

MOLOKAI PLANNING COMMISSION
REGULAR MINUTES
FEBRUARY 24, 2021

A. CALL TO ORDER

The regular meeting of the Molokai Planning Commission was called to order by Vice-Chairperson Laakea Poepoe at 11:09 a.m., Wednesday, February 24, 2021, via BlueJeans Meeting No. 421879894.

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

Mr. Poepoe: Thank you, Suzie. I'll go ahead and call the meeting to order, Molokai Planning Commission's meeting of February 10, 2021, starting promptly at 11:09 a.m. Sorry for the delay everybody. So, the question I wanted to ask is if it can be confirmed that item 2.a.1, from the previous meeting, will not be heard today, which is the contested the case, the permit for the construction of the new multipurpose classroom building.

Mr. Hart: Chair, this is Jordan. You want to go ahead, counsel? Okay, Chair, Jordan Hart, Deputy Director. Basically, so that is a special management area use permit, and the Commission cannot grant a special management area use permit until the land use designation is correct for the proposed development, so it doesn't need to be on the agenda because it's not possible to actually take action on it. It was basically noticed the last time and the substantive action that can happen is the Commission's position on the two land use designation changes. After that's complete, if it's successful, the SMA major permit would be referred back to the Commission and the land use designations would be in order for a decision then.

Mr. Poepoe: Thank you, Deputy, for the clarification. Go ahead, Corp Counsel.

Ms. Chen: Thanks, Vice-Chair. And just to follow up on that, so, procedurally today, if you'd like to take public testimony, of course, on the district boundary amendment and the proposed change in zoning, then -- then that would be the recommendation. And then -- and no testimony would be taken on the forthcoming SMA use permit should the DBA and CIZ be approved. Does that make sense? I think it's pretty straightforward how the agenda is written.

Mr. Poepoe: Okay.

Ms. Chen: But testimony on items one -- B.1.a. and b. would be good.

Ms. Espaniola: Chair, I think you gave a date of February 10 instead of February 24, so if you wanna reflect the correct date.

Mr. Poepoe: Oh, okay. Sorry, I just was referencing the -- the previous agenda, yeah.

Ms. Espaniola: For -- oh, okay.

Mr. Poepoe: Yeah, strike the last date and correct it to February 24th, please. And this is Vice-Chair Laa Poepoe conducting the meeting in the absence of Chair Buchanan. So, Corp Counsel, would it be appropriate to open up public testimony for all items at this time?

Ms. Chen: Thank you. I think if you just stick with the agenda, you know, call up the item B., Unfinished Business, and then perhaps if you could read off the first item, and then you could take public testimony for those, the DBA and the CIZ, at the same time, I think that would be appropriate. They're not contested cases, so the testifiers do not need to be sworn in.

Mr. Poepoe: Okay.

Ms. Chen: Yeah.

Mr. Poepoe: So, I'll go ahead and read from item B., Unfinished Business, from last meeting, two weeks ago, B.1.:

Mr. Poepoe read the following agenda item description into the record:

B. UNFINISHED BUSINESS

1. **MS. JAN GOUVEIA, of the UNIVERSITY OF HAWAII, requesting the following for the Molokai Education Center Project and related improvements located on approximately 5 acres of land at 375 Kamehameha V Highway, TMK: (2) 5-3-003: 013 and 014, Kaunakakai, Island of Molokai (S. Lopez):**
 - a. **State Land Use District Boundary Reclassification from State Agricultural District to State Urban District (DBA 2019/0002)**
 - b. **Change of Zoning from Interim District to P-1 Public/Quasi-Public District (CIZ 2019/0002)**

The Commission conducted the Public Hearing on items B.1.a. and B.1.b. at its February 10, 2021 meeting and deferred items B.1.a. and B.1.b. (Commissioners: Documents were distributed with the February 10, 2021 Agenda.)

Mr. Poepoe: So, on that agenda item, we can go ahead and open up public testimony if anybody would like to provide from the public, and that I can have Suzie manage that, so

if she knows if there is anybody waiting and if anybody would like to testify at this time, please state your name.

Ms. Esmeralda: This is Suzie. I don't have anyone signed up.

Mr. Poepoe: Okay. We can take a moment to see if anybody would like to. Not going to wait too long. The last chance. So, it doesn't look like anybody's inclined to provide public testimony on this item. So ...(inaudible)...

Ms. Lopez: Vice-Chair, this is Sybil Lopez, the Staff Planner. I did -- I did receive written testimony from the previous meeting. I don't know if you guys received those written testimonies.

Mr. Poepoe: Were they submitted prior to the last meeting?

Ms. Lopez: Right. So, I have nothing ...(inaudible)... other than the three testimonies, the three written testimonies that were submitted to the Department. Other than that, I received no other testimonies.

Mr. Poepoe: Okay, so -- so nothing between the last meeting and now?

Ms. Lopez: None.

Mr. Poepoe: Okay, thank you. Okay, so we'll continue with closing public testimony and items --

Mr. Hart: Chair, I do want to clarify, I believe that Oliver Vaas, Maui Fire Department's comment was dated February 16th, just after the last meeting, and it basically -- what the question was just to verify that they have sufficient fire flow for urban development, and, generally, that's assessed at building permit time frame, but considering the scale of existing development, I believe that those types of things would have been reviewed in detail by the Department at building permit time for the last buildings that are existing there now. But again, they would assess that at the building permit submittal.

Mr. Poepoe: Okay, thank you, Deputy. Okay, I guess we'll move on to the next step in the process.

Ms. Chen: Vice-Chair, did you want to close public testimony?

Mr. Poepoe: Yeah, I think I'll close it again if I didn't.

Ms. Chen: Okay, sorry, maybe I missed it. Okay.

Mr. Poepoe: Okay, I'll officially close public testimony, I'm not sure if I did, but then we'll go ahead and move on to the next step in the process that should be discussion. Okay, and any members have any discussion points? Oh, thank you, Suzie.

Ms. Espaniola: So, the meeting, Chair, was deferred on -- for item one, it's deferred, the Unfinished Business with the University of Hawaii?

Ms. Espaniola: Yeah. Oh yeah, and so I'll -- I'll ask for Commissioner Pele to confirm that he has received and reviewed all the documents, and we got a affirmative via a thumb -- thumb up. Okay. So, everybody here and --

Mr. Pele: Yes. Yes, I did.

Mr. Poepoe: Okay, let's see. Commissioner Sprinzel still around?

Mr. Sprinzel: Yes, I did.

Mr. Poepoe: Okay. Thank you. Just checking. Lost you on the video.

Mr. Sprinzel: I'm there.

Mr. Poepoe: So, anybody have any points or remarks relating to the -- this amendment, reclassifications I mean? Okay, so if there is no discussion on it, we can go ahead and entertain a motion on the item B.1.a. So, would it be individually?

Mr. Hart: Vice-Chair?

Mr. Poepoe: Yes?

Mr. Hart: The Commission had asked for some additional information from the applicant at the last meeting, would you like to hear any new follow-up statements or information that the applicant would like to provide in the context of past discussion?

Mr. Poepoe: Okay, yeah, and would the -- the Department like to -- would it be required of the Department to read again the -- the recommendation since it's a deferral or unfinished business? So, that would be up to the Department to decide, right?

Ms. Chen: Yeah, I think that could be helpful just to recap and then -- but, Jordan, what do you think is best, should the -- the applicant present first on the extra information or do you want to do -- go over the Department's recommendation first? What makes the most sense?

Mr. Hart: I think that hearing -- I think that hearing from the applicant first and then providing our recommendation before the Commission discusses and makes a decision would probably be better timing.

Mr. Poepoe: Okay, if we have -- can have the applicant present to the Commission, please.

Mr. Schnell: Good morning, Commission Members. This is Tom Schnell, I'm with PBR Hawaii, we are the planning firm representing UH in the Molokai Education Center. We went through our presentation last time, and I did pick up some comments and questions that Commission Members had, so if I can share my screen, I could -- let me get my screen up. I won't go through the entire presentation again because you've seen it. Hold on. I'm trying to get my -- alright. Let me know when you can see my screen. Does it say, "Molokai Education Center Expansion?" Not yet? Hold on.

Ms. Espaniola: Yeah. Gotcha.

Mr. Schnell: Now it's up?

Ms. Espaniola: Yes.

Mr. Schnell: Okay, great. So, I won't run through our entire presentation again, but we have added some slides regarding the last Commission hearing and some of the questions that we heard. I just wanted to summarize that we do have with us, besides myself, Kelley Dudoit is with us, she's the Molokai Education Center Site Coordinator, David Tamanaha, with the University of Hawaii, Maui College, Shawn Kodani, Denise is here, Yamamoto, is with us, she's with the University of Hawaii Community College, and then Glenn Yokotake, our project architect is here as long as well as Ashley, who works with Glenn, and, of course, I'm here. I won't go through -- these previous slides. I'm going to move forward to the additional slides we've added for purposes of this meeting, but we can refer back to any of these slides from the previous hearing if you have questions. Let me get to the right slides.

So, this is the beginning of the additional slides to address questions that we heard. I just wanted to briefly go over the site plan though. The existing Molokai Education Center is shown here. The existing parking lot is here. What's being proposed is an expansion of the Molokai Education Center with this new building right here that would be a multipurpose classroom building, so the building is designed -- it's about 31,000 -- 3100 square feet but there's three movable partitions in here so the building could be used as three separate classrooms, or the partitions could be opened up and it could be one multipurpose building for larger gathering events. We're also proposing a new storage building that would be located about here. This replaces the existing storage building that has to be demolished to make room for the Molokai expansion, and then there's a new

detention basin that would handle all the runoff from the additional development. It's a really brief overview. This existing parking lot would be, it's part of the parking lot now, it's more of a dirt or gravel parking lot. This would be re-landscaped and paved and remain a grass parking lot, and the entrance would be through here so you would come into the main entrance ...(inaudible)...

So, what we heard last time was I think there were some questions regarding the Molokai Island Community Plan designation, and the current designation is public/quasi-public, but the question was that, you know, when was this public/quasi-public designation made on the community plan, and the community plan, as you guys know, was updated in 2018 was the final adoption of the plan, so the Molokai Education Center here is, right here, these two parcels and, right now, it's about, these two parcels combined, are about five acres, but this entire area has been designated as public/quasi-public on the community plan. And the fire station's up here. There's nothing built here right now. This is the park and the elementary school is here. So, we went back and we looked at the old community plan and, in 2001, the designation was still public/quasi-public, so it's been changed a little bit up here to include the fire station, but, generally, it's been the same designation since 2001, so this has been on the community plan for quite some time now to designate this area as public/quasi-public. Then we went in and we looked at some of the policies in the Molokai Island Plan and there are more policies than this but we thought that this was the pertinent one, so the goal is Molokai will have high quality educational facilities and programs that accommodate the community's diverse learning needs, and the policy was support the expansion of facilities and programs at the Molokai Education Center based on the current long-range development plan to include approximately 15 acres total in Kaunakakai for the expansion. Right now, you know, our expansion just takes five acres right now for the district boundary and zone change; the long-range plan, if they ever achieve that, would be to obtain more land mauka and eventually the campus could be at least, you know, a minimum, sorry, maximum 15 acres, but that's not where we're at right now, we're just looking at the five acres that are necessary for the expansion. And then if you if you go back to the Molokai Community Plan in 2001, there was a similar policy or implementing action to seek funding to construct a new campus for Molokai Community College or Maui Community College on Molokai at the public/quasi-public site east of Kaunakakai Elementary School where the existing college facilities exist. Fifteen acres of this site should be considered for the new campus. So, even in 2001, there was consideration of this area of five acres plus additional area for the education center.

So, this -- this shows the long-range development plan that was prepared in the late 2000s for the five-acre area. So, the existing building is here. This is the expansion building. Originally, the idea was that this was going to be an educational building and a multi-use building would be up here, but they determined that the multi-use building was more appropriate to move forward with this so this -- this is actually the multi-use building here, but it's also an educational building because of the movable partitions so we could use it

for three classrooms or a larger facility for community events or larger campus events. I just wanted to show you the long-range plan.

Then there were comments that we heard regarding the district boundary amendment, and I think one of the comments is it was possibly spot zoning, and I think the Deputy Director, Jordan, had pointed out that across the street is already designated urban area. The green is -- is -- is ag district, State ag district; our property, right now, is State ag district and this is operating under a special use permit, which needs to be renewed every ten years, coming up for renewal in 2024. The last time it was reviewed or renewed in 2014, there was a condition that any further expansion of the center seek a district boundary amendment rather than continuing to renew the special district permit.

And then I just wanted to show you this table because there was concern about loss of ag land. So, on Molokai, in the State ag district, there are currently over 110,000 acres in the State ag district. So, if our site is changing five acres from ag to urban, that's -- that's a percentage of .0045 percent, so the point being that this is a small change of ag land and that there is still much ag district land on the island

There's also what's called the "Agricultural Lands of Importance to the State of Hawaii," this is a soil survey that was conducted maybe in the late 60s or something, that designated ag land into different categories, so the dark green represents prime ag land and the lighter green is what's called "Other ALISH land," but I just wanted to make the same comparison that, on Molokai, there's over 11,000 acres designated as prime agricultural land, and with this change, that's only a reduction .044 percent in the amount of prime agricultural land. And this just summarizes both of these -- these facts together. So, over 110,000 acres in the State land use district; if we take the five acres out, we're only doing a point .0045 percent change, and then the same with the ALISH prime lands, a very small change

I know there were a lot of concerns the last time about sea level rise and flood zones, so I wanted to expand a little bit more on that. So, what you're seeing here is the berm map, a flood rate insurance map that's prepared by the Federal Government, and this shows various areas that are subject to potential flooding, so our site is in Zone AE, which means there's a one percent annual chance of flooding based on a hundred-year storm event. So, if you looked at this area, we need to build our -- our building site above the base flood elevation of eight feet, so in case there would be a major storm, if we're up at nine feet, the facility would not be subject to flooding, so that's what our plan show. And then here's the simple sea level rise exhibit that shows a 3.2 sea level rise scenario within the next -- what it says is sometime this century, mid-century, or within the next hundred years, so this line right here shows a potential where sea level rise could rise to, and so when the staff report or the director's report was prepared, there was new data that had become available in December that in addition to showing the sea level rise area, it showed the coastal hazard areas, how those would change in the future. So, this map

shows the coastal flood zones, how they may change, and this doesn't mean sea level rise would come up in this area, it's that these designations on the flood map may change and may reach -- may look like this in the future, so what I wanted to do on the next slide was I wanted to do a comparison. So, this is the flood map that we just looked at, and this is the Zone AE, this is our parcel, so we're already at Zone AE, the coastal flood zone, and then on this map, we took the data and there's more -- there's more information to the data than just a blue line, so what we tried to do is we -- we tried to make the colors of the sea level rise data and the coastal zone hazard area the same colors as the flood zone data. So, what this side-to-side comparison shows is that, in the future, with sea level rise, if the flood zones did change, this is what it could look like if the Federal Government would adopt these flood zones. So, this pink area would move up here, which would be more susceptible to flooding, and then, you know, these areas that are currently light blue would move up here, and you can see that our site would be in a different flood zone designation, it doesn't mean that it would flood all the time, it means that there would be a one percent chance per year based on a hundred-year storm event. So, it doesn't mean the sea level rise will come up into this area, but if there were a flood event, a big storm, coastal waves, hazard area, this would be more subject to hazard than it is now, but it doesn't mean that this area would be flooded or it doesn't mean it would be inundated by sea level rise. I mean, it could possibly be flooded, but it doesn't mean that this would be permanently ocean area. It wouldn't -- it would still be something like this, but the flood zones could change so that this would be a different designation in the future.

And then, just lastly, we had a discussion about public/quasi-public development standards, and I'll just leave this as it is right now, if there's an open question about if we're seeking the P-1 designation or the P-2 designation, the main difference that we saw was that there's a difference in maximum height, so if we went public/quasi-public P-1, the maximum that could ever be built would be 40 feet high. If we did P-2, it would be 90 feet, and we see no need that there would ever be a 90-foot building on this site. A 40-foot building would -- would be a two-story building and there would be nothing built on the campus that would be greater than two stories, so we would be okay with a P-1 designation. If you find it appropriate for P-2, we can do that. Just as side of that, the final environmental assessment did talk about a P-2 designation, but if the Commission thought P-1 was more appropriate, we would be fine with that also.

That summarizes my -- my -- what I gathered from the last community meeting. If there are other questions -- oh, sorry, the last Molokai Planning Commission meeting, if there are other questions or concerns, we're here to address your concerns, and we have our whole team here, so I'll just stop talking now and let you guys move on with your discussion. Thank you. I'll stop sharing my screen.

Mr. Poepoe: Thank you, Tom. Is there anybody in the Commission who has any questions for the project consultant?

Ms. Espaniola: Yes. Yes, I do. So, was the rain water or the river flow taken into consideration for the flooding?

Mr. Schnell: Rain is definitely taken into consideration. When you -- when you say "river flow," I'm not -- like gulches and stuff, the streams? I'm not sure what you're referring to.

Ms. Espaniola: Yeah. If there's -- I'm not sure if there's a river on there that might flow in there that can cause -- because I don't know if you've seen there before, that was the reason for my intention for wanting to read more. It's like knee deep right by the park. I don't know if you ever seen that. I seen like more than once where it gets knee deep on the -- the when it rains and flooding. So, I'm not sure if -- go ahead.

Mr. Schnell: I'm sorry. So, across the street is actually is a wetland area. You're correct. And water does pond in the wetland area across the street if that -- and I'm sure it fluctuates with the tide.

Mr. Yokotake: Tom, would you like me, this is Glenn, would you like me to kinda jump in and add to that?

Mr. Schnell: Sure.

Mr. Yokotake: Or add to the discussion?

Mr. Schnell: Thanks, Glenn.

Mr. Yokotake: Okay. Commissioners, this is Glenn Yokotake. Wait, let me turn on my camera. Sorry. I'm the project architect, and our civil engineer and I did some reconnaissance on site, and there were mentions early, early, early on about, you know, potential flooding in that area so we walked the site. We met with the County DPW folks, as well as the DOT Highways. So, what's happening is the County park has a concrete swale that runs along the highway, and I believe that's the area you're referring to that's flood.

Ms. Espaniola: Yes.

Mr. Yokotake: It's quite overgrown. But, strangely, there is a connecting point that goes under the highway closer to the County park side --

Ms. Espaniola: Yes.

Mr. Yokotake: And that goes into the -- is it -- Seaside or is that Kapaakea residential area --

Ms. Espaniola: Yes.

Mr. Yokotake: And tries to make its way, you know through the residences and to the ocean, that pipe is pretty tiny and that's why water tends to kind of build up there, but the -- what's making that one perceived to be worse is that it's a concrete-lined swale, so concrete-lined swales don't have any pervious properties and the water just, you know, sits there. It has nowhere to go. On the educational -- on the Education Center side, more toward the corner, our swale is grassed, so it's pervious, so it allows water, not just to evaporate, but also to percolate into the ground and it does make its way to a larger culvert that goes underneath the DOT Highway, but Tom was saying, you know, on the other side of the ocean in the wetlands, which we cannot control or have no jurisdiction, there is a holding area, there's a pond and, you know, the rain water just kinda sits there --

Ms. Espaniola: Yes.

Mr. Yokotake: Which is probably good environmentally. You really don't want that runoff to immediately hit the ocean and, you know, destroy the reefs, so you actually want to hold the silt. The wetlands is actually probably doing a good job at that, you know, filtering all the bad stuff. But to answer your question about flooding, the Education Center's property does not flood, so during those heavy rain episodes, I think that you're referring to, our floor goes towards the corner to that -- that larger culvert toward the street corner. The park's one is trying to make its way to that smaller culvert that's way --

Ms. Espaniola: Yes.

Mr. Yokotake: More -- a little bit more toward Kaunakakai and that's the area that's kind of getting a little bit backed up and overgrown as well. So, just to clarify, that was our observation anyway, out in the field.

Ms. Espaniola: Okay. Thank you.

Mr. Yokotake: Okay.

Mr. Poepoe: Commissioner Mowat.

Mr. Mowat: Good morning. There's several things that I was concerned about and -- and mostly, well, it was the climate change, the ocean rise, and on your Figure 13, and I'm -- I'm referring to the -- the packet that was in our, I don't know where the pages are, but it -- where it shows this sea level rise and it shows the water that comes along Duke Maliau Regional Park, it goes over the highway I suppose, yeah? Right? The blue, that's your blue coloring doesn't go over the highway but does that -- it's blue like the ocean is risen

and now you have the -- the road all clear, and then on the other side of the highway is water. Right? So, is the highway under water or is the highway is the water flowing under or is this water from underneath going up or is that ocean rise? That's -- that's Figure 13. You just had that up. So, does -- does this -- does this mean the roads are closed or --

Mr. Schnell: I'll show it to you in a moment. Let me know when you can see it.

Ms. Mowat: Yeah. Okay, you see where the --

Mr. Schnell: I believe this is the one you're ...(inaudible)... right?

Ms. Mowat: Yes.

Mr. Yokotake: Tom, would you like me to --

Ms. Mowat: So, that highway --

Mr. Schnell: Sure, Glenn. Thanks.

Ms. Mowat: Is the highway --

Mr. Yokotake: So, Commissioner, this Glenn Yokotake.

Ms. Mowat: Is the highway -- hi, Glenn. Thank you.

Mr. Yokotake: Let's see. My interpretation of this map is the water is infiltrating through the culverts and under the highway because it's following the pattern of that existing swale that's running along the park and, you know, the -- the area the previous commissioner mentioned that was flooding near the Duke Maliau Regional Park, it's a little -- it's a little blue in that area, that's exactly where that flooding was observed so -- and that sliver of blue that you see on the mauka side of the highway fronting the Education Center, that is our, you know, drainage swale, so my suspicion is this map is representing some kind of water rise from the ocean but it's going through the culverts and underneath the roadway, it's not -- it's not inundating the roadway, it's finding its way to the other side of the highway. So, the -- the highway is ...(inaudible)...

Ms. Mowat: No, but that sea level rise, it says -- it says, "Sea level rise exposure area," so, you're saying that the rise is actually this -- this blue, all this blue is coming from under and up, or --

Mr. Yokotake: Oh no, it's -- it's the sea level but the sea level pushing inland in a way that will find it's -- the weakest point to get across the highway and the two weakest points are those two culverts that tunnel underneath the highway because the highway is

elevated, so what this diagram is saying is the highway is dry at the top and the water is making its way under the highway through those two culverts to get to the mauka side.

Ms. Mowat: So, you -- you're actually saying that this road is still open, the highway is still open?

Mr. Yokotake: That -- that's ...(inaudible)...

Ms. Mowat: And running?

Mr. Yokotake: I'm -- I'm not, you know, a highway engineer, but that's how I would interpret it.

Ms. Mowat: Okay, 'cause I know further --

Mr. Schnell: The road is at a slightly higher elevation than that drainage -- drainage culvert on the mauka side, so, obviously, the drainage culvert is at a lower elevation, the road is up a little bit higher, so, under this scenario, with this data, it's showing that the road is not flooded.

Ms. Mowat: Okay, I live further down towards the east and during 3.2, I'm all gone already. My -- my whole area is gone, and across the street is also gone, but it doesn't show -- it doesn't show that the road is gone, but I would think it was. So, that was -- that was one question because that would -- that would just tell me that there would be only one way to get to school and that would be on the alanui 'cause along my side it's -- it's all under water. But you folks are basing a lot of stuff --

Mr. Yokotake: Yeah, it could. It really depends on what the elevation is on each of the roads, especially the, you know, the lower roads in Kapaakea and Seaside, we don't know what those elevations are. We do know the highway is a little bit higher. We're trying to pull up some data to see what that elevation point is. But, just to clarify, we did not create this map so we're just trying to illustrate it the best we can and, hopefully, try to interpret it, you know, the best we can.

Ms. Mowat: Thank you, Glenn. I -- I -- but when I look at it as a layperson, I'm looking at and, you know, for my side, I mean, I do -- my side is low, my -- my land is sinking and because there's a lot of water underneath also. So, another question is the wetland. Do you know if the wetland across is that freshwater wetland or is that brackish? Is that all waters from the ocean? Do you know anything about that?

Mr. Yokotake: It's most likely both, so brackish. You'll -- you'll have the tidal action, you know, the ocean currents bringing in saltwater, but you do have freshwater making its way, you know, to that wetland slowly, very slowly over time and probably seeping through

the ground as well. So, typically, wetlands are a mixture of fresh and saltwater, brackish water. You can kind of smell that too when ...(inaudible)

Ms. Mowat: That is part of the -- and that is part of the aquifer that comes down from from -- from Kapaakea, so is there -- is there any water under -- under this -- the -- this land, your -- your site? Has there been any --

Mr. Yokotake: Yes.

Ms. Mowat: Testing? Is there any --

Mr. Yokotake: I believe we had water tables, I don't remember the exact feet, but it was more than five or six feet down we had water, below grade.

Ms. Mowat: So, when the tide gets higher and probably there should be more water coming from underneath, would that cause any kind of sinkholes or anything like that or is that too far back or?

Mr. Yokotake: That -- that's kinda of ...(inaudible)...

Ms. Mowat: And -- and the reason why I'm asking -- yeah. The reason why I'm asking is because I did -- did go and survey, I did a survey couple of years ago to -- and in along the Lahaina coast where the -- a lot of the condos out in the Napili area are -- they have sinkholes right in the middle of their lobbies now and because of the ocean and especially the King Tides, those are the killers, so this is -- these are the kinds of things that really concern me as far as, you know, you folks are talking about expanding, expanding, expanding, and -- and when we're seeing climate change and you folks are basing a lot of it on the ten-year big storm event when it has already been, well, our -- our storms are -- are more intense, the rains and the droughts and everything we're going to go through with so many changes during this time of climate change, so I think it's kinda -- you know, using a ten-year storm based on the insurance, you know, that kind of stuff is -- is kinda worrisome to me. And then I -- climate change is -- it's such a -- such a serious, serious thing going on and we really need to consider these things before investing so much money along the coastline, and being that the wetlands is already wet and water, I mean, so you folks are, to me, you're right -- right along the coastline because of the wetlands. So, that is really, really a big concern for me where I've heard talk about moving Kaunakakai up. How do you -- how do you move, you know, your school when it needs to be moved? So, that -- that's one of my big, big, big concerns. I love having the -- I love having that plan, the buildings, the -- the, you know, Education Center just is great, but it's just the location is -- is -- is scary for me, and it may not happen right away, but you're going to see things happen slowly. Another thing that -- that really concerns me was the wastewater and the sewage. I know and I -- and I saw in your -- in your report that you are aware and you did make some changes if you find out that the wastewater

treatment was over or a hundred percent capacity and couldn't do anything more, then you're talking about porta potties, you're talking about other ways to go through that, but what happens if they have to move because the wastewater treatment plant is so close to the ocean and that has to be moved? What happens then for you folks because you can't just have the kids use, or the adults, young adults use porta potties the rest of the -
- so --

Mr. Yokotake: Yeah, I think -- I think that might become a regional issue, you know, since a lot of the homes and businesses in Kaunakakai are tied to that too. If it truly gets to that point, we're in for a really large-scale regional, you know, engineering effort. But we did consult with the Department of Environmental Management at the County's office, they do have a project in -- in place, they're doing some repairs, but they shared with us a trend, like a table, that shows the past few years of flow, of sewer flow that they've been receiving, and it seems to be trending downward, so, you know, from 2019, 2020, you know, subsequent years, the flow has actually decreased, so, you know, they're not promising anybody 'cause they're -- they're boilerplate language and we ask, oh, can we look up to the sewer system, their boilerplate response is when you come and see us for the permit, we'll determine that. But at this time, their indication is that we should be okay because the trending is going downward. We don't know why it's going down, maybe you guys might know, but -- and good thing, I think. But so, they're hopeful that that's a good sign, that it's going down, but they are working on other issues, you know, with DOH, you know, on that matter, it's -- it's outside our jurisdiction, but when the time comes for us to apply for our building permit, which is right around the corner, we will consult with them very carefully and we're pretty sure they will let us hook up because of the capacity issue, and we only have three -- three restrooms, so very, very minor, very low flow indeed, you know, adding to that.

Mr. Poepoe: I wanted to ask a question, Corp Counsel, if we can ask anything related to the building permit on this agenda?

Ms. Chen: Well, so, right now, we're discussing the -- the district boundary amendment and the change in zoning but the building design plans were presented by the applicant, so as long as it relates to the packet you have in front of you as it pertains to the DBA and CIZ, and then the applicant's presentation at the previous meeting and then at this meeting, I think that's fine. But if it pertains to the -- the SMA use permit, which would need to be granted, you know, I -- I just -- try -- try and stick as much as you can to the DBA and CIZ but keeping in mind the applicant did, you know, provide information for the Commission's knowledge?

Mr. Poepoe: So, I got a ...(inaudible)... out of that. Is that --

Mr. Schnell: If I jump -- if I could jump in for a minute. We can't -- we can't -- we cannot get a building permit approved until the SMA is approved, so the -- the building permit is

dependent on the SMA, so although, you know, they can start reviewing the building permit, it will not be approved until the SMA is. If that helps.

Ms. Chen: Yeah, so, okay, with that in mind, I would recommend, you know, addressing the building permit issue when that, if and when, that comes back before the Commission. The specifics relating to that since it really is dependent on the SMA use permit.

Mr. Poepoe: Thank you, Corps Counsel. Commissioner Pele, go ahead.

Mr. Pele: Alright, my question is for Glenn again and it goes back to the previous -- can you guys hear me?

Mr. Yokotake: Yes, loud and clear.

Mr. Pele: Okay, just for Glenn. I just wanted to -- it had to do with the prior subject, but for clarification for me, the swales that you talking about that we see on the mauka side of the highway, am I -- I'm assuming that when they're flooded, they are performing as they're supposed to be performing, they're just a little bit inefficient at this point because of the diameter of the pipe, so that's -- that's what we -- we should be seeing that swale flooded knee deep, correct?

Mr. Yokotake: Correct.

Mr. Pele: No but not flooded knee -- not flooded knee deep, it's the inefficiency in the system that creates that knee deep, but seeing water in that swale is exactly what it's there for correct?

Mr. Yokotake: Yeah. I guess let me clarify. You know, in our field investigation, we initially assumed, you know, an ideal swale would just flow right, and then it'll be dry after the rain episode, but there is an engineered holding mechanism in place. They've actually created a lip right before the intake of the swale and that's purposeful so that the swales are also almost like retention ponds, they're holding it, the water quality issues and evaporation and percolation. Subsequently, on the other side of the highway, that little pond that we noticed is also doing the same thing, so that two elements in itself, like you said, results in you seeing some water being held there but I think that's a good thing overall because you don't want that muddy water to just continually rush out to the ocean and pollute, you know, the wetland, it'll over -- overtax that wetlands beyond its capabilities, you know, to filter out all that silt so --

Mr. Pele: Yeah.

Mr. Yokotake: Yeah, so the short answer is yes. It is operating and engineered exactly to do that.

Mr. Pele: Thank you.

Mr. Poepoe: Commissioner Mowat.

Ms. Mowat: Okay, I wasn't finished. You know the -- across from the MCC, there is that culvert.

Mr. Yokotake: Yes.

Ms. Mowat: Is that working?

Mr. Yokotake: Yes.

Ms. Mowat: Does that water, the ditch, go across the street and into the wetlands or is that the holding pond you're talking about?

Mr. Yokotake: It's both, actually. So, if you can imagine, it is -- it is a concrete tunnel, but it has a raised lip at the front so that means it doesn't allow just any and all water in, it has to be a -- maybe a medium size range to ...(inaudible)...

Ms. Mowat: Right. Yeah.

Mr. Yokotake: But when it -- when that rain does come in, it will flow across the highway but then once it gets across the highway, it stops in that other pond on the other side, and then if it gets above that other pond, then it will start to flow out, you know, into the wetland, but nobody knows what the engineering or elevations are, you know, of that other pond across the -- the, you know, the highway because that's not in our jurisdiction, it's -- I think it's owned by Goodfellow Brothers, it's also, you know, a designated wetland so no one can go mess around in there, but that -- that culvert, to answer your question, is working. It works. I can't say it works very efficiently or to the best, but it is doing an okay job and it is filtering out, you know, the bad stuff so that it doesn't flow into the ocean.

Ms. Mowat: 'Cause -- 'cause that's where a lot of the ponding occurs too. So --

Mr. Yokotake: Yeah, and some of that is intentional.

Ms. Mowat: On the highway?

Mr. Yokotake: On the --

Ms. Mowat: Ponding, so --

Mr. Yokotake: Mauka side.

Ms. Mowat: So, when we're -- when we're driving, the water is splashing over our cars.

Mr. Yokotake: Oh, no, that's not intentional.

Ms. Mowat: So that's not working.

Ms. Yokotake: That's not working.

Ms. Mowat: So, that -- if that pond -- if that swale does overflow to a point where it crosses over, then -- then the, back to that Figure 13, water can cross over, but it's not a flooding issue, it's just because it's higher it'll go to the sides.

Mr. Yokotake: Yeah. Yeah.

Ms. Mowat: And flood. Okay, so I just -- my na`au is so because of this climate change thing and only because I'm living it. I mean, the water rises, the erosion, the -- so I'm living it and I've seen it, so it just makes my na`au just uneasy, my -- my gut. The other thing I wanted -- yeah.

Mr. Yokotake: We totally appreciate that.

Ms. Mowat: And I really hate -- hate to see all this money, this one, you know, and go and just each -- each year, each time it gets worse and worse, there's going to be more and more problems, and I, you know, I hate to see all that the money spent when we know, we have been educated and we know what to see in the future, you know, we're lucky we get to see what the future holds and to -- to do that is just makes me feel uncomfortable, and -- and the fact the sewage, you know, that water treatment that may have to be removed or moved because of sea level rise, what happens then? And a lot of us have cesspools, so a lot of us are not really hooked up to the plant. A lot of us, this is an old community where I live too, I live in Kapaakea Homestead, so we all have cesspools. A lot of the homes along Seaside are old. They all have cesspools. So -- but they're talking about that we have to go septic maybe. Yeah. So -- so this is just my concern. Another thing was the parking lot. Your parking lot. You only had one entrance. That entrance and exit, it will be just -- why is that? Why are you not -- with the number of parking, it's only one entrance and that's the exit?

Mr. Yokotake: Yeah, maybe if Tom can bring up the diagram but allow me to explain. In discussing this idea with the Planning Department, I believe it was with Jordan and Michele, the Deputy Director and Director, we're going to reuse the grass parking lot because it's pervious, we don't want to create more impervious surfaces because that contributes more to the storm water flood issue concerns that we have in this area, so

one contingent approval and acceptance of that idea was to make sure that the connection point from that grass lot is internal to the paved parking lot, and I believe the intent of that was to minimize mud and other kind of stuff from tracking onto the main highway, so where people might be doing that right now, driving directly onto that grass lawn and driving back off, is creating some erosion there, so to minimize or eliminate that, we're going to do a little hedge, put a couple of trees there, block that off, and we're going to open up our internal connection between the existing paved parking lot and the grass parking lot so that we can manage the in and out flow a lot better. And having one driveway in and out is actually a lot better for traffic flow purposes versus two driveways coming out into the highway.

Ms. Mowat: Why would that be? That would be your emergency or that the only entrance and exit, and during the time of emergency, whether it be tsunami, whether it be the -- this other - what is that? Alanui or whatever that name is, that alanui, yeah, that's going to be utilized for people all along the other side, Kapaakea and everything, to go -- go higher grounds that'll be used. The Fire Department is up that end, that'll be used, and let's see the other -- East End people, they'll go -- I guess they'll go up to Kamililoa or -- but I'm just thinking of emergency-wise, only one way in and out, and how many stalls will -- already existing stalls are there?

Mr. Yokotake: I don't have that number offhand.

Ms. Mowat: Okay, that's all right. That's all right. But say with your expanded classrooms, and I know you're saying that it's not one given time that there's going to be 350 students there and -- but say it's an event or something and that that place is packed, in a time of emergency, only one exit and one, you know, that kinda seems something that -- that is not very safe in an -- in an emergency situation.

Mr. Yokotake: I guess from a --

Ms. Mowat: Okay, that was my concern.

Mr. Yokotake: Okay.

Ms. Mowat: Yeah.

Mr. Yokotake: I wanted to mention one more thing, Commissioner, before you go. You know, concerning the flooding thing, I just wanted to remind you that the project is doing something a little bit above and beyond and trying to address, you know, the -- the floodwater issue and that's why we're creating that retention pond to the west side of the facility, so we're going to hold all of our storm water there and we're going to let it sit there so that it doesn't increase any flow to the existing swales and we're going to let it, hopefully, dry up over there before it gets anywhere else, so that's our -- that's our

approach and, hopefully, you know, that'll help the situation. We know it's not going to make it any worse because we're not contributing any more runoff than is already there right now with new building. So, if you can imagine any pervious surfaces like roof surfaces, those are all being captured and channeled or piped, you know, to that new holding area rather than dumping.

Ms. Mowat: Yes, I -- I read that and I thought that was -- that was good for -- for rainwater and for -- but, you know, there's all kinds of other waters that are coming from underneath, from the ocean, from the wetlands, who knows. But -- but that that is, you know, I really love the whole plan. I really love the -- I love the idea. I -- I think it's needed on Molokai where the, you know, and there's a lot of, you know, online classes also. My daughter is a schoolteacher by trade, my daughter-in-law is now a schoolteacher, but -- and they learned online and they got certified online, so, you know, this day and age, we got so much technology, but there's nothing like I, for myself, cannot learn anything online. I really need the eye-to-eye contact and I really need the question right when I need it to be answered, you know, so I -- I don't want anyone to think that I -- I don't support this. I do. I do support this. But I just have some really big, big concerns that eat at me, and I just wanted to share that I'm not the only one that have these concerns.

Mr. Yokotake: Thank you for sharing that.

Ms. Mowat: And -- and that's all. So, thank you.

Mr. Yokotake: And, Commissioner, a lot of -- a lot of those concerns are somewhat regional as well so, you know, we're going to have to look at that region-wide, you know, to be able to address something like that.

Ms. Mowat: A lot of us are already addressing it; this is why I have so many questions. We are addressing it and -- and this survey I went on and we -- I've been on the Planning Commission and -- and that was one year's -- our conference was on climate change and it was -- we were reminded, you know, that this is actually happening and we should try to discourage development close to the ocean because we never know what is ahead of the future and that is we don't know what is actually going to happen but we can only do research, but we don't know that, you know, the extension of this whole thing. So, but I don't want to take too much time. I thank you very much for your time, and I still don't understand why only one entrance to the parking lot. To me, I think there should be a emergency outlet just to -- to help to get people out there because that will be a busy corner in an -- in a time of emergency and -- and to get out -- out will be hard. So, that was just -- just wanted to share my mana`o. Thank you.

Mr. Yokotake: Thank you.

Mr. Poepoe: Thank you. Commissioner Pele.

Mr. Pele: Yeah, another clarification. With the issue of the parking lot and the entrance and exit, is that -- is that part of the permitting process? The Public Works deem that allowable or not where they give you a permit to go ahead based on whether you've met the criteria of the County?

Mr. Yokotake: Yes, I guess if you allow me to answer that. I believe that will be part of the building permit process. The Planning Department will probably, I guess, approve that initial direction because it deals with parking and, you know, parking circulation, and that preliminary direction was, you know, guided by the Planning Department or suggested by the Planning Department, so we're adhering to their recommendations to ensure that our project is consistent with what the Planning Department also wants to see in this, this parking area.

Mr. Pele: So, is it safe for me to assume, as a Commissioner, that if they approve it, you have met all the criteria for your parking lot?

Mr. Yokotake: It's safe.

Mr. Pele: Thank you.

Mr. Hart: Vice-Chair, if I could just make a clarification on that conversation?

Mr. Poepoe: Yes, go ahead.

Mr. Hart: There's a few things. First of all, the -- the Planning Department approves parking count and surfaces, and then the Planning Commission approves the SMA major permit, which would authorize the development, but the Department of Public Works approves driveway permits so they would do a site distance analysis and things like that, so -- and also, just, you know, in the background for -- for your understanding, basically, when SMA major permits are approved, generally, it's understood that there may be, you know, issues that come up in construction level review that cause non-substantive changes, and those occur, so, you know, lets say that Public Works had an issue with the driveway, it might be adjusted slightly or something like that on the concept plan that you're seeing now versus the actual physical construction as final, but the SMA process assesses that. Thank you

Ms. Mowat: Thank you, Jordan.

Mr. Poepoe: Any other members have questions? Okay. Hold on. Okay, since this is up to us to approve for a zone change, was it asked if there is other locations that can be considered besides this in previous meetings?

Mr. Schnell: Glenn, could you discuss locations and analysis you went through for this current location and the reason why we're at this area?

Mr. Poepoe: Were other locations considered? What I'm trying to get at is was the, okay, so -- so the -- the MCC extension, is called an extension? The college at the ag park, was that -- was that shut down recently? Would any of you know or is there somebody from the college that could speak on that?

Ms. Dudoit: Hi Laa, it's Kelley. Kala mai. So, I can speak to that. We're in the beginning phases of talking about returning the lease to the Department of Ag. A final decision and a timeline has not been determined yet, we're meeting with the Chancellor next week to discuss with the Molokai Advisory Committee, but that property is leased and our current lease, if we maintain it, runs till 2047, and then any infrastructure that the college invest in at that property, once we relinquish the lease, it becomes the property of the Department of Agriculture. So, investment-wise, it wouldn't make sense for us to make large infrastructure investments on that facility.

Mr. Poepoe: Yeah, that's bummers 'cause that was the only campus I went to on-Island that I can remember. Yeah, I was thinking of the same thing that Commissioner Mowat is -- that same line of thought where if you do build it, and the storm does come, as the prediction is just based on the -- or the model is based on a prediction for an arbitrary number of years before flood inundation impacts the building, the site, so that's either give or take but it is going to happen. And on the -- on that slide, it does state that it is based on a model that is, I'm not sure if it was on the -- on the one slide, but is referred to as the bathtub scale, which is a flat passive type of flooding without including surge and - what is it called - hydrologic movement of water in soil, which is where the -- the lift from the lens happens 'cause going to be floating all that floodwater and oceanwater, so I don't know if there is an accurate report that includes the -- the surge or if that was used in the report, but it really is something to consider that sinkholes do happen across the street from -- from town and it --

Mr. Schnell: ...(inaudible)... just said previous --

Mr. Poepoe: Okay.

Mr. Schnell: So, that's why, when we first did the sea level rise analysis, it was based on, yeah, just the static sea level rise that we've been talking about, but the additional data that came out in December does take into account coastal flood hazards so that would - - that would take into account, not just a static rise, but if there was a storm surge event or high wash of the waves, other -- other factors so that's what the different slide I showed you showing the potential new flood zones would be, that data just became available in December, so that's why we included it in our presentation today and last time too.

Mr. Hart: Vice-Chair, if I could add some comments?

Mr. Poepoe: Yeah, go ahead.

Mr. Hart: So, the Planning Department did ask the applicant to analyze the alternative sites in their final EA, and then they did do that, and the final EA was granted a finding of no significant impact, so, you know, I do want to point out that that was put on the record and analyzed. And I recognize that this is, you know, it's a complicated situation and a serious decision, so I'm wondering if maybe it's better to take it in in bite sized pieces, so, basically, the process that happens is that there's a consideration of the land use designation changes and, you know, the applicant has heard additional concerns from the Commission today in relation to what they did provide as updated information, so in the event that there's an approval of land use designation changes, they would present to you again for your decision on whether or not you're going to authorize development. So, I would assume that they're going to have new information to present to you at that time that -- that would be intended to address some of the additional concerns that were raised today. So, as far as the Department is concerned, you know, the -- the Molokai Island community plan designated this area as public/quasi-public. It's been designated as public/quasi-public in the prior community plan. Public/quasi-public is for things like education centers, for parks, for public facilities, for nonprofit facilities. You have this existing recreational complex abutting. So, from the Department's position, there's really no reason not to proceed with the land use designation changes. If after, you know, if Council decides to grant the land use designation changes and the applicant comes back and the, you know, responses or the proposed action is not sufficient or address the concerns of the Commission, the Commission can make a decision about the development then, but in the context of making land use designations in order, you know, I just gotta say, from the Department's position, we don't really see that there's any reason to -- to not proceed with that regardless of whether or not you, you know, ultimately want to approve this proposed action. Thank you.

Mr. Poepoe: Thank you, Deputy -- Deputy. So, what I trying to reason with is, yeah, of course, we can approve it, whatever, based on -- it's not any -- any of the details and stuff, but, of course, will it in the end be feasible if we're dealing sea level rise at the same time, and it is not going away. We already in the process of planning for retreat and that's being pushed heavy and Kaunakakai was in -- was it a few years ago we were considering moving it above Ranch Camp? And that was -- those -- those thoughts kind of fizzled and then we kind of taking our chances here, so stuff that is happening recently is kind of changing my mind to how I -- I approach changes and issuing permits and stuff because we just issued a permit for a house in Manae that just got flooded and it was a downstairs of a two-story to be --not -- no increase in footprint, just the renovation of the downstairs, which is putting in drywall and electrical outlets and make something livable but it was on grade so flat right against the concrete and the stream went right through it up to the -- the electrical plugs on -- up to the outlet, so that kinda made me reconsider. I approved

that. And we all, everybody approved that permit. I was just thinking how much more times are we going to approve stuff that's going to get flooded, so it is kinda heavy to -- to carry that burden of I allowed this to happen with my permission and I don't know if it was foreseeable, and I knew that already happened to the neighbor's house, but I approved it anyway because it met all the criteria. So, anyway, I'm just seeing if it is allowed, a rezoning to --to urban and it's based on the fact that, I mean, on the idea that we're going to have a development on it and it's for college education for Molokai students and make sure that it's not going to be a liability for -- for the County and we're not participating in that.

Mr. Hart: You want me to -- to respond?

Mr. Poepoe: Yeah.

Mr. Hart: Okay, so a few things. First of all, you know what I said earlier about -- about land use designation changes, the Department is always trying to clean up the land use maps, always, whether or not we'll be doing our DSSRT map project or -- or basically a situation like this where you have somebody that owns the land that's proposing to make the zoning consistent with community plan, you know, we're always trying to do that so that was, you know, the backing -- background for my comments about there's no reason not to proceed with that step of it because you have a public/quasi-public complex in this area so regardless of the proposed action, you know, it's appropriate land use designations. Setting that aside, the next thing you would see is the SMA major permit. So, you know, I would expect that the applicants heard a lot of the -- the context here and is going to come with -- with new information or adjustments that are going to, you know, address the concerns that you have and then, you know, on top of that, it's a conditional approval so if you have other recommendations or -- or adjustments that you feel are necessary in order to address concerns that you have, you know, the Commission has that ability, if it chooses to approve at the SMA process.

Mr. Poepoe: Thank you, Deputy. Members, any -- anymore questions for -- for the applicants? Commissioner Mowat.

Ms. Mowat: I -- I just wanted to just make one comment. Jordan was talking about all the zoning and stuff that -- that was zoned, and we talking past tense, not knowing that all this is going to happen or all this is happening now. So, I know I never heard of sea level rise, climate change five years ago, so this is serious. It's worldwide. The smaller islands are going to be hit worse because we are small. So, I think there needs to be -- we need to be really vigilant and be careful. But, you know, when you refer back to before, before, before, this is a whole new ballgame we playing now so -- and it's very, very serious. I mean, we're talking about having to retreat to above Ranch Camp. There -- I -- I sit on a Hawaiian homestead land, and I'm right next to the ocean, they're talking about retreat, moving us all, but now we don't know when. We don't know how. We don't know

if they're -- what, you know, so it's -- it's there's so much stuff involved in this, so when we talk about before, before, before that was before. This is a whole new -- this is a whole new thing that we really got to open our eyes to. Okay. Mahalo.

Mr. Poepoe: Any other input by members?

Mr. Poepoe: Commissioner Pele.

Mr. Pele: Yeah, I don't know if this is appropriate input, but I do understand what everybody's talking about, and I don't mean to be negative, but climate -- climate change is not new. We've been talking about climate change for 50 years, we're feeling the effects of it now, it might be new to us, but it's not a new process, but I just feel that, you know, we have approved the new library, we let a grocery store expand; at some point, we gotta let people live. Right? This is what we got. If we're going to retreat, then let's retreat. Let's do it. Stop talking about it and let's move everybody out and then let's make this educational center available for people on this island. We keep thinking up -- we keep bashing all these outsiders that come with this and that. We have -- the fire station was built. I didn't hear anybody complaining about that. Nobody complained. We wanted it for years. Everybody wanted it. Come on now. What are we talking about? We can't -- if it's going to happen, tell me when it's going to happen, and give me some facts so I can make a decision instead of just leaving it, oh, it will happen. Should -- you know. Texas didn't know it was going to freeze, right? Last week and lose its electricity, but it happened. We might get wiped out tomorrow. But if we're going to move, let's move. Let's move this whole town and get on with life instead of trying to keep our people down. Can only live in the now right? Gotta live in the now. We gotta give these kids opportunities to make something of themselves. That's just my -- my mana`o. I feel bad that people get flooded out. We could get flooded out tomorrow. It might happen next week, but we gotta make plans. We gotta make some kind of plan. We can't just live in fear. If it's going to happen, then let's take action now and move everybody out. Just do it one -- one time. Everybody out. Let's go. Move everybody up to the mountain and then we'll rebuild from there. That's just my feeling. We gotta let our -- our community deserves this. We deserve the best.

Mr. Yokotake: Mr. Chair, if I may add something to Commissioner Pele's comment?

Mr. Poepoe: Yeah. Go ahead.

Mr. Yokotake: Okay, this is Glenn Yokotake again. Thanks for the comment, Commissioner Pele. We are kind of in a similar situation as your library, the library referenced recently. So just for the Commission to understand where the University is currently with this whole project, you know, there's been years of investment in planning, permitting, design, and funding. The funding is the major challenge at this point. Funding will become lapsing in a short while, and if we don't get the approvals, I guess the bottom

line is we're not going to build, and if we don't build, there is no determination on when the University will get funding again for such a facility because this was years and decades in the making for initial planning, funding request, etcetera, so it's a very long lead process, so the University folks can definitely shed more light on that, but just from my perspective, the likelihood of this project happening in the next ten, twenty years, if this doesn't happen now, is unlikely if we don't receive the proper approvals, permits to move forward. And, you know, fortunately or unfortunately, you know, the land transfer, the land ownership, all of that is already in place, the lot consolidation, you know, so the opportunities for the University to find another site is not within the realm of this project and the current funding that's available, so we're -- we're tied up in all different ways and with constraints as far as timing, funding, construction permitting, you name it. But -- so this is pretty much where we're at. You know, we're putting all of our cards on the table and, you know, we're humbly asking for your, you know, approval to move forward incrementally with CIZ and DBA approvals so we can move to Council, and then we can talk about SMA issues later again, as deputy chair of the Planning Department mentioned. Thank you.

Mr. Poepoe: Thank you. Corp Counsel?

Ms. Chen: Thank you, Chair. So, if just to kind of go off of what Deputy Director Hart is saying and then Mr. Yokotake, you know, in front of the Commission today is just recommending approval or recommending denial or deferral of, first, the district boundary reclassification, and then, two, the change in zoning. So, ultimately, those the -- the actual approval or denial of the DBA and CIZ are up to Council. Right? But the Commission is charged with -- with providing its recommendation. And then, like Jordan said, later, if and when the Council ultimately approves the DBA and CIZ, then the SMA use permit would come back in front of the Commission where I think the applicant's knowledge of these issues and concerns is probably quite helpful at this point in time, but just to, you know, delineate sort of what the -- the Commission is considering today, and I don't know if it would be helpful for the Commission to hear the Department's recommendations again at this point, but I would put that out there for your consideration. It looks like perhaps, Chair, Commissioner Pele has a question or comment.

Mr. Poepoe: Commissioner Pele.

Mr. Pele: Sorry. I lost you guys. I thought I lost you. Yeah, I just want to move already, Chair, if that's possible. I'd like to throw out a motion.

Mr. Poepoe: Hold on. So, just to clarify that the district amendment and rezoning wouldn't be required for an SMA major to move forward?

Ms. Chen: No. The -- the district boundary reclassification and the change in zoning are required in order for the SMA permit to come before you. Those are the preceded steps

that would have to occur and, you know, I mean I'm listening to the conversation, I think it -- they're all really, you know, this is a well thought out conversation, but the ultimate approval authority lies with Council for those two issues so I don't know if that helps take some weight off the Commission's shoulders, and, you know, a lot of these issues will be ripe for consideration at a future date.

Mr. Poepoe: Yeah, okay. So, I agree with Commissioner Pele that we should hurry up and move the town. Yeah, that's --

Mr. Pele: That's not before us. That's not before us so I just trying to deal with what's in front of us.

Mr. Poepoe: Yeah. Yeah. I mean, we should be ...(inaudible)... I agree with that, that we shouldn't be ...(inaudible)... so, on the next -- on the next item it does include amendments that do mention moving out of the sea level rise area, so that's kind of ironic but -- so if every -- Commissioner Sprinzel, do you have a question?

Mr. Sprinzel: Yes, Chair. The ten-year plan meetings, we had a lot of discussion about moving up, moving most of the things in Kaunakakai up, and since then, we're building the library, we're now going to build a school. In about 30, 40 years, people are going to say, what were they thinking? I must say I'd be in favor of everything from now on moving. We even picked the land up in Kualapuu and around there. We even picked the land and what the situations there should be and yet nothing is happening. We're just not looking at the future. We're just -- the last comment about, oh, well, there won't be any money or I just don't understand that. Sorry. I think we should all be thinking about moving up in the hills, moving the road up free of the flood zone, important things, not just doing the same old, same old. Thank you, sir.

Mr. Poepoe: Thank you, Commissioner Sprinzel. So, would the -- would the Department like to restate its recommendations?

Mr. Hart: Chair, thank you. The Department's recommendation with regard to the State Land Use Commission district boundary amendment is for approval of the change, recommending approval to the Council for a change from agricultural to urban, and for the change in zoning from interim to public/quasi-public, P-1, the Department's recommendation is for approval with no zoning conditions. So, just to clarify the options before the Commission, the Commission for the State Land Use district boundary amendment can recommend approval or denial; with regard to the change in zoning, the -- the Commission can recommend approval or denial or approval with conditions. In the context of land use planning, I would make a comment to the Commission that conditions of zoning for zoning designations are -- are pretty -- based on the concerns that I'm hearing from the Commission now, I would recommend that you focus any conditions on the SMA major permit if you choose to approve it rather than focusing conditions on the

zoning, and the reason for that is because, at a specific point in time, a decision-making body will add conditions and then, basically, those conditions run with the land forever. And then at a later time, you know, there may be other uses proposed at a location, and then those conditions need to be basically undone by another change in zoning if they're, you know, of concern or difficult or make the property unusable so, hence, the recommendation for no specific zoning conditions.

Ms. Mowat: Can I ask a question?

Mr. Poepoe: Commissioner Mowat.

Ms. Mowat: If we was to approve or recommend approval, so that makes the land available for anybody else, say they -- say the college wasn't going be built for some reason or another, the land is already designated quasi whatever, it would -- the land would be available for anybody else to do something on it. Right? For future?

Mr. Hart: That's a -- that's a -- you're asking -- you're asking me though. Right?

Ms. Mowat: Yes.

Mr. Hart: Okay. Sorry. Sorry, Chair.

Ms. Mowat: 'Cause that's based on what you said.

Mr. Hart: Yeah. Okay, okay so now going --

Ms. Mowat: That's my question.

Mr. Hart: Going back to my prior comments about -- about correcting land use designations or making them consistent, that's always the Department's goal, and it's for that reason, basically, you know, any time any entity try to do a public/quasi-public use, which is consistent with the Molokai Island Community Plan, they would need to get these land use designation changes before they can get an SMA approval. Well, unless they got an exemption. Unless they got an exemption from a permit. But if they got a minor permit or a major problem, they would need land use designations to be in order. So, you know, for that basic land use reason, it -- it's always appropriate to make the land use designations consistent. With regard to your other question about any person, my understanding is that the University owns this property so, you know, that would need to be up to them what was going to be proposed in the event that the Commission chose not to approve their SMA major permit with or without conditions.

Ms. Mowat: Okay. Thank you.

Mr. Poepoe: Commissioner Pele.

Mr. Pele: Jordan, I have a question. So, I need clarity. If we approve this, this is only to allow this to go before the Council. We're just approving it to go to the Council. We have no -- this is not -- am I am I not -- I'm assuming that they have to approve this land reclassification and zoning also is that what I'm hearing?

Mr. Hart: That's a really important question on on the process. So -- so, basically, the Commission is providing a recommendation to the Council, and the -- the Commission's specific authority, well, first of all, you have the authority to provide these recommendations, but your specific authority that's -- that's only resting with you is the SMA major permit. So, you're basically recommending to the -- the Council what you would like them to do about the land use designation changes, and then they will do what they would like to do under their authority, but then if the land use designation changes happen and this comes back to you for as an SMA major permit, that's -- that's completely within this body's discretion.

Mr. Pele: I'm also correct in assuming that if we recommend not, we do not approve a recommendation, that the Council could still pick this up and approve it anyways regardless if we recommend yes or no, or is it depending on us saying yes or no?

Mr. Hart: Number one, they can do whatever they would like to do because that's completely their authority, and I would state to you guys that my intention would be recommend approval of the land use designation changes regardless of, I mean, I don't want to say regardless, if you guys -- let's say you guys recommended denial because you have concerns about the proposed development, that's not, you know, from a land use planning perspective, a logical reason not to correct the land or make the land use designations consistent and --

Mr. Pele: And the County -- the County Council could look at that and say, you know what, your recommendation wasn't based on anything and we're going to approve this, and then they're going to kick it back to us during the SMA process, which is where we really hash out all these details that we're talking about today?

Mr. Hart: Yeah, they are the authority to make land use designation changes in this context and so they'll -- they'll do that, you know. They'll consider, you know, what is said and they'll consider public testimony, but they, ultimately, decide as that body, and then the SMA process is completely under the authority of this body, and so in the event that those land use designation changes happen, then this application would come back to you. If, for whatever reason, the Council decided not to change the land use designation, then, you know, this item, the SMA major permit would essentially die because -- or the application would essentially die because you wouldn't have the ability to grant the approval because the land use designations are not in order. But again, I know -- I know

there's conversation about, you know, past issues and things like that, you know, the Molokai Island Community Plan is from 2018 and it does reiterate the public/quasi-public designation for this property, so from the perspective of the Planning Department, that's -- that's recent and modern enough direction to be the -- the direction that we will continue to go in, you know, until that there is a community plan update or some other dramatic thing would cause us to change that position.

Mr. Pele: So, I just was thinking that regardless of what we decide, the Council could still approve this and throw it back into our lap as an SMA permit, during the SMA ... (inaudible)...

Mr. Hart: That's -- that's a legitimate potential outcome.

Mr. Pele: Chair, can I make a motion then, or can I move, or are we going to talk some more, Vice-Chair or?

Mr. Poepoe: I going leave 'em up to the -- any other Commissioners wanna talk some more?

Mr. Pele: If there's a motion, then we can have discussion. Right?

Mr. Poepoe: Seeing none, we can entertain a motion.

Mr. Pele: I would like to move that we approve the reclassification boundary and the zoning before us today, specifically before us today, and let the County Council decide what they're going to do, and have it, if approved by the Council, reverted back to us so we can deal with this in the SMA permitting process.

Mr. Poepoe: Okay, take a break from that. We -- so, Corp Counsel, do we have to do it one at a time?

Ms. Chen: Thanks, Vice-Chair. It's up to the body. If you want to, you know, there's a motion on the floor now from Commissioner Pele so I would suggest discussing -- entertain discussion on this motion and voting on it. If it fails, because the Commission wants to treat these as two separate votes, then, at that point in time, we could address that. Does that make sense? So, I would go through the motions on this motion since it's on the floor.

Mr. Poepoe: Okay. Commissioner Pele, can you state the -- the items if you -- if you want to include B.1.a and b?

Mr. Pele: We can do 'em separate if you want. I can do 'em all together.

Mr. Poepoe: Okay.

Mr. Pele: Whatever you want me to do. I just figured we might as well get moving on this and let the chips fall where they may. So, I'll make a motion -- I would move to approve item 1.a., State land use district boundary reclassification from the State agriculture district to State urban district on this project to allow Maui County Council to make a decision.

Mr. Poepoe: Okay. We have a motion. Any second?

Mr. Sprinzel: Second.

Mr. Poepoe: Motion recommending approval by John Pele, seconded by Commissioner Spintel. The floor is open for discussion.

Mr. Pele: Yeah, Chair, I understand everybody's feelings, and again, I know we're kind of vocal, but I'm not too far off on what you guys feel but I'm trying to deal with stuff that's happening before us today, and I really think that dealing with this on the SMA permit level, as Jordan said, is where we should have all these concerns voiced. If it does come back to us from the Council, that's -- that's where we need to really get our teeth into this matter. Just my feeling.

Mr. Poepoe: Commissioner --

Mr. Pele: Council can do whatever whatever they want is what I'm hearing. Whatever we recommend. They could approve it anyways, which we'll have our day with the SMA permit.

Mr. Poepoe: Thank you. Commissioner Mowat.

Ms. Mowat: Okay, I am so filled with emotion and, like I said, my na`au is just trembling, so I am -- I am -- I'm going to appease myself because I would not -- I don't want to have anything that's going to fall back on me later. So, continue with the votes. I mean, I will vote, but I -- I cannot vote for that.

Mr. Poepoe: Thank you. Any other discussion? Okay, seeing none, would the -- would the maker of the motion be amenable to a condition?

Mr. Pele: Absolutely.

Mr. Poepoe: Okay, so I can propose an amendment to include a condition of requiring the -- or to require the college to revert the State -- the State urban district back to ag district in the event it ever vacates the property.

Mr. Pele: Absolutely. So, Vice-Chair, I will amend my motion, if this is alright, Corp Counsel, to read, I would like to recommend we approve 1.a., State land use district boundary reclassification from State agricultural district to State urban district with the amendment that the college, if it ever -- this property ever changes hand, revert back to the original classification, boundary classification. Does that sound alright?

Ms. Chen: Thank you.

Mr. Sprinzel: Second.

Ms. Chen: So, sorry. I heard a second from Commissioner Sprinzel, by the way, on that amendment. The -- the authority to do that would still be with Council, so the recommendation could be or the, you know, the amendment could be something, perhaps the Department would probably be the best to comment on it, but something like a recommendation for approval with a condition that the University of Hawaii petition, you know, the Council for a district boundary amendment back to ag in the event, but that would be difficult because the community plan designation is public/quasi-public and zoning is supposed to follow the community plan amendment, so, you know, actually, I'm going to ask the Department to -- to weigh in there if that's okay, Chair.

Mr. Poepoe: Now would that be -- when you keep public/quasi-public district under County while also holding ag designation from the State?

Mr. Hart: Yeah, Chair, if I could respond? I have a few things to say. So -- so, first of all, the Council has put in like sunset type of clauses where basically if you don't -- if you don't do your development in a period of time, that the land would revert, so I think that there is -- is -- I've never heard of a version where if a specific entity leaves or sells the property, that it reverts, and so, anyway, that there will be a significant more vetting before the ordinance goes to the Council floor so, I mean, if the Commission just make whatever recommendations you feel like making, I think that that's the appropriate thing to do. But the ordinances will be reviewed for form and legality before they go to the -- the floor so if it's not legal to do something like that, Corporation Council would weigh in on that before -- before the ultimate draft ordinance went forward. But I do think that it would be not productive for anybody, including the residents of Molokai, to have the land use designations out of order, so whether or not they both revert or not, I don't know, you know, if that's what you're interested in. Yeah. The other thing I would say is that I do think that the public/quasi-public land use designation is -- is basically the most beneficial to the community. It's -- it's public/quasi-public. It's basically things like government resources, non-profits, churches are often in public/quasi-public, schools, medical facilities, parks, things like that, so I don't necessarily -- the same reason we didn't really recommend conditions for the zoning or the district boundary amendment is -- is also why I would say to you that I'm not necessarily certain why you would want to revert

public/quasi-public, but you guys should, you know, do whatever you feel is appropriate, but it will be difficult for any other entity to do anything with this location if the land use designations are out of order in the special management area and that includes whoever -- anyway, whoever that might be, who is interested in doing a public or quasi-public use.

Mr. Poepoe: But, when the ocean comes and absorbs it, it's going to be in conservation. Right?

Mr. Hart: Obviously, that would be irrelevant if the land was unusable due to -- to climate issues.

Ms. Chen: Okay, so I'm hearing, Jordan, it's that this, the motion that's on the floor with the amendment that has been seconded is okay with the Department as far as transmitting that to Council?

Mr. Hart: To clarify --

Ms. Chen: That this is your comment and approval recommend -- recommended only. This is not, this isn't the exact language, it's up to Council to draft and enact its own ordinance. Right? So --

Mr. Hart: Yeah, right. So -- so I believe that we would do some -- some more work on recommending or drafting the recommended conditions, so -- so a little bit of clarity if this only applies to the district boundary amendment or if this is also supposed to apply to the county zoning, that that would be nice to be clear on that. And then as far as -- as far as whether or not it's possible to associate the reversion with the current applicant or not, I just don't know the answer to that and we'd have to vet that at a later time or it's just not possible for me to figure out right now and provide a final response.

Ms. Chen: Is there -- hearing -- having heard what the Commission's concerns are, would -- is there like the sunset clause that you referred to, is there something that perhaps you could propose that would meet some of the concerns, some condition, the wording of a condition that, you know, could be transmitted directly to Council? I mean, my concern is I don't like the Commission to propose a motion and, you know, amend it, and then not have that exact wording be transmitted. I would like Council to see what the Commission voted on. So, if there's something you could propose, perhaps that would be agreeable to the Commission.

Mr. Hart: Okay. I understand what you're saying there. Okay, so -- so let's see. Let me -- let me type out what I heard and then -- and then restate it.

Ms. Lopez: Mr. Chair, I had a question. I just wanted a point of clarification, just the clarification on the motion as I heard both Commissioner Pele and Commissioner Sprinzel

on the motion. As far as what I heard, it was only to reference B.1.a. I just needed clarification. Thank you.

Mr. Poepoe: Yeah.

Mr. Pele: That's correct. My motion was addressing one at a time, so it's for the reclassification only, B.1.a.

Mr. Hart: So, the -- so the draft that -- that, you know, based on what I heard, what I -- what I rewrote is in the event that the University of Hawaii vacate the parcel, the State land use designation shall revert to agricultural district.

Ms. Chen: Yeah, I mean, I think the Commission can recommend consideration of something to that effect, but the applicant has no control over the DBA and CIZ, they can petition for it, but the applicant cannot revert, make the, you know, district boundary classification revert to ag.

Mr. Pele: Basically, that would be -- that's just something that I'm putting on the record, per se -- per se, for the Council to -- it's just on the record. It's nothing that --

Ms. Chen: So the --

Mr. Pele: A condition that can be applicable at any time after whatever the process goes through.

Ms. Chen: So, then if -- if the applicant -- if the owner ever changed hands, that that would trigger a reversion that Council would have approved at this first -- go ahead.

Mr. Hart: Sorry. Okay, so -- so, Chair, in referencing sunset clause -- well, it's not a clause, it's their conditions that I'm aware of, in that context, my understanding is that the Council remains the authority that's -- reverts the land and that they basically -- it would need to be recognized and called to their attention in order to be initiated but -- but I've seen it in that context previously where it wasn't that the applicant would file, it's that, basically, the situation would take place but, I mean, I think implied there is that Council's the authority and that they would take that action if they became aware of the situation and chose to initiate.

Mr. Poepoe: Yeah, that's the understanding. But just because of the importance of ag land, that if it ever does get sold, then it'll be continued in -- in ag regardless of the situation. So, any more discussion? Seeing none, we can go ahead and vote. Is everybody ready? Commissioner Espaniola.

Ms. Espaniola: Aye.

Mr. Poepoe: Commissioner Pele.

Mr. Pele: Aye.

Mr. Poepoe: Commissioner Sprinzel.

Mr. Sprinzel: Aye.

Mr. Poepoe: Commissioner Moore.

Mr. Moore: Aye.

Mr. Poepoe: Commissioner Mowat.

Ms. Mowat: No.

Mr. Poepoe: And I'll -- I vote to abstain, which is an aye, so the motion passes.

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

VOTED: to recommend approval of the State land use district boundary reclassification with the recommendation that in the event that the University of Hawaii vacate the parcel, that the State land use designation revert to agricultural district.

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

Mr. Poepoe: So, moving on to b. Right? B.1.b. Can I entertain a motion?

Mr. Pele: Chair, I move that we approve item B.1.b. Sorry ...(inaudible)... to approve the change of zoning from interim district to P-1 quasi-public, quasi with the same condition that if the land changes hands, it revert back to its current status for the County for review.

Mr. Poepoe: I actually never like apply that to --

Mr. Pele: Oh, you never like apply to this one? Okay.

Mr. Poepoe: Yeah.

Mr. Pele: I -- I will withdraw that motion, and I move to approve item B.1.b. as stated in the agenda.

Mr. Poepoe: Would anybody like to second?

Mr. Sprinzel: Second.

Mr. Moore: I will second.

Mr. Poepoe: Okay, we got two seconds. Any discussion on item B.1.b.? Okay, seeing none, I'll do a roll-call vote again. Commissioner Espaniola.

Ms. Espaniola: Aye.

Mr. Poepoe: Commissioner Pele.

Mr. Pele: Aye.

Mr. Poepoe: Commissioner Sprinzel.

Mr. Sprinzel: Aye.

Mr. Poepoe: Commissioner Moore.

Mr. Moore: Aye.

Mr. Poepoe: Commission Mowat.

Ms. Mowat: A`ole.

Mr. Poepoe: And I'll abstain again. Motion passes.

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

VOTED: to approve item B.1.b., the request for a change of zoning from interim district to P-1 public/quasi-public district.

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

Mr. Poepoe: Hold on. Let me pull up my emergency agenda here. On to item C, Public Hearing, number one:

Mr. Poepoe read the following agenda item description into the record:

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

- 1. Ms. Michele Chouteau McLean, AICP, Planning Director, transmitting County Council Resolution 20-166 referring to the Molokai Planning Commission a proposed bill to prohibit the consumption of intoxicating liquor in recreational areas under the jurisdiction of the Department of Parks and Recreation in Historic Districts 1 and 2 (Lahaina). Some minor updates are also proposed.**

The entire text of the proposed bill for ordinance is available at <https://www.mauicounty.gov/1127/Legislation---Proposed>

Mr. Poepoe: On to -- hi, Jacky. Do you have a presentation?

Mr. Pele: She went to get her shot glass. Take some shots.

Mr. Poepoe: Kala mai. We no can hear you. Nothing yet.

Mr. Hart: Jacky, no audio from you. Suzie, can you check if -- if you're able to unmute her and then, also, could you mute everyone else who is not participating. Chair, staff is having technical difficulties. She is going to reset. I'm wondering if we could take a five-minute recess and then, at the same time, I want to reiterate for everybody whose -- who doesn't have a remaining item on the agenda or is not participating in this item specifically if you could mute your video and audio, that would be great. Thank you.

Mr. Poepoe: Okay, we'll call a five-minute recess for technical issues.

Mr. Schnell: Briefly --

Ms. Takakura: Can you hear me now?

Mr. Schnell: Thank you, Commission Members. Thank you for -- for moving the DBA and the change in zoning along. We look forward to coming back to you with the SMA. Thank you.

Mr. Poepoe: Did all members get that -- the memo, five -- five-minute recess? Okay.

Ms. Takakura: Jordan, can you hear me now?

Mr. Hart: Yeah. Sound test is good.

Ms. Takakura: Okay. Thanks. I don't know what happened. Sorry about that everybody.

Mr. Hart: That's alright. Five minutes.

(A recess was called at 1:10 p.m. The meeting reconvened at 1:18 p.m.)

Mr. Poepoe: I call the meeting back to order and we have a presentation for C.1. Go ahead, Jacky.

Ms. Takakura: Good afternoon, Molokai Planning Commission, Vice-Chair Poepoe. Sorry about the technical difficulties. Thank you for your patience. This is just a short presentation. I'm going to screen share. Okay, so this is regarding Maui County Code, Chapter 19.52, and it is specific to Lahaina Historic Districts 1 and 2, but the County Council specifically asked for input from the three island Planning Commissions, and it is part of the code, so even though it doesn't specifically relate to Molokai, we do want to get your feedback on this proposal.

So, at the end of last year, the Planning Department received from the County Council Resolution 20-166, which proposes to prohibit drinking alcohol in the County parks in Historic Districts 1 and 2, in Lahaina. The bill also proposes to revise the definition of "intoxicating liquor" so that it is the same as in Hawaii Revised Statutes Section 281-1. I'll show you a map later, and there was also a map in the packet of exactly where this area is. You're probably familiar with the area near the harbor, but that's the specific area that this affects.

Since we got this Resolution, we took this as an opportunity to propose some other updates to this very old part of the code. Some terms are obsolete, some are redundant, and some fit in with terms that we already have in our Chapter 19.04, which is the section on zoning code definitions. We're proposing to consolidate the list and reorder the list because, for some reason, it's not in alphabetical order, so we're going to consolidate them, and modernize them, and then put them in alphabetical order. In addition, we're proposing to make the height limit for single-family dwellings and duplexes consistent with the height limit in other chapters of the County Code, and I'm going to just go over it, each one in more detail as we go through.

So, the first part of the change is to part B, 19.52.090.B, and, right now, there's 53 uses, and some of them are redundant, like dry goods versus apparel stores versus, you know, department stores. They're all basically stores. So we're taking those uses and consolidating them down to 19 with no loss or change of use. And some of them, if you had a chance to look, are old terms like haberdasheries, so we don't use those words

anymore, so terms that we already find in the Maui County Code, Title 19, which is the zoning code. We're also proposing an additional use, and that is subordinate uses and structures which are determined by the Director of Planning to be clearly incidental and customary to the permitted uses and structures listed herein, and this language is wording that's already in eight other chapters, so it's just adding this to this one consistently with how we have it in eight other chapters.

I have these photos in here in this presentation just because this is reminiscent of the time when these use regulations were in existence and that is back in the days of haberdasheries and servants quarters and dry goods and meat markets. Just interesting to see, you know, what the times were like that -- at that time.

Okay, the next part that we're proposing to revise is part C, 19.52.090.C, and that's regarding height limit. Right now, the height limit is 35 feet for all buildings and structures. In most other zoning districts where we have single-family dwellings, the height limit is 30 feet, and so we're proposing to make, for Historic Districts 1 and 2, the height limit for family -- single-family dwellings and duplexes to be 30 feet, just like how it is in residential, service business residential, B-1, rural, and ag that new single-family dwellings and duplexes would be limited to 30 feet in height, and this would not affect any existing structures, and any new buildings that are like commercial or not single-family dwellings would still be allowed to be up to 35 feet in height.

This next part, part D, is just simply changing the words "yard" and "yard spacing" to "setback," and we're proposing that to be consistent with the general direction of the Department on the use of those words, and you'll probably see that more when we get more into the Title 19 rewrite and other updates. We're not proposing any changes in the setback areas. No changes to the numbers, just the words ...(inaudible)... consistent.

Okay, and then this part is part F, of 19.52.090, and this is where the County Council Resolution comes in. Right now, the prohibition on drinking in parks excludes County parks, and so the proposal is to remove the part that you see the brackets around the yellow and so that all the parks in this Historic Districts 1 and 2, regardless of if they're private or run by Parks and Rec, they're all going to be the same across the board that it would be unlawful to consume intoxicating liquor. This recommendation came from the Clean and Safe Lahaina program. Drinking in public parks has become an issue over the years, and some of these parks are historically significant, and I'll show you on a map on the next slide. Additionally, prohibiting drinking at County parks in the Lahaina Historic Districts would be consistent with the alcohol prohibition at other County parks in other areas. I took a look at the minutes of the County Council meeting when they discussed this on November 20th of last year, and there's broad community support for this bill, including from the Lahaina Town Action Committee and the Lahaina Restoration Foundation.

Just so you know that the Planning Commissions, we review -- they review changes to Title 19, but there would be one other provision that would also need to be amended in relation to this and that's in Maui County Code, Chapter 13, 13.04.A, in order for this to take effect, so there would be a Chapter 13 change and Chapter 19 change. Corporation Council would work with the County Council's office and Department of Parks and Rec to be sure that once the change is updated in Title 19 that that additional section would be included for committee, but, today, we're just looking at 19.52.

So this is a map. You can see the Historic Districts 1 and 2 in light blue and pink, and then the green outlines are the park parcels, and you can see along the harbor there's the courthouse, the banyan tree area, Mokuula, those other places that are managed by Parks and Rec, and so that's where this proposal would take effect.

So that's it. In summary, it's just modernizing, consolidating, alphabetizing the list of use regulations, taking it from 53 to 20, or 19 actually and then adding this one to make it 20 subordinate uses and structures, revising the height limit for single-family dwellings and duplexes, new ones only, existing wouldn't, and then prohibiting the drinking alcohol in County parks in this area. So, the Commission can recommend approval, and then we would take it back to County Council. You can have -- propose amendments, denial, or defer action. So, that's the presentation. I'm going to stop screen sharing. If you have any questions, I'll be available for them.

Mr. Poepoe: Thank you, Jacky. Any members with questions? Seeing none. Department, is there something you'll read the recommendation for, Planning Department?

Ms. Takakura: So, we are recommending approval of revisions to Chapter 19.52.090, Historic Districts 1 and 2 in Lahaina, so that it may be transmitted to County Council for their consideration.

Mr. Poepoe: Okay, thank you. Anybody want to submit a motion? Go ahead, Commissioner Sprinzel.

Mr. Sprinzel: Propose as she has described.

Mr. Poepoe: Corp Counsel?

Ms. Chen: Sorry, Chair, did -- did you take public testimony?

Mr. Poepoe: Oh, okay. I'm sorry.

Ms. Chen: Yeah, no problem. It's just a public hearing item so -- and I know -- I think there is somebody here.

Mr. Poepoe: Okay, I'm going to open up public testimony. Anybody wants to testify on this item, state your name. And is this a item that testifiers are sworn in for?

Ms. Chen: Thank you, Vice-Chair. No, not for this item.

Mr. Poepoe: Okay, even easier.

Ms. Chen: Thank you for checking.

Ms. Esmeralda: Hi, this is Susie. I don't have anyone signed up, not for C.1.

Ms. Chen: Okay, yes, I see it's for -- for the following item. Okay, so perhaps Vice-Chair, if you want to take a last call prior to closing.

Mr. Poepoe: Okay, yeah, nobody wants to go ahead and testify on item C.1., then we can go ahead and close public hearing, and have Commissioner Sprinzel state his motion.

Mr. Sprinzel: Propose we accept the terms as discussed.

Mr. Poepoe: Okay. Motion --

Ms. Mowat: Was there a second? I'll second if nobody seconded it.

Mr. Poepoe: Motion to accept by Commissioner Sprinzel, seconded by Commissioner Mowat. Any discussion on the item C.1.? Okay, seeing none, we can call for the vote. Commissioner Sprinzel?

Mr. Sprinzel: Aye.

Mr. Poepoe: Commissioner Pele?

Mr. Pele: Aye.

Mr. Poepoe: Commissioner Mowat?

Ms. Mowat: Aye.

Mr. Poepoe: Commissioner Moore?

Mr. Moore: Aye.

Mr. Poepoe: Commissioner Espaniola?

Ms. Espaniola: Aye.

Mr. Poepoe: And the Vice-Chair, Commissioner Poepoe, votes aye. Motion passes.

It has been move by Commissioner John Sprinzel, seconded by Commissioner Bridget Mowat, then unanimously

VOTED: to accept the revisions to Chapter 19.52.090 as proposed.

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

Mr. Poepoe: And item --

Ms. Takakura: Thank you.

Mr. Poepoe: C.2.:

Mr. Poepoe read the following agenda item description into the record:

- 2. In accordance with Section 2.80B.060, Maui County Code, Ms. Michele Chouteau McLean, AICP, Planning Director, transmitting County Council Resolution 20-170 referring to the Molokai Planning Commission a proposed bill to add a new goal and related objectives, policies and implementing actions to the Countywide Policy Plan of the Maui County General Plan 2030.**

The entire text of the proposed bill for ordinance is available at <https://www.mauicounty.gov/1127/Legislation---Proposed>

Mr. Poepoe: Item C.2., Planning Department.

Mr. Hart: Chair, this is a Council-initiated item the Department is transmitting to Commission for Commission's comment, so it's not an issue that comes with a recommendation, just, basically, the information is provided for you to review and if you would like to provide any comments or add to it, we're here to document that.

Mr. Poepoe: Okay, so we can -- does any of the Commissioners have any questions or input? ...(inaudible)... Oh, yeah?

Mr. Hart: I do believe Ms. Del Rosario is attending in order to provide public testimony.

Mr. Poepoe: Okay. We'll go ahead and open up public testimony just state your name and continue on with your testimony.

Ms. Del Rosario: Is that me? I see I'm muted.

Mr. Poepoe: Oh yeah. Yeah, go ahead.

Ms. Del Rosario: Okay, thank you, Commissioners. My name is Michelle Del Rosario. I'm an executive assistant to Councilmember Kelly King. She was unable to join you this morning so she's asked me to provide the following testimony in support of item C.2. The purpose of the proposed bill is to amend the Countywide Policy Plan by adding, "Mitigate climate change and work towards resilience" as a goal. There are climate change policies throughout the Countywide Policy Plan, but it is essential to focus on the importance of minimizing the causes and negative effects of climate change by grouping the policies under a single theme and goal. The Department supported emphasizing climate change in the Countywide Policy Plan. The Planning Director expressed the Countywide Policy Plan should avoid duplication and these changes are reflected in the draft of the proposed legislation. I believe the other two Commissions, both Lanai and Maui, have already moved this item in support and have moved it forward. We respectfully ask for your full consideration and support today. Thank you.

Mr. Poepoe: Thank you. Anyone else in the public would like to testify go ahead jump in line and state your name?

Ms. Esmeralda: Axel Beers, did you want to testify on this item?

Ms. Chen: Vice-Chair, I think -- do any of the Commissioners have questions for the testifier?

Mr. Poepoe: Okay, I skipped that. Any -- any Commissioners have questions for the testifier? Seeing none, we can ask Suzie and Sybil if there is anybody else waiting.

Ms. Esmeralda: This is Suzie. I don't have anyone else signed up.

Mr. Poepoe: Thank you, Suzie.

Ms. Lopez: This is Sybil. I have no one. No one that willing to testify. Thank you.

Mr. Poepoe: Thank you. Seeing that we have other testifiers, we can close public testimony. So, Corps Counsel, what's our next step?

Ms. Chen: Thanks, Vice-Chair. I -- I think the Department was hoping for comments from the Commission to transmit to Council if the Commission has any comments. Is that correct, Jordan?

Mr. Hart: Chair, that is correct. Thank you.

Mr. Poepoe: Commissioner Mowat.

Ms. Mowat: Are we -- are we going to give our support as a group or there's -- there need to be a motion or do we just -- what?

Ms. Chen: Yes, Vice-Chair, if I may. So, the Commission can discuss its comments, and the Department can note them down, and then we can -- the Department or I can repeat them back to the Commission, and then perhaps Vice-Chair would entertain a motion to transmit the comments as read to Council. That would be one way to do it.

Ms. Mowat: Okay, then, so you folks know where I stand as far as climate change and this is just exactly what I was talking about. So I -- I, myself, support this 100 percent and -- and would like to, for Molokai, to do -- do the same. So, that's my mana`o.

Mr. Poepoe: I just would like to ask if everybody has had the opportunity to review the - what is it called, the transmission or the memorandum? We have somebody?

Ms. Mowat: I -- I did.

Mr. Poepoe: Oh. So, if there is no other -- if there's no other discussion, we can make a recommendation.

Ms. Mowat: Vice-Chair, can I ask a question?

Mr. Poepoe: Yeah, go ahead.

Ms. Mowat: So, do we do it in a motion or as a recommendation as a whole body or --

Ms. Espaniola: Vice-Chair, I have a question. I'm sorry, after you ask -- after you answer Commissioner Mowat.

Mr. Poepoe: So, I believe that each Commission submits a recommendation and this goes to the County Council.

Mr. Hart: Yeah. Chair, let me -- let me just add. So, you should act as a body, I think that would be ideal, and if you had anything to supplement or -- or if you just wanted to recommend approval as it is worded right now, we, basically, would document anything

that you say and then pass that forward as -- as the recommendations, but I do think that acting as a body is most effective.

Ms. Espaniola: So, have -- has -- so has the committee got public input on these goals, this new directives that you have? I guess I'm directing it to Michelle, the question.

Ms. Del Rosario: The Council has received input at the Council level where members of our entire community can participate. Have they done that specifically just on the island of Molokai? No. But they have taken it during committee at the Council level.

Ms. Espaniola: So, I -- I would like to recommend public input, maybe they have some ideas that some members of the community have information, so I would like to suggest that you have a community meeting for the people of Molokai so that they can say they were part of the process in these new directives that you -- you folks have transmitted here for us to read.

Ms. Del Rosario: Thank you, Commissioner Espaniola. Yes, we could absolutely do that if you'll just put that in your notes.

Mr. Poepoe: That can be included in an amendment. Also, this is one of the opportunities that the public has to participate as well.

Ms. Del Rosario: Specific to the islands, so we would really love to have that input as well.

Mr. Poepoe: And the public does have the additional opportunity to address concerns at the commission -- at Council during the hearing?

Ms. Del Rosario: Yes.

Mr. Poepoe: Is there any other discussion on item C.2.?

Ms. Espaniola: Is the cultural committee involved at all with this new -- this -- this directive, this goal? Was the cultural committee notified?

Ms. Del Rosario: Is that directed to me?

Ms. Espaniola: Yes. Correct. I'm sorry. Michelle.

Ms. Del Rosario: Are you specifically asking about the Cultural Resources Commission?

Ms. Espaniola: Yes. Correct.

Ms. Del Rosario: Okay. I do not believe that they were tapped for input on this specifically, this was a planning measure, and this is coming out of Councilmember King's Climate Action and Resiliency Committee to make sure that we are acknowledging climate change and working towards moving our facilities out of those areas as far as County facilities, but also when we're looking at new building permits for homes that we're not putting people in harm's way due to sea level rise and other erosion and other issues. But we will respect whatever recommendations come from this Planning Commission.

Ms. Espaniola: So, were they -- were they at least notified of this new directive that you have, these new goals that you want to add in at all?

Ms. Del Rosario: I don't think so, Commissioner, because this was strictly a planning item, it was heard in the Care Committee, and I do not believe that the Cultural Resources Commission received any communication on this item.

Ms. Espaniola: So, I would -- I would like to recommend that they do at least have a review of it so that, like the Planning Commission, they have -- it went through the committees, the commission, so at least they are aware of it, so I would like to make a recommendation for the culture resource also be aware of the changes, the directive that you -- you're presenting.

Ms. Del Rosario: You mean like a notification to them?

Ms. Espaniola: Yes.

Ms. Del Rosario: Via like written communication?

Ms. Espaniola: Yes, just FYI and maybe they do -- maybe FYI for them and maybe they could have some suggestions or recommendations.

Ms. Del Rosario: Absolutely.

Ms. Espaniola: We did have an excellent presentation of the climate change and we had some students that were present in the meeting, so I don't know maybe that's good learning for the students, good learning for them to know what's going on. We're aware of it, but they're not. You know, they could learn more as well. So, the school, inviting the schools and the students, I think that might be a good idea so they, themselves, probably not going to learn it, but I know that the students that came learned some stuff as well so --

Ms. Del Rosario: Chair, may I respond to an item?

Ms. Del Rosario: Yeah, go ahead.

Ms. Del Rosario: Thank you. I know it is a foundational principle -- principle for Councilmember King that we include Native Hawaiian perspectives, local knowledge, historical reference of the specific area, so that's very important to her, and so we're happy to do this.

Ms. Espaniola: Okay. Great. Mahalo.

Mr. Poepoe: Commissioner Pele.

Mr. Pele: Yeah, Chair -- Vice-Chair or Chair, can I throw something out and you guys can expound on it maybe?

Mr. Poepoe: ...(inaudible)... directed to who?

Mr. Pele: I'd like -- I'd like to move that the Molokai Planning Commission support Resolution 20-170 in full, as it is written, to the -- to the County Council, and you guys can add any kind of stipulations you want, but I think we should support this Resolution completely as a body.

Mr. Poepoe: Thank you. All other members are ready for a motion on the floor? That's it, right?

Mr. Hart: Chair, if I could just clarify what I'm -- what I'm presenting? Obviously, there's -- there's comments. Are those comments to supplement the motion or is the -- is the recommendation to support and pass those comments forward as part of the recommendation?

Mr. Pele: I just wanted to open up that my bottom line is that we support this Resolution 20-170 and if there's --

Mr. Poepoe: That definitely sounded like a motion.

Mr. Pele: Well, I move that we, as the Planning Commission, support Resolution 20-170, but I heard that they want to have public meetings, and they want to have the school involved, and I don't know how you guys want to tie that into it. I want it to be approved as a body -- as a body I think we throw -- I move that we support Resolution 20-170 as it's written and presented to us.

Mr. Hart: Okay, so -- so, Chair, what -- what we could -- the Department could do is, well anyway, you guys do whatever you want, but basically like based on what was discussed right now, it could be that the -- the recommendation for approval and then those supplemental items are comments or suggestions on -- on the issue, or is the entire body

adopting all of those additional steps as their recommendation to Council as well as a recommendation for approval?

Mr. Poepoe: I leave it up to the Commission. I would actually include it as comments rather than submit it on behalf of the entire Commission, unless everybody else would like to. Commissioner --

Mr. Pele: I can withdraw -- I can withdraw my motion. I just figured this is not rocket science and it shouldn't be an hour. We support this right? So --

Mr. Poepoe: Agree. Commissioner Mowat.

Ms. Mowat: I -- I agree. I think we should do like Commissioner Pele suggest that we support it but we should also honor Commissioner Espaniola by including her suggestions and -- and I support her and her suggestions -- suggestions also, so if we could do it that way, just, you know, we're just giving comment and suggestions along with supporting the -- the new chapter or whatever. Okay? That's my mana`o. Mahalo.

Mr. Poepoe: Thank you. Anybody else have comment? Comments? Seeing none, we can throw an official motion on the floor.

Ms. Mowat: What about Commissioner Pele's -- what about Commissioner Pele's motion? Is that -- are we adding on to his or --

Mr. Pele: Well, I withdrew.

Ms. Mowat: Oh, withdrew it? Oh, oh okay. Okay.

Mr. Pele: I withdrew it because I didn't -- I didn't know what you guys -- all I know is I support this. So, however you guys want to word it, if we're in agreement as a body, I know I support this, and if we want to bring in Commissioner Nora Espaniola's points, that's great, too, just I don't know how to put it down in a -- the motion so if somebody wants to --

Ms. Mowat: Okay.

Mr. Pele: I just support it and I want to throw our support behind it.

Ms. Mowat: Okay. I make a motion to support Kelly King's ordinance with our suggestions, as stated by one of the Commissioners, well, we don't have to add that part, but and that should be enough, yeah? That's enough, yeah. Jordan? Did you get all her -- did you get all her --

Mr. Hart: I believe I did. I'll restate -- I'll restate the suggestions to the process that I -- that I noted that the -- the Council have a community meeting so the people of Molokai can participate in the shaping of the proposed initiative, recommend that the CRC receive written notification for their information and to provide recommendations, and to collect comments from school students on the proposed bill.

Ms. Mowat: Is that correct, Nora? Okay, that's my motion.

Ms. Espaniola: Perfect. Perfect.

Ms. Mowat: Okay. That's my motion.

Mr. Pele: Second.

Mr. Poepoe: Okay, any discussion? Seeing none, I'll have a group vote. All those in favor, raise your hand. Motion is unanimous. It passes.

It has been moved by Commissioner Bridget Mowat, seconded by Commissioner John Pele, then unaniomously

VOTED: to support Kelly King's ordinance with the following suggestions: That the Council have a community meeting so the people of Molokai can participate in the shaping of the proposed initiative, recommend that the Cultural Resources Commission receive written notification for their information and to provide recommendations, and to collect comments from school students on the proposed bill.

(Assenting: L. Espaniola; W. Moore; B. Mowat; J. Pele; L. Poepoe; J. Sprinzel)

(Absent: J. Bicoy; J. Perez, III)

(Excused: L. Buchanan)

Mr. Poepoe: And that's the end of item C.2. Moving on to the Director's Report.

Ms. Esmeralda: Sorry. I believe John Pele is -- did John Pele --

Mr. Poepoe: Oh yeah, everybody went vote in the affirmative.

Ms. Esmeralda: Okay, he's frozen -- he's frozen on my screen.

Mr. Poepoe: Oh. Okay, thank you. D. Director's Report. Deputy Hart.

D. DIRECTOR'S REPORT

1. **Agenda items for future public meetings**
2. **Open Molokai Applications Report generated by the Planning Department with the February 24, 2021 Agenda Packet (Appendix-A)**
3. **Completed Molokai Applications Report generated by the Planning Department with the February 24, 2021 Agenda Packet (Appendix-B)**

Mr. Hart: Thank you. Chair. At this time, it doesn't look like we have agenda items coming -- for the upcoming meeting so we'll keep the Chair posted on that if -- if there's any adjustment in the schedule but, at this time, we have -- we don't believe we have any. Item no. 2, the open Molokai applications report is attached as per usual, Appendix-A, if there are any questions or comments on that. And then very similar to item no. 2 is item no. 3, the completed applications report, Appendix-B if there are any questions or comments on that.

E. NEXT SCHEDULED REGULAR MEETING DATE: MARCH 10, 2021

Mr. Poepoe: In considerate of the previous statement, we see item E, the next meeting as tentative, is on a lack of agenda items.

Mr. Hart: That's correct. So, the date -- the date would be March 10th. If it turns out that there's an item to be heard, the Department will contact the Commission and the Chair and formulate an agenda and notify everybody, but, at this time, we don't -- we don't have one that we know is going to be on that agenda.

Mr. Poepoe: Thank you, Deputy.

Ms. Espaniola: So, I have a question, Chair.

Mr. Poepoe: Okay, go ahead.

Ms. Espaniola: So, my -- my term is going to be up I think next -- in March and I note there are two applications. Can we get more information on that? Can I get more information 'cause I'd like to make some plans if we're going to have meetings or not?

Mr. Poepoe: Oh --

Ms. Espaniola: Isn't it the end? I mean, how does this work?

Mr. Poepoe: Let me -- Suzie?

Mr. Hart: The 31st is the date that's noted as the end of your term.

Ms. Espaniola: Okay, so I still am beyond then. Okay, thank you.

F. ADJOURNMENT

Mr. Poepoe: Members, any has any other questions? With that, we move on to item F. Thank you everybody for enduring today. Okay, bye.

The meeting was adjourned at approximately 1:55 p.m.

Submitted by,

SUZETTE ESMERALDA
Secretary to Boards & Commissions II

RECORD OF ATTENDANCE:

Present:

Laakea Poepoe, Vice-Chairperson
Leonora Espaniola
William Moore
Bridget Mowat
John Pele
John Sprinzel

Absent:

Julie-Ann Bicoy
John Perez, III

Excused:

Lori Buchanan, Chairperson

Others:

Jordan Hart, Deputy Planning Director, Department of Planning
Jacky Takakura, Administrative Planning Officer, Department of Planning
Sybil Lopez, Staff Planner, Current Division, Department of Planning
Stephanie Chen, Deputy Corporation Counsel, Department of the Corporation Counsel
Suzette Esmeralda, Secretary to Boards & Commissions II, Current Division, Department of Planning