

MOLOKAI PLANNING COMMISSION
REGULAR MINUTES
FEBRUARY 10, 2021

A. CALL TO ORDER

The regular meeting of the Molokai Planning Commission was called to order by Chairperson Lori Buchanan at approximately 11:08 a.m., Wednesday, February 10, 2021, via BlueJeans Meeting No. 123278926.

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

Chair Buchanan: Aloha, and welcome everyone to the February 10, 2021 meeting of the Molokai Planning Commission. We have one issue today on the agenda, but it's pretty much of a heavy lift, and so if there's no request or anything from the Commission for amendments to the agenda, we can move forward. Seeing none, we can move right into item, B. Public Hearing. But before that, I did want to mention to anyone in the public that there are a number of ways that you can participate in this meeting today by -- via BlueJeans and written testimony and emailed testimony to planning@mauicounty.gov, and if you wish to testify, you can do so in the chat and our board secretary will put you on the list for testifying, and we request that you sign up using the chat function although the chat function will not be used for Commissioners to communicate with each other. You can also testify by phone. And if by chance you guys are having any issues, please email Suzie or the planning@mauicounty.gov. And with that, thank you very much.

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

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)**

2. **CONTESTED CASE**

Pursuant to Section 91-10, Hawaii Revised Statutes, and Subchapter 4 of the Molokai Planning Commission Rules of Practice and Procedure, any individual wishing to testify on these items is required to do so under oath, and may be asked questions by the applicant and members of the Commission. The applicant may provide comments in

response to each testifier and should notify the Commission if it wishes to do so.

a. SPECIAL MANAGEMENT AREA USE PERMIT

- 1. MS. JAN GOUVEIA, of the UNIVERSITY OF HAWAII, requesting a Special Management Area Use Permit in order to construct a new 1,100 square foot Multi-Purpose Classroom Building and other site improvements including a fire lane, an outdoor courtyard, and support spaces such as restroom facilities for the Molokai Education Center Expansion project on approximately 3.213 acres of land located at 375 Kamehameha V Highway, TMK: (2) 5-3-003: 014, Kaunakakai, Island of Molokai. (SM1 2019/0002)**

Chair Buchanan: We will move to item B on today's agenda, which is agendaized as a public hearing, and action to be taken after the public hearing, and item number 1., because these are all related, Commissioners, I believe it would be helpful for us to take testimony because under item B. Public Hearing, there is an item number 1., which is the Molokai Education Center project, under item 1., there's an item a. and b., which is related to the application for the Education Center. There's also an item number 2., under Contested Case, which is also item a., the Special Management Area Use Permit, and although they're agendaized as separate, I believe the testimony can be taken on both with three minutes being allotted for item B.1., which is the State land use district boundary classification and the change of zoning from interim to district to P-1 public/quasi-public, and then also the construction of a new 1100 square-foot multipurpose classroom building on the 3.21 acres. And so, if there is no objections, Commissioners, when I open the public testimony portion, we can allow three minutes for the item 1., a. and b., and then an additional three minutes for item number 2.a., number 1. Are there any objections to that? Okay, seeing none, so I would like the staff for, item B, number 1.a. and b., not sure if the staff wants to do the report for -- for that as well as number 2.a.1., and then after the staff report, we'll take public testimony.

Mr. Hart: Thank you very much.

Chair Buchanan: You have comments, Jordan?

Mr. Hart: Yes, Chair, I'm going to be covering for staff. Sybil is -- is unable to make it today and is excused, so I'll be preparing the Department's presentation of the staff report on those items.

Chair Buchanan: Okay. Jordan, if you can turn up your volume little bit.

Mr. Hart: I will try to speak louder. I don't -- I don't necessarily know if I know how to turn up my microphone volume. Am I able to be heard at this level?

Chair Buchanan: Yeah. Let me try turn up mine.

Mr. Hart: One moment. I will also close the door to my office. One second.

Chair Buchanan: Okay.

Mr. Hart: Thank you. Chair. So, as discussed previously, basically, the agenda items B.1., B.1.a. and b., as well as agenda item 2.a.1. are handled by the same Department staff report and so, basically, that was, you know, it was a consolidated application for an environmental assessment with a district boundary amendment, change in zoning, and special management area major permit, and so our analysis was done concurrently and so I'll, basically, evaluate or provide our -- our staff report currently on those agenda items. So, this pertains to Docket No. DBA 2019/0002, CIZ 2019/0002, and SM1 2019/0002. This is for the University of Hawaii Community Colleges and the -- the purpose is to obtain a State land use district boundary amendment from agriculture to urban, change in zoning from interim to public/quasi-public for parcels 13 and 14, and a special management area use permit for the expansion of the Molokai Education Center consisting of a lot consolidation for the two parcels and approximately 3,300 square-foot addition to the existing MEC building and, three, a new drainage system, and approximately 740 square-foot storage building located at 375 Kamehameha V Highway on approximately 5.27 acres of land identified as Maui Tax Map Key numbers (2)-5-3-003:013 and (2)-5-3-003:014, in Kaunakakai, island of Molokai, Hawaii.

I'll allow the applicant to do their presentation of the project but the details of the project, as represented in the application, are contained within the staff report. Brief history of the application. On March 27, 2019, the application -- the applicant was submitted as a consolidated DBA, CIZ, SMA major use permit. On April 8, 2019, the applicant published a draft environmental assessment with the Office of Environmental Quality Control. On April 24th, the consultant presented that draft EA to the Molokai Planning Commission and received public testimony as well as comments from the Commission. On May 17, 2019, the consultant presented the draft environmental assessment and the project design to the County of Maui Urban Design Review Board and received their comments. On February 8, 2020, the applicant published the final EA with the State Office of Environmental Quality Control and completed the challenge period with no objections. The project was granted a finding of no significant impact.

Let's see. Land use designations for parcel 13 are State agriculture, Molokai Island Community Plan public/quasi-public, County zoning interim, is located in the special management area. It is in Flood Zone X and Flood Zone AE with a base flood zone --

base flood elevation of eight feet. Land use designations for parcel 14 are in the State agricultural district. The Molokai Island Community Plan public/quasi-public designation, County interim zoning with the Flood Zone designations of X, XS, and AE with a base flood vision of eight feet. This parcel is not affected by the special management area. It should be noted that a portion of the project does occur within the special management area and is determined to be development pursuant to HRS 205A-22, which is the reason for the special management area major permit. For procedural matters relating to the notice of application for the various applications, I won't go over those dates, but they are described in detail on page 12 of the staff report. The application, the consolidated application was transmitted to a significant number of agencies. There were 13 County agencies, 9 providing comment; 19 State agencies, 11 providing comment; 7 Federal agencies, none providing comment; 6 other entities of interest, 2 providing responses and that includes the Molokai Planning Commission and the Maui County Planning Department.

Regarding the land use analysis, based on the standards of the Land Use Commission Urban District Boundary Amendment, which is found under Subchapter 2, Section 15-15-18, of the Hawaii Administrative Rules, the Department has completed our analysis and finds that the project substantively meets that criteria that is outlined in the staff report. The Department has evaluated the proposed action in the context of the Molokai Island Community Plan and has found that the project is consistent with that document as analyzed in the staff report. The Department did complete an evaluation of infrastructure and public facilities and services capacity in cooperation with reviewing agencies and has concluded that the project specific -- sufficiently meets that criteria with the exception of, I believe, one proposed comment on or condition on the subject.

With regard to environmental impacts, pursuant to Section 11-200-2, of the Hawaii Administrative Rules, Chapter 200, entitled "Environmental Impact Statement Rules and Cumulative Impact," or, sorry, it's "Environmental Impact Statement Rules," the project did complete a draft environmental assessment, which was presented to the Commission for comment. It was published as a final environmental assessment and did complete its challenge period being granted a finding of no significant impact. The Department does anticipate that there will be impacts related to the construction phase and anticipates that the implementation of BMPs will mitigate those effects.

Let's see. As of the drafting the staff report, no testimony had been received, however, six written pieces of testimony were received and are available -- were made available to the Commission and are available to the general public under the agenda link which, excuse me, there is a link that is identified as "Documents Received After Posting, under the agenda item, where the testimony that's received by the Department is -- is provided to the general public.

With regard to the items before the Commission today, there's a State Land Use Commission District Boundary Amendment that the Commission has the option of deferral, defer an action to another date in order to obtain additional information that will assist in their deliberation on the application. The Commission may choose to recommend approval of the district boundary amendment to the Maui County Council. It should be noted the Commission is not the authority to approve the DBA, but is -- is requested to provide comments and a recommendation to the Council. There could also be a recommendation of denial of the DBA to the Maui County Council.

Regarding the item, which is the change in zoning, there is an option for deferral, acting at another meeting date after obtaining additional information from the applicant, recommendation for approval to the County Council with or without conditions, or recommendation of denial.

With regard to the special management area, it's not possible to grant a special management area permit before the land use designations are consistent with the proposed use, which means that the -- the Council needs to make changes to the land use designations as requested before the property would be appropriate for special use permits so that what item would be held in abeyance until after the applicant completes the process with the Maui County Council.

As far as the conclusion of law, the -- the State Land Commission District Boundary Amendment, the DBA, will change land use designation of parcel 13 and 14 from ag to urban. The Molokai Planning Commission and the County Council. The DBA process at the County level is regulated by Section 19.68.03B, Maui County Code relating to State land use district boundary amendments, this is for an area less than 15 acres in size, is administered under the County's authority. The change in zoning is reviewed pursuant to Maui County Code 19.510.040, the Maui County Code. As referenced, the Department completed our evaluation of that process and finds the project to be consistent. With regard to the special management area, the project is -- does not currently meet the -- the standards of application because of the outstanding land use designation changes, which are proposed to be changed by the-- by the applicant with the Maui County Council. The Department's recommendation to the Commission regarding State Land Use Commission District Boundary Amendment is that the -- the Commission recommend approval of the project to the Maui County Council for district boundary amendment over parcels 13 and 14 to convert from agricultural to urban. With regard to the change in zoning, the Department recommends that the Commission recommend approval to the Maui County Council for a change in zoning for parcel 13 and parcel 14 to P-1 public/quasi-public. I do want to note, Chair, that I'm seeing that there's a potential discrepancy. I believe that we need to confirm with the applicant the -- which zoning designation of public/quasi-public, whether it be P-1 or P-2 that's being sought for clarification. The special management area use permit, this would be held in abeyance until the DBA and the CIZ are completed.

Under standardize conditions the Department puts forward for the project, those are listed on -- beginning on page 41, or page 40 and 41 for the project within the staff report. And there's a number of project specific conditions that are recommended which address expected issues that may occur with development in the area. There is one -- one condition I do want to make note of and that, basically, the Pacific Island Ocean Observing System, PACIOOS, provided a new layer of data very recently on December 27 -- or 22, 2020, that the Department became aware of and incorporated it in our -- our recommendations and we, basically, are recommending that or requesting that the applicant do some additional analysis on the project as it's presented today and provide that information to the Commission for the Commission's consideration of the special management area use permit in the future to further analyze this additional information that's been provided by PACIOOS to the community.

In consideration of the foregoing, the Planning Department recommends that the Molokai Planning Commission recommend approval of the district boundary amendment and change in zoning request and adopt the Department's report and recommendation prepared on February 10, 2021, meeting the authorized -- meeting and authorize the Planning Director to transmit said report and recommendation statements to the Maui County Council. Thank you, Chair.

Chair Buchanan: Okay. Mahalo, Jordan Hart, for that report. Woah, breath. Okay, so, Commissioners, again, as I stated in the beginning of the meeting, that I willing to take public testimony on all items giving three minutes and three minutes. You heard about item 1.a and b., that the final -- the final action lies with the County Council but they -- but they do want feedback from us. I do have some questions and, you know, I am leaning towards my own thoughts about how we going move forward with -- with all of this today, but I thought because it's already a pretty lengthy and heavy lift that -- and people from the University as well as people from the public have shown up to this meeting today that we would give them the opportunity to take all of that testimony today, and then we can come back and revisit that after public testimony has been done as to how the Commission wants to proceed. Is anybody opposed to that? No? Okay, great. So, we can move forward on today's agenda, and I see in the -- in the chat that we do have people waiting to testify. Stephanie, our Corp Counsel, do you have any suggestions or you have any comments?

Ms. Chen: Thanks, Chair. Good morning, everybody. Chair, I was just wondering if, and perhaps I missed it, is the applicant present? Are they going to speak or is the --

Chair Buchanan: Oh.

Ms. Chen: Department -- perhaps the applicant could do its presentation and then public testimony?

Chair Buchanan: Okay, thank you. I wasn't aware that the applicant had one --

Ms. Chen: Maybe they don't.

Chair Buchanan: Presentation. Yeah, but let's ask. Is anybody here representing the Maui Community College? Oh, hi, Tom Schnell. Mahalo. You -- you guys have something you guys want to present to the Commission at this time?

Mr. Schnell: Yes, Chair, we do. I'll try to keep it brief, maybe not as brief as Jordan, but I'll try to move over the points that Jordan has already covered. But let me introduce myself.

Chair Buchanan: Okay, hang on, Tom. Before we do that, I believe I have to swear you in for the record, and then so, Mr. Schnell, and you can introduce yourself after, but do you promise to tell the truth, the whole truth, and nothing but the truth?

Mr. Schnell: I do.

Chair Buchanan: Okay, thank you so much. Welcome.

Mr. Schnell: Thank you. Thank you, Chair and Commission Members, for meeting with us today. And we do have a presentation to provide and if I can share my screen, I will do that and show my presentation. Hold on just a minute.

Chair Buchanan: Okay, I think Suzie is assisting you.

Mr. Schnell: Let me know if you're able to see my screen. It should say, "Molokai Education Center Expansion."

Chair Buchanan: Uh, there we go. Yes, we do. Thank you very much.

Mr. Schnell: Great. Okay, so let me formally introduce myself. My name is Tom Schnell. I'm a principal with the planning firm called PBR Hawaii. We're based in Honolulu, but we do work on all islands. And this is our presentation for the Molokai Education Center expansion. There's some other introductions that I'd like to make, and so let me just let you know who else is in attendance and who will be speaking during the presentation. Kelley Dudoit is the Molokai Education Center site coordinator, and she will speak briefly about the education and the need -- Education Center, and need for expansion. And then we have David, from University of Hawaii, Maui College, who oversees the Education Center. Shawn is with the University of Hawaii Community Colleges, which is the oversight branch of UH for all community colleges. Denise is also with University of Hawaii Community Colleges. Our project architect is Glenn, and he will be presenting

plans for the project. Ashley also works with Glenn, so she may step in to speak a little bit to provide some technical backup.

So, let me move forward with the summary. The applicant is the University of Hawaii. Jordan has gone through the TMKs. The land area is approximately five acres. What's being proposed classroom building to be connected to the existing building, a new storage basin, a new detention base, an improved grass parking lot, and improved landscaping and irrigation system for the entire campus. The gross floor area of the classroom building is 3,300 square feet. There had been some evolution of this, so there had been some different numbers when the EA began and through the comment period, and the final EA has as 3,300 square feet for the classroom building. Total value of the project is 3.7 million approximately. And the major land use approvals that we will be seeking, some through the Commission, some through the Council, and some administratively, the State land use district boundary amendment and from ag to urban. This is less than 15 acres so we're seeking the Commission's recommendations to the County Council. The County Council will have the authority to approve the district boundary amendment. Also, the change in zoning will be approved by the Council but we're seeking Molokai Planning Commission's recommendations to the Council. Jordan mentioned a portion -- one -- one of the TMKs is in the special management area so we need a special management area use permit, and we also need to consolidate both of the lots, there's two TMKs, and I'll get into that during the presentation. We are in a flood hazard area, so we need a flood hazard development permit. And then there are grading and building permits that'll be required before building.

If you're -- I'm sure you're all familiar with the site but here's -- here's a picture of the location of the site. This is one TMK and the existing Molokai Education Center is on this TMK. UH also owns this property and the expansion will be on -- on a portion of this site. And I'll explain more about that. But what is being proposed? This is a small picture of the site plan, I'll have a larger picture later, but a new classroom building. Here's an existing classroom building just outlined in black and white. Here's the expansion and the new classroom building, it's connected to the existing building with a covered walkway, and there's associated landscaping around here. This is the existing parking lot that's a grass, dirt parking lot, this will be improved for more long-term parking for the expansion, it's still proposed to be a grass parking lot but with additional landscaping and better access through the current parking lot and not direct access from the street. There's a new retention basin that will handle all the drainage from the -- from the new building. And also, the Education Center is proposing to replace their existing storage building they use for landscaping equipment and other things with a new storage building that would be located right about ... (inaudible) ... The classroom building, I'll go over this briefly 'cause Glenn will talk about it, but the classroom building is designed to be a large building with three partitions or two partitions that could create three separate classrooms within one building so they can either have three classrooms or they can open up the partitions to have one large space for community events or large lectures. There's the

connection between indoor and outdoor areas for largest -- larger campus facilities so the front doors -- the front will open up so that spill-out crowds could also be outside. The building includes restrooms. There's two sets of restrooms. Glenn can talk about the amount of fixtures. It's minimal. There's a storage room, a mechanical room, and then there's room for a future serving kitchen but the kitchen is not being put in at this time, just there's area for that in the future. And the architectural design complements the existing building, and we could get into the details of that also. It complements and it contrast with the -- with the building in important ways. And now I'd like to turn it over to Kelley to talk about Molokai Education Center background and the need for the expansion.

Ms. Dudoit: Good morning, Planning Commission Members. I just want to first thank you guys for your time and attention to this project. It's great to be here again in the final stages. So, I just like to share a little bit of background. We had very humble beginnings at Maui College Molokai, they started offering classes in the 70s, and at that time, we were just using whatever community spaces we could get access to. So, from what I've heard, the programming initially came because there were a lot of Vietnam Vets that came back to Molokai that needed to use their GI Bill, and so there was this demand for -- for courses, and so they started to use community spaces like Kaunakakai Elementary School and the old MEO building to gather small groups of students where they would sit around and sometimes it would be as simple as using a telephone to connect to classes. Since we've been able to open a permanent facility on Molokai, we've seen our access to educational programs just grow exponentially. We've also been able to invest in distance learning infrastructure, which brings in a lot more opportunities throughout the UH system for us to connect to programs statewide. So, we've been in our current space for about 20 plus years. We've educated generations of Molokai residents, and we're so thrilled to be a part of positive change in our community. We currently serve close to 250 students and that's the full gamut of everything from students who are seeking to earn certificates, to students who are working on their PhDs. We are the university physical presence on Molokai, we're the only university on Molokai, and so we provide access to a large variety of programs. We currently offer associate degree programs in liberal arts, Hawaiian studies, human services, early childhood education, agriculture, and nurse aide training, and we are constantly expanding on that.

Chair Buchanan: Hi, Kelley. This is Chair Buchanan.

Ms. Dudoit: Hi, Aunty Lori.

Chair Buchanan: How's it. I sorry to -- you was doing so good, you was in the flow, but I -- I sorry. I forgot to swear you in.

Ms. Dudoit: Oh, okay.

Chair Buchanan: I forget that every time the presentation changes, I gotta swear everybody in, so I'm sorry. Kelley Dudoit, do you promise to tell the truth, and you have so far told the truth, so help you God?

Ms. Dudoit: I do.

Chair Buchanan: Thank you very much. Proceed.

Ms. Dudoit: Thank you. Okay, so moving on to why we need to expand. Our staff, I think, you know, the thing that is most exciting to us about the expansion is the ability to serve more students, to diversify our programming, to be able to jump off on opportunities that we see but we just don't have the physical space to accommodate, and this runs from community events to noncredit training, so it'll allow us to go outside of what we've traditionally honed in on, which is our academic credit training. There's been tons of talk and things happening on the national level in regards to skilled workforce training so we're starting to dabble in that a little bit and that would just -- the extra space will allow us to grow in those areas. For example, we've recently offered security guard training, nurse aide training, solar renewable energy training, and digital media graphic design, and those are all on the noncredit side and we really want to grow access to those programs. So, we want to meet the needs of an increasing student population. We would like to grow our faculty base so that more of our instructional capacity is on a faculty base and not -- not on this lecture where we are hiring like adjunct -- adjunct faculty to teach our classes. We also would like to offer more additional programs and degrees. Like I said, we want to expand more into noncredit and, you know, the flexibility that this space will provide us will allow us to service groups that are larger than 50. Right now, we're limited to groups of 50. We've often exceeded that capacity to the point where it's uncomfortable and probably not safe to hold certain functions in our campus and so we're excited about being able to think bigger about how we service our community.

Mr. Schnell: Next up, we have our architect, Glenn, to go over the Molokai Education Center plans, and, Glenn if you -- there you are. Alright.

Mr. Yokotake: Good morning. Good morning, Chair. Good morning, Commissioners and community members. I guess Chair Buchanan --

Chair Buchanan: Hang on. Mahalo, Glenn.

Mr. Yokotake: Gotta do the swearing in.

Chair Buchanan: Let me swear you in.

Mr. Yokotake: Okay.

Chair Buchanan: Yeah, let me swear you in. Mahalo, Glenn. Do you promise to tell the truth, the whole truth, and nothing but the truth?

Mr. Yokotake: Yes.

Chair Buchanan: Thank you very much. Proceed.

Mr. Yokotake: Okay. So, here is a blow up or a floor plan of our expansion plans. As Tom has mentioned before, we have three interconnecting classrooms. Those are located kinda in the middle or top left of the page there as you can see. Each classroom is openable to each other via some sliding doors and that's to create the flexibility for these learning environments. We also have some sliding glass doors that are facing mauka toward the top of this page, and that's to also increase the flexibility of this learning space so that it can interact a little bit better with the indoor/outdoor, you know, interaction when it comes to different types of functions and instruction. We also have some supporting facilities. We have three individual what we call "unisex restrooms." They are not gender specific. We also have a utility room, which is kind of like a janitor room/multipurpose prep type of space. It just has a servicing and a countertop in there right next to the third restroom. We have two open exterior lanais, one on the right side kinda, yeah, I think where Tom's cursor is, and one on the left side near the left classroom. Both of them are facing makai. There's safety railings and guardrails, there's a stair, you know, nearby as well for safety and access back down to grass and grade. And, finally, we have the more back of house type of support facilities, such as a large storage room, and that storage room is large mainly because it needs to store the tables and chairs or other furniture pieces that will be utilized, you know, on a daily basis in the classrooms should the classrooms be opened up for more larger open community types of events where only folding chairs or tables are needed; that small, little, tiny space that kind of takes up the corner, the upper left corner of the storage room there is our guts of the building, that's our electrical and telecom room, so all of our high tech, incoming fiber, telecom tower, etcetera is all through that space. So, it's a pretty simple layout and it's meant to be very simple just so that we can be very efficient on construction costs and how it relates back to the environment and the surrounding.

Okay, next slide. This is a view from the mauka looking makai. So, these windows are the large windows that I mentioned before and the sliding glass doors that are facing mauka. These are the openable portions of the building that will open up to the breezes and allow the classrooms to have a more indoor/outdoor relationship.

This is the elevation looking from the east. So, if we're looking at it coming from Kaunakakai, this is what it's going to look like. The roof slope, as you can see, is -- sorry, not from Kaunakakai, from the east side of the island. The roof slope mimics the existing Education Center's lower roof that's closer to the highway, so that's one way, architecturally, we were very sensitive to how this building is going to look and sit and feel

with the existing building. We did not want to take away the uniqueness and the special story behind the two high peaks of the existing Education Center's roof, so that way we kept this building deliberately lower and much more simpler so it doesn't take too much attention away from that existing building.

This is what it's going to look like from the makai side. Just a straight on view. You'll notice that the materials are the exact same materials being used on the existing Education Center, so this is the same green standing seam metal roofing and siding on the -- on the side of the building. So, we did really well to try to integrate this. What you can see are the two little pukas on the right and the left. Those are the lanai areas for students to kind of wait between classes, after classes, etcetera. We addressed this, it was a direct result of the Urban Design Review Board's comments where they wanted to see a little bit more fenestration opening kind of details on the highway side. I guess they -- they had some concerns that the campus, you know, kinda turned its back to the highway but we did explain to them that that was intentional. The existing building does that. The entry is on the mauka side. There's a reason for that. The future expansion also, you know, recognizes that direction, so we explained that, but we also kinda compromised with the Urban Design Review Board just to make sure that we address their concerns properly.

Next slide. So, this is looking at it from the west side, coming from Kaunakakai. You'll notice that it looks a little different. We have a little bit of more glass on that first classroom on that side and that was purposeful because the sun angles on that side tend to be quite sharp and low, we thought bringing in some of that late afternoon sun into that classroom might be really nice but also to have that door openable so that we can go out onto the lawn and the grass area on the west side for even additional outdoor education or events and etcetera, so that -- that corner classroom is quite special. We did -- we did that just on purpose to create that unique feature. And here is the storage building. So, this building replaces the old storage shed that's currently on the west side of the Education Center. We have to demolish the old storage building storage shed to make room for this expansion project, so in doing so, the college needs a permanent solution to store grounds maintenance equipment, and since there's a lot of grounds to maintain out there, there's quite a bit of storage needs. This is looking at it from the mauka side. So, if we're standing in the parking lot area looking makai, facing makai, this is what we'll see. And essentially it is a concrete slab that anchors two Matson-type container, shipping containers, 20 feet apart, and at 20 feet space between the containers are spanned by a new custom-made roof that'll also mimic what the existing center and the new expansion will look like so that from the road, it all kind of ties together. We're using the same color, the same roofing material, and we're keeping it very consistent.

Next. So, okay, so yeah, this is the makai side view. And as you can see, you can't really tell these are shipping containers from this side because it has the vertical grooves on the shipping container but we're going to paint it all green to match the buildings but also, we

have a solid wall on that side that sort of encloses the storage so that you won't see any of that stuff that's stored between there. It's not imagined that there'll be a lot of things stored between the containers; that's more for parking the golf cart, recharging the golf cart, etcetera. But this roof right here, as you can see, is the same slope as the existing Education Center's low-sloped roof as well as the expansion's roof. Oh, there it is. Yeah. So, that's from the side. It's a very simple structure. It's purposefully tied down for flood and other hurricane uplift reasons as well.

And here is a kind of a perspective view or rendering of what we think the building's going to look like from the existing parking lot. So, if you were to park in the existing lot heading towards the existing Education Center, if you look off to the right and makai, this is what you'll see. You'll see the very transparent windows that are facing mauka. You'll see the three classrooms, the modularity of this building, and the high heavy timber roof structure with the large roof overhangs for shade and that student lanai area there for the distance. This green patch of grass that's not articulated in too much detail, I'll kinda explain later, is our native Hawaiian planting garden, and I'll kinda go over what's being proposed to be planted in that area. And similarly, this is little bit more on the west side but again looking from the mauka -- mauka side looking makai toward that first classroom that had the wraparound glass and you can see a hint of the storage building just behind the main classroom structure right there.

And this is kind of an aerial view. So, if you're -- if you're a bird flying around over the existing parking lot, this is what you would see in light of the existing Education Center's two high peak roofs, their lower-sloped roof, and the new expansion to the right, including that the cell tower, the Verizon enclosure, and the storage building, and the highway in the distance, so this image was kind of neat in that it kinda pieced everything together so that you could see just about everything in context and kind of visualize how everything will look like and tied together, so we actually use this to study how our landscaping will tie in, the colors would tie in, and the shape as well to validate certain design decisions.

Mr. Schnell: Glenn, if I can interrupt. Could -- could you go over the significance of the existing building and the peaked roofs?

Mr. Yokotake: Okay. Actually, I might need help from Kelley because I might get it backwards. I think Kelley has it a little bit better because one -- one of the peaks, orients mauka and makai, and there's a story there, and one of the peaks, orients west and east, and there's a significance to that with the Molokai culture as well.

Ms. Dudoit: Yeah, I think the peaks were just meant to reflect mountaintops and traditionally, in Hawaiian culture, you would go to the high summits to seek knowledge and so the peak, the tallest peak is where our administrative offices are, where students go to get academic and student support, where they go to seek guidance for their success in college, and then the second peak is where we have our library and learning center,

and we also have our motto kind of outlined into the wall up there and it says, "E Ho'ona'auao Honua 'Oiai Ma Ka Hale, which translates to, "A world of knowledge here at home." And towards the east side, it's written in 'olelo Hawaii, and then towards the west side, in English. And it just kind of represents that, historically, our native population was on the west -- I mean, located on the east side, excuse me, whereas more recent developments have occurred on the west, so it just -- it's a representation of some culturally significant things that are relevant to our building. They're like hidden gems.

Mr. Yokotake: Thank you. Thank you, Kelley.

Mr. Schnell: Thanks, Kelley.

Mr. Yokotake: Okay, next slide. Okay, I guess a couple more slides, if I may continue. So, this one shows the overall development. I'll start with the upper right corner. That is the grass -- existing grass lot that we will sort of touch up, we're going to fix up the grass so that it's not muddy, and we're going to plant additional trees up there, and those are shower trees so that they match the existing parking lot so they look a little more cohesive, tied together. And as Tom mentioned, we're going to close off any access directly to the roadway, and that was per the Department of Planning's request, and we're going to utilize that internal driveway connection there so that we only have a one in and out driveway happening here on the existing parking lot side. The green colors that you kind of see, the amoeba colored shape, that's the extent of our grading and groundwork, so if you can kinda imagine, that's the grass or irrigation restoration area as well. We do have some large trees that we're planting, some of them -- we have that four kukui trees to continue that existing kukui nut grove there, we have one special ulu tree on the west side of the building, kinda just standing all by itself, we have a kou tree, and a koaia tree on the makai side, and the rest of the little dots here and there are shrubs or smaller ground covers, like native hibiscus, ti leaf, and a`ali`i, so they'll be planted kind of strategically to kind of break up, you know, the -- the landscaping and kinda to tie into any existing landscaping that might be there and soften any edges; also to screen some of that -- that stuff along the highway as well. And you can see that large green patch toward the west of the building, that's an illustration of what we think the retention pond will look like. It may be a little more rectangular in shape because of engineering reasons. They have to calculate the actual volume using geometry and some mathematics, so having a curve shape like that is turning out to be a little bit of a challenge but, essentially, it'll be about that size. It will be planted. They'll have some, you know, planting in that area but again, that's purely for the storm water generated from this pervious surfaces that we have on the roof, you know, of these new structures so that we can hold it there and not contribute to any other flow that's in the existing swale systems out there.

And here is the -- the blow up or or the close up of our Hawaiian garden that's planted directly between the existing Education Center and the new expansion building. So, because this area is going to be highly utilized by students and traversed by students,

they'll be walking past this every time to class, we decided to make it sort of a demonstration and a usable, functional garden for Native Hawaiian practices, hula, etcetera, so we decided to propose to plant a kupukupu fern, palapalai fern as well. We previously got a comment about palapalai may not be appropriate because that's more of a wet fern, a wet area fern that tends to grow naturally up there, and we're kind of in a dry land, however, we do have some shade in that area and we have irrigation, so our landscape architect felt it was still doable and he felt the value of palapalai was very tremendous in the intended use of why that plant is there. We have dry land taro, ukiuki, ti leaf, some purple sugarcane, and some rhaps palms. The twelve-by-twelve concrete stepping stones are purely there for maintenance access. There is an existing mechanical room, or a mechanical fan room, on the existing education side, center side, so we need some kind of foot traffic access to get there from our connecting walkway system. So, this sort of illustrates what the Hawaiian garden could look like in the future, you know, additional plants may be planted, different kinds of plants may be planted, but this is what the initial planting will -- will look like.

Mr. Schnell: Thanks, Glenn.

Mr. Yokotake: And with that, I guess I'll turn it back over to Tom, who shouldn't need to be sworn in right?

Mr. Schnell: I've been sworn in, I believe.

Mr. Schnell: Alright. I believe my microphone's on. If I'm speaking and you can't hear me, let me know, but I -- I wanted to go over the requested land use designations and permits that we are seeking to allow the Molokai Education Center to expand. At the top of the list is the State land use district boundary amendment. Currently, this -- this map shows that the Education Center site is in the State agricultural district. It should be in the urban district for urban type uses, such as the Molokai Education Center. Actually, the Molokai Education Center has been operating under a State special permit for -- since it's been built and the special permit needs to be renewed every ten years, so the last time the Molokai Education Center renewed their permit was in 2014, and when the Planning Commission looked at that permit and extended it in 2014, they put in a condition that said that prior to any future expansion of the facility, the applicant shall require -- acquire a State land use district boundary amendment for this property, so we are at the point where we are expanding and we are here at the Commission to take your recommendations to the Council to change the district boundary from agriculture to urban. The Molokai Island Community Plan designates the site here as public/quasi-public, along with the fire station site, and vacant properties in this area, so we are consistent with the current Island Community Plan and we request no change. The zoning is this purple hashed area indicates interim zoning, which is a zoning classification that has been longer than interim, I think it's been 30 or 40 years the interim district has existed, and so we seek to change the zoning from interim to public/quasi-public, and, Jordan, I know you

had a comment about a P-1 or P-2, I need to double-check that, but it would be either P-1 or P-2 public/quasi-public.

Mr. Hart: I could chime in on that just -- just to address it right now. The application is for P-1, and the Department has a typographical error on page 2 of the staff report that is written as P-2 and should be P-1, and so I would like to address that if -- when you review the adopting as the decision and order.

Mr. Schnell: Thanks, Jordan.

Mr. Hart: Thank you.

Mr. Schnell: And is P-1 versus P-2 the correct designation for public/quasi-public? It should be P-1?

Mr. Hart: Well, I did review the application document and the noticing -- the material that stated P-1, and so, you know, that would be for you to determine the scale of your project and the criteria of P-1 versus P-2, which one you'd like to pursue.

Mr. Schnell: Okay, I'll be able to look at that before the hearing ends I'm sure. Talking about the special management area, the red area indicates where the special management area is. The existing Molokai Education Center parcel was not in this -- or is not in the special management area and, therefore, did not obtain a special management area use permit. However, the expansion piece is in the special -- special management area so a special management area use permit major is required because the new classroom building will be in the -- or is in the SMA. It will be in the SMA. We're also seeking a lot consolidation, these are two separate TMKs, and the lot consolidation is necessary, basically, to erase this line right here so that we can connect the two buildings because if we didn't erase the line, we couldn't have a building that straddles both properties so we're in the process of seeking a lot consolidation that's underway and it's pending final approval of the SMA before the lot consolidation can be approved.

So, just in summary, State land use district boundary amendment, less than 15 acres, change in zoning, special management area use permit, and a lot of consolidation are the major land use permits that we're seeking.

I'll talk briefly. I'll try to move fast -- past that or through this because you may have already been familiar with it or I believe you have hard copies of the final environmental assessment that was prepared. So, a draft EA was published on April 8, 2019. There was a public comment period from April 8th to May 8th, 2019. Jordan went over this. All comments were responded to. Then the draft EA was revised into a final EA, which was published on the OEQC website on February 8, 2020, and the final determination was a finding of no significant impact. There were several technical studies done for the final

environmental assessment and were -- some of these were also in the draft environmental assessment. There was a flora and fauna survey that found no Federal, State listed threatened or endangered or candidate species on the property. There was an archaeological site inspection and SHPD had reviewed that. They had determined no historic properties affected. And when we submitted our SHPD 6E form, which is required, they wrote back to say that SHPD hereby notifies the County that the HRS 6E historic preservation review process has ended, so we've completed all -- all of our requirements for SHPD. There was a transportation impact analysis report provided in the draft and final EA. The report concluded that there would be no significant traffic impact. There may be some peak events that would be needed to have some traffic monitoring or flow, but overall, no significant impact. And then we also had civil engineering calculations for water, wastewater, and drainage.

I did want to touch about -- touch -- touch on sea level rise since the Planning Commission and the Planning Department both had comments on potential sea level rise in the future and new data that has come out -- come to light, so what I'm showing here is the -- the FIRM map, the Flood Insurance Rate Map that shows various flood zones in areas. So, right now, the -- most of the Molokai Education, both parcel sites, is in the Zone AE -- AE, which is a zone that could have a chance of flooding and it has a base flood elevation recommendation of eight feet, so we do need a flood development permit through the County and we will be pursuing that. The requirement would be that the Education Center new building be built up above the base-flood elevation of eight feet so, right now, the foundation is -- is planned for nine feet, that's where Glenn was showing you some of the step downs on the makai side, especially because the foundation is raised. When we -- when we went through the EA process, we also -- we looked at projected sea level rise, so that's what this slide shows, and this is sea level rise exposure area based on a 3.2-foot sea level rise scenario, which is the scenario that the County has adopted as a kind of standard to evaluate against, so sea level rise would occur in this area if sea level rise were to increase 3.2 feet, and this is what we had in the EA, and this was the best available data we had at the time the EA was done last year. Jordan has mentioned that there's new data available that was made available in December of 2020, and there's a new layer talking about sea level rise and coastal flood hazard zone areas. So, if the sea level rise 3.2 feet, these areas would be subject to greater potential for flooding, doesn't mean sea level rise is going up at this area, into these areas, but the flood zones may change, so the flood zone designation for these properties might be different in the future if this scenario was realized. So, Jordan has recommended or the Planning Department has recommended that we further evaluate this data and we come back with suggested mitigation strategies to the Commission before we -- we come back to you for the final approval of the SMA permit, and we are agreeable to that. This is new data for us too so we need to analyze this, and look at it, and perhaps work with the Planning Department to come up with acceptable mitigation measures.

And I'm getting towards the end, I know we've taken quite some time, but I wanted to talk about some of the public involvement and community hearings. Kelley and Glenn actually went door-to-door in the surrounding neighborhood on December 11 and 21, 2018, and they talked to neighbors. If the neighbors weren't available, they left a flyer in their mailbox or on their door where they could call to seek more information. We had a community meeting at the Education Center on November 12, 2018, and, overall, it was supportive feedback. There was a pre-consultation stage on the -- on the EA, which was a 30-day public comment, and we received comments and responded, and then there was an official draft EA public comment period during which this time we went to the Molokai Planning Commission on April 24, 2019 to receive the Planning Commission's comments. We've also gone to the Urban Design Review Board and sought comments and responded to their concerns. The next steps and opportunities to comment. There's this hearing that's happening right now where people are allowed to provide comments and testimony. If the Commission so moves forward with making recommendations to the County Council on the district boundary amendment and the change in zoning, then the next step would be the County Council hearings on the district boundary amendment and the change in zoning. And then if the County Council approves those, we would come back to the Molokai Planning Commission for your decision making on the SMA.

And with that, I think we're open for question and comments or if you're moving on to public testimony, we'd like to hear public testimony too. Thank you. I'll stop sharing my screen for now if we're going to go to public testimony.

Chair Buchanan: Thank you so much, Tom, and staff, and Kelley at the Education Center. All of that was really awesome and exciting. Yeah, it's exciting. The new flood map at the end wasn't exciting but -- but all the way up to that was exciting. So -- so, Stephanie, you can chime in if you want to at -- at this point in time, but what I'm -- I'm proposing is to move right into public testimony, and then because I did have a few points from staff report, Stephanie, for clarification or I had questions from staff and from the Education Center's presentation so instead of that opportunity for the Commissioners to do that at this time, we can just go to public testimony and then previous to what we discussed.

Ms. Chen: Thank you, Chair. Yes, I think it would be appropriate to take public testimony now, and as you detailed at the beginning of the meeting, I think it's appropriate to allow each testifier -- each testifier, who -- who should be sworn in, three minutes, for items -- for the testimony pertaining to the DBA and the CIZ, and then if the testifier so wishes, an additional three minutes for the SMA permit item. And then after public testimony is closed, then at that point, if the Commission has any questions for the applicant or staff, I would just recommend writing those down now. That would be my recommendation.

Chair Buchanan: Okay, writing them down but not asking them at this point in time? Depends?

Ms. Chen: Yeah, I think -- I mean, I think it's the Chair's call, but in the interest of, you know, the public who showed up to testify and not having them wait longer to do so, perhaps you could take that now and then ask the questions after testimony is closed.

Chair Buchanan: Okay. Alright. Thank you very much. Thank you, Corp Counsel. So, if there's no objections, Commissioners, I'd like to move into opening public testimony on the agenda items today, as we stated to -- for item B., number 1., and under that, items a. and b., and also item number 2., the Contested Case, item a. and 1. For items 1., the testifier would be allowed three minutes, and on item number 2., the testifiers would be allowed two minutes. And so, with that, public testimony is now open. Please state your name for the record, and then I will swear you in. Is there anyone wishing to testify at this time, you can unmute yourself, state your name for the record, and then I'll swear you in? Thank you.

Ms. Corbiell: Okay, Cheryl Corbiell, resident of Molokai.

Chair Buchanan: Okay, mahalo, Cheryl. Thank you for coming today. Do you promise to tell the truth, the whole truth, and nothing but the truth?

Ms. Corbiell: I do. I swear.

Chair Buchanan: Thank you. Thank you very much. Please proceed.

Ms. Corbiell: Okay, so I -- I will only need the three minutes. I'd like to support all of the land changes that are required by the Molokai Education Center. To reiterate the -- the very informative presentation of -- of Kelley Dudoit, I'm speaking as an instructor of the last 20 some years at the college and have seen the college grow and have seen the students. I've been privileged to teach multiple generations of families and -- and to know what kinds of successes the college has been able to provide for -- for students to gain gainful employment on Molokai as well as on -- should they choose to -- to go to other islands, but I also want to reiterate that the -- the size of rooms and options that we need today are much different than they were years ago, and -- and even today, with Covid and that many, like right now, I'm an online teacher, but I'm going back to some face-to-face next semester and trying to be able to meet the -- the social distancing, the numbers of students, what rooms are going to be available and how we're going to do that, but even the size of rooms, when the Fire Department did their -- their training for potential candidates, they had to move out most of the furniture of one room, and reconfigure it, and everything else trying to be able to meet their needs because they needed a training facility, but also what gets hidden is I have police officers in my classes, they're upgrading because they want to take the sergeant's exam, and they want to move up in the -- the ranks, and -- and they're here for Molokai. These are local guys and and stuff. And so, in order to do that, we need the space and the opportunities to be able to offer them the classes that they -- they -- they need. So -- so this isn't just about, you know, the growth

in students, this is really about our economy and the kinds of people we want to -- to have on Molokai and the kind of education that they require, and so when Kelley talks about nonprofit, yes, that's one of the growing areas. And many, many years ago, we had a lot of nonprofit classes and that kind of went away, and we're seeing the need for that again for people to upgrade their current skills in their current jobs. But just to, you know, refresh your memories, you know, we're also able to meet the needs of our local economies when. We had needs for social workers, many of the social workers that are now on Molokai came through our college, and so we can help direct careers to meet the needs locally, keep our -- some of our best students here with those -- those jobs, so I support the land changes that are required for our college, and I would really hope that you do as well and because we are talking about sort of the next phase of our -- of our generations and the education that they're going to need both high tech and the multiple diversity. Thank you very much.

Chair Buchanan: Thank you very much, Cheryl, for your testimony. Is there any -- would the applicant have any questions for the testifier?

Mr. Schnell: I have no questions. Thank you.

Chair Buchanan: Okay, seeing none, thank you. If any of the Commissioners have questions for the testifier? Okay, thank you. Seeing none, we can move on to anyone else in the public wishing to testify on this agenda item today. Please state your name for the record.

Ms. Esmeralda: This is Suzie. I have no one else signed up.

Chair Buchanan: Oh, thank you. And I know usually Sybil would also be trying to monitor that, but I don't believe that Jordan doesn't have anyone either.

Mr. Hart: Chair, I haven't received a request from anyone to testify on the direct message.

Chair Buchanan: Okay. Awesome. Thank you very much. Okay, so if there's no one else in the public wishing to testify, okay, then I will close public testimony on the agenda item B.1.a., b., and agenda item 2.a., number 1., and then I going move back to is so, Commissioners, I -- I wanted to disclose my own personal questions that I had, and I wanted, for the record, to reflect that I received my packet picked up from the Molokai post office on February 8, which was Monday, today is Wednesday. I -- I, honestly, was not able to review the entire packet. I have it here. I did review the staff report, but I wasn't able to review all of it because there are multiple feedback that is being requested from the Molokai Planning Commission. Of course, the items number 1., which is creating feedback to the County Council who will be overseeing the change in zoning and the reclassification, so -- and then also for item number 2., the SMA permit, and so I was at this time in junction, I wanna be very careful if we do have questions for staff because,

personally, I -- I want to defer in order to give myself, as a Commissioner, more time to go through this document, which is really well prepared. I thought the presentation was really well done. I'm excited that a lot of cultural and local stuff was included in all of the planning. It really looks like a lot of thought went into it. So, if the Corp Counsel doesn't have any issues with Commissioners asking for clarifying questions of staff or the college, and I cannot see you, let me close that, Stephanie, there. Okay, open my window more.

Ms. Chen: Yeah, I think now would be good time to ask question, for the Commissioners to ask questions of the applicant and/or Department.

Chair Buchanan: Okay, so, Commissioners, on what you guys heard today, and I don't know, maybe you guys read faster than me, I'm not sure if everybody received the packet or was able to download the entire packet, but if you guys was, awesome, but I wasn't able to so -- but I did read the staff report. So, Commissioners, Jordan, you have any feedback before I open it if Commissioners have questions?

Mr. Hart: A few things. First of all, we do -- I do want to have, basically, time with you after this agenda item to talk about logistics on it, because I -- I'm understanding the mail issue. We did put out the agenda that included the digital full staff report link. Obviously, not everybody, you know, uses the information that way, so fully -- I completely understand if -- if various Commissioners have not completely reviewed the material, which is, you know, really a requirement for you to make a conscious decision about what's going on. So, I just want to basically request that we have a little time to talk about logistics and potentially changing our mailout dates after just that we touch on that ...(inaudible)...

Chair Buchanan: Okay. Sure. Thank you very much. Yeah. And it's for that simple reason I'd like to take as much information as we can, you know, and then maybe looking at maybe deferring to the next Commission meeting in order to come up with decision making, but that's just me. I'm only one person on this Commission. But -- so I'd like to, at this time, Commissioners, if you guys have any questions from staff or from the applicant, now's your guys', time to ask. Okay, go ahead, Commissioner Mowat.

Ms. Mowat: I thoroughly enjoyed or was able to pick up some things from the -- from Tom's and the staff's or the -- Kelley and -- which is very helpful. Like you, Lori, I just got this on Monday, and I put it in a folder and tried to just organize it in a way where I could refer to, you know, with the attachments and -- but still, you know, I still think that that's a lot of stuff to cover with my -- with my schedule also at home, I cannot spend the whole day, so I -- I agree. You know, I would really like to make sure that when I make comments that I'm -- I'm equipped and I -- and I don't really feel there's still a lot of -- lot more information that I haven't even touched. So, I would -- I don't want anyone to misunderstand me by thinking that I, you know, I don't support it, I do support it, but I do have a lot of questions and mostly with the -- with the flooding and stuff like that, so I -- I

wanna equip myself so I can ask intelligent, smart questions. But -- but I also feel the same as you. So -- so thank you for the opportunity to share. You're on mute. Lori, you're on mute.

Chair Buchanan: I'm sorry. Yeah. Did you have any other like pressing questions right now before I take the next Commissioner? No?

Ms. Mowat: No. No.

Chair Buchanan: Okay.

Ms. Mowat: Thank you.

Chair Buchanan: Okay, thank you very much. Any other Commissioners? Commissioner Espaniola, you have a question? Or maybe she having connectivity issue.

Ms. Espaniola: I am. I having connectivity issues, Chair.

Chair Buchanan: Oh, I sorry. But -- okay, so that's a no. Okay, thank you. Any other Commissioners have any pressing issues right now -- I mean, questions since we have the educational center staff, and PBR here, and Jordan? Okay. Okay, seeing none, I -- I -- I want -- some stuff I just could ask one question maybe for clarification right now. It have to do with the special use permit, and then I saw -- thank you for sharing the historical documents on prior decision making by the Molokai Planning Commission many years ago that said if they came in for an expansion, that they seek the boundary amendment, and I believe that that was a recommendations or a condition. Jordan, would you have the answer on that?

Mr. Hart: Chair, I'm going to need a moment to review that document. I believe it was a condition.

Chair Buchanan: Oh, okay, okay.

Mr. Hat: I believe it was a condition though.

Chair Buchanan: Okay. Because prior to today's meeting and I think I had questions from before about what was driving the -- I understand the consolidation, and I understand the lot consolidation and the boundary zone amendment, but I didn't understand the designation, and I knew that we were on the -- operating under a special use permit, and I wanted to make sure that if one or the other was not completed or passed, that their opportunity to move forward with the project was not afforded by that and so --

Mr. Hart: I'll double-check the language of the condition, but I wouldn't think that that would be the case.

Chair Buchanan: Okay.

Mr. Hart: One more item in the context of -- of, you know, whether or not it was a Planning Commission condition or recommendation that they pursue this, I do want to point out that the Molokai Island Community Plan also designated the parcel as public/quasi-public and that would indicate that the intent there was for the expansion of this facility in this location.

Chair Buchanan: And that was another question I had, Jordan, with -- which was when was that community designation done, if it was done in just the last, because as part of the CPAC, I remember distinctly the CPAC did not have discussions about designations and zoning, and so I was just wondering about how that all got designated as public/quasi-public?

Mr. Hart: So -- so I believe your question was, was the prior Molokai Community Plan what -- what those parcels are designated in that plan prior to the 2018 Molokai Island Community Plan?

Chair Buchanan: Yes.

Mr. Hart: Right. Okay. I'll -- I'll double-check that.

Chair Buchanan: And then the other question, since you checking on that, is the ag designation, because moving from ag to public/quasi-public, if the proposed use right now is an allowable use in the ag zone with continued special use permit, I would think, obviously, the answer is yes?

Mr. Hart: Yeah, I would clarify. I mean, on behalf of the Department, the Department supports the -- the land use designation changes and the development of the project. The Department would also support the continuation of the special use permit.

Chair Buchanan: Okay. And then the other zoning issue is moving the interim designation.

Mr. Hart: Sorry, I don't understand.

Chair Buchanan: Well, you right. No, I looking at my papers. The -- the request is to move from interim to public/quasi-public. Yeah? That's correct?

Mr. Hart: That's correct. P-1 public/quasi-public.

Chair Buchanan: Okay. Okay. I did want to point out in the staff report, on page 3, the staff report states, at the second to the last paragraph, that the site is zoned interim, and then it states the purpose of interim zoning is to provide interim regulations pending specific development plans --

Mr. Hart: That's --

Chair Buchanan: What I wanted to -- go ahead.

Mr. Hart: Maybe development plans wasn't the -- the correct term to -- to use there. Basically, interim -- interim is not supposed to be a permanent land use designation so - - so maybe more appropriately permanent land use designation or zoning would be in that location.

Chair Buchanan: Okay. My suggestion to the Department is if you are going to define stuff like interim, that you provide the link or you provide the whole context of -- of that instead of just a one-liner and -- and it's -- I think it's confusing, at least for the Commissioners, because the interim is a lot more in-depth than -- than what is explained here. I think that's what I'm getting at. That's it. And so I -- I going hold off on other questions, but I wanted to provide some feedback for the Education Center and PBR. I wanted to just tell them that I thought their renderings was really well done and I -- and I appreciated that. I, personally, don't think shower trees are the best thing to plant, but I appreciate the thought that went into all of the rest of the landscaping, and the Urban Review Board on their reason to open up the street side, and I didn't realize until your aerial view that -- that the open shed, maintenance shed, that the -- the back portion of it would be open to the Education Center, so if you came out on the back side, you would be looking into the maintenance shed, which looks to be open and not having a closed door, but that's kinda minor kind stuff at this point. So, Commissioners, I don't know how you guys feel. You guys heard that, at least for -- for myself, I wanted to defer the discussion or any decision making at this point in time until I had a time to look into what was sent to us in the packet. That's just me. If other members feel like they want to move forward because I saw no questions, then -- then the floor is open for a motion and that motion -- because I wanted a -- actually I, personally, wanted a site inspection but that's not possible under Covid and so -- and we cannot entertain that at this time because I thought a site inspection would have been really a good thing to do to help us visualize the entire project and how the consolidation would work. And then, Stephanie, you have feedback?

Ms. Chen: Well, just to that point about this site visit, you're correct about the emergency rules not allowing the Commissioners to go out and do that as part of the -- the contested case hearing, however, perhaps that could be something you would request that the

Department do and provide, you know, a presentation or video footage or photographs to the Commission at the next -- at the continuation of the hearing.

Chair Buchanan: Okay, thank you for that suggestion. I know that a lot of photos and renderings were done by PBR, and they're -- they're very well done, and I appreciate that. I really do. But there was just -- I wanted to look at the new flood maps, and I -- and I heard that a college also wants to look at the new flood maps, and I really feel that concern for them as well because we heard in the beginning that this is a 3.7 million dollar project and, you know, I'm sure some of that is from public funding and some is not, but, you know, it's not -- it's not in discussion right now, but how do you guys feel, Commissioners? Just open up the floor for a motion? Stephanie, should we do motion separately for each -- for each agenda item? Did I lose Stephanie?

Ms. Chen: Thanks, Chair. I -- so am I hearing that you -- it would be your request to defer?

Chair Buchanan: Yeah.

Ms. Chen: Discussion and deliberation?

Chair Buchanan: Yeah. That's me, personally.

Ms. Chen: Okay, so you're -- you're just hoping to hear from the Commissioners right now if they would like to proceed?

Chair Buchanan: Yes.

Ms. Chen: Okay, so perhaps just discussion on that right now if the Commissioners would like to move forward with, you know, recommending approval or denial to Council. As I understand it, Council has to -- Council would have to first approve the -- the DBA and the CIZ prior to the special management area use permit being properly considered by the Commission, so I think, and pursuant to the Department's recommendation there, I think it's proper to defer item --

Ms. Espaniola: Chair?

Ms. Chen: B.2.a. no matter what, but for items, you know, for the -- the district boundary amendment and the change in zoning, I think you're seeking right now clarification from the other Commissioners if they would like to proceed or defer pending receipt of additional information or more time to review the packet.

Chair Buchanan: Okay, got it. Okay. Okay, I got it. So, let me reiterate. So, I would be suggesting, and then before I move forward, I heard one of -- Commissioner Espaniola, did you have a question?

Ms. Espaniola: Oh, shoots.

Chair Buchanan: I know you're having trouble with --

Ms. Espaniola: Yeah.

Chair Buchanan: I -- we can hear you. I can hear you.

Ms. Espaniola: You can hear me? Okay.

Chair Buchanan: I can hear you.

Ms. Espaniola: Okay. So, I -- I'm in agreement that we need to do a thorough, you know, review, and the flood zone is of major concern for myself as well. And so, I -- I'm in agreement that we should take more time to review and wait for the flood zone report and review the flood zone report. That's -- that's my take on this.

Chair Buchanan: Okay, thank you, Commissioner Espaniola. So --

Mr. Hart: You know, Chair --

Chair Buchanan: Deputy, go ahead.

Mr. Hart: Would it -- would it be appropriate for me to maybe provide a little more context of what the purpose of that recommended condition was for the Commission at this time?

Chair Buchanan: Okay.

Mr. Hart: What -- what my intent was -- was in adding that. Okay, so if you look at the Community Plan, you have basically a park complex and the Education Center that's in this location, so it's all public/quasi-public except for this area. So, at the special management area, that's where the Commission authorizes whether or not the development is going to happen. So, I don't personally think that anything other than public/quasi-public land use designations would be appropriate or will occur in this area and that's established I think by the Molokai Island Community Plan, and then you also look at the surrounding uses that you have, but I did want the applicant to further consider and provide any analysis or any, you know, supplemental design adjustments that they think are necessary with regard to that new layer that was provided by PACIOOS on December 22nd I believe. So, let's say there was a scenario where the -- the Molokai

Planning Commission thought that it is appropriate for this land to not be interim and not be ag so that it could be usable maybe, you know, for whatever use that's appropriate with the other park or education uses that are surrounding, but that when they come back and visit the Molokai Planning Commission with their SMA request, they didn't do sufficient analysis or provide adjustments that the Molokai Planning Commission was comfortable with; in that scenario, you know, the Department would consider what its recommendation to the Commission was on -- on whether or not to approve, and the Commission could consider whether or not they would want to defer at that time and tell the applicant specifically why they think their proposal's deficient and what they should come back with. So, procedurally, as far as things work, I don't think that the Commission should be concerned about putting the land use designations in order, and then you have the authority to determine whether or not you're going to support the development when they come back. And, you know, recognizing the inconvenience or unfair scenario to the applicant of having this information not even being available except for, you know, three days before Christmas, and then here they are at the beginning of February to visit with you, I thought that the time period between when they would see you now up until they have to go to Council and get action on the land use designation changes, which are going to happen after budget anyway, and then they're going to come back to you to be scheduled, they have maybe four-plus months to figure, you know, out what their proposal and how they're going to address these issues are going to be. So, that's kind of what I was thinking is they would use that time where they're not before you to come with a more specific explanation of how this is going to be addressed.

Chair Buchanan: Okay, thank you. Then -- then, Jordan, I have a question for you. The only request for items, the 1.a. and b., for the district boundary reclassification is only for the -- the three point something acres. Is that correct? I mean, whatever the -- the -- because they're having a lot consolidation and then that urban district zoning is only for that piece and that parcel that is right now zoned ag, and it's not for any of the rest of the parcels related in the back, and I going -- I going tell you what my concern is. Many, many years ago, there was a push to keep ag in Kaunakakai and -- and it was because it was in the middle of residential housing, and we bought this up during community planning and, basically, we were told that -- that we're not to do zoning and ag land classifications at that time, so that's why I'm wondering where this -- where the public/quasi-public came in because when the wetland across the street was introduced, that was another concern of putting a wetland in the middle of two residential and housing districts within the more urban part of the island of Molokai on the south shore and -- and with the intent that that might be one issue in the future, like we have now, because wetlands attract certain and endangered species and that's the purpose of the wetland is to attract wildlife. So -- so this is -- that's why I said this is a bigger -- and I want to provide feedback for the Council, and I don't want it to be a number eight on a condition that was done ten years ago or whenever, and trying to find a way, a path forward being careful to not do spot zoning and realizing fully that designating ag lands from ag to public/quasi-public is definitely going to increase the land values of the surrounding parcels. It just

works that way. I know we cannot say that on the record and we -- and there's no justification for it at this time, but I'm sure that there are -- it's just a consideration, and so we not going figure that out to today, but I'm just saying that that is going into the reason for deferral in order to try and look at stuff. Go ahead, Jordan.

Mr. Hart: Yeah, okay, so -- so let me say a few things. Number one, I completely respect any of the Commissioner's position that they didn't have time to review the material. That's -- that's a stand-alone issue. So, you know, I just wanted to basically -- it appeared to me that -- that there -- I was hearing that people may have been more concerned than I intended to make them by providing that new layer and describing that condition, and I was basically describing the time frame that I thought that that should happen. I also want to explain to the Commission that, on behalf of the Department, our position is going to be to support the community plan that was just passed and -- and adopted by Maui County Council in 2018, so that's not even three years old yet, basically four, not even four years old yet, so, you know, our position will always be that that's a current document and that -- that expresses what the -- the community relayed through the CPAC to the Planning Commission to the Council and got adopted. So, our -- our default position is always going to be that -- that that is correct unless it gets old and then we might start supporting, you know, community plan amendments and things like that or if something was overlooked. On the subject of spot zoning, I do want to point out that the residential neighborhood that's immediately makai on Seaside Street is -- that is urban so -- so these are going to be directly abutting urban across Kamehameha V Highway. So, you know, if this was kind of out in the middle of -- of, you know, pastures or something like that, I would -- I would agree with you that that's spot zoning and the Department probably wouldn't be supportive of that, but I think that being that it's -- has these land use designation patterns, our feeling on land use is that -- that this is an appropriate request regardless of whether or not the Commission chooses to authorize the development that's being proposed at the location. Okay, thank you.

Chair Buchanan: Okay, Commissioners, with that, you guys have any other feedback or any proposals to support providing feedback from a. and b. or deferring the a., b., and number 2. because you know number 2. looks like, from feedback from Corp Counsel, that it should be deferred because that cannot move forward until items a. and b. are resolved. So, what say you, Commissioners? Commissioner Poepoe.

Mr. Poepoe: Yeah, that was a pretty substantial size document that was delivered two days ago that I would like to have a little bit more time to review, obviously, it's really large to be expected to be read within two days, with no pity for me, just I get, like everybody else, a whole bunch of work that I gotta get done separate from this as a stand-by first responder, we just had training all day yesterday, so there goes the whole portion of my day that is dedicated to public safety along with -- also disclosing I am a student of the UH system, but I do all my classes online.

Chair Buchanan: Thank you, Commissioner Poepoe. Stephanie, you need to jump in for anything right now? No?

Ms. Chen: No. If you need help with, you know, formulating the words for a motion that you might want to entertain, just feel free to call on me.

Chair Buchanan: Okay.

Ms. Chen: But I'll let you folk discuss.

Chair Buchanan: Okay, Commissioners, you guys have any more feedback? Any Commissioners? Commissioner Sprinzel. Vice-Chair?

Mr. Sprinzel: Yes, I'm still here. What interest me is that I don't think any Commissioner is against this development. Is there anybody who's against it? So, all we're doing is delaying it. We heard all this stuff two years ago. We reviewed it all a couple of years ago. So, all we're doing is shoving it further down the road with some obscure ruling, which I have no idea about. But, anyway, I'm in favor of them building their extension, and I'm sure we all are. Thank you.

Chair Buchanan: Sorry. Thank you, Commissioner Sprinzel. And then again, just one other caution because Corp Counsel is always cautioning us is about we're not doing any decision making right now or eluding to that, so we should not have any prerequisites or decision making at this point in time unless we make a motion. So, anybody else has feedback? Commission -- I heard from two Commissioners so far that they wanted more time, and including myself, more time. Commissioner Mowat or Moore? Commissioner Bridget.

Ms. Mowat: Yes, you know, it's not that we're not supporting it. I just need more information because things have changed. I'm concerned about the flooding. I'm concerned about the parking. I'm concerned about the wastewater. You know, there's a lot of things in here that I would like to see how they are responding to these issues, and I haven't had a chance to do that. So, I would like to have more time educating myself on what they're proposing that -- that's all. Thank you. So, I think we should just make a motion to defer. Can I do that at this time?

Chair Buchanan: Let's see ...(inaudible)... Okay, no, I'm okay with that. The floor can be opened for our a motion, and this would be on -- on what we discussed today in the agenda item, and if you need help ...(inaudible)... making a motion -- Bridget, mute your -- can you mute right just for a little bit, mute your computer because, Corp Counsel, if I - - if I read -- we all heard right, several times, item 2., the Contested Case hearing, is dependent upon item 1. being approved by the County Council so it just makes sense to

defer item 2., for today, the Contested Case hearing, a.1., and then take up today if we want to defer the discussion on item 1.a. and b. Is that correct?

Ms. Chen: Thanks, Chair. Yes. So, I -- I think I would recommend two separate motions, one pertaining to items B.1.a. and b., the DBA and CIZ items, and so one motion for those, and if there is specific additional information that the Commission would like, I'd recommend including that in the motion. And then a separate motion regarding B.2.a., the Special Management Area Use Permit. That's what I would recommend. And that deferral can be based on the requirement that Council first approve the -- the DBA and CIZ.

Chair Buchanan: Okay, thank you very much. With that --

Mr. Schnell: Chair Buchanan, may I say something for a moment? This is Tom Schnell. Not appropriate for me to speak now?

Ms. Chen: I think it's up to you, Chair. I think we're still -- we haven't moved into the discussion or deliberation phase so if -- if you would like --

Chair Buchanan: Okay.

Ms. Chen: To respond, that's fine.

Chair Buchanan: Okay, awesome. Thank you. Okay, go ahead, Tom. You already were previously sworn in so, yes?

Mr. Schnell: Okay, thank you very much. I understand following the discussion from the Commission and I understand that folks have not had a lot of time to review a lot of information. I would request, though, if you -- if you do -- do defer, I do like Stephanie's recommendation that you provide us maybe with some list of specific things that you would like us to come back with so we could be efficient in answering those questions and, hopefully, we could come back at the next Commission hearing, or sooner, to move things forward. My concern is that the UH does have a budget and a CIP process, and the funds are not in danger of lapsing now but if it does stretch too long, the funds could lapse from UH and they may not be able to move forward. So, if you will delay, if you do delay, we would request that, hopefully, we can come back as soon as possible.

Chair Buchanan: Thank you, Tom. I agree. Totally. So, Commissioners, and even, Tom, you heard that a lot of us just received our packets in the mail, which is -- which was kind of voluminous, and so I would also -- are you also open to questions coming by email on -- through you or through the Department from Commissioners as they go through the docket? Is -- is that okay?

Mr. Schnell: I think that would be great. I would thank you for suggesting that. Yeah, anything we could do to move the dialogue and discussion along so that you have all the information you need at the time we reconvene, that would be appreciated, and we'll get back to you as soon as possible.

Mr. Hart: Point of clarification, Chair.

Chair Buchanan: Okay, thank you.

Mr. Hart: I apologize again. Commissioners can't be communicating directly with the applicants. You basically please run those through Suzie. Any questions you have, just email Suzie.

Chair Buchanan: Okay.

Mr. Hart: She'll consolidate them and then we'll -- we'll coordinate with the -- and I do wanna to say I was going to ask the same thing, but I, you know, the position was that people didn't have a chance to review so I didn't wanna try and press you to -- to give your details on something you just told me you didn't review, but I agree with Tom that having some idea of the issues of interest, and Commissioner Mowat mentioned some of the things that she was interested in, so that will really help us make sure that we at least can emphasize that when we come back.

Chair Buchanan: Thank you. Commissioners, you know, route questions through our board secretary and then she'll further that -- route them where they need to go, and then we can discuss them in the public at a -- at another meeting date if -- if we move that way. Stephanie, you have something?

Ms. Chen: Thanks, Chair. Is the Commission able to provide its concerns or questions now so -- to eliminate the need for multiple emails flying back and forth between the Commission and the Department? And thank you, Jordan, you're absolutely right about communicating directly with the applicant. But if there are specific things now, I would encourage the Commission to provide that as part of its motion to defer, if that's the direction the Commission is heading in.

Chair Buchanan: Okay. Commissioner John.

Mr. Sprinzel: Sorry, I have to leave you. I have a medical appointment, as I advised you.

Chair Buchanan: Okay.

Mr. Sprinzel: Thank you.

Chair Buchanan: Okay. Hang on. Hang on. Are we going to lose quorum?

Mr. Sprinzel: Yeah. You have a quorum.

Chair Buchanan: Without you?

Mr. Sprinzel: Yep.

Chair Buchanan: Okay. Okay. Thank you, John. Take care.

Mr. Sprinzel: Happy voting.

Chair Buchanan: Okay. Okay, I didn't want to let him go if we didn't have a quorum. So, let's wrap this up. Thank you very much. So, you heard, and I won't be having any questions at this time, but I will send my questions to Suzie as I go through the document. But, so is there a motion on the floor at this time knowing that we'll take up separate motions? The first motion would be for item 1.a. and b. Any motion?

Mr. Poepoe: So that would be to motion for 1.a. and b. together?

Chair Buchanan: Your motion is to?

Mr. Poepoe: Okay. So moved. Oh, motion to defer items 1.a. and b.

Chair Buchanan: Is there any second?

Mr. Moore: Second. I second the motion.

Chair Buchanan: Okay, there was a first and a second. Is there any discussion and this can be a friendly discussion if anybody has any real pressing issues they want to convey to Tom and his development group or the Education Center? And if not, we'll just move forward with the vote for deferring with the understanding that we -- if we do, we will for them to Suzie. Any discussion? Okay, seeing none, I'll call for the vote on the motion to defer items 1.a. and b. Commissioner Moore?

Mr. Moore: I vote aye.

Chair Buchanan: Okay. I think Commissioner Moore gotta give the thumb. Okay, I'm -- I'm assuming that the answer was yea to defer. He's yes. Okay, Commissioner Mowat?

Ms. Mowat: Yes.

Chair Buchanan: Commissioner Poepoe?

Mr. Poepoe: Aye.

Chair Buchanan: Commissioner Espaniola? Aye. And Chair votes aye. Motion carried.

It has been moved by Commissioner Laakea Poepoe, seconded by Commissioner William Moore, then

VOTED: to defer Agenda items B.1.a. and b.

(Assenting: L. Buchanan; L. Espaniola; W. Moore; B. Mowat; L. Poepoe)

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

(Excused: J. Pele; J. Sprinzel)

Chair Buchanan: Moving on to item 2., under Contested Case, items a., number 1., the SMA area use permit. Do I have a motion on the floor?

Mr. Hart: Chair, could I -- could I ask a procedural question of Corporation Council first?

Chair Buchanan: Oh, go ahead.

Mr. Hart: Counsel, so public testimony sufficiently been addressed for all -- all items on the agenda already?

Ms. Chen: Thanks, Jordan. So, public testimony is closed for items B.1.a. and b., but we need to recess the date -- I mean, defer to a date certain, so I'll ask that we -- perhaps the parties can -- we want to make it something convenient, right, for the applicant and for the Department, so can we -- can we come up with a date right now so that the public has notice that that's when the meeting will be, the item will be taken up again for discussion and deliberation? But for those items, public testimony will not be taken. For the special management area use permit, since -- since that is uncertain when that is going to come back in front of the Commission, my recommendation is to re-notice that item publicly if and when it comes back in front of the Commission even though we did take public testimony on it today because it was an agenda item as such, but that's my recommendation for that item.

Mr. Hart: One point of clarification I would like to make on that. You know, the Department did distribute the full digital package on the day of the posting, so, you know, while various Commissioners prefer to read in paper --

Ms. Chen: Right.

Mr. Hart: And the Department takes responsibility for not giving advanced time for the mail to deliver, which is why the meeting, like the substantive discussion and decision making is deferred --

Ms. Chen: Right.

Mr. Hart: You know, my question is whether or not the applicant should be obligated to re-notice and, basically, incur the cost and effort of re noticing when all members of the public were duly notified of what was going to be discussed here and all material for them to provide substantive comment was provided to them as they would receive it digitally?

Ms. Chen: So, that's a good question. The issue is that the special management area use permit as it's my understanding that that cannot be acted on by the Commission today, at this meeting, but that it was included on this agenda and the information was provided to the Commission so that the Commission can have the whole big picture of the process that the applicant is currently going through to meet all the requirements of the law. Is that an accurate understanding? Because --

Mr. Hart: I was -- I was just asking about the mechanics of whether or not the -- the --

Ms. Chen: Re-notice.

Mr. Hart: Public hearing component happens here now because, obviously, public testimony is welcome and occur at all Planning Commission meetings, as here today, or whether or not that needs to be addressed immediately before the Commission makes the decision.

Ms. Chen: Right. So, my recommendation for B.1.a. and b., for the DBA and the CIZ items, is that no public testimony will be taken at the -- when the Commission takes those items up again because public testimony has been closed on those items. Now, since the SMA use permit was agendized as being under the public hearing because -- and it will require a public hearing and it does require a public hearing; if and when that particular item comes back in front of the Commission, I do think that the applicant will need to re-notice the public for another hearing on that particular item.

Mr. Hart: Okay, so I just got into a different thing that I wasn't intending to -- to find out. Okay, understood that -- that the -- they will re-notice for the -- understood that there will be a -- a separate public hearing on the SMA item in the future after Council.

Ms. Chen: Yes. But I don't think they need to re-notice for the DBA and CIZ items when those come back in front of the Commission. And further, I don't think the Commission should take public testimony on those items.

Mr. Hart: That was my -- that was what I wanted to ask you about. Is it like, okay, so the -- so the -- the -- the Commission typically takes testimony on -- on all things including -- well, anyway, no testimony? Like is that --

Ms. Chen: No. So --

Mr. Hart: This is not a contested case item, right, because the Council is the decision-making body on those items, there is -- I guess, anyway, we'll have a conversation ...(inaudible)...

Ms. Chen: It's because it's a public hearing item.

Mr. Hart: Okay.

Ms. Chen: So, it's procedurally correct. Once that -- once that testimony, public testimony has been opened and closed on a public hearing item, public testimony should not be taken after that unless the meeting is re-noticed as a public hearing.

Mr. Hart: Okay.

Ms. Chen: And that's because it's not fair to people who show up at that meeting just because and they get the chance to testify when the rest of the public didn't have notice of the public hearing. So anyway, sorry, Commissioners.

Mr. Hart: That's fine. Okay. Thank you.

Ms. Chen: But I think it's a good discussion and it's something that I think will need to be flushed out for the next meeting. But can we -- can we provide a date certain at which the Commission will --

Chair Buchanan: Oh, she got frozen.

Ms. Chen: ...(inaudible)... will need to re-notice this as a public hearing item.

Mr. Hart: Okay, so -- so, just to clarify, that's why was my initial question was shouldn't we open and close that public testimony right now because everyone did have all knowledge and information that they would have ever had to -- to --

Ms. Chen: Yeah, I agree.

Mr. Hart: So -- so why don't why don't -- why doesn't the Commission just open and close public testimony on the SMA, right? Why do we have to establish date specific if -- if it's -- I'm not following that.

Ms. Chen: So, Chair Lori did open and close public testimony on the public hearing items.

Mr. Hart: Right.

Ms. Chen: So that's finished. But the Commission is deferring discussion and deliberation, so we're basically recessing the meeting, right, to another date, so in order for the public to know when that -- the Commission will pick this item up again, we can either say it here or we can publicly re-notice them. I think the applicant would prefer to do that here rather than go through the publication process again but --

Mr. Hart: Okay, thank you.

Ms. Chen: But it's up to you folks, but it would be need to be a date that was convenient for the Commissioners, the Department, the applicant because I assume the applicant will want to be there. Does that answer your question, Jordan? No?

Mr. Hart: I don't think it's -- I don't want to ask my follow-up questions during the meeting.

Chair Buchanan: Oh, so guess what? The Chair will. So, this is what the Chair did, okay. The Chair opened up public testimony for all items today, and I also closed the public -- I closed public testimony on all items as I opened them, but it's my understanding, as the Chair, I also have the authority and purview as the Chair to reopen public testimony if I see it necessary at the time where this would come up again as -- because it's deferred, and that is my understanding that I can if I want to, it's -- it's highly suggested that you don't, but I'm saying as I do have that authority, don't I, Stephanie?

Ms. Chen: Chair, since it's a public hearing item, the -- generally I think you are correct in other -- for other items, but since this is a public hearing item, there are specific notice by publication procedures that the applicant has followed and so for that reason, I don't think it's your prerogative to reopen it at the next meeting unless it is re-noticed publicly as such.

Chair Buchanan: Okay. It's kind of really up to, I think, the Education Center, so what I'm hearing is, today, if we all agree on a date for the next meeting to pick up the deferral, then you don't have to re-notice, you're not picking up cost of re-notice, however, you do that with the clear understanding that public testimony will not be reopened. And if we're deferring item number 2., which is a different and it's a separate issue now, Jordan is just asking, do they have to jump through hoops of another public hearing and meeting all the requirements of Sunshine Law and advertising.

Ms. Chen: For that item, I would say yes, because of the proximity in time, we don't know when that item will come back in front of the Commission, and I think it is prudent to re-notice that and give the public another opportunity to show up and testify for that item.

Chair Buchanan: I think it's lose on the side of precautionary best steps to dot all our i's and cross all our t's for a re-notice with the apology that that might incur cost and headache to the applicant, but I'm not sure 'cause I see Jordan's face. I'm -- I'm happy to do both in support anyway out of moving forward because this was a notice and if the item is just deferred, it's deferred, and it's picked up at a later date. And so I -- I share your concern, Jordan.

Mr. Hart: Yeah, I'm just --

Ms. Chen: Chair, perhaps we could take the first, so the items, the -- the district boundary amendment and the CIZ. Okay, the motion has already been voted on to defer those items. For those two items, to prevent the applicant from having to re-notice, can we agree on a date certain right now at which this item -- these items will be taken up again, and then I suggest we handle the SMA one separately after this? So, if everybody has their calendars, then perhaps the Chair can throw out a date and, you know, it doesn't have to be on a -- at a regular meeting of the Molokai Planning Commission ... (inaudible)...

Mr. Hart: Chair, the Department is expecting to have a regularly scheduled meeting on February 24th of this month.

Ms. Chen: Okay. Does that work the applicant? Tom?

Mr. Schnell: Let me just check, but I believe it does. We would prefer to move as quickly as possible, and I appreciate everybody taking that under consideration.

Ms. Chen: Okay --

Chair Buchanan: The Chair --

Ms. Chen: So, we'll wait on your confirmation if that works, and then if we could also set a time, Chair, so 11:00 a.m. probably right?

Chair Buchanan: Eleven.

Mr. Schnell: Sorry. If we could -- if you don't mind, most of our team that would be at the next hearing is on this call now, or all of our team, so February 24th is fine for me. If others -- others on our team could just verbally let us know if that's fine too, I think we could just move forward with the 24th if that works.

Mr. Yokotake: I'm okay, Tom. This is Glenn.

Ms. Yamamoto: This is Denise, from the Community Colleges, that's fine.

Mr. Kodani: This is Shawn Kodani, I'm okay with that date and time.

Ms. Dudoit: This is Kelley Dudoit, from Molokai Education Center. That works for me as well.

Mr. Schnell: Okay, thank you.

Ms. Chen: Okay, so this consideration of the district boundary amendment and the change in zoning for the MEC, those items, discussion and deliberation will be deferred until February 24th at 11 a.m.

Chair Buchanan: Thank you. But and I think my only question is to staff. If staff already had outstanding items for the agenda on February 24th, Jordan.

Mr. Hart: Chair, we did have two pieces of legislation, draft legislation for comment. They were a bill for an ordinance amending Section 19.52.090, Maui County Code, relating to unlawful consumption of intoxicating liquors in the Historic Districts 1 and 2, in Lahaina, on the island of Maui, and then as well as other minor corrections to the -- I'll call them "corrections," updates and revisions to the code, and then the other one was a bill for an ordinance amending Section two point -- 2.80B, of the Maui County Code to add mitigate climate change and work towards resiliency as a new goal of the Countywide Policy Plan. So, basically, those are items that need to collect -- they've already gotten input from the -- well, anyway, they're going through the planning commissions, all of the planning commissions to get comment so, you know, potentially not necessarily negatively impacting anybody if those items get bumped for this one,

Chair Buchanan: Okay, thank you very much. Okay, I think we got a date then on the 24th at 11:00. Okay, next. So, item number 2.a., number 1., SMA area use permit. Corporation Counsel is suggesting we move forward with a deferral, and I agree because it's pretty of a moot discussion pending other things that need to occur. And so, would staff want to have discussion on that now before I ask my Commissioners to make a motion to defer?

Mr. Hart: If -- if the Chair wouldn't mind, I would like to possibly ask for a five-minute recess to confer with -- with --

Chair Buchanan: Okay. Sounds great.

Mr. Hart: More ...(inaudible)... thank you very much. I'll -- I'll get -- I will relay what the Department has done in the past in this scenario as far as -- I thought that we might have been doing things differently over a longer period of time than the way Counsel described them, and Counsel may be correct, but I just want to basically provide that feedback before you vote.

Chair Buchanan: Okay, so how about, if there are no objections, we will recess until 1:30.

Mr. Hart: Thank you very much, Chair.

Chair Buchanan: Thank you. We are in recess.

(A recess was called at 1:20 p.m. The meeting reconvened at 1:45 p.m.)

Chair Buchanan: I'd like to call this meeting back from recess and reconvene the meeting the Molokai Planning Commission, February 10, 2021, back from recess. We are currently item number 2., on the agenda, under item a., number 1., Special Management Area Use Permit, and the discussion was about the motion to defer or we did not entertain a motion yet. Corporation Counsel, you want to provide some feedback?

Ms. Chen: Thanks, Chair. Yeah, I think the motion, if the Chair wants to entertain a motion to defer on that item, then that's appropriate.

Chair Buchanan: Okay, I don't see that staff has any concerns at this time so actually the floor is open for a motion, Commissioners, unless you guys have any questions. Commissioner Mowat.

Ms. Mowat: I would like to make a motion to defer item 2.a., the Contested Case, just because I need more -- because more -- we need to review our -- our packets more.

Chair Buchanan: Okay, and then also that ...(inaudible)... dependent on item 1.a. and b.
--

Ms. Mowat: Yes.

Chair Buchanan: The results first.

Mr. Hart: I just want to clarify that I think that this thing can be just outright deferred because --

Chair Buchanan: Deferred? Okay.

Mr. Hart: Because the Commission doesn't revisit it for any substantive decision making until after the land use designations are changed.

Chair Buchanan: Okay, I agree. Okay, so straight up --

Mr. Poepoe: I'll second the motion.

Chair Buchanan: Okay, so reiterating the motion, the motion by Commissioner Mowat is to defer item A., number 1., and there is a second. Any discussion? Okay, seeing none, I going call for the vote on the motion to defer. Commissioner Moore? Commissioner Moore, you on mute, but you can go up or down.

Ms. Mowat: He frozen now.

Chair Buchanan: Commissioner Moore, you can hear us? He get poor network stability. Commission Moore, I going come back to you. So, Commissioner Mowat?

Ms. Mowat: Yes, defer.

Chair Buchanan: That's an aye. Commissioner Poepoe?

Mr. Poepoe: Aye.

Chair Buchanan: Aye. Commissioner Espaniola? Oh, we look like we frozen too. Okay. Commissioner Espaniola, can you --

Ms. Espaniola: Aye.

Chair Buchanan: Okay, aye.

Ms. Espaniola: Aye.

Chair Buchanan: Thank you. That was an aye from Commissioner Espaniola. And then we're going to go back to Commissioner William Moore. Commissioner Moore, if you can hear me, you can go thumbs up. I'll accept the thumbs up as a yay, or a thumbs down as a nay. Commissioner Moore, you have audio? Can you hear us? If you can hear us, unmute yourself, and then you can respond yes or no on the motion to defer. Sorry, Commissioner Moore is having so much technical issues. We have bare quorum so we need Commissioner Moore's response. This reminds me that we all should have some training in how we can use our emojis maybe and if that's an acceptable use platform for voting because --

Ms. Yamamoto: Maybe if he turns off his video that might help the audio come through better.

Chair Buchanan: Yeah.

Ms. Yamamoto: So, if he turns off his camera, the audio might be stronger.

Mr. Poepoe: I think he's unaware that we're still voting -- waiting for his vote.

Chair Buchanan: Commissioner Moore, if you can hear us, we're waiting for your vote on the motion to defer, yes or no, and if you can -- did we lose him, lose him?

Mr. Poepoe: No, he turned off his video.

Chair Buchanan: Okay. If you can talk to us?

Ms. Yamamoto: Is the host able to unmute his mike?

Chair Buchanan: I just was going ask Suzie.

Ms. Esmeralda: I've been trying to. It's not working.

Chair Buchanan: He has it muted on side.

Ms. Esmeralda: I turned off his video.

Mr. Hart: Suzie, would you try and call him and suggest that he telephone in?

Chair Buchanan: Yeah, I was going to -- look like Commissioner Mowat's on it.

Mr. Hart: She must be talking to someone.

Ms. Mowat: You know what? He just called me. He's on the phone. He called me. He's saying he stuck. So, should I -- what should I tell him?

Mr. Hart: Just that he call-in using the telephone number on the agenda.

Ms. Mowat: Billy? Billy, call, you know on your agenda, call the number, the phone number, and you can give your vote, I guess, or just -- can you -- can you call that number? Do you want the number? Where is that number? Okay here, dial, to listen to the meeting or provide oral testimony, try dial one 1-888-748-9073. Just try that one for now. Oh --

Mr. Poepoe: Can he try on the --

Ms. Mowat: We just got disconnected. He just hung up.

Chair Buchanan: We can see him now so I was kinda hoping he could just thumbs up or thumbs down.

Ms. Mowat: Did he thumbs up? There he thumbing up.

Chair Buchanan: Okay. Stephanie, is that acceptable as a yay vote on the motion? So, we shouldn't have any trouble with that as a yay vote on the motion? He went thumbs up.

Ms. Chen: Commissioner Moore, can you just nod your head if you -- if it's a yay vote?

Chair Buchanan: Yes, he's nodding his head.

Ms. Chen: Okay, I think that's Okay. Suzie, is that okay for your purposes?

Ms. Esmeralda: Yes, I got it.

Chair Buchanan: Okay, sorry. Thank you. Thank you for everybody hanging in there. Okay, so the Chair votes yes and so motion is carried to defer item number 2.a., number 1., the SMA area use permit.

It has been moved by Commissioner Mowat, seconded by Commissioner Poepoe, then, unanimously

VOTED: to defer Agenda item B.2.a.1.

It has been moved by Commissioner Bridget Mowat, seconded by Commissioner Laakea Poepoe, then

VOTED: to defer Agenda item B.2.a.1.

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

Chair Buchanan: So, thank you very, very much. Thank you for your patience, Molokai Education Center, and also on a job well done. Be sure to encumber those CIP funds for this project that this community so sorely needs, and we totally appreciate all the hard work that has gone into this. Also to staff, Planning staff, mahalo. Thank you very much.

Mr. Schnell: Thanks for your initial review. We -- we look forward to coming back on the 24th and moving along. Thank you very much.

Chair Buchanan: It won't be long. Thank you very much. Ok, so we're going to swoop into item C, Director's Report, and under Director's Report, we have items 1, 2, and 3, and that's it. Go for it, Jordan.

C. DIRECTOR'S REPORT

- 1. American Planning Association Hawaii Chapter complimentary Chapter-only membership to members of planning-related boards and commissions at the County of Maui, Department of Planning**
- 2. Agenda items for future public meetings**
NO public testimony will be received on this item.
- 3. Open Molokai Applications Report generated by the Planning Department with the February 10, 2021 Agenda Packet (Appendix-A)**
NO public testimony will be received on this item.
- 4. Completed Molokai Applications Report generated by the Planning Department with the February 10, 2021 Agenda Packet (Appendix-B)**
NO public testimony will be received on this item.

Mr. Hart: So, for item 1, the American Planning Association Hawaii Chapter is extended complimentary chapter membership to the members of the planning related boards and commissions for the County of Maui, and so that includes you, and you're welcome to participate in that, and there is a letter, I believe, that describes the benefits that are offered. I'm not seeing that the letter is attached to the agenda. We will circulate that. I did see the letter attached to a different planning commission agenda so I'm aware it exist. But basically, there's some features that -- that -- that you would take advantage of for planning related issues. So, we'll circulate that to the Commissioners.

The next item, item C.2., that would be agenda items for future public meetings so we just discussed the two ordinance drafts that -- that are with us for referral to you, but also the rescheduling of this item, so basically, you know, it's expected that the Education Center expansion will be the number one item on the agenda but we might try to put some of those other items on the agenda in case there's an opportunity to take them up but recognizing that this is a pretty large project.

And then the other item is the open applications and, let's see, and completed projects that are attached to the agenda every meeting, and we'll continue to try and work on streamlining that list but it is -- the current version of the list is provided for you.

Chair Buchanan: Jordan, I have a question on that list and a recommendation or a request. I have a request. The request is if, in addition to the open project report, if there could be an additional sheet with the keys on it to explain what the acronyms are for --

Ms. Esmeralda: Sorry, this is Suzie. We lost -- we lost two members, Bridget and Billy.

Chair Buchanan: Oh, there Bridget. Okay, we cannot hear Bridget. You muted.

Ms. Mowat: No, no. I -- everybody -- everybody disappeared but then now everybody coming back so I didn't say anything. Just talking to myself.

Chair Buchanan: Okay, I understand the issue about quorum. I don't think -- I don't know if Stephanie has to chime in, but we are not going to be making any decisions. We just a discussion now at the end of the meeting for the Director's Report.

Ms. Mowat: No comment.

Chair Buchanan: Do we need Commissioner Moore?

Ms. Chen: Yeah, Chair, well, we would need Commissioner Moore and Commissioner Mowat in order to continue the meeting discussion.

Chair Buchanan: I see you.

Ms. Mowat: Can I -- I lost you, so I don't know what everybody talking about now.

Ms. Chen: Okay.

Ms. Mowat: You went off so I don't know what's -- what's happening now. So, you need to refresh.

Mr. Poepoe: Hurry up. We get five people.

Chair Buchanan: Hurry up. We get five people. Okay, we have five people. We are on item, the Director's Report, number 3.

Mr. Poepoe: Oh, start all over.

Chair Buchanan: The open and closed projects and all I asking for is to have one separate sheet that tells us what all the acronyms mean.

Mr. Hart: Understood, Chair. Suzie? Suzie, you know, on Kiva, there's a summary of all the permit types? Would you start to print that and include -- or include that in the -- with agenda going forward?

Chair Buchanan: Thank you. And with that, all I want to point out is one update on -- on the first sheet item, page 1, the second -- number one and two, the Scott Wehner, update on that on the next maybe Planning Commission or in the March 3rd because I see it's an open document or status is open and that's my main concern for right now is -- I mean, for today before we lose quorum again. Okay, that's it.

Mr. Hart: Chair, understood. We'll add that. Just a final comment. So, we're estimating The number of days it takes to get from Wailuku to Kaunakakai so we'll -- we'll basically adjust our mailout time relating to that. It's sounding like it's taking between four and five days for mail to go from -- from Wailuku to Kaunakakai depending on when it's received by the Wailuku Post Office so we'll bump our time back based on that.

Chair Buchanan: Yeah, thank you for that. And I didn't want to bring it up earlier, but I don't know if you guys were aware that Molokai was without electricity or Spectrum or Verizon for an entire day and so nobody was able to do anything over the Internet so I just make you guys aware that every time it rains or the wind, we have that connectivity issues for Molokai and that's something else to take into consideration. But yeah, the paper thing if can be mailed earlier, that would be appreciated. Mahalo.

Mr. Hart: Understood. Thank you.

Mr. Poepoe: I had issues with the file size being able for download with weak signal.

Mr. Hart: Chair, so, you know, as the Commission is aware, the part of the Wehner decision was -- was that the Commission has to receive the entire application so that in this case the final environmental assessment was the consolidated application report for all of these, which means you had to get that four hundred pages to -- to check the box of having received application which -- which created logistical issues, digital and paper for everyone.

Chair Buchanan: Okay, thank you very much. I looking forward to one update on Wehner, on Scott Wehner, 'cause we don't know what happened to that after, yeah, we just don't know what the final outcome was from the planning side. Thank you.

Mr. Hart: That will be on the next agenda.

Chair Buchanan: Commissioners, if there's nothing more, am I missing anything, Jordan?
No. Oh, number 4. No. Next scheduled meeting date is the 24th, right, 11:00.

Mr. Hart: February 24th, 11 am.

Chair Buchanan: Okay, with that, Commissioners, if you guys don't have anything else, this meeting is adjourned. Thank you very much. Mahalo.

D. NEXT SCHEDULED REGULAR MEETING DATE: FEBRUARY 24, 2021

E. ADJOURNMENT

The meeting was adjourned at approximately 2:02 p.m.

Submitted by,

SUZETTE ESMERALDA
Secretary to Boards & Commissions II

RECORD OF ATTENDANCE:

Present:

Lori Buchanan, Chairperson
Laakea Poepoe, Vice-Chairperson
Leonora Espaniola
William Moore
Bridget Mowat
John Sprinzel (Excused at 1:02 p.m.)

Absent:

Julie-Ann Bicoy
John Perez, III

Excused:

John Pele

Others:

Jordan Hart, Deputy Planning Director, 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