

MOLOKAI PLANNING COMMISSION

PURSUANT TO CHAPTER 92, PART 1, OF THE HAWAII REVISED STATUTES AS AMENDED; NOTICE IS HEREBY GIVEN OF A REGULAR MEETING OF THE MOLOKAI PLANNING COMMISSION

Members: Lori Buchanan (Chair), Robert Ribao (Vice-Chair), Charlotte Seales, Janice Kalanihulia, Robert Ribao, DeGray Vanderbilt, Kip Dunbar, Bill Feeter, Michael Tancayo, Jr., Sherman Napoleon, Jr.

AGENDA

DATE: MAY 26, 2005, Thursday
TIME: 12:00 p.m. (Noon)
PLACE: Mitchell Pauole Center, Kaunakakai, Molokai

- A. CALL TO ORDER
- B. COMMUNITY INPUT REGARDING MATTERS RELATED TO COUNTY PLANNING
- C. COMMUNICATIONS
 - 1. MR. ROBERT W. LEWIS on behalf of LINDA WALSH to obtain a Special Management Area Minor Permit for the construction of a pool at 2490 Kamehameha V Highway, TMK: 5-4-017: 001, Kawela, Island of Molokai. (SMX 2004/0348) (P. Fasi)
- D. UNFINISHED BUSINESS
 - 1. ORIENTATION WORKSHOP - PART II (deferred from the April 28, 2005 (and May 11, 2005 meetings)
 - a. Rules of Practice and Procedure
 - b. The Sunshine Law
 - c. Ex parte Communications
 - d. Ethics
 - e. Discussion of Boards and Commissions Booklet Distributed by the Office of the Corporation Counsel
 - f. Recent U.S. Supreme Court decisions on takings issues.
 - g. Public Access Shoreline Hawaii (PASH) v. Hawaii County Planning Commission
 - h. Topliss v. Hawaii County Planning Commission

2. MR. MICHAEL W. FOLEY, Planning Director, requesting an amendment to Section 12-302-26 (a) of the Molokai Planning Commission's Special Management Area Rules regarding appeal of the director's decision to state: (Public Hearing conducted on May 11, 2005)

The commission may reverse and remand the decision to the director if the [appellant sets forth facts or law of a convincing nature demonstrating clear error or manifest injustice] substantial rights of the appellant may have been prejudiced because the decision is:

- a. Based on clearly erroneous findings of fact or erroneous application of the law; or
- b. Arbitrary or capricious in its application; or
- c. A clearly unwarranted abuse of discretion.

3. Status of the process to amend Molokai's Special Management Area (SMA) Boundaries. (Previously discussed at the April 13, 2005 meeting.)
 - a. March 16, 2005 fax memo from DeGray Vanderbilt, Molokai Planning Commission's Vice-Chair.
4. Possible Special Management Area (SMA) Rule Amendment to permit Molokai Planning Commission to review SMA assessments and exemptions. The Commission may take action to initiate such a rule change. (previously discussed at April 13, 2005 meeting.)

E. CHAIRPERSON'S REPORT

F. DIRECTOR'S REPORT

1. D & J Ocean Farms Operation at Keawanui, Molokai - Site inspection conducted by Planning Department personnel on May 23, 2005
2. Pending Molokai Applications
3. Closed Molokai Applications by TMK

G. ANNOUNCEMENTS

H. NEXT REGULAR MEETING DATE: June 8, 2005

I. ADJOURNMENT

EACH APPLICANT IS REQUESTED TO PROVIDE RESPONSIBLE REPRESENTATION AT THE MEETING.

AGENDA ITEMS ARE SUBJECT TO CANCELLATION.

ORAL OR WRITTEN TESTIMONY WILL BE RECEIVED ON ANY AGENDA ITEM SUBJECT TO THE PROVISIONS OF CHAPTER 92, HAWAII REVISED STATUTES AND THE MOLOKAI PLANNING COMMISSION RULES OF PRACTICE AND PROCEDURE. WRITTEN TESTIMONY SHOULD BE SUBMITTED AT LEAST TWO BUSINESS DAYS BEFORE THE MEETING TO INSURE DISTRIBUTION TO THE BOARD. FIFTEEN (15) COPIES OF WRITTEN TESTIMONY ARE NEEDED IF TESTIMONY IS PRESENTED IMMEDIATELY PRIOR TO OR AT THE MEETING.

DOCUMENTS ARE ON FILE WITH THE MAUI AND MOLOKAI PLANNING DEPARTMENT.

THE ADDRESS OF THE COMMISSION IS P.O. BOX 526, KAUNAKAKAI, MOLOKAI, HAWAII 96748.

THOSE PERSONS REQUESTING SPECIAL ACCOMMODATIONS DUE TO DISABILITIES, PLEASE CALL THE MAUI PLANNING DEPARTMENT AT 270-7735 (Maui) OR 553-3221 (Molokai) OR 1-800-272-0125 (Lanai) OR NOTIFY THE MAUI PLANNING DEPARTMENT IN WRITING AT 250 S. HIGH STREET, WAILUKU, MAUI, HAWAII 96793 OR FAX 270-7634 (Maui), 553-5050 (Molokai), AT LEAST TWO (2) BUSINESS DAYS BEFORE THE SCHEDULED MEETING.

ANY FAXES SHOULD BE RECEIVED BY THE DEPARTMENT OF PLANNING BY 5:00 P.M. ON THE SECOND WORKING DAY BEFORE THE MEETING TO INSURE THAT IT IS CIRCULATED TO THE BOARD.

***An Executive Session may be called in order for the Commission to consult with their attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities.**

PLEASE NOTE: If any member of the Commission is unable to attend the scheduled meeting, please contact the Planning Department at least **two days** prior to the meeting date. Thank you for your cooperation.
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