733. This is all public available information online. So maintaining district standards requires that, as much as possible, the activities be confined to their properly designated areas. Market or public demands. Even though the district boundaries were drawn a long time ago, the integrity of ag zoning is still something that is really valued by our community, just because there is a market doesn't mean that there is a demand necessarily, and no proof has really been provided to demonstrate that there is a strong demand; just because they're available doesn't necessarily mean that they're being occupied. So short-term rentals compete in the same market as hotel and from the same source of demand, so it could also be argued that short-term may in turn

negatively impact the already existing hotel accommodations and the employment they provide. Economic and social benefits. Basically the same as the public market demand, but hotels and condos offer the same employment opportunities though with a much better structure, they have stable and consistent hours, they offer entitled benefits, a W-2 all within the proper zoning and --

Chair Buchanan: Can you summarize very quickly?

Ms. Poepoe: Yes. I only have like one more paragraph.

Chair Buchanan: 'Cause we over the three minutes but --

Ms. Poepoe: I know. I know.

Chair Buchanan: I let you go because I didn't see anybody else in the public wishing to testify so --

Ms. Poepoe: So I think I said enough, but the draft plan states that Molokai residents are very protective of their rural and traditional base lifestyles and have resisted economic development centered on tourism and real estate. Resolution 17-74 came through this Commission with a recommendation for zero, which wasn't mentioned earlier. I don't support the issuance of this special use permit, and this Commission is really our last defense against it. Thank you.

Chair Buchanan: Thank you. Any questions for the testifier, Commissioners? That's pretty awesome. Thank you. Wow, that's a lot of information. Thank you, Mahina. Anyone else in the public wishing to testify on this in this hearing? Okay, so I'm going to say that the public hearing is closed, and so if staff can give us -- hang on. Okay, thank you, legal counsel. So the previous testifier had a lot of information on the record, so we feel that the applicant -- if the applicant wanted to respond to any of that testimony or address some of that testimony 'cause it is on the record and we might -- we have used testimony on the record in the past to make decisions, so if you wanted to, that's fine; if not, then we'll do the staff report.

Ms. Rubin: Donna Rubin.

Chair Buchanan: Thank you.

Ms. Rubin: I'll just say a word about her comments on the condition of the property when she inspected it. She's probably looking at it from a different eye than what we look at it. We have done all the work that was required and, as one of the Commissioners mentioned before, there is ongoing maintenance to keep it up. The native plants are all

growing. There are some areas where dirt is exposed again that we had covered before, but they are not large areas. The erosion matting we put down has started to degrade a little bit, but we will handle that. We will make sure that those areas are covered again. And I guess that's it. I can't comment 'cause I don't know the legalities that she seems to know so a lot of that I don't know, but that's it. I just wanted to mention that I think the property is still pretty well sticking to that conservation plan as best as we can for as infrequently as we're here.

Chair Buchanan: Okay, thank you. Mr. Parr?

Mr. Parr: Yes, thank you. We realize that there are three hotel properties on the west end, condominium type spaces, and there are people that are vacationing that want something more than that, and they like to have more space, you know, a single-family residence, and, obviously, everybody doesn't want that, everybody can't afford it, but we argue that there's a place for both. Thank you.

Chair Buchanan: Okay, thank you, Mr. Parr. Commissioners, any last minute questions? If not, we're going to ask staff to give the recommendations. And, Commissioners, you guys can still ask staff questions if you need to, but she can go and read the recommendations.

Ms. Lopez: Okay. So the application for a State commission -- State Land Use Commission special permit complies with the applicable standards for an unusual and reasonable use within the State agricultural district for reasons stated in the Maui Planning Department -- Maui County Planning Department's report to the Molokai Planning Commission dated March 14, 2018 as Docket no. SUP2 2017/0009, and as follows, the use shall not be contrary to the objectives sought to be accomplished by Chapters 205 and Chapters 205A of the Hawaii Revised Statutes, and the rules of the Land Use Commission. The desired use will not adversely affect surrounding property. The use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, and school improvements, and police and fire protection. Unusual conditions, trends, and needs have arisen since the district boundaries and rules were established. The land upon which the proposed use is sought is unsuited for the uses permitted within the district so, therefore, the Maui County Planning Department recommends to the Molokai Planning Commission approval of the Land Use Commission special permit subject to the following standard six conditions, which the special permit shall be valid until March 31 of 2021, and that be advised that the compliance with codes, covenants, and restrictions of any applicable homeowners or apartment owners association is the sole responsibility of the applicant. The conditions of this State special permit shall be enforced pursuant to Chapter 205-12 and 205-13 of the Hawaii Revised Statutes.

So in consideration of the foregoing, the Planning Department recommends that the Molokai Planning Commission adopt the Planning Department's report and recommendation prepared for the March 14, 2018 meeting as the findings of facts, conclusions of law, and the decisions and order, and authorize the Planning Director to transmit the said written decisions and order on behalf of the Molokai Planning Commission. Thank you.

Chair Buchanan: Thank you, Planner Lopez. Commissioners, any questions for staff? And if we don't have any questions for staff, I would entertain a motion for discussion. Oh, I'm sorry. Commissioner Poepoe, you had questions for staff? No? Okay. Thank you. So the floor is open for a motion in this public hearing for the SUP permit for the Rubins.

Mr. Poepoe: I not going make one motion. I just going disclose --

Chair Buchanan: Oh, I'm sorry. Yeah, any Commissioners wishing -- if they have any disclosures at this time for this public hearing on this item, agenda item, go ahead.

Mr. Poepoe: I'd like to disclose that my wife was the most recent testifier, Mahina Poepoe, and that's all. I have no financial - what is that called? Conflict --

Chair Buchanan: Gain or benefit.

Mr. Poepoe: Yeah.

Chair Buchanan: Okay.

Mr. Poepoe: But I have no financial gain involved with anything to do with this -- this -- the subject property and that's my disclosure.

Chair Buchanan: Okay, thank you. Commissioners, anyone feel that Commissioner Poepoe -- you feel that he has a conflict of interest because the testifier was his wife and you guys have any concerns about that? Okay, seeing none, this Commission doesn't have any issue with that. So, again, we're --

Mr. Jennings: Isn't that a conflict ...(inaudible - not speaking into the microphone)...

Chair Buchanan: I'm sorry, I not going take -- we're not in testimony at this time. The Chair does not find conflict as well with testimony from the public and disclosures made by Commissioners on this Commission. So, again, we're back to any motion. The floor is open for a motion for discussion. Is our lack of making a suggestion on a motion because you feel you don't have enough information? Commissioner Pele?

Mr. Pele: Yes, Chairman, I would tend to wanna defer this matter in my own mind because of all the questions that I have, especially seeing the -- this the first time I've seen an actual conservation plan as a farm plan, and I'm still trying to wrap my head around it, so I would move to defer, maybe even a site visit might be in order here to take a look at it being that it is a conservation plan, and I'm trying to -- I'm trying to link that conservation plan with what the intended purpose is and I'm kinda having a hard time wrapping my head around it. So I move to defer for a site visit.

Mr. Poepoe: Can -- can I be second for discussion?

Chair Buchanan: Okay, so there was a motion on the floor to defer this public hearing item, and there was a second so -- by Commissioner Poepoe, so we are now in discussion. So, Commissioner Pele, I already heard but go ahead.

Mr. Pele: Yeah, I'm -- we're in discussion now so I'm tending to have a problem with, like I said, wrapping my head around what is required of an applicant versus, you know, all these things are done because they're required, in my opinion. I'd really like -- I know conservation is an awesome thing but, you know, I'm just trying to figure out -- the bottom line is they wanna defer cost of living on Molokai. I'm very familiar with the west end. I'm very familiar with the STRHs. Like I've said many times, I manage a condominium complex on the west end. We have 17 STRHs in my condominium complex right now, and not all of them are full. I don't think it is a requirement of the Commission to provide variable stay, you know, if somebody wants to stay in a big house, that's -- that's all well and good, and believe me, I'm not opposed to tourism. I own two businesses on this island that, yeah, I want tourist here, but I want them to be in the right context of who we are, so I'm just having a -- that's just my two cents in the matter, and I do believe, as Mahina Poepoe testified, there are some serious issues as far as fire, police, ambulance accessibility. The roads in Kaluakoi are terrible. Hopefully, one day the WMA will be able to get the County to take those roads over, that's a topic for a different discussion, but until then, there's some serious issues as far as accessibility and tax -- the taxing of our first responders. I do have some concerns about that. Nothing personal against the applicants. I want to make that very, very clear.

Chair Buchanan: Okay, Commissioner Pele, would you have any specific questions that staff might be able to answer today in order for you to make a decision?

Mr. Pele: I don't know. I haven't formulated those questions. You know, I was reading the conservation plan, I'm reading the farm dwelling definition, and I'm just having -- I'm just trying to link those if this is just a -- of course they've dotted their i's and they've crossed every t to get their application complete. They've also spent a lot of money in their conservation plan. I'm just trying to link that with an STRH, in my mind, and, like I

said, I do believe there are some issues there. I don't know if I can ask staff questions right now. Sorry to be -- you know, I didn't have coffee this morning so I'm kinda slow.

Chair Buchanan: Where's the coffee when you need it. Commissioner Sprinzel and then --

Mr. Sprinzel: The point to me is that our ten-year plan, which hasn't yet been finalized, is against all vacation rentals, and I think us passing vacation rentals just at this stage of the game is just blatantly wrong. I think we should wait until the final issue of the ten-year plan, and then we can start making decisions, which have to comply with that ten-year plan. Thank you.

Ms. Oana: Chair, I'd like to just respond to Vice-Chair. I would like to advise that the Commission to follow the current law as it is, there are some changes in the works, proposed amendments to the STRH law, but the law is what it is now and we don't know if it will be changed, so I would not deny based on proposed future law that we don't know will be passed.

Mr. Sprinzel: We're not talking about a law, we're talking about a ten-year plan, which the Council and the Commission passed. We're now waiting for Maui to put their ten cents worth in, but that isn't the law. The law is that we have to comply, in all decisions that we make, with the ten-year plan. Anyway, I wouldn't agree a delay is asked for.

Ms. Oana: And with regard to the Molokai Community Plan, it's still being heard in Planning Committee, they haven't passed that out yet, so I just wanted to throw that out there that our updated Molokai Community Plan is not -- has not been adopted by Council yet.

Mr. Pele: Commissioner, just to expound on what I said. I know you wanted me to ask staff and -- with the conservation, I heard that Wally testify about the erosion, and I gotta tell you, I went fishing last week on the west coast, and man there's a lot of dirt. I mean I went actually sink to my knees in one spot, I thought it was sand, it was actually runoff, like quicksand, like my knees, I know I'm 300 pounds but -- so I have a concern about when we talk about it's preventing erosion, and if it was done in 2016, I went fishing last week Monday, Wednesday, and Thursday, and it was pretty bad. The ocean was pretty bad. The erosion was pretty devastating actually. It was kinda shocking for me to see the mud that had gathered on the shoreline all the way from Dixie to Laau is where I was walking to be specific so --

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

Mr. Pele: Not what I saw, but I'm not answering questions but --

Chair Buchanan: Yeah, a point of order. We are in -- a motion is on the floor.

Mr. Pele: And I welcome the public to come with me on a site visit. Get on your tubbies, let's go fishing.

Ms. Espaniola: So, Madam Chair, can I say something? So the law --

Chair Buchanan: Commissioner Espaniola.

Ms. Espaniola: So the law is agriculture zoning, and at this time, if we was to approve, we're going to approve a spot zoning, so is that what it is, legal counsel, or are we looking --

Chair Buchanan: No. Hang on. Let legal counsel --

Ms. Espaniola: Okay, go ahead.

Chair Buchanan: Address spot zoning.

Ms. Oana: Okay, this is not spot zoning 'cause zoning has a different process, it has to go through the County Council, so this is in the State ag district and only the -- only activities that are permitted in the ag district, according to Chapter 205, 205A, are allowed in the ag district. If an owner wants to do something other than what's allowed in the HRS, then they have to apply for the special permit, and so, right now, STRHs are not allowed in the State ag district with this permit, which you guys will be granting or denying, they could or could not do STRH.

Mr. Pele: And to further expound, I don't know -- I don't know, when I say "site visit," I just -- the applicant said they have their conservation plan. I just wanna see it. Show it to me. I wanna stand there. I wanna see it. I don't know if we can dictate that we go on their property, but if we can stand wherever we wanna stand and that's all I wanna do. I just wanna see for myself, like I said, as a Commissioner, this is the first time I've seen a conservation plan in this capacity as far as an STRH. Usually, they come and tell me, oh, we can't grow because it's too rocky. I tell you what. I go down there, you give me five acres, three acres of your soil, I make something grow. Guarantee. Guarantee I make 'em grow, it's a lot of work, but I can make something grow on that land. But, eh, I'm all for the conservation. I'm all for the native plants. I just wanna see it. Show it to me. That's all. You know, that's my question right now. I wanna see the long-term effects 'cause we're talking about a three-year permit. To spend, I believe the testifier said \$40,000, now I'm a business man, I look at my return on investment, how many times are you going to have to rent that house to get a return on your investment? So, you know,

that's a different question, but I just wanna see what they said they put in. I think I wanna see it.

Chair Buchanan: Okay, so I see, staff, you wanted to address Commissioner Pele's question?

Ms. Lopez: I did, first of all, I did ask the owner, so she -- she said she may be available but we gotta negotiate time and place 'cause they're only here for a minimal amount of time, so if -- that's just letting you know that she said yes to a site visit but we have to work on the details on when and whatnot, so that -- that addresses your -- your concern of having a site visit. If you have any additional questions that you want me to address, I'm here. In regards to spot zoning, this is not spot zoning. State district is ag. County is ag. The reason why it is here today is because it is in the ag district and it's a State special permit. Because it's less than 15 acres, this property is 5.174 acres, so because of that, they do not go to the Land Use Commission, however, if it is more than 15 acres, it goes to the Land Use Commission, so it would be on the State level, but the final decision on this State special permit is the Molokai Planning Commission, so when the Molokai Planning Commission or if they may grant, it is -- the short-term rental permit is an administratively process, meaning that the Department, subject to your approval, shall approve the short-term rental permit. So I hope I addressed Commissioner Espaniola's question where you were routing to regarding zoning.

Chair Buchanan: Okay. Commissioner Espaniola.

Ms. Espaniola: So I just wanna say that Mrs. Rubin's testimony was her intent for being here was a vacation home for the family, so from what I'm getting, the intention for purchasing the partners or the other lot, again, would be income property, which would put at risk or have her to jump through the hoops to get a STR needing to get a conservation analysis I guess or whatever that is, so I see that the intention for purpose really was for income property so I just thought I'd say that, and maybe entertaining the agricultural tourism, you know, I don't know to what extent that is, that's -- might -- something that she might consider looking into.

Ms. Lopez: So the primary purpose for a State special permit in this particular fashion is because they have to prove to you that ag, it cannot no longer be a principle use before they can even use that as a secondary use, so that would be a secondary use contrary to the primary use, and so that's where Chapter 205 comes in on the Hawaii Revised Statutes is that this permit is intended to prove that all of these checklist items and requirements are -- are being addressed, and how are they being addressed, how have they mitigated it, and that's why when you hear what the consultant and the applicant has said, it's an extensive process, so it -- they didn't submit it yesterday, it took them a year, a year-and-a-half, almost three years, from 2015, to be in front of you today in order to

address Chapter 205, Hawaii Revised Statutes, in the ag district in order for it to come here and justify that that secondary use, so we're here for the principle use.

Ms. Espaniola: So some of those requirements were refuted by Mahina, as she shared today and --

Ms. Lopez: And your report reflects professionals going through the extent, like Mr. Wallace Jennings with the NRCS, it's noted in here that from the County of Maui Zoning, they also did their farm plan inspection and they approved it, and so these are all experts and, in the report, it reflects all of that.

Chair Buchanan: Go ahead. Go ahead, Commissioner.

Mr. Poepoe: So I -- I do have experience with conservation, I wouldn't call it "agriculture," but soil retention, erosion control down Moomomi, if you guys familiar with the area, so, yeah, the thing is extensive, and you can grow anything on any type of soil if you really try, just like how John was saying, and we did. We were able to establish plots of ohai or any type of native species and was able to capture water and soil erosion runoff and was successful until one drought, so even the best planned conservation measures not going always succeed, so I conducted my own due diligence, and me and Mahina went down there and looked from one safe distance where I cannot be sued for trespassing, but I did not see a successful conservation agricultural plan being conducted on the subject property, so I questioning the legitimacy of Chapter 205 when it applies to this property, and then so we do have a response to -- is it letter E, State Land Use Commission Special Permit Criteria, that ask if the land upon which the proposed use is sought is unsuited for the uses permitted within the district. It says: The property has an implemented farm plan for the subject property. It is not expected that the short-term rental home use will affect the agricultural or the agriculture on the property. So which one do we follow? If it -- if it has to comply with the agricultural purpose, according to or pursuant to HRS 205, but the applicant response is there is no affect between the short-term rental and the agricultural pursuit, so which one is it? I don't know if anybody getting -- yeah. So we kind of conflicting here between 205 and the response because you gotta prove beyond a benefit of a doubt that here the -- the -- okay, let's see, the Commission must find that the use would promote the objectives and effectiveness of HRS 205, which I cannot find in this application, and I guess that's all I -- I wanted for kinda -- it wasn't one question, it was just opinion and statements.

Chair Buchanan: Go ahead, Commissioner.

Mr. Sprinzel: I may sound like an old cynic, but I'm listening to a lot of this stuff, and this is just another absentee landowner who wants to run a vacation rental on Molokai. Thank you.

Chair Buchanan: Thank you. Anymore input? Yeah, we still have a motion on the floor, and we still in discussion.

Mr. Pele: Yeah, just, like Laa said, I just wanna say, you know, a high percentage of these STRHs are the -- not the STRH but I meant the special use permits that have come from the west end all saying the same thing. It's non-farmable. We can't farm our land. One of them, which we did approve, was 80% prime ag in the report. Then it became, oh, we don't have -- we don't have agricultural water. Well then -- you know, so it's not non-farmable, it's cost-prohibitive because you have to pay potable water, which is very expensive, but that doesn't mean that the dwelling is non-farmable, and we just had a testifier tell us on an estate down there, which I approved, right, is not complying with the law. You know, he's advertising. He's not complying with the law. So I gotta sit here and I gotta eat -- you know, I gotta take -- eat my lunch, so I wanna make sure that what they're saying, I wanna feel comfortable as a Commissioner, I'm not saying the board has to agree with this, it's I have questions. I wanna see it. I wanna -- I wanna make sure that when we making these decisions, we're not going to -- I'm not going to get my lunch handed to me like I am with the Jim Wayne Estate, if that's true.

Chair Buchanan: Thank you, Commissioner Pele. So the motion on the floor was to defer and also to have a site inspection, that was seconded, and we are still in discussion. You folks have anything? No? Okay, so the Chair has some feedback, and I feel the Chair and the Vice-Chair, if the public doesn't know, this is not our first rodeo, this is actually our third -- our third service to the community on this board. I feel it's important at this time in our lives that we grow community members up and we help mentor them, and with that their ability to fully understand the laws that govern the Molokai Planning Commission, and so I will not be voting in the affirmative if this motion goes to a vote to defer, and the reason why is because, and we're questioning the farm plan, we're questioning the farm plan, in this particular application, ag is not the principle interest. Period. So going around -- while I applaud the Rubins, and I thank USDA Soil Conservation Service for trying to be pono in mitigating conservation erosion and trying to do what you supposed to do, which is your kuleana to take care your land, I applaud that, however, in this application, this application is for principle use of a short-term home rental, it is not ag, and that is very clear to me given all of the paraphernalia that we have from the applicant, so the applicant stated that there were unusual condition trends that have arisen, and I do not see that that has transpired by the applicant by the application, and there is many -- there are many criteria to be considered when you're doing an application permit for special use in the ag district, and one of them is the proximity of the use to other properties with comparable uses in the community plan district. While we all know, it was stated on the record, it's within the packet, Mr. Parr has stated it on the record, that there are already five permitted short-term rental homes, one grandfathered in transient vacation rental within the ag district located in Papohaku Ranchland

Subdivision, there are also three hotels, Paniolo Hale, Ke Nani Kai, Kepuhi, and Kaluakoi Villas, with a total of 369 units located in the Kaluakoi ahupua`a, so the need was not demonstrated to me for a special use permit for accommodations so, therefore, there are sufficient properties in the area which allow the same comparable uses and the applicant has not demonstrated the need for the proposed use. Remember, unusual and certain conditions of trends have changed. Not proven. There's also an item 4 that says: The market or public demand for use as demonstrated by the applicant. There was no evidence that was presented about the market or public demand for the proposed use, therefore, the applicant has not demonstrated the need. On item 5: The suitability of the site for the intended use, and I think this is, you know, what you guys were also eluding to about struggling between ag as a principle use versus the short-term as a principle use. The Molokai Community Plan, and when I say, the Molokai Community Plan, I'm stating the current Molokai Community Plan, not the draft plan, not the proposed plan that is now in Council waiting for approval, I'm talking about the current Molokai Community Plan, under the Objectives of Policies for Land use, you will find an item 4: Discourage developing agriculturally designated lands for gentlemen estates, pseudo ag uses in which the residence would be the primary use and any non-intrusive ag activities would be secondary. Further, in 13, it says: Support special permits in the State ag and rural districts only, only, and this in your community plan, to accommodate limited commercial, public/quasi-public uses servicing the community, and this is mostly in areas in Manae and Kamalo that are relatively remote from urban areas. Also, it says: Permit a public facility use, and then they go on to landfills, so it's public facility use. The third would be to allow a use which is clearly accessory, so not primary, accessory, okay. And then in Exhibit 4, within our community plan, to the Department's report, I'm sorry, in the Department's report, there's a letter from the applicant consultant, Mr. Parr, to Rulan Waikiki, Planner of the County, which attaches a conservation farm plan for the parcel and states that the farm plan will be in support of a short-term rental home application which will be submitted, so the difference between primary, secondary. In that letter, it does show that the farm plan was, and the way I read it, was created to support the application, so further, on page 2 of the Department's report, the kiawe trees cover an area of 1.7 acres, the landscaping, driveway parking, and so and so forth, and the rest of the site consists of pasture grass that has been undisturbed until recent drought periods. Heavy deer traffic has left areas bare, subject to erosion, this is in page 2. The owners have elected to re-vegetate these areas. This does not show a principle ag use on the property. Remember now, the property is ag, primary is ag, okay. Therefore, we find -- therefore, I found that the short-term home rental would be the primary use, not ag, and the farming activities would be secondary and, therefore, the site is unsuited for a short-term home rental use. And then besides -- in the criteria when you go back to unusual trends, the economic and/or social benefits of the use to the community, besides the statement in the Department's report, there wasn't any real evidence that was presented that the proposed use is anticipated to bring an increase to visitors to the island within the plan, the Molokai Community Plan, and the letter supporting in the application. Further,

although the report stated that this would directly provide maintenance and housekeeping opportunities, no evidence was presented by the applicant that they would hire local people for the housekeeping or maintenance services or they would do it themselves, and there was questions about that by Commissioners. Also, the report stated that the short-term home rental visitors would patronize local restaurants, and this is in the letter now, okay, and other businesses even without the short-term home rental permit. It does say that they would patronize the same places even though they didn't have a permit so, therefore, no evidence was presented to show economic or social benefit to the community. So it would be very difficult for me to support that at this time given testimony by the public, which I thought was -- was good testimony, and I did also support the testimony about the pressure and impacts from police and fire, also Commissioner Pele brought up, there is impact. People who live Molokai all their lives know that this is a true statement. We know the response time and we've heard in community meetings, after community meetings, the West End Homeowners Association and residents consistently ask for improved services, okay, so that is why I'm not going to support deferring because I feel I have enough information at this time not to defer this project, and I don't believe I need a site visit. Yeah, and I no need to go into the soil report. Okay, thank you. So I'm going to call for the vote if there's no more questions by Commissioners.

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

VOTED: to defer for a site visit.

(Assenting - J. Pele)

(Dissenting - L. Buchanan; W. Buchanan; L. Espaniola; L. Poepoe; J. Sprinzel)

(Excused - C. Adolpho; X. Bicoy; L. Lasua)

MOTION FAILED.

Chair Buchanan: Okay, motion not carried. The floor is open for another motion.

Mr. Sprinzel: Motion to deny.

Chair Buchanan: There's a motion on the floor to deny. Do I have a second?

Mr. Poepoe: Second.

Chair Buchanan: Second by Commissioner Poepoe. Any discussion?

Mr. Poepoe: I going --

Chair Buchanan: We in discussion. Any discussion on the motion to deny. Commissioner Poepoe? No?

Mr. Poepoe: I don't know if -- I kinda wanted to ask the -- someone involved with the subject property is that a possibility?

Chair Buchanan: Sure. Yeah. You wanted to call back --

Mr. Poepoe: Okay. Yeah, if anybody that can represent the --

Chair Buchanan: The applicant?

Mr. Poepoe: Yeah.

Chair Buchanan: Or can staff answer the question?

Mr. Poepoe: Okay.

Chair Buchanan: Maybe you can pose the question.

Mr. Poepoe: Yeah, you can try. I just get one question about whether or not the ground disturbance caused by the development of the property contributed more to the erosion of the soil on the property into the conservation district adjacent, on the beach side.

Ms. Lopez: I don't know what ground disturbance you're referring to but --

Mr. Poepoe: Any type of grading conducted on the property for development and landscaping.

Ms. Lopez: Unless during the implementation plan, I don't know what type of grading or grubbing so I gotta refer to the owner for that question.

Ms. Rubin: So are you -- are you referring to what I said the work that was done before we did the native planting?

Mr. Poepoe: Any -- any ground disturbance at all.

Ms. Rubin: Well, there hasn't been really any since the house was built in 2005 other than we had to do a little reshaping of an area on the road side of the house before we did the native planting so no, I don't think that would have contributed, it's on the -- it's right behind the house, that dirt was all carried away. I don't think that affected -- had any effect on erosion on the property if that's what you're asking.

Mr. Poepoe: Thank you.

Mr. Jennings: ...(inaudible - not speaking in the microphone)...

Mr. Poepoe: Yeah. Yeah any --

Mr. Sybil: Mr. Jennings.

Chair Buchanan: Wallace, state your name for the record.

Mr. Jennings: Yeah, my name is Wallace Jennings. I'm a soil conservationist, a soil district conservationist too. Anytime we put in or install plants, there's going to be some disturbance for the short term, but for the long term, you're going to have less erosion. We do run it's called a "RUSLE," it's a revised soil erosion loss calculation, I normally don't do it unless there's some big, you know, and especially if guys going to do mulch, it's usually going to cover it, and mostly like when we do -- when we're working with the producers that do a lot of tillage, we'll do that RUSLE and we'll figure out what the soil loss equation is. Most of the soils for Hawaii and for Molokai are going to be about one ton to five tons per acre, that's the tolerable loss, yeah, and we don't want to do over, so they will find some way to address it, so the way they address it is through the mulch. But if you're looking at erosion for the most part on the west side, you wanna talk about erosion? You wanna know why we have erosion out there?

Mr. Pele: ...(inaudible - not speaking into the microphone)... cattle

Mr. Jennings: Well, it was with cattle, and now it's with the deer. I don't know if people know this, but the deer are doing such damage, and they're protected. They're under a protected, you know, in this culture, but they are doing damage. I will give you a -- and I know they have some up at the TNC, but when we don't take care of the animals, there's a place in Seria where the goats have just totally destroyed that place, so I mean, yeah, but what they're doing is probably a positive in the long run, so just in talking on that property, but I'd love to talk to you offline and show you what we do and some of the things that go on and dealing with the huge big problem that it's the elephant in the room that nobody wants to touch, so you got anything else so I can -- otherwise, thank you for your time.

Chair Buchanan: Awesome. You have questions for Wallace?

Mr. Pele: But your expertise is mostly conservation and native, right?

Mr. Jennings: No. I have a Bachelor of Science in Agriculture. I work for the United State Department of Ag.

Mr. Pele: So if -- if this plan, on a scenario where they weren't using native plants and maybe they were insisting on using plants that aren't native, maybe are a little bit less drought tolerant, maybe even possibly invasive, what kind of opinion would you draw as a specialist?

Mr. Jennings: Well, right now, you have drought tolerant plants out there, which are non-native, and they are invasive. I mean if you go down to the west side --

Mr. Pele: No, I know that. I'm saying specifically for this application, what would your expertise, I mean like I understand and I applaud the fact that I would be in support that's why I was trying to defer so I could go look --

Mr. Jennings: Yeah.

Mr. Pele: That's what I wanna do.

Mr. Jennings: Yeah.

Mr. Pele: Do my due diligence as a Commissioner. I wanna see it 'cause, unfortunately, we've been burned before I feel.

Mr. Jennings: Yeah. I understand.

Mr. Pele: But if it wasn't an -- if it wasn't native plants, drought -- that they were using, drought intolerant plants and saying nope, Wally, this what we're going to plant, how would -- what would -- what would you have written on this report?

Mr. Jennings: I probably wouldn't work with them.

Mr. Pele: Okay. Thank you.

Mr. Jennings: 'Cause I get so many other things to do.

Mr. Pele: Right. Right. Thank you. Thank you.

Mr. Jennings: But what -- you know, with -- with that said, I really -- you guys -- if you guys haven't been there, go down to Mokino, see what Butch Haase and those guys are doing. We've been working with them. You know when they first started that work, I was like, ah man, I can't believe that we're doing this, that we would spend our time and our

resources too, but when I go down there now, I say, "I'm a believer. I drank from the Kool-Aid." There is a lot of hope when you plant natives and you can change the environment so you can get away from, you know, that mud running that you walking up to, you know, yeah.

Mr. Pele: Yeah, thank you. I'm basically in the same position that you were in. I'm not a believer, and I just wanna be able to ...(inaudible)...

Mr. Jennings: Yeah. You get --

Mr. Pele: That's -- that's basically what I was trying to -- thanks.

Mr. Jennings: Okay.

Chair Buchanan: Thank you, Wallace. Maybe you can come back and give us one workshop. Awesome.

Ms. Lopez: Chair, can I address some of your -- I mean --

Chair Buchanan: Yeah.

Ms. Lopez: Okay, so I wanted to address the comment with Commissioner Poepoe regarding letter E, the land upon which the proposed use -- so when you look at page 10 of the report, the response is mainly because it's actually letting you know that it is not expected that the short-term use, the proposed use, will affect ag so, therefore, is unsuited for the uses permitted, which is ag, within the district. So by short-term rental does not compromise the suitability of ag, so that's -- I just kinda wanted to bring clarity to that. Another clarity I wanted to bring to was regarding the public services and what was noted is that you looking at occupancy, and you're looking at a dwelling, and so that dwelling was made for already a three-bedroom house on a 3,900-plus square footage, and so if the owner was to occupy that, that would be the same -- so it would not overcompensate already what the dwelling was made for and so, therefore, when you look at the report, when it says no adverse impacts on police and fire protection services or medical services are anticipated is because there's no over what the main dwelling is made for, so within the short-term rental permit, it only -- it has a max so they cannot go over any six-person occupancy and what the dwelling was already made for, so by compromising or proposing that there are adverse impacts, the Department looks at it at you're not over saturating or over-occupying what the dwelling already was intended to whether it was a short-term rental or whether it was made for them living there, so you're always going to see the same occupancy, so they cannot, as far as the short-term rental law states, that they cannot have all at a given amount of time, so it's one group at a time, one use, no more than six bedrooms -- six people occupancy, so you won't see an over-flux of doubling that

at one given time, so when the Departments says there's no adverse impact, that's what you're looking at public services. Mind you, we all know what is -- what we don't have, so that's not something that we can mitigate within this permit, so that's something in a broader perspective, yeah, but for what the application is here for today, so we're just looking at that one property. What else I had comments on? Okay, I lost my train of track but, yeah, I'll just end with that.

Chair Buchanan: Thank you, staff. I do appreciate that clarification. I think the sentiments by public testimony and by Commissioners were based on the type of tourism or short-term home rental non-residents, the use of the short-term home rental by non-residents, and it would be a great thing, maybe one day, staff, we could check the census, but I believe that most of the emergency services on the west side dealing with beach -- beach incidents are primarily non-residents, and so but I don't want to speculate on, but I think that's where they were going with that type of stuff, so thank you for clarifying that to the -- for the Department.

Ms. Lopez: And I remember what I wanted to --

Chair Buchanan: Okay.

Ms. Lopez: Conclude with is that this is actually the first conservation plan that on Molokai that we actually see.

Chair Buchanan: Yeah.

Ms. Lopez: So I really commend the applicant for going above and beyond what -- what was actually and, to me, I felt that without them wanting to do a short-term rental permit, they have become unaware of what the possibilities or the proposed of doing -- actually going through a whole conservation plan and actually being able to implement that and understand and knowing all of the native plants and how they react in their -- their area, I mean just by them reaching out and going through that process, I think it was a lot of lessons learned and learning, and without them wanting to go through this process, I mean I just speculating, but being -- going through this process with the Rubins, I felt that they've learned a lot more entailed, not only with the process, with the property, and being able to develop a relationship on island with the experts here to actually figure out what else they can do on their property so -- so that, I commend that, so I just wanted to note that. Thank you.

Chair Buchanan: I agree thousand percent. I've never seen Wallace here before, and we've been how many farms plans, applications for farm plans, so I thought was really awesome too. I do applaud them for taking that extra kuleana. So we have a motion on

the floor, and it was seconded. We still in discussion. Commissioners, you guys have any other discussion on the motion on the floor?

Ms. Lopez: And, Chair, I just wanna remind the Commission that we do need findings of facts, and conclusions of law, and decisions and order, so maybe we can kinda --

Chair Buchanan: Okay so --

Ms. Lopez: Have this time for a discussion on that.

Chair Buchanan: So for the record, I'd like to submit that my testimony on the prior motion be included for this motion as well so I don't have to spend another 15 minutes reading it all over again. Is that amenable, Commissioners?

Mr. Sprinzel: So proposed.

Chair Buchanan: Okay, thank you. So, I'm going to call for the motion, motion on the floor is to deny this permit. Show of hands, right hands, all those in favor? All those in favor of denial -- I mean approving? Wait. We did a motion to deny that was -- we had five. Yeah, okay, sorry, all opposed to the motion to deny, raise your right hand. Okay, let the record reflect we have one opposition. Okay, motion carries.

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

VOTED: to deny the request.

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

(Dissenting - J. Pele)

(Excused - C. Adolpho; X. Bicoy; L. Lasua)

Chair Buchanan: Okay, motion carries. Thank you. We're going to take a three, four, five-minute break, and then we'll come right back and straight into the item no. 1, which is the library EA.

(A recess was called at approximately 12:53 p.m., and the meeting reconvened at approximately 1:05 p.m.)

Chair Buchanan: Okay, we'd like to call this meeting back to order. Thank you, everyone. We're going to resume where we left off on the agenda, and I think I put my agenda away. Here it is. Item C, under New Business, item no. 1:

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

C. NEW BUSINESS

- 1. KEITH S. KOGACHI, STATE OF HAWAII, DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES requesting comments on the Draft Environmental Assessment prepared in support of the Special Management Area Use Permit and a Country Town Business Design Review applications. for the Molokai Public Library Improvements Project for the construction of a new single story building at the rear of the existing Molokai Public Library and related improvements at 15 Ala Malama Avenue, TMK: (2) 5-3-005:012 (por.), Kaunakakai, Island of Molokai. (SM1 2018/0003) (CTB 2018/0003) (S. Lopez)**

The Applicant is doing an Environmental Assessment to comply with the provisions of Chapter 343, Hawaii Revised Statutes for the use of State funds and State lands.

The State Department of Accounting and General Services will take action on the Final Environmental Assessment at the appropriate time.

The Applicant has also submitted applications for a Special Management Area Use Permit and Country Town Business Design Review. The public hearing on the Special Management Area Use Permit will be scheduled after the Chapter 343, Hawaii Revised Statutes process has been completed.

The Commission may provide its comments on the Draft Environmental Assessment (DEA).

Chair Buchanan: So that means the draft is in the EA, and if we need to, I think staff is going to expound on that more, so, Sybil. Thank you.

Ms. Lopez: Thank you, Chair. Thank you, Commissioners. I'm Sybil Lopez, and I am the project planner for the the -- this SM1 project, 2018-0003, and the country town business design review, CTB 2018-0003. Just wanted to let you know, before I turn the time over to the consultant, Munekiyo & Hiraga, just wanna let you know the draft environment assessment has been passed out to the Commissioners in a previous meeting, it is on our OEQC -- it is on the OEQC website as of March 8 and so the public commenting period is now, it's a 30-day commenting period, and what the consultants and his team is presenting to you today is to -- for comments regarding the draft, and so the SM1 and the CTB is going to be reviewed and the, like the Chair said, the public

hearing will be when the final -- the final EA has been completed, Chapter 343. Just to give you a little time history, the team has already went in front of the UD -- Urban Design and Review Board, on March 2, 2018, with -- there were some recommendations, we do have one of our commissioners here, Ms. Frances Feeter, that was a part of that meeting, which they did have some recommendations, which the Planning Commission will have a chance to review them, but I would like now to turn the time over to Mr. Mark Roy, and he will start -- introduce his team and start his presentation. Thank you.

Mr. Roy: Thank you, Sybil. Good afternoon, Chair, Members of the Commission. My name is Mark Roy, with Munekiyo Hiraga. We're the planning consultant assisting the Department of Accounting and General Services, DAGS, who's the applicant for the project that you're reviewing today. I'd like to start off, and before I get into the project team, I'd like to thank all of the Commissioners for attending the site inspection this morning and we hope that we were able to answer the questions that were raised during that site inspection; of course, if there are any other questions today during our review, please go ahead and we'll try and -- try our best to answer any additional questions that you may have. I'll just run through the project team before I go through the slide here, I'd just like to introduce Mr. Daniel Jandoc, from the DAGS, from Department of Accounting and General Services, and we also have Stacy Kaneshige, from the Hawaii State Public Library System, here today representing the State. The project team for this -- for this project, the architect is Fung Associates, we have Tonia Moi here today, I'll be handing over the presentation in a little while to Tonia; landscape architect is Walters Mitoda Kimura; archaeologist is Aina Archaeology, we have Tanya Lee-Greig also here today with us to answer any questions that the Commission may have on either archaeology or cultural considerations; civil traffic engineering is being provided by Austin, Tsutsumi Associates, ATA, and then planning consultants, locally, Munekiyo and Hiraga on Maui.

As Sybil mentioned, the purpose of today's meeting is we're respectfully requesting the Commission's review of the Draft Environmental Assessment that is being prepared for this project. Just a brief overview of how we're going to present the information on the project today, we're going to give a brief overview on the existing library and the property, then we'll go into a description of the project that's being proposed including a review of some of the -- the plans including renderings and elevations and things like that, then we'll go into the Draft Environmental Assessment summary just to show the Commission where we are, as of this point, in the process, and then we'll talk a little about next steps at the end of the presentation.

So, I don't think I need to go into too much about where the project is located. This is the Molokai Public Library. It's located on 15 Ala Malama Avenue. It was actually built in 1937 by architect Harry K. Stewart, and as of 19 -- I think it's 1993, it was placed on the Hawaii Register of Historic Places.

Here we have just some -- some photographs that had been taken over time since the library was constructed. And as I mentioned before, it is on the historic -- well, the Hawaii Register of Historic Places. It was placed on the Register back in 1993.

So, location. It's in the midst of Kaunakakai Town. It provides a central location for a facility such as a library. A pretty appropriate location. It is in the SMA, as Sybil mentioned, so we -- we'll be back before this Commission at the appropriate time to request consideration for an SMA use permit, and then, in terms of land use designations, it has the appropriate land use designations in place to be able to allow for a library facility and also the proposed addition that we'll be presenting to you today.

Chair Buchanan: Mark, can you take a real -- two slides back, back to the picture again?

Mr. Roy: Sure.

Chair Buchanan: So, the upper far left-hand corner, is that the oldest picture?

Mr. Roy: Yes. That's 1937, I think.

Chair Buchanan: Wow.

Mr. Roy: Yeah.

Chair Buchanan: Okay.

Mr. Roy: And this is the '60s.

Chair Buchanan: I was looking for the coconut trees 'cause we were talking about having to fell one of the trees for the project, so I was kinda looking, historically, if the coconut trees were existing then or not, and the 1960s one is more the one -- okay, thank you very much.

Mr. Roy: Sure. So just an aerial photo here shows, in purple, where the library is. You have Ala Malama Avenue and then also the highway to Kaunakakai. I just wanted to note, on this slide, that the library sits on a larger TMK, it's kind of a like an L-shaped TMK that includes the civic center buildings as well as two larger buildings that you see just above the library facility here, so it's all located on a single tax map key parcel.

This is a bit of a -- there's a lot going on in this plan, but it's, basically, just showing you the exiting footprint of the library here, and you can see the parking lot just behind the existing library. This is Ala Malama Avenue right here, and then you've got the pedestrian

walkway into the civic center complex over here. Access is -- is off the highway and then back down to Ala Malama Avenue from the parking area.

So, the proposal today for the Commission's review is a proposal to actually add a meeting room addition to allow for additional programmatic space for the library and also the growing collection. You can see here the DAGS number, I won't read that, but one important consideration here is that there is lapsing funds that is available for this project to be constructed by the State, and so the State is very hopeful that they can move forward with construction once we've satisfied the Chapter 343 EA requirements, which is why we're here today as one of the steps in the EA process, and then we'll come back for the public hearing on the actual SMA use permit at the appropriate time. Plans are very progressed at this point, Tonia can get into more of the details on that, but the building permits plan to be submitted at the end of this month, and the intent there is to stay on schedule to prevent these funds lapsing.

So just a bit of background. How did this project come about? It was actually conceived back in 2011. The State went through the process of doing a development plan to understand the needs of the existing library and what additional facilities they may need into the future, so that was actually back in 2011 that that development plan was put together. It proposed a new addition, similar to what you'll be reviewing today, a building at the rear of the library. It did actually retain the carport hundred percent, I believe, in its current form, that's maybe the only difference between what we're presenting today, and also it was different in that it was attached entirely to the existing library, so it was attached along the back wall to the -- to the existing library. And the 2011 proposal was actually a larger footprint than what is being proposed today. So, that's just the background, and then this is a site plan. Again, just for orientation, you can see the civic center buildings over here, this is the existing library, Ala Malama again on the bottom of the slide; that darker shaded area was the proposed footprint for the addition back in 2011 and you can see there it's -- it's connected entirely to the back wall of the existing library.

So, the project there, this is the area that we all walked this morning during the site inspection. Tonia had -- Tonia had actually marked out the footprint using chopsticks and some -- some white -- white string, but it was based on measurements, approximate measurements off of the site plan, so it utilizes the existing grassy area just to the rear of the library. And then this is a closer shot just showing the proximity of the carport, which was actually built in 1990s, right here, so built fairly recently, it actually sits higher than the existing library, and you can see that it's pretty close to the existing historic structure in its current condition. So Tonia will I think also touch upon how this project is modifying somewhat the -- the existing carport facility to make it a more appropriate space for the library. So, with that, I'll hand over to Tonia, Tonia is the project architect, and will be giving a brief overview of the design concepts and inspirations behind this project. Thank you.

Ms. Moi: Hi. Good afternoon. Thank you, everybody, for sticking with us. Let's see, you have the -- so, and thank you for coming to the site visit earlier today so you could kinda see it in person and -- and get a feel for the space, but, generally, the original one was larger so the roof ended up being taller than the current library, we wanted to keep the roof no higher than the current library, so which is -- which is why we made it smaller. The bookmobile, the bookmobile carport used to -- it was so high because the bookmobile used to be this huge thing and now it's just a van, so, you know, we had the opportunity to lower the height of the bookmobile and also -- and also we shrank the carport so it's only -- it's like about eight feet shorter because they don't need that depth for the bookmobile anymore, and also that gave us the opportunity to bring the building back so it lines up with the front library building and doesn't have to extend too far into the mall. It's already pretty close to the mall, so we just didn't want it like on the mall either.

So, basically, this is the floor plan. It's very simple. It's not a really large building. I think we have like 1800 square feet total, about the size of a -- of a house with the -- with the carport, and so, basically, there's -- we're connecting to the building in the back to where -- and we're not -- we're actually not touching the existing building, so we have like a open breezeway between it, and then so it connects to the staff room. Right now, the staff room is right in here and that's going to move to the back here, and then they can move like be more comfortable where the children's library can expand, they can bring in, you know, more things. Right now, if you -- those who went inside can see that it's a little crowded, so they can, you know, like have more reading spaces, and then that allowed us to have this breezeway to disconnect the building, and then have the staff in here, and this is a meeting room, and I don't know if you guys have ever been there for meetings and stuff, but when they have meetings, they actually have to move everything to one side so they can just have, just even for a smaller meeting, even for like just for tables and chairs, all the books and stuff have to be moved, so this will allow them to allow space for meetings as well as regular just other activities. If you guys -- you guys have probably seen the numerous activities that are there, yeah. I mean I think Sri can testify later about how many activities they have a month and it's pretty -- it's pretty well used as the only public library on Molokai.

So, it's going to be ADA accessible, of course, and it's going to be at the same level of the existing library so they can access both sides. This is just an elevation from -- the top one, this is an elevation drawing from the parking lot site, and this -- this would be an elevation drawing from the mall side, so the mall side is where the entrance is.

So, these -- these are just the other elevations. We have sliding doors that can open up so that they can utilize indoors and outdoor so that they have like -- they have a little courtyard that develop by the two wings and they can go inside and outside instead of having tents all the time. And this is the carport.

So, this is just a color rendition. We will be matching the color of the existing library. So, the idea with the Secretary of Interior Standards is that you -- you match but don't match completely so that someone with a, you know, trained eye can tell that's it's different. So, this is the materials we'll be using. We will be using wood siding and wood stud construction, the concrete piers. We're using -- I think it's on post and pier but we're a little bit more -- you know, the codes nowadays are little bit more stringent so we have to have a little bit bigger footings. We will be using the asphalt shingle roof and like slats, and we will be using aluminum-frame windows for -- so we can have the low -- the energy efficient type of windows but it's going to have that same kind of pattern. So -- so here's a picture of like what, you know, this is from the web on the internet, aluminum windows, and, actually, other than that, the materials are going to be really the same.

So, for the landscape plan, they're using the same plants that are there, not introducing anything new, and there's going to be that one palm tree that we talked about on site, the one palm tree that's at the corner of the building that'll be removed, and then there's a kou tree that's in the parking side that's going to be removed because we're redoing that little back parking as well. We thought about putting it back, but there was concern from other people that it was not good for the site, site vision, vision that back place, so they actually prefer that it be kept out again, so that's -- that's the other tree removing. We will be -- there's a plumeria tree that was planted by the library so we're going to move that over, and then we're adding a few other trees by the parking lot area. So these are the - - so there's the palm trees that are kind of by that garage that'll be removed 'cause that's where the building will be, so we -- they are adding some more plumeria trees and manila palm, and then the other one is we will be adding a kukui nut tree back to the mall area, there's one missing so -- so here it is in graphic, so this is the one we're adding right now. It's just -- it's just missing, so we're just going to put it back. And I think this is the area where there's that one coconut tree, and this is the area where there's a kou tree.

So, just to kinda -- we just kinda wanted to summarize how we think we're trying to follow the country town guidelines by keeping the height no higher than the existing library, we're keeping the character of the historic library, and using wood, and no street changes so - - and we have no exterior signs. So, no pole lights. There'll be lights on the building. There will be one pole light. Actually, we -- I think we're going to try and take out one of those pole lights, and we're going to move one of those pole lights, so we're actually going to remove total one pole light, but then there'll be light from the building.

So that's back to the tree, so, you know, the trees were like in total I think adding. And the per the standards, the mechanical system is in the back by the parking lot side, and then it'll be screened. And so -- and then we're following the Secretary of Interior Standards 'cause it is a registered building so we did have to go in front of the CRC, the Cultural Resources Commission, on Maui, and we also -- well, we went to the Urban

Design Review branch, and we also met with the State Historic Preservation Division to make sure it complies with all the historic guidelines. And so, this is kind of the historic guidelines that we followed that it's -- it doesn't take over the building, the existing historic building. We are going to remove the 1990s carport so that we can gain extra square footage and move the building back further, and then it will be connected by an open breezeway, so per -- per the Secretary of Interior Standards, we are doing it so that we don't damage the existing historic building at all. If it has to be -- if it does need to be removed at some time, the existing historic building will still be exactly there. And then - - and then the new work is differentiated from the old by, you know, the little bit more energy efficient windows and then we're having the double-pitch, but we're not doing that curve that they have, but it's the same double-pitch. And when we met with SHPD, you know, they had pretty much -- we don't have the official letter yet, but when we met with them, they said likely no adverse effect. But the original 2011 development plan did have a effect with mitigation so that would have required mitigation, the -- if we had followed that plan exactly. So, and then now back to the EA part, which is Mark's turn.

Mr. Roy: So, an environmental assessment is in the process of being prepared for this project. A draft EA was I think distributed to Commissioners at the last meeting, so that's -- that's this document here today. We prepared this document on behalf of the State using input from an early consultation process that was conducted last year, back in October 2017, consulted with various Federal, State, County agencies. The draft EA that you see today is a draft EA, it's not a final EA at this point, and that's why we're here requesting your review today and any comments you may have, and we'll talk about next steps in a moment, but the draft EA was published in the Office of Environmental Quality Control's Environmental Notice Bulletin just pretty recently, March 8, 2018, it goes through a 30-day review and comment period, and following the process of the Planning Department, it's we wanted to be scheduled to come before the Molokai Planning Commission during that 30-day review period, so we have from March 8th, I think it's until April 9th, based on the publication, but we wanted to come to this Commission so that we're requesting comments during that 30-day review period.

The EA is intended to present a full analysis of potential impacts that may be generated with a project like this, so it goes into various considerations, environmental, infrastructural, social economic impacts, it talks about proposed mitigation measures where needed; from an archaeological standpoint, Tonia mentioned the meeting had been held with SHPD and, at this point, the agreed upon mitigation is archeological monitoring, so that's an example of a mitigation measure that was incorporated into the project based on consultation with the agencies. It also presents an analysis of all of the applicable State and County plans that come into play for a project like this, and also the County's rules and regulations that relate to environmental assessments, but also SMA permits as well recognizing that we'll need to come back to the Commission once the EA

process has been completed to request consideration of the SMA use permit, so the analysis is comprehensive within the EA document itself.

In terms of considerations looked during the EA process, there was a recognition very early on looking at the existing building and how old it is, and that it's on the historic register, that archaeological and cultural considerations needed to be looked at hard for a project like this, and so I'd like to just kinda go in briefly to the archaeology, Tonia touched on the fact that there was very early consultation with SHPD early on in the design process and that really informed I think where the design has -- has ended up as well, but that consultation process was -- was completed as part of the EA preparation, and, as I mentioned before, archaeological monitoring will be implemented as a mitigation measure based on that consultation with SHPD.

In terms of assessing potential cultural impacts, so Tanya Lee-Greig, who's here with us today from Aina Archaeology, conducted a cultural impact assessment among other things, including research, pretty detailed research, and also looking at archaeological identifications in the area over the years. There was an outreach process with members of the Molokai community that were familiar with the area, and a consultation process that moved forward based on -- on receiving input from those consultees, and, as Tanya mentioned today during our site inspection, there was a recommendation that came out of that process that, for the sculpture and the plaque that sits just to the right-hand side of the library, that that will need to be preserved in entirety and not impacted during construction, so if any Commissioners have any questions in that regard today, we can certainly give additional information on that process.

In terms of findings of the draft EA, we're not seeing any significant adverse impacts on any threatened or endangered species of wildlife, marine resources, or water quality based on the location and current developed nature of -- of the property. We're not seeing any adverse impacts related to public services at this point, any impacts on police, fire, medical, solid waste, or educational facilities. And then, similarly, for infrastructure -- infrastructure in the area, there's been a full engineering study for this project that has informed the design, and there are no impacts anticipated on water, wastewater, or drainage systems, or any other infrastructure requirements for the project.

Design review meetings. Tonia had mentioned that we had been before the Cultural Resources Commission; that was the meeting held on Maui on January 4th of this year. There was a presentation similar to the one that we're giving you today, and the Commission didn't have any comments, there was a general sentiment of support for the project that we received at that meeting, and then we went to the Urban Design Review Board, the UDRB, on March 6th, and, again, there were some comments regarding support for the project, and the need for the project, and two recommendations: One relating to if money were still available for this project, if the irrigation could be extended

to the front yard of the library as well, and I believe that DAGS has agreed that if -- if they have money remaining as they go through the construction process for this project, that that recommendation will be implemented, and then there was a recommendation regarding the replacement tree that Tonia was mentioning. In follow-up conversations with the librarian today, my understanding is that the -- the conversation around that replacement tree has ended in a place where I think all parties have agreed that that replacement tree will actually be put in place at this point. So, those were the two meetings that we've been -- we've been to along the way so far. So, it brings us just back full circle to the request on why we're here today to request the Commission's review and any comments it may have on the draft EA document, and then we move on into our next steps, which is putting together the final environmental assessment, incorporating all of the comments received from members of the public, agencies, including the Commission, and then at the appropriate time when the EA process has been completed, fully completed, we would be coming back to this Commission to request consideration on the SMA use permit for the project.

So, with that, I'll -- I'll conclude. Thanks for the time. I really appreciate you allowing us to be here to present to you today, and also for your attendance at the site inspection earlier this morning. We're happy to address any questions at this time. Thank you.

Mr. Sprinzel: Could I ask the architect what was the thinking behind the glassed-in gazebo and the walkway to it, which seem to have no function whatsoever other than to spend another couple of million dollars?

Ms. Moi: ...(inaudible)... oh the breezeway? You're talking about the breezeway? This one?

Mr. Sprinzel: That gazebo thing there, which seems to have no function whatsoever.

Ms. Moi: The entrance is the glass part or the -- this --

Mr. Sprinzel: No, the whole thing. I mean, what -- what's it there for?

Ms. Moi: This is part of the meeting room, and it was -- we tried to make it smaller in glass so it wouldn't interfere with that -- the walkway with the -- yeah, this is existing, so we're trying not to connect directly to the historic building, which is why there's a breezeway.

Mr. Sprinzel: Yes, but that connects to your new bit.

Ms. Moi: Yes. Correct.

Mr. Sprinzel: It doesn't connect to the old building at all.

Ms. Moi: Well, it connects -- this is the connection to the old building, right here. The breezeway access the connection to the old building. Maybe the plan is better? Where's the plan?

Mr. Sprinzel: No. That's not the old building; that's the new building.

Ms. Moi: Maybe take out -- there's a -- there's a color page. The one I'll go through ... (inaudible) ... yeah. Yeah, the new building kinda looks like the old building, but there's an old building and a new building in that. I think we have a color rendering here.

Mr. Sprinzel: It still doesn't seem to have any point. Sorry, to ask.

Ms. Moi: What the need of the building? The need of the building is, maybe Sri can say, so I think what the need of the building is for meeting spaces. So, I -- okay. I'm sorry. I'm not sure what the question is. The need of the building in general or --

Mr. Sprinzel: No. That funny little glass thing.

Ms. Moi: Okay. So, the entrance --

Mr. Sprinzel: Which has no architectural similarity with anything else.

Ms. Moi: Well, it actually does kinda reflect the entrance here, and so it access like an entrance and we wanted it to be little more transparent as it gets closer to the mall rather than the -- the big wooden building. If you can see in the plan, like the new building, the wood part lines up with this part with the old building so it doesn't extend, so we have the glass as a -- like acts as a entry, just like the front one, and it also give a extra square footage for the meeting room, so they can actually meet in that area, it's enclosed and part of the building but it won't -- but because it's glass and it's -- but it -- it does kinda reflect this part. It's going to be the same kind of muntin pattern as the front lattice work, you know, maybe a little different, but, anyways, basically kind of a similar muntin pattern but it allows for bigger square footage without being a bigger building or feel of a bigger building that's why it's glassed in rather than wood.

Mr. Sprinzel: If you say so.

Chair Buchanan: Okay, go ahead. You can -- you like ask question? No? We'll just -- if members of the public wanted to look, you can come up and get it, but what -- what Commissioner Sprinzel is referring to, okay. Commissioner Poepoe, you have question?

Mr. Poepoe: So, the -- the new building will it be connected to the old building at the -- that what appears to be a floating roof or will it be separate from the old building?

Ms. Moi: It will be -- so it will be connected on the roof. The roof will be connected. So, the roof will sit on both, on the new side and the old side, so that is a connection point, otherwise, there's going to be like a concrete walkway between the two and that'll be like a slight separation between the two so if it has to be taken off, it can be taken off.

Mr. Poepoe: So, would -- so it does -- the roof will be connecting between the --

Ms. Moi: Yeah. Right.

Mr. Poepoe: The proposed new building and the existing building? Will that affect the historic registration designation of the -- the historic building?

Ms. Moi: No. 'Cause we went -- we met with the State Historic Preservation Division and with the Cultural Resources Commission and they both said that it would be a no adverse impact to the historic building 'cause we're following the Secretary of Interior Standards for additions, which, you know, like minimal damage to the existing historic building, removable if need be, and, you know, complimentary but little bit distinction between the two so -- so, yeah, so State Historic Preservation Division, it will not affect the nomination, the registration.

Mr. Poepoe: I'm trying for think about the reason why this -- this roof couldn't connect with this, the -- the Mitchell Paule Center, the new addition.

Chair Buchanan: I have no idea.

Mr. Poepoe: And I remember hearing some kind of code that was brought up that kind of was saying that just because -- because it's a new addition, you cannot tie into an existing structure, but I don't know where I can reference that and I was kinda thinking that would have applied to this situation.

Ms. Moi: Well, so, yeah, with the code, there's a limit of what size you can do, which you can add before a whole bunch of other fire requirements are needed, so ours is under that size, luckily, so we don't really have to like -- when you get to over a certain size, you'll have to like fire sprinkle or, you know, you'll have to do all these other things to it, but we are under that size 'cause, actually, the undercover area is really only this much, right, so it's -- it's actually not very much. It's -- it's, like I said, it's like a house. It's about the size of a house. So, it does -- it meets the code requirements for not having to go through all that other steps. But, yeah, I know what you talking about.

Chair Buchanan: Okay, Commissioner Poepoe, you get more questions? Okay, you didn't wrap up your presentation yet, yeah? You did? Okay. 'Cause we going take public testimony after but -- but before staff leaves, I did have one comment, and the one comment was that we was building in a flood zone and a tsunami inundation area, and the Molokai Community Plan, both the current and draft, clearly recognize climate change sea level rise at Kaunakakai Town and trying to further new development away from inundation areas, so this is hard, you know, because the library is historical, they need more room, and they had the land there, but I wanted to at least get that on the record because, politically, when people say, you know, it's flooding, you going spend millions of dollars on the new facility to be built in a flood inundation area subject to tsunami, so, that said, I wanted to move on to the cultural, I had some cultural questions, and I notice in -- in the EA that seven Molokai people were consulted with. I would have liked to see little bit more than -- I did appreciate that you did put out a public hearing, and I mentioned at the site visit, and I'm going to repeat it here because we in public testimony, the public is here, and they was not at the public visit, so when you have archaeological monitoring for digging in areas like this during the project, I did want the -- the plan, the archaeological monitoring plan, to include or consider a process by which Molokai residents, who have ties to the area, could put in claims for inadvertent finds whether they're -- but there's a process for iwi, but this would be other tangible items and -- and don't laugh, but when I was small, because I don't think there's anybody in here that remembers that Molokai Mortuary was where the burger drive-thru place is, so I was born and raised there, and I lived in Kaunakakai, I was town rat, so we would go to the library and we would play, and we would play marbles, we'd play dress-up dollies, and read, and stuff like that, so if you find my marbles, I want 'em back, okay. I want 'em back. I'm serious. So, I'm talking about those type of items, you know, that have significance for people who live here, you know. I live in Kalae now, when I find that kauluwai bottle, it does bring back memories of the Cooke family, and so I consider that part of culture, but that part I never see in a archaeological monitoring plan, so still tangible items that have an tangible cultural significance for me, as a practitioner and as a resident. So, that's my feedback on the cultural part. And I glad you talked to Opuulani because it was a military barracks before it became the jail, and then the jail also housed Japanese interns during that time, so it was historical. And Commissioner is right, it's a atrium or whatever you -- it's a pretty glass bay window, one big bay window, okay. It's going to be gorgeous. He's siding on the side of taxpayer's money so I appreciate that. Other than that, I did appreciate the oversight by the urban review board. I saw the materials. I think they're beautiful. I like the fact that they included hina, and not doing impacts, and possibly only removing a handful of trees; the same with the findings of whatever in a process, if somebody can use the kou tree that you going cut down in a manner by if they woodworkers, I would appreciate that consideration, that kinda stuff. So, Commissioners, you get -- Uncle Billy.

Mr. Buchanan: Yeah, the question I have is who determined that this addition was needed and what -- for what purpose?

Ms. Moi: Do we wanna have Sri come up? It's -- it's been a long-standing request from Molokai Library but -- and Sri is the Molokai Librarian, maybe she can kinda give a little bit more history the request for the expansion.

Ms. TenCate: Aloha, Madam Chair and Commissioners. Thank you. I was waiting to give my testimony but because this question came up so I came up here. Thank you. I'm Sri TenCate, and I am the Branch Manager at Molokai Public Library. I have been employed by the Hawaii State Public Library System since 1986. Last year, as you all know, we celebrated the 80th Anniversary of our only public library on the island. So, since I've been working there, more than three decades, so I know that -- you know very well as well that the population has been growing, and we have more people coming and living here, so we noticed that whenever we have programs, we don't have space for programs anymore because the existing reading rooms, the capacity is only for 60 people, and this reading room, from both sides because you came for the site visit today, is for our collection, and because the building, it was built in 1937, at the time, we didn't have computers, we didn't have anything, only the card catalogue and some books and magazines, but now, of course you know that the -- as the population is growing and so is our collection plus we have all these new equipment and gadgets, so every time we have a program, as I think Tonia mentioned also earlier, we had to move away the furniture, some of the bookshelves in order to accommodate people that come to our programs, so which is a hardship on the staff every time we have to move away furniture and put them back after the programs. So, it is a big immediate need for the community to have a separate meeting room for programs and community events because, also, community members often come to the library and ask if they could use the meeting room, which we don't have, so we send them either to come to Mitchell Pauole Center or to the DAGS meeting room next door to the library. So, that's why this proposal should be for the community needs because we need a separate meeting room for programs. There's no way we can do anymore programs inside the reading rooms. As I said earlier, the capacity is only 60 people, and we are never in compliant with the fire code 'cause we have been warned by the fire marshal and the captain about it, so sometimes when we have programs, people have to stand or sit by the door so I have sometimes to ask people to leave because of that, so we don't want to do that either. So, yes, if you have other questions, I will answer them.

(Chair Buchanan was excused from the meeting at approximately 1:50 p.m)

Mr. Buchanan: No. Thank you very much.

Ms. TenCate: Thank you.

Mr. Sprinzel: Alright, time for public testimony. Anybody? Mrs. Feeter. Aloha.

Ms. Feeter: Good afternoon, Commissioners. Thank you for listening to me. I'm Frances Feeter. I -- we moved here in 1991, and I've been going to this library ever since, and I - - as far as the need, if you've ever been to a program in the library, you probably realized we need the extra space. The staff needs room to work. They are cramped in a very small space. We need room for a children's library. We need room for storage. I'm the member of the Friends of the Library and we have book sales and we store them in boxes in the carport right now, and we're hoping to have some shelves in the carport to ease that, but even -- one thing other I might mention, it was in 2006, actually, that Sri and the Friends of the Library started contacting the State saying we need more room, so it hasn't been just a few years, it's been like 12 years we've been working on this and I think everybody in our community would really appreciate and get a lot of value out of this. I don't think there's -- I'm sure you're all undoubtedly in favor of more library space and the programs that we have. By the way, my little plug in here, if you haven't been to a library program lately, you gotta come. We have amazing programs. I go. I start out I say, oh, I don't know if I wanna go out on a Wednesday night, but Sri kinda expects me to be there, so I'll go, and I come home and say, my gosh, what a wonderful program that was. You have no idea. The Chinese puppets we've had were incredible. The taiko drumming and dancing, it has been wonderful, and I urge you to come if you haven't been. But, anyway, another -- another thing, this would be such a wonderful thing to give Sri. You probably know, she's going to retire and I don't know how we can replace her, but I think the crowning achievement will be this addition to our library that she's worked for for so long. So, thank you.

Mr. Sprinzel: Thank you. Any questions for Francie? I, too, have been a friend of the library since I came to this island, and Sri has been fantastic. Any more public commentary, please? Oh, we will hear from Sri.

Ms. TenCate: I forgot to mention earlier because John, Commissioner, was asking about the design, the drawing, it was -- it is the committee meeting room that we are going to build, so it's not a gazebo, it looks like a gazebo, but it will be the meeting room, yeah. It looks like a gazebo because it's on a smaller scale. And, also, Stacey Kaneshige, from our administration, mentioned that if we ever find anything on the site of the construction, we will collect them and display them at the library because Commissioner -- Chair Lori Buchanan was mentioning about items that can be found on the site from the construction, we'll collect them and we'll display them at the library if they are of significance. Thank you.

Mr. Sprinzel: Thank you, Sri. Commissioners, any comment?

Mr. Poepoe: I have a comment.

Mr. Pele: My comment is I just thank the dedication of Sri TenCate for the 32 years awesome, and I think this plan is awesome. I love it. When our community benefits from -- when we give back to our community, we do -- I just - I just love it. This is long overdue, and I just -- if you wanted my input, I think it's a great thing. Congratulations on -- on what you've done so far.

Mr. Sprinzel: I certainly sympathize with they having to clear everything out from meetings in that back room. That's incredible. Whenever we had a meeting there, the stuff was just piled up in the corners, so I know you need the space. Is there any more public commentary?

Mr. Poepoe: I just wanted for mention that depending on what is inadvertently or otherwise found on the -- on the subject property, we might have to go ahead and consult with SHPD for -- whether that be done already. Regardless, no matter what is found. Okay, kay, kay. Okay, I just wanted for make that clear that we're not -- we're not displaying human remains or anything at the -- okay.

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

Mr. Poepoe: Thank you.

Ms. Lee-Greig: Aloha. So, in the event of a iwi find, any finds like that will be -- will be processed through SHPD and in accordance with the State burial law, right, so no displaying of human -- human remains, no photographs of human remains, and full consultation with the Historic Preservation Division and likely the community of the immediate area.

Mr. Sprinzel: It was the probation office there as well so there'd be a few skeletons.

Ms. Poepoe: Mahina Poepoe again. I just had a few comments. I wanted -- was wondering about parking if there's a need or requirement for more parking. The necessity of demolishing the carport, I heard that it was to add more square footage, I initially thought it was just for aesthetic purposes, and also how much usable life is left in the carport; if there's still 20 or 30 years, then, you know, we paid a lot for it probably back on the '90s, if it's necessary to remove it. The drainage, I thought, wasn't clearly addressed, but maybe that's going to happen when the SMA permit comes through. And -- and, yeah, the displays, I think if we find Aunty Lori's marbles, she wouldn't want them displayed, I think she wants them back. That's all. Thank you.

Mr. Sprinzel: Thank you. Anymore -- any more public input? No. Public testimony is now closed. I don't know exactly what we're supposed to do with this. Perhaps --

Mr. Roy: So, the purpose of the meeting today is just for us to receive the Commission's comments, and then what we'll do is, during the next phase of work, we'll be writing the final environmental assessment, so it's, basically, taking that input and feeding it into the final EA, so I have taken notes as best I can today. I think some of the questions were answered so I haven't put those down as -- down as comments at this point, but maybe if I could just summarize what I have, and then if the Commission Members have anything else --

Mr. Sprinzel: Please do.

Mr. Roy: We can add to it. Okay, the first one I had was a comment from -- from a Commissioner that the project is located in the flood tsunami zone. I think she just wanted that to be noted and so we'll be sure to make sure that that's -- that's included in the EA. The other comment dealt with the archaeological monitoring plan that's being prepared and whether or not there would be a possibility of including a process by which residents could submit claims for any items that would be found during construction, and I know we've just gone through the process of clarifying, you know, the difference between how the burials, if any were to be found, how those would be handled through the SHPD process. So, that was the second comment. The third comment I had was for any trees that may be cut down or removed, if those could be made available for possible reuse within the community. The Commissioner's comment about it being I think you said an awesome plan and that you like the idea of dedicating it to the librarian. John, you mentioned that you appreciated the need for the project and the need for additional space. So those were the comments I had from the Commission. I -- I do recognize and respect that we received some comments from testimony and so I wrote down the one about, you know, is additional parking needed for this project. We can certainly make sure that that discussion is in the EA if the Commission would like us to address that comment. There was a comment regarding drainage. We can -- we can go back and look at the drainage report that was prepared in support of this project and converse with the engineer that put that together and just make sure that the analysis provided is -- is meeting the requirements of Maui County. And then there was a comment about is there any usable life left in the carport. So those were the comments I had unless I missed anything that wasn't answered.

Mr. Poepoe: Question. How much time you guys get left before you gotta leave and catch a flight?

Mr. Roy: We should --

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

Mr. Roy: Yeah.

Mr. Poepoe: Like right now?

Mr. Roy: Fairly soon.

Mr. Poepoe: One minute ago you should have left. I wanted to ask if this was the only opportunity -- oh, we can continue to add comments? Okay.

Mr. Roy: Yeah, so what we'll do is we'll take the comments that we've received in today's meeting, we're going to be working on the next phase of work, which is doing the final EA. When the final EA is completed, the next step in the process was we'll be working with Sybil to schedule a public hearing, so similar to the one that you had on the previous application, we'd be coming back to this Commission, having a full public hearing on the SMA use permit application, and there'll be, obviously, opportunity for further discussion and any comments, conditions on the approval at that point.

Ms. Lopez: I can add.

Mr. Sprinzel: Yeah, we'll have lots of time, well, you will have lots of time to listen to presentations and far more detail. No problem.

Ms. Lopez: And I can add -- I can add to Mr. Roy's to answer Commissioner Poepoe's question. So, right now, it is in commenting period with OEQC, like I said before, it is on the website, so anybody can go on and do public commenting right now, so it's a 30-day process that is open before they close it up and work on the final EA, so it opened on March 8th, and so you have 30 days from then, the public can go on and start commenting straight to OEQC. Did I say March 8?

Mr. Roy: Yes.

Ms. Lopez: Okay, so April something, April 3rd. Sure.

Mr. Roy: That's a really good comment. Sorry, that's a really good comment, and maybe just to clarify. The comment period's up until April 9th. If a member of the community wants to, you can go to the OEQC website, download a copy of the draft EA, and actually they'll have information in that publication, the publication on March 8th that will say to provide any written comments, they'll give the address as to who the written comments should be addressed to. So, yes, the comment period is still open even beyond today's meeting up until April 9th officially.

Ms. Lopez: But, for this purpose, the Molokai Planning Commission comments are taken directly to the consultants to input aside from the public's response to the OEQ website,

so the public has this time period to April 9th to do that regarding this Chapter 343, and so what Mr. Roy was explaining that what will be before you in public hearing is specifically only on the special management area major use permit, and so those are different requirements from Chapter 343, which you guys will be reviewing, yes, and which -- which includes drainage, which includes parking, so it's a full analysis report, like how you seen Mr. Rubin's report.

Mr. Poepoe: I had some other questions but I no like you guys miss your plane, yeah, 'cause that's pretty important for if you like go home.

Ms. Lopez: Well, you can add it.

Mr. Poepoe: Will this be -- I mean will our -- our input be different if I were to submit it by email? Do I lose my -- my commissioner costume when I --

Ms. Oana: Commissioner Poepoe, so you won't be submitting your comments via that website as a commissioner but as an individual, but you can mention that you are a commissioner but you're not submitting it on behalf of the Commission.

Mr. Poepoe: Okay, so I kinda wanted for mention on -- that include a comment about how you could possibly lower the cost of the proposed project if that's one possibility because for the size of the building, it seems kind of expensive to be allotted -- allocating three million fifty thousand dollars for that little bit of a amount of construction, and if can find some ways to cut costs that can still satisfy the -- the need for extra space for whatever projects and stuff.

Mr. Sprinzel: I don't think that's part of our review of the EA. I think that's the next step.

Mr. Poepoe: Okay. I just wanted for add that comment because I not going be able for add it as a commissioner. I kinda wanted for --

Mr. Sprinzel: Thank you. Thank you very much folks for coming in and letting us know all this stuff, and now we'll go onto. I don't think it's necessary but we could have a motion to accept the comments, whatever that may mean. Will you propose -- propose, please just to accept our comments.

Mr. Poepoe: So moved.

Mr. Sprinzel: Second? All in favor, raise your right hands. Motion carried. Thank you.

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

VOTED: to accept the comments of the Commission.

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

Mr. Roy: Thank you very much.

Mr. Sprinzel: Okay, item D, please, Sybil.

Ms. Lopez: Oh, Director's Report, so Director's Report:

Ms. Lopez 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. NOEL KELIIKOA submitting a Special Management Area Assessment (SMX) application for the reroofing of a 720 sq. ft. portion of the main dwelling located at 11178 Kamehameha V Highway TMK: (2) 5-8-002: 004, Honouliwai, Island of Molokai. (SMX 2018/0027) (Valuation: \$25,000) (S. Lopez)

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

Ms. Lopez: And, so, I am the planner on the project, and we do have Mr. Noel Keliikoa here available and he wants to say a few words if it's okay, Chair -- Vice-Chair.

Mr. Sprinzel: Please. Let's hear.

Ms. Lopez: Thank you.

Mr. Keliikoa: Aloha to the council, the councilmen, council, for allowing me to come up speak for myself for the property that was given to me through my tutu lady Sarah Kauilani Naoo and my tutu man David Kauilani, which are deceased, that was handed to our family to continue our generations to take care of this property and this home that which my tutu

man and tutu lady was born and raised here East End Molokai. I can say my tutu lady was born in Papio, Molokai, if you guys know where Papio is. The reason why I come here today is to ask permission to the Molokai planning department, to the council, if it is possible that I can reroof the house, the roofing of this house because of age. The roofing falls apart. Now we have a hole and it's unlivable. If I can replace the roofing and the framing to the roofing. I live mauka of this property where my Aunty Lahela Halama used to live. So, I -- I continued to what the family already had done before me and I continue to carry on to the future that I pray that my next generation will continue to do what I am doing.

Mr. Sprinzel: Thank you, Noel. Does anybody have any questions?

Mr. Poepoe: This the house you staying in right now, Honouliwai?

Mr. Keliikoa: I -- I live mauka, across the street, mauka in Honouliwai, but the property is makai. This is the property here makai. This has -- this has been taken back, but it was off a calendar, this is before any of those houses were there, but the house has been redone but the house is still there.

Mr. Poepoe: That's the one that Kaui was living in?

Mr. Keliikoa: Yes. My cousin Kaui Naoo.

Mr. Poepoe: Okay. You not going --

Mr. Keliikoa: I'm not changing the structure.

Mr. Poepoe: Okay. That's just for --

Mr. Keliikoa: Roofing. Just redoing the roofing.

Mr. Poepoe: Yeah. Okay.

Mr. Sprinzel: Any other Commissioner's comments? Can I have a proposal, please?

Mr. Poepoe: Motion to approve. Oh, motion to waive the -- the review.

Mr. Pele: Second.

Mr. Sprinzel: Any comments? All in favor, please raise your right hand. Unanimous. Thank you. You have approval.

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

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

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

Mr. Keliikoa: Thank you.

Mr. Sprinzel: Thank you, sir.

Mr. Keliikoa: Thank you. Mahalo.

Mr. Sprinzel: May we have the Director's Report, please? In case you're wondering why I'm chairing, our Chairman had to catch a plane.

F. DIRECTOR'S REPORT

- 1. Pending Molokai Applications Report generated by the Planning Department with the March 14, 2018 Agenda Packet (Appendix - A)**
- 2. Closed Molokai Applications Report generated by the Planning Department with the March 14, 2018 Agenda Packet (Appendix - B)**
- 3. Agenda items for the March 28, 2018 meeting**

Mr. Yoshida: Thank you, Mr. Vice-Chair. The Department has circulated our list of pending and closed Molokai applications if there are any questions on those reports. Okay, if there aren't any, your next meeting is --

Mr. Poepoe: I have.

Ms. Lopez: I have a -- Commissioner Poepoe has a question.

Mr. Yoshida: Oh, sorry.

Mr. Poepoe: I have one question. Can I have an update on where we're at right now for the Native Hawaiian Law Training? I can schedule one in May if that is one possibility.

Ms. Lopez: When are we planning our training, our orientation?

Mr. Yoshida: Oh, well, I guess the new members, new commission members will take office on April 1st, so we would have some orientation training kinda divided up starting in -- with the April meetings. For the Native Hawaiian Law Training, we're still at an impasse with Office of Hawaiian Affairs and Richardson School of Law, so, you know, as to whether the training can be televised or videotaped or not so --

Mr. Poepoe: Was there going to be a discussion among the Commission or the Department about the attendance of commissioners? I vaguely remember something being mentioned about having some kind of discussion about -- or, yeah, do you remember?

Ms. Lopez: ...(inaudible)... regarding -- so, that discussion is regarding Chapter 301, the rules?

Mr. Pele: Yeah, I think -- I think was we had rules and I think Commissioner, she's not here but I don't wanna -- I don't wanna say, but I think Commissioner Buchanan had mentioned that she wanted to possibly visit 'cause, right now, there is no, Corp., there is no rules regarding concerning absentee.

Mr. Sprinzel: Yes -- well, no, no. There isn't.

Mr. Pele: No, there is not. I think -- I think she had mentioned --

Mr. Sprinzel: There is in the new one if it ever comes down and that we can -- if -- but it's not law yet.

Mr. Yoshida: If they want to discuss proposed amendments to the rules, you know, we could schedule that. If they have a draft available, they should make that available so it can be circulated with the agenda. We have to go through a, if the Commission moves forward with that, we have to go through a formal rule-making process, which would require a public hearing.

Ms. Oana: Were you talking about absentee commissioners and you guys worry about -
-

Mr. Pele: Yes. The amount of meetings you're missing. I think we touched on that. I --

Ms. Oana: So, I think that might have to be a rule change. I'll go take a look from now until the next meeting and see what kind of rule change or if it's covered in there already, but with regard to the commissioners that are frequently absent, I think, I'm not sure, that there's something in works already with that so --

Mr. Pele: But on our level or the County?

Ms. Oana: Above.

Mr. Pele: Would this, that was my question, would this -- something like this have to go to the County or that is something that we do here?

Ms. Oana: If we amend the Molokai Planning Commission rules, then, basically, it's called "rule making," "administrative rule making," and we would have to put a notice in the paper with regard to the amendments 30 days in advance of a public hearing, you guys would be conducting the public hearing and give the public an opportunity to comment on the rules, and then you guys can have -- basically adopt them. So, it's a -- it's a little process, it takes a little time, but it's easy.

Mr. Pele: But there's nothing in --

Mr. Sprinzel: It was adopted in the amended rules that we did. It was definitely adopted and one commissioner was asked to resign.

Mr. Pele: Alright, so it's -- it's in place as we speak?

Mr. Sprinzel: Yes, it's there. And Steve -- when Steve and I presented it, it was definitely down after a period of absence, we could ask the person to resign.

Mr. Pele: Ask or force?

Mr. Sprinzel: You'll have to look it up.

Mr. Pele: Okay.

Ms. Oana: So, the current rule for attendance is found in 12-301-24, so the attendance rule is: No member shall be absence from service of the authority unless the member is sick or otherwise unable to attend and has so advised the chair prior to the meeting. So, I think, at this point, it would -- we would request their resignation due to x-amount of absences. We can also change the rule too.

Mr. Sprinzel: It would take some courage to not resign when the Commission asked you to wouldn't it?

Mr. Pele: No, it's a great question 'cause I actually had one of the commissioners in here saying that he has to resign, he's being forced to resign, and I just -- it just skipped my mind. I don't think that was a rule. I don't him I don't know if that's a rule, but he's saying that --

Mr. Sprinzel: Well --

Mr. Pele: That he has to resign. He's being told to resign.

Mr. Sprinzel: Obviously, the Commission discussed it as you are discussing it now.

Mr. Pele: Yeah, so I didn't -- I didn't know.

Mr. Sprinzel: And that's how they ended up. I mean we, Steve and I, proposed all this stuff and then the Commission voted on it.

Mr. Pele: But would be helpful if they would be here.

Mr. Sprinzel: I guess if we got paid, you could make it compulsory.

Mr. Lopez: I just have one acknowledgement regarding, Chair, the page four of five of the open PD projects on your agenda 'cause we on the reports, yeah, I just wanna make note that we do have one of the applicants here, she's just been here in observant, but you will be actually seeing her, if not the next agenda, the following agenda, so I just wanted to make known that she is here present, I mean if you guys wanna address -- hers if the fifth to the last item on page four of five, so I just want to acknowledge that she's here if there's any questions for her.

G. NEXT SCHEDULED REGULAR MEETING DATE: MARCH 28, 2018

H. ADJOURNMENT

Mr. Sprinzel: Thank you very much, Sybil. That's about it. Next meeting March 28th. I declare the meeting closed.

The meeting was adjourned at approximately 2:23 p.m.

Submitted by,

SUZETTE ESMERALDA
Secretary to Boards & Commissions II

RECORD OF ATTENDANCE:

Present:

Lori Buchanan (Chairperson)

John Sprinzel (Vice-Chairperson)

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William Buchanan
Leonora Espaniola
John Pele
Laakea Poepoe

Absent(A)/Excused (E):

Carl Adolpho III (E)
Xavier-Kaniaala Bicoy (E)
Lawrence Lasua (E)

Others:

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