

**LANA`I PLANNING COMMISSION  
REGULAR MEETING  
NOVEMBER 17, 2010**

**APPROVED 02-16-2011**

**A. CALL TO ORDER**

The regular meeting of the Lana`i Planning Commission was called to order by Chair Gerald Rabaino at approximately 6:02 p.m., Wednesday, November 17, 2010, in the Lana`i High & Elementary School Cafeteria, Lana`i City, Hawaii.

A quorum of the Board was present (see Record of Attendance.)

Mr. Gerald Rabaino: 6:02 p.m. Lana`i Planning Commission meeting for tonight, November 17, 2010. For the record Matthew and John Ornellas, Commissioners, is not going to be present tonight from my understanding. And for the record, Letty Castillo, Commissioner, is going to be a little tardy.

Okay, moving forward, right now, we have Commissioner Green, Commissioner Barfield, myself, Rabaino, Vice-Chair Ruidas, Commission de Jetley, and Commissioner Kaniho present.

**B. APPROVAL OF THE JULY 21, 2010 MEETING MINUTES**

Mr. Rabaino: Okay, moving down the agenda. Approval of the July 21, 2000 meeting. Have everybody read it, or want to make inserts, corrections from July 21, 2010? Excuse me. Commissioners, any comments, additions? None? So move. We move down to public hearing – action to be taken –. Excuse me, moving too fast already. Fast track, hello. All those in favor to accept? Do I hear a motion?

Mr. David Green: So moved.

Mr. Stanley Ruidas: Second.

Mr. Rabaino: It has been moved by Commissioner Green, and seconded by Ruidas, Vice-Chair Ruidas. All those in favor say aye.

Planning Commissioners: "Aye."

Mr. Rabaino: Any opposed, say nay. Okay, so let it been known it's been moved by the yays. Anything else Leilani? No, you're smiling over there. Okay. And we continue on the agenda. Item C, public hearing. Have the Commissioners received all their handouts? Okay. Ms. Kathleen Ross Aoki you have the floor. Is she here? Oh, who is going to –?

**It was moved by Commissioner David Green, seconded by  
Commissioner Stanley Ruidas, then unanimously**

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**VOTED:** to approve the July 21, 2010 Lana`i Planning Commission meeting minutes as presented.  
**(Assenting: Commissioners G. Rabaino, S. Ruidas, D. Green, S. Barfield, A. de Jetley, L. Castillo and L. Kaniho**  
**Excused: Commissioners M. Mano and J. Ornellas)**

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

1. **MS. KATHLEEN ROSS AOKI, Planning Director, transmitting Council Resolution No. 10-43 referring to the Lanai, Maui, and Molokai Planning Commissions a Draft Bill Amending Chapter 2.88 of the Maui County Code, relating to the Cultural Resources Commission and Title 19 Article III, Maui County Code, relating to Maui County Historic Districts. (RFC 2010/0127) (J. Alueta)**
  - a. **Public Hearing**
  - b. **Action**

Mr. Joseph Alueta: Good evening. Hi. I'm Joseph Alueta. I'm your Administrative Planning Officer. I normally handle all the resolutions or any proposed change in ordinances to Title 19 or Title 16 to the Maui County Code for the department and for administration in most times.

What you have today is a resolution. And as many of you know there's two ways in which you can amend the ordinances. One is through the administration. The department initiates the change in an ordinance, or it can be initiated by the Council. And in this case, this is being initiated by the Council. Joanne Johnson has proposed this and that's why it's coming down here as Resolution No. 10-43. Whenever there is an amendment to Title 19, Charter requires that all three planning commissions review the resolution and submit their comments back to the County Council. In this case, the resolution is amending Chapter 2.88, but primarily Title 19 relating to the historic districts which relates to 19.48 and 19.52.

This is pretty much the same ordinance, or about a year, year and a half ago, this commission also reviewed a Bill that was initiated by the Planning Department which had similar changes. Ours was a more rudimentary. It was very simple. Right now you have Historic Commission being referenced when in reality the name of the body is called the Cultural Resources Commission (CRC.) There's also some very dated language within the Code that our previously Bill had attempted to update. This Bill does the same thing. It updates the – the Historic Commission is the CRC. However, it goes a little further. It does some changes to the Code with regards to how it's administered, as well as, another

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component is to protect some of the historic trees, large trees, within the historic districts.

Before I get into some of the meats and potatoes of the changes, Lana`i and Moloka`i does not have a historic district. This only deals with – there's two historic districts in Lahaina, historic district number one and two; and historic district three which is in Wailuku Town. So any amendments or any changes to this does not affect any land associated with Lanai island. So hopefully it will be pretty straightforward, and you'll have some straightforward comments with regards to the changes. The department did review it, and primarily our comments from –. We're in support of it. Comments to the Planning Commissions have primarily associated with measuring of the tree above –. They talk about measuring the tree at 60-inches in diameter. You need to say where, how high up the tree you're measuring 60-inches in diameter which would qualify for that. And we were talking about 42-inches above that. If you look at our, the staff report, the other comments coming out of the Stan Solamillo, or primarily the planner that's dealing with the Cultural Resources, they wanted to have inserted under section 19.52.052, with regards to the demolition and movement of structures. And they wanted a new section action which goes over HABS/HAER and how that's outlaid.

For the rest of the, you know, my presentation, I'll be going over the ordinance and that's working from Exhibit 1A primarily where you have the resolution, and then the actual ordinance is Exhibit A. So you can see from Exhibit A in the staff report, as you've seen before where it's bracketed, it's being removed; and where it's underlined, it's being added. So looking on page 1, I guess, you can see where it's basically establishing in Chapter 2.88, the Commission itself renaming it from the Historic to the Cultural Resources Commission, as well as some updating of some languages. Again, on page 2, a very small, minor amendments to that section, dealing with historic places, some grammical changes, grammatical changes, excuse me. Moving on to page 3 of the resolution, you start to get into 19.04 which is primarily the Planning Department as well as this Commission. They're dealing with amendments to the definition which is 19.04, adding who Cultural Resources Commission means, who the Director is, adding a view plain. One of the comments coming out from the, I think it was the Planning Commission, which was to add historic district means to County Historic District, to be more clear. There has been some questions, I guess, in interpretation with regards to historic district because in Lahaina town you have the County Historic Districts. But at the same time you have the National Landmark District which is a lot larger area that goes all the way up to – if you're familiar with Lahaina town, it's not only Lahaina town proper, but it goes all the way up above Honoapiilani Highway, and actually encompasses part of the mill sites across the street.

Again on page 4, again, you have some additions. And then again the Planning Department came in, and the Maui Planning Commission wanted to have on where it's under Section 9, 19.52.010, architectural style, again adding the word "County Historic

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District” just to be clear. Page 4. Excuse me, page 5, you have again replacing superintendent with director, and just updating some of the terminology that we have. Again, Cultural Resources Commission rather than just the Commission or Historic Commission.

On the bottom you have paragraph G that is being added, and it talks about within the historic district, the director shall not approve a building permit unless –. One of the comments coming – just to let you know, the comments coming out of not only the Cultural Resources Commission, but also the Planning Department, the Department wanted to make sure that – we currently have a policy in which permits, some actions have been delegated to, from the CRC, to the Planning Department, and one of the biggest here. One, you’re talking about the historic district, so the County Historic District. As well as the letter of approval, and that should be a letter of – note what type of approval – so it’s a historic district approval or as opposed to building permit approval. They also wanted to make note that the approval letter issued by the Cultural Resources Commission or the Director, or as those delegated to them. So they just want to make sure that the comments going back to Council is that they’re aware that they didn’t want to have like every single action happening in historic district have to go to CRC and wait for a CRC approval letter. That would really bog down the process with regards to a lot of ministerial things that the Planning Department does on behalf of the historic district.

Dealing with on page 6, section 11, going down page 6, section 11, 12, 13, and 14. If you look under section 12, 19.52.070, if you look at that, basically on the Variances and Appeals, it’s deleting that whole section if you look at that. And then it makes reference to a 19.520, and that should be 19.520. They’re missing a zero at the end. So that’s where the Variances and Appeals section is in the County Code is. So it’s just a typo that came. Otherwise, you’re making reference to another section that’s being deleted also. There wouldn’t be any way to process any type of variances or appeals.

Again same thing with – you have some deletion because right now – this section was written a long time ago, and it was –. The County Code currently has, in Title 19 has, 19.510, 19.520 which deals with BVA, Board of Variances and Appeals, it deals with permitting processing, and that all now has been taken care of under another section. So what they’re doing is they’re updating it to make it consistent that when you want your rules and procedures you go to this one section and all the other sections make reference to it. So this historic district doesn’t have a conflicting standard for variances.

And then going down on page 7 you have some pretty minor changes. Again you have page 8, some other changes. I’m just going simply, and that’s coming from it. I will tell you that the Maui Planning Commission did have some, you know, additions or a lot of comments on this even though there’s nothing being amended. And if you’re interested in those, I’ll tell you what a lot of those were. But going through this quickly, I just want to go

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through this quickly so I can get your comments back. And if you have questions I can tell you where Maui had some comments.

Let's see, on page 9, another section where they've added section H. This is regards to the trees. Again, from the staff comments we wanted to have – had measured at 42-inches at the trunk above the ground level. So it's not 60-inches. So it has to be 60-inches at that level to qualify as being a significant tree. And that seems to be it as far as the Council's proposal. And again, the Planning Department, besides the amendments with regards to the 42-inches, on 19.52.050, if you look at that, they wanted to, again, add – and that's going under demolition of buildings. And where you see B, the department wanted to add a new section of C, and that's on my memo report of what the language that we wanted to see added. And we're hoping the Commissions are also supportive of that.

That's pretty much it as far as my presentation specifically to Council's proposal and the department's comments. If you have any questions or if you want to know what some of the other –. I mean, you're the last commission to get to look at it, so if you have questions on what the other Commission had, I can go over that also.

Mr. Rabaino: Commissioners, any questions, suggestions, comments?

Mr. Ruidas: Hello?

Mr. Rabaino: Go ahead Stanley.

Mr. Ruidas: Joe, if and when Lana`i becomes a historical district, would this affect us as far as being implemented right away or would we have a chance to amend it?

Mr. Alueta: I believe that you would have an opportunity to amend it at that time, or, if not, amend this to establish your own section. So just like Wailuku, Lahaina is 19.48, I believe, and then Wailuku 19.52. You would have Lana`i Historic District and you would create your own 19.54, or whatever, section. And at that point you could add in, or just add as a new regulation, like where you see where it says 19.52.100, regulations for historic district number three. You would probably establish one that would say 19.52.120, regulations for historic district number four, Lana`i City, and then establish the type of uses that would be allowed to. And then at that time –. But the process in which things are done, you know, you would not necessarily change – you could if you felt that you needed to have a separate process. But what's happening with this one if you notice, it's standardizing how permits are reviewed. It establishes – it already recognizes the Cultural Resources Commission's role in determining uses or the processing of permits.

Mr. Ruidas: Thanks.

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Mr. Michael Hopper: Again to clarify Joe is talking about these are County historic districts, and maybe State or Federal historic districts, things like that. To establish a new County historic district, the County Council would have to pass a zoning ordinance designating proportions of the island as a historic district in Maui County. In which case, that ordinance, itself, would have to be reviewed by the Planning Commission. That has to – all changes in zoning have to come before the Commission. They're decided on by the Council, but before these rules could apply to any land here, they would need to be, there need to be an amendment to designate lands here as a historic district. So that's an important thing, and that would have to be reviewed with a public hearing here. And you can review this ordinance, and if you think there are things that need to be changed, you can recommend changes to the County Council. But until lands here is designated a County historic district, that wouldn't directly apply to you.

Mr. Rabaino: Any Commissioners, any suggestion? Joe, I got one. Being that this thing is for just the County, does the State and Federal have a different definition regarding this resolution, or this is in compliance with their language, so called language?

Mr. Alueta: I think we attempt to be consistent with regards to the comments made by, or the addition that we wanted to have which was for the demolition and movements, we wanted to have the HABS/HAER for Historic Americans Survey/Historic American Engineering Records, and that's pretty standard on a national level. That's why we wanted to have that put in there. And that's only for certain buildings. And that's following a national guideline. We talked about this internally, as well as with some other commissioners because as you can see it's using a 4x5 black and white. You know, this is using a Monte Blanc, big camera, a big 4 ½, 4x5 camera, and it's very expensive to do that. And given today's digital technology, you're getting close. You can't quite duplicate a film. I talked to some professional photographers, and they said, yes, for most people digital is fine, but for this, you still need to do film. And then some day, the technology is there, but it's getting cheaper, but it's not quite there. And the national archives, they still want the film because there's some things you can still see and get out of a film, as opposed to a digital back. And until that standard changes on a national level, we want to be consistent with the national level. If it changes, we can change the ordinance. But as far as like designations, you know, we're dealing as our Corporation Counsel indicated with the County's historic district. And as indicated, this national landmark district is a little larger and has it's own different standards that we administer.

Mr. Hopper: Just to comment, I think included in your packet is a legal opinion from our office that we were asked by Council member Joanne Johnson. She's the Lahaina representative so she was interested in this since this is primarily in her district. Basically requesting does this – is this in any way inconsistent with any State or Federal laws? Would they pre-empt the County from doing this? And I actually did a little bit of research – well, more than a little – I did some research on this issue and it does look like the County

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historic districts were adopted and are administered by the Cultural Resources Commission in part to meet some of the Federal and State guidelines in order to be eligible for some funding that the County gets. It's what they called a Certified Local Government. And so, it does look like some of the stuff, the composition of the Cultural Resources Commission, sort of what they review in the area, it's consistent with the State and Federal law. Again, the State historic districts are different from County ones, but the Federal law is very much in favor of Counties establishing their own local historic districts. And, you know, the opinion we did, I think, Jerry, would help to answer some of the questions you had about does this comply with – is this consistent with Federal and State law. So just for your reference.

Mr. Rabaino: Commissioners, any questions? Alberta?

Ms. Alberta de Jetley: I do have a question. Who is on this Commission now from Lana`i because Kepa Maly was previously on this Commission and now he's moved. Has someone been appointed yet?

Mr. Alueta: We'll try to check online for you.

Mr. Rabaino: Shelly is checking right now, but the last she remember, is Phil Bacon.

Mr. Alueta: Is there any other?

Mr. Rabaino: Okay, it's posted.

Mr. Alueta: Does the Commission have any other questions regarding the proposal, or anything else regarding –?

Mr. Rabaino: Okay, Commissioners, any more questions? None. Okay, thank you Joe. Okay, we shall now open it up for public hearing. Is there a list out of names? Okay, we only have one for the sign up sheet. Pat Reilly, please come forward.

Mr. Fairfax "Pat" Reilly: Thank you Commissioners. I appreciate Commissioner Ruidas' question because as you know we've had a hearing in this community already to establish a historic district. And although that was not established, I believe this ordinance would apply when it comes to procedure in establishing a district. And I think that's what Mr. Alueta was alluding to. I would ask you to ask some questions. I would like to hear what Moloka`i and Maui – what the comments were, so that we can all hear what – how they reacted to that. So I would hope one of you would ask Joe what their comments were.

Secondly, I got a little confused between Exhibit A and Exhibit 2. It seemed like one deleted a whole bunch of stuff but never put anything back in. But maybe I got confused

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on that. I was looking particularly at 19.48.020 where it requires a public hearing. It says the Cultural Resources Commission shall hold at least one public hearing. But, I would like to add to that “in the community within which the historic district is to be established or extended.” And as you know, sometimes we have budget issues where they say they cannot afford to come to Lana`i. And because our community plan is coming up and because this is still a hot topic for our community, all we’ve always asked is that the important meetings, particularly of decisions and the application, be held on Lana`i. How Maui would deal with that if they were establishing one in Hana. I don’t know how they would deal with it. But I think, I know you guys know what I’m saying is that they’ve got to hold the meetings, and not just one. I mean, at least one, but hopefully they would hold all significant meetings. If they’re going to want to establish a historic district on Lana`i, that those meetings would be funded to the extent that the Cultural Resources Commission could hold the meetings here.

And lastly, the only – I don’t really get the relationship and I think Commissioner Rabaino asked between the Federal, the State and the County in establishing historic districts because when this application went in they were talking about establishing Lana`i City as a National Historic District. But that was done by the State Historic District Commission which would be, I guess, force the County to make an ordinance to establish a County. So I’m not clear how that works. I would hope you would ask some questions about that. Thank you very much.

Mr. Rabaino: Thank you Pat. Commissioners, any questions for Pat? None? Okay. Joe, just for my curiosity – this is a resolution for only Lahaina and Wailuku as written, correct? This resolution?

Mr. Alueta: Currently we have only three historic districts.

Mr. Rabaino: Right.

Mr. Alueta: And that’s two in Lahaina.

Mr. Rabaino: Two.

Mr. Alueta: Two in Lahaina. They’re right next to each other. And then one is in Wailuku.

Mr. Rabaino: Okay. So, with this, if we approve this, but we can amend or add to this resolution as our comments?

Mr. Alueta: I’m here to take your comments so whatever your comments are –

Mr. Rabaino: Okay, I’m going to start first because I’m kind of – on page – because I



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marked up mines that's why. On page 2, yeah, under section 3, 2.88.068, Maui County Code is amended to read as follow. Under item F paragraph, design review for projects affecting building – okay this is fine. But for Lana`i because we know they want to make Lana`i a National Registry, yeah, what we want to do is preserve the buildings that's within the heart of town around Dole Park. Can we insert some kind of language as added?

Ms. Shelly Barfield: But we're not historic district yet.

Mr. Rabaino: We're not a district yet.

Ms. Barfield: No.

Mr. Rabaino: Okay. I'm just throwing this out for comment from you.

Mr. Alueta: If and when they designate you as a County historic district, right, to do that, they would have to amend this section. At which at that time it would come back to you, and you would make recommendations to Council as to the types of uses that you would want to see and if you needed to have the process, or the approval process, reflect that it's now located on Lana`i, or have theirs one in Lana`i, and you wanted to have different procedures to recognize Lana`i, then that's when it would be added.

Mr. Rabaino: Okay, just a brief interruption. We have Letty, Commissioner Letty Castillo joining us at 6:39 p.m. I mean, 6:34, excuse me. Okay, back to you, yeah, Joe. Okay, so in other words, only the island of Maui has three designated historical, and the County wants to put this in. Just for my understanding, Moloka`i and Lana`i don't have any. Lana`i was only suggested as a historical, on a national level, as a historical town, but it's not in stone or is it in stone? No. Okay. Commissioners, any other questions? David? No? Okay. So –

Mr. Ruidas: Joe, what is Moloka`i's comments?

Mr. Alueta: Moloka`i wanted to see more scientific qualities and natural resource management and geology and ecology. And this is in regards to the skill sets that would be on the make up of the Cultural Resources Commission. If you look at page – excuse me – the commission members, and it talks about 2.88.030C. It talks about the majority of the commission members shall be professionals in disciplines of archaeology, planning, architect, architecture history, or Hawaiian cultural, right. And they wanted to see that added. They wanted to have some kind of science quality of natural resource management, geology and ecology in there because I guess on Moloka`i they have more of a resource management issues than anything else. They also voted to have, with regards to where you measure, quote-quote, historic trees, and they would say 42-inches above ground, they went with that. They also went with Stanley's, with the comments that

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we have on page, on the second page of our memo report, which is to add the whole section C to 19.52.050, and that is to have C, and that goes on before demolition of contributing buildings. In that whole section, they agreed with the Department's recommendation on that. And then they also agreed with the correction on 19 where they forgot to put the zero. They only referenced it as 19.52, but it's really 19.520 because –. And so that's kind of critical. It's a critical typo because all of sudden you're deleting all your variances and appeals and you're not putting in, you're not saying where they go to, and that was kind of an important critical point. That was Moloka`i's comments.

Mr. Ruidas: Okay, Joe, thanks.

Ms. Barfield: Hey Joe, I have a question. You know where they – where's the trees part? You know where they preserve the trees and the circumference and everything? Preserving the trees I understand. How about, you know, if the tree is not well, does an arborist get involved? Because the trees are old, so does anyone inspect the trees before preserving it or do they replace it if they have to?

Mr. Alueta: Well, all it says is that to preserve as many trees that it would have to go before – written approval from the Cultural Resources Commission shall be obtain. And that's on section 18.52 H.

Ms. Barfield: Yeah H.

Mr. Alueta: Yeah H. So it's –. And it talks about it would have to go before the CRC which can be cumbersome, but, you know, if there's a significant tree, we would want have it preserved. But they would just have to write a written request to the CRC and the CRC would, you know, if it's obviously diseased or a hazard, then the CRC would grant that and then maybe make conditions that you replace it with another tree. As to whether they would require you to use a field stock, that would be up to the CRC. Mostly likely they would.

Ms. Barfield: So that verbiage is already included in there?

Mr. Alueta: Well, it just says that you would have to get approval. And so CRC would then determine – just like you would normally determine – they would determine what kind of conditions, if any, would be needed, or if the approval was granted at all.

Ms. Barfield: Okay.

Mr. Rabaino: Commissioners, any other? No? None? Okay, item B, action. What would you want to do? You want to take a vote on this, on Resolution 10-43, regarding this Cultural Resource Commission, Title 19, for Historical Resources Commission? Okay. Do

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I hear a motion or do you want to discuss Commissioners?

Ms. Alberta de Jetley: Could we just send it back to the Planning Department and have our comments that were made tonight noted? So I move that we return it to the Planning Department with the comments that were made noted.

Mr. Alueta: To the Council, not the Planning Department.

Ms. de Jetley: Okay, to the Council, with our comments, as noted.

Mr. Alueta: And right now, I don't have any comments from you.

Ms. de Jetley: You'll be able to do like what you did with Moloka`i and just give a recap of the comments that came back because we didn't make motions on anything. They were all general comments on the resolution, right? Our discussion.

Mr. Alueta: Yeah, the only comments that I have from you, as far as the general comments, are that your concern is if it applies to Lana`i, and if it somehow in the future you make it apply to Lana`i, that this body will have an opportunity to review those changes, which we indicated to you that you will. But that's the only ones. I did not get any feed back on whether you supported the department's recommendations on adding, you know, the way you measure the tree. Stanley's comments – I mean, our comments, with regards to adding section C, and that part. And also the corrections of adding the zero. I didn't – if you were supportive of that, I didn't get anything. The only thing I got from you right now was that you're not too concerned with this ordinance because it doesn't apply to Lana`i. If it does, you definitely want it have it come back and have another hearing on it.

Mr. Rabaino: Is that all right? Yeah? Well I'm going to throw this out, okay, that what you said earlier is our concern is when it comes –. I mean, if we accept this with the insert of Lana`i's comments, correct, that number one, is that we want to make sure that we have a time to review this, and make some adjustments that relates to the island of Lana`i under this historical district thing, yeah? And then secondly is the page – my mind is racing – where is that? The one that says that you only meet one time. Where is that thing? At least one public hearing shall be held by the Cultural Resort Commission – Resources, excuse me – I keep forgetting that word. Excuse me. Anyway, my comment for this is to add language in there, as a comment from Lana`i side – and if everybody agrees with me – that they should come to Lana`i and hold public hearings at least two times, and if need be to add more providing that their budget is allocated for the trip to Lana`i when this – you know when our time comes.

Ms. de Jetley: Mr. Chair, let's just keep it as simple as possible. We don't have a –. We have not been designated as a historical district. And what we want is if and when we are,

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all public hearings, all matters pertaining to the island of Lana`i needs to be heard on the island of Lana`i. It's similar now when the Cultural Resources Commission meets, if they have an item that pertains to Hana, they should go out to Hana. But Hana doesn't have a historical district. So it would be appropriate for them to meet in Wailuku which is the County seat for matters pertaining to the Wailuku Historical District and Lahaina Historical Districts because those, the County seat is accessible to Lahaina residents, but it is not easily accessible if and when Lana`i becomes a historical district. We need them to hold the hearings here. So, I think we should just say that we reserve the right to review this resolution if Lana`i becomes a registered historical district, and strongly recommend that all matters pertaining to the island of Lana`i be heard in this community.

Mr. Rabaino: Okay, I like that phrase. I couldn't word it the way it should be worded. Okay, any more comments from the Commissioners? Okay, being that Alberta, Commissioner Alberta made that comment – I'm in favor of that – I mean of that language.

Ms. de Jetley: So do we have to state it in a motion, or can we just put that in our notes that this was supported?

Mr. Hopper: I would just say you want to be clear that there's unanimous consent for that approach just so –. For them to be Commission's comments, normally you would need to have a motion and a vote, but if everyone agrees, you can do by unanimous consent and say we will adopt those comments by unanimous consent as long as no one has any objections. Your problem would be someone had a comment, and someone else said I don't want that as a comment. But if you're all in favor, you can just do that.

Mr. Rabaino: All those in favor we put that in writing, I mean, that language. Commissioners?

Mr. Alueta: Maybe you should say any objections to that comment being sent to the Council?

Mr. Rabaino: Okay. Is there any objections? No? Okay, so be it.

**By unanimous consent, the Lana`i Planning Commissioners provided their comments that they reserve the right to review this resolution if Lana`i becomes a registered historical district, and strongly recommend that all matters pertaining to the island of Lana`i be heard in the community.**

Mr. Alueta: Thank you.

Mr. Rabaino: Thank you.

**D. OTHER BUSINESS**

**1. Lanai Planning Commission's LWAC representative(s) to provide a brief update on the Lanai Water Advisory Committee (LWAC) meeting held in October. (Commissioners John Ornellas/David Green)**

Mr. Rabaino: Okay, under D, other business, the Lana`i Planning LWAC representative to provide a brief update on the Lana`i Water Advisory Committee which was held in October. Commissioner Ornellas is not here, but David is here. David, did you attend any on that day?

Mr. Green: Yes I did. Well, I'll make this pretty brief. As I remember the meeting, we primarily just went over the presentation that the staff person from the Maui Water Department had prepared. It was eventually given here when the Water Board came to take testimony, so it was really a review of her presentation. There was some explanations of some last minute changes that she made. And I think the entire meeting was pretty much taken up with that. There were no votes as far as I remember on anything so it was just preliminary review of her presentation. It was subsequently given by another individual at the hearing here on Lana`i.

Mr. Rabaino: Commissioner Green, did they discuss about making some kind of committee on Lana`i? The Advisory of the Lana`i Water Advisory Committee? Are they going to accept them as a committee and the Company?

Mr. Green: That was a recommendation that the staff person made, but there wasn't --. That group doesn't have the power to vote it's own self as a committee. It went to the Water Board, I believe, and then to the Council eventually. But that was a recommendation that was made, to make LWAC a permanent committee.

Mr. Rabaino: Okay, Commissioners, any other comments, suggestions, discussion? Letty, grab the mic. You going say anything? No? Okay. Vice-Chair Stanley?

Mr. Ruidas: And so we're done with David's comments?

Mr. Rabaino: Yeah.

Mr. Ruidas: You know the one, we this handout from Clayton Yoshida, was that being new business or other business?

Mr. Ruidas: I'll bring that up at the next --

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Mr. Hopper: Just as a comment. On this item before you leave, you do have to take public testimony on it even though it was just a report. It's an agenda item.

Mr. Rabaino: Okay, regarding the other business, right, the LWAC. Commissioners, do you mind we open up to the public? Okay, so be it. Ron McOmbler you want to give your testimony regarding this item?

Mr. Ron McOmbler: My name is Ron McOmbler. I sit on the Water Advisory Board. I want to let this body to know something. Since we have put out the draft copy of the Water Use and Development Plan, Castle & Cooke has not met with us since then, and there's many questions on this island about water issues. And we held a meeting the other day – last month – and nobody from Castle & Cooke showed up. This is – you need to note that, that should be part of your communication with Castle & Cooke. They gave you this water report, but yet they have stopped talking to us. They have stopped coming to meetings since the Water Use and Development Plan has been pushed forward. That is not my understanding. We're suppose to be meeting once a month because there's a lot, as you know, a lot of water issues on the island that we need to ask questions about. And as we get our monthly water report, there are some discrepancies in there that we would like to have John, and whoever else is in charge, answer those questions. The last time it was, well, we have nothing new to talk to you about so we're not coming. That's not the way it's suppose to work folks. My understanding is that water working group is suppose to meet and get us an update on what's happening in the community water system. And I just want you to be aware of that, and bring the power of this Planning Commission to their attention that they've got to come back to the table and start talking to us again. I'm very uncomfortable with that. Because Butch and the rest of us are sitting and looking at each other, but if we don't have the Company there to ask pertinent questions, how are we suppose to get answers? And it's not in the monthly water report. Thank you.

Mr. Rabaino: Stay there Ron.

Mr. Ruidas: Ron, so what day was the meeting last month that no one showed up?

Mr. McOmbler: Whenever the last meeting. I don't have the date off the top of my head, but the last meeting we called nobody showed up. There was three of us sitting in the room, and that was it.

Mr. Ruidas: So the next one on this month would be?

Mr. McOmbler: Well, we haven't called one because I've got to talk to Butch. We need to do that. But why call a meeting if they're not going to come? I mean, we just sit there and look at each other. We don't know what the hell is going on.

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Mr. Ruidas: David, can you follow up on that with John?

Mr. Green: I can ask him, but I will say I didn't get a notice of a meeting.

Mr. McOmbler: Well, we haven't known because we haven't had one. That's what I'm telling you. How can we notice of a meeting if we don't have one? But John was there at the last meeting we had, and there was like three or four of us in the room, and there was no Company people there. So we just kind of sat around and looked at each other, and we just got up and walked out. There was no real meeting because there was nothing to discuss.

Mr. Green: I'm just saying that I didn't know there was a meeting. So the meeting that you referred to I wasn't advised there was one.

Mr. McOmbler: Well my understanding the only person that has to be notified is the lead person from this body, which is John Ornellas. You're the back up. So if John wants to tell you, that's up to John. But my understanding that that's who the person is that represents the Planning Commission is John Ornellas.

Mr. Green: I got, the meeting in October, I got a formal invitation. Not from John, but from – what's her name?

Mr. McOmbler: Who's what's her name?

Mr. Green: The staff person that was – Ellen? Was it Ellen, I believe.

Mr. McOmbler: Ellen is gone now, so –.

Mr. Green: No, I know, but I'm just saying I got a formal invitation. So I'm not sure your statement is correct.

Mr. McOmbler: Yeah, we'll work that out. But the main thing is that they have stopped talking to us, and you folks need to understand that. Thank you.

Mr. Ruidas: Thanks Ron.

Mr. Rabaino: Hold on Ron. With the MOA, if I remember correctly, that the Company in that MOA that you guys have with the Company and Lana`i Sensible Growth (LSG), inside there you guys do meet, right, with the Company, in that MOA?

Mr. McOmbler: You mean LSG meeting with the Company? No. I mean we just have members on the Water Working Group. There's two members from LSG on the Water

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Working Group, but that's not an LSG requirement. It's a requirement of the quorum of the State Water Commission that this group was formed.

Mr. Rabaino: Okay, so I'm looking at a September 20, 2000 letter regarding the –

Mr. McOmbler: 2011?

Mr. Rabaino: I mean 2010, excuse me. A letter from Councilman Sol Kahoohalahala, regarding Hulopoe and –. Yeah, that's the water one, but I don't know –. Do any of the Commissioners know anything about the LWAC meeting with the Company on a monthly basis? Stanley, do you know anything of that?

Mr. Ruidas: What is the question?

Mr. Rabaino: Do you know if any agreement between the Company and LWAC that is suppose to meet monthly?

Mr. Ruidas: It suppose be like on the third Friday or so.

Mr. Rabaino: Yeah, but is it an established –

Mr. McOmbler: Well, while we were going through the Water Use and Development Plan process, we had a regular monthly meeting to update us. As we were going through the tables and everything, it was going to go forward with the Water Use and Development Plan. It seemed as soon as we finished – and listen again what I say – as soon as we finished the LWAC work and that body of work that went forward to the Council, or back to the Water Department – remember we had a meeting right in this room with the Water Board here. That was the last time that we had an official meeting with that or with the Company or anybody else. And so once we finished that draft copy and it went forward, the Company does not want to come to the table and talk to us, and I think you need to be aware of that. I think we need to have them back at the table to answer these questions.

Mr. Green: I think you're making a pretty big assumption that they don't want to meet with you. I missed a meeting. Perhaps they didn't get notified of a meeting also. Why don't you call another meeting, and find out if they come.

Mr. McOmbler: We sent our notices and we got e-mailed back from John. There was nothing to talk about, they ain't coming, and that's what our email said. Now whether you want to dispute that Mr. Green or not, that's your problem. But I'm telling you our emails flatly said that him and Clay had nothing to talk to us about, there was nothing new going on, and they weren't coming to the meeting. I don't think that's right. There's lots of things we'd like to ask them questions about and they need to be at the table. So I just wanted



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to bring that to your attention.

Mr. Rabaino: Okay, thank you Ron. Commissioners, any other questions for Ron? Comments? Lisa? Commissioner Kaniho?

Ms. Lisa Kaniho: It's just a comment that they use to meet regularly where Castle & Cooke did come out when I worked at Hale Kupuna. And it was a regular monthly meeting held. It was a Friday because they switched the dates, and it was held at Hale Kupuna every month. So just to let you know in regards to that.

Mr. Rabaino: Okay, Commissioner Kaniho, just for the record, yeah, do you remember who was representing on the Company's side that would attend those monthly meetings, just off the wall?

Ms. Kaniho: Company, I'm not sure because they keep changing. It was that guy from the water. I know he came.

Mr. Rabaino: Was it John? Or the one before John? But when Joe left, then John came in, correct?

Ms. Kaniho: I'm not sure of his name. I just know that I scheduled and I use to see everybody come into there, and I just had the doors open.

Mr. McOمبر: Whoever the water director is the ones that comes to those meetings. And then Clay also comes as the head engineer for the Company.

Mr. Rabaino: Okay, understood. But going back to Commissioner Kaniho. So they had every Friday, once a month, monthly, correct? And how long was this going on?

Ms. Kaniho: For years. I mean, they changed the dates.

Mr. Rabaino: Just give an average year. I mean, from '83, '82, for example?

Ms. Kaniho: Maybe two, three years or so that I've been there. I mean, I'm there 11-years at that time.

Mr. Rabaino: Are you aware if they have an agreement to meet on a monthly basis?

Ms. Kaniho: I don't know but they –

Mr. Rabaino: From your knowledge?

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Ms. Kaniho: I don't know if they had an agreement, but they had the hall scheduled once a month with me. And everybody would show up. You know, there was a big group, Castle & Cooke came, Ron McOmbler, Butch Gima and some other people in the community came, so they were there. John Irons.

Mr. Rabaino: I'm just asking just to make sure that –

Ms. Kaniho: I'm not sure what the water guy's name was, but I know there was one from them. And also Gary use to come once in a while.

Mr. Rabaino: Okay.

Mr. McOmbler: The reason that Lisa wouldn't know is because Lisa didn't go into the meeting. She just set up the meeting. I mean, there's no way – that not a good question to ask her.

Mr. Rabaino: Understood Ron. I'm just trying to gather –

Mr. McOmbler: No, I'm just saying Jerry, she didn't come into the meeting. She set up the meeting. She had them on her schedule. She has no idea who come in that door and went out that door.

Mr. Rabaino: Okay. Go ahead Stanley.

Mr. Ruidas: I think what we should do is generate a letter and ask them if they could meet and keep communications going. We also have this other SMA update. I don't know if you guys went through that. I don't see what part on our agenda we can put this, if it's on there today.

Mr. Rabaino: . . . (inaudible) . . .

Mr. Ruidas: Okay. So we're going to make comments on that?

Mr. Rabaino: Wait, let's finish up with Ron because we still have public testimony going, yeah?

Mr. McOmbler: If you're going to discuss that paper, then why isn't the Company here? If you had questions about that paper –

Mr. Rabaino: No, no, Ron. That was just given to us because he had –

Mr. McOmbler: I understand that. I understand that. But I'm just saying that my concern

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as an LWAC member is we're not communicating with the Company anymore. Once the draft copy was done and went over to the Water Board, we no longer have contact with Castle & Cooke. And I think that's an unwise thing to do because we still have monthly, monthly questions that we should ask the Company. We see these reports every month. Who are we going to ask about the differences in these reports that we're getting? Thank you.

Mr. Rabaino: Okay. We'll make notation, as Commissioner Ruidas said, we'll send a letter requesting to meet with you folks, okay? For the record, okay? Thank you Ron. Go ahead Commissioner de Jetley.

Ms. de Jetley: I think that you should just send a letter to the Company asking them the status of this committee because from what I understand when they came in and testified that plan that they were convened to do the draft. The draft was done or submitted. So what is the Company, what are they proposing to do for the future? Is there any way that they can keep communications going with the community? Not necessarily through LWAC but can they convene a water advisory committee?

Mr. Rabaino: Okay, we'll take that comment. We're going to open up. We have Pat Reilly who wants to testify also regarding this matter.

Mr. Reilly: Pat Reilly. 468 Ahakea. Yes. For the Planning Commission, this is really critical. I believe you got a copy of the Water Use and Development Plan, right? The Draft Water Use – the 750 page binder. Everybody got one, is that correct? Or you have not received that?

Mr. Rabaino: Not for me, I don't have any.

Mr. Reilly: All right. The issue is once we had the hearing here before the Board of Water Supply – and I would like to check the minutes – but the Board of Water Supply has to pass on that. Now they took the Lana`i Water Use and Development Plan which you should read because it establishes in there LWAC. It's been in existence since 1990 as a requirement of the State of Hawaii Commission on Water Resource Management. That's why this committee started because the State requires it. This was going to be a designated aquifer at that time. And the State Commission on Water Resource Management established LWAC as a permanent body. Now if you read just the front part of the Water Use and Development Plan, it tells you history of LWAC, and it says within the plan they want to make it a permanent part of the County. And we recommended that that happen. Now, I haven't read the most recent minutes of the Board of Water Supply, but at the last meeting, they were discussing the plan. If they approve the plan or amend the plan, they can amend it, and we don't know what's happen, it goes to the Council and the County Council now, the new Council, will have, I think, one year to review the Lana`i

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Water Use and Development Plan. So, I only testify I agree with Ron, but there should be no question though that this is a very important document that is now before the Maui County Board of Water Supply. If they have not amended it, or they need to take action before December 12<sup>th</sup>. That's what they told us at this meeting. So before December 12<sup>th</sup>, they have to submit it to the Council with amendments or just approve it as is. So, first, tomorrow, I'm going to look at the Board of Water Supply minutes and see if they have done that. And then it goes before the Council, and my guess is what will happen is that the Water Committee of the Council will hold a hearing here because they have to approve it. All the water plans for Maui County, they have to approve. So, I don't know if that helps, but this is not just an ad hoc committee. This is established, long established by the State of Hawaii and required as a result of an agreement. Thank you.

Mr. Rabaino: Okay. Commissioners, any other questions for Pat? Commissioner Green?

Mr. Green: It's not a question for Pat. But just to say that on September 8<sup>th</sup>, you probably received this transmittal and it had a number of documents in it. But one of them was Executive Summary from the Update Draft of the Lana`i Water Use and Development Plan, and that's a very, very good document. I mean, if you don't want to go through the 700 and some pages, the Executive Summary is 28 pages. But it's a very, very complete document and it gives you a good feel for, at least, a cliff notes version of what's in the whole plan. But this was dated September 8<sup>th</sup>, so it went out over a month ago.

Mr. Rabaino: Thank you Dave, but it's not on the agenda. But thank you for mentioning that. Commissioners? Commissioner Ruidas, Vice-Chair, should we, as your proposal earlier and you made a comment that we just send a letter for them to communicate with LWAC, correct?

Mr. Ruidas: Yeah. That would be a good idea. I think we've done it in the past, and I don't see why we can't do it again.

Mr. Rabaino: Okay, Corporate Counsel, can we draft a letter and submit it to the Company that they continue meeting with the LWAC and the Company meet together on a monthly basis as they did before or are we going outside of our jurisdiction?

Mr. Hopper: I mean I don't think a letter would be illegal, but it is not within – doing something like that, I don't see, if you read the Charter, under the responsibilities of the Planning Commission. I mean, it's not really a Planning Commission function as far as sending a letter, but I don't think there's anything illegal about sending it. Basically, it's not your job, but I think you could do it if you would like, and it wouldn't be illegal. Normally you would have, you know, have someone draft the letter and maybe adopt it at the next meeting. Or just say, you know, authorize the Chairperson to draft a letter or something along those lines. I'm not really exactly sure what type of letter you're getting at here, but

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I mean I think you could do that. I wouldn't say I'd recommend it, but it's not illegal.

Mr. Rabaino: So in other words, it's not our jurisdiction, but somebody can draft the letter, more or less?

Mr. Hopper: Well, I think you need to take action to draft a letter. More appropriate would be if you wanted someone to provide you, as a Commission, with information, perhaps, something like that. Maybe an update at the next meeting to see if there was –. Again, this is outside your scope of your duties, but I'm thinking what would be more relevant to you rather than –. I understand there's issues and you want to address them obviously. So, maybe more appropriate to have someone, you know, have this on another agenda and request a status update in the future. I mean, this is just a suggestion, and the body can do what it would like. Usually when you have letters drafted, you would, you know, have authorized someone, usual the Chair, to draft the letter and send it. You know, getting with the general topic of what letter is. If you want to review the letter as a Commission, you can have that on your agenda, review it, and authorize it to be sent. If you want to just say, authorize the Chair to draft a letter, you need to be kind of specific. What is the scope of his duties are? Because if you want it to come from the whole Commission, generally, you need to take action as a Commission to authorize him to do that. If you just want a status update, you can ask for a status update and get it at your next meeting.

Mr. Rabaino: Okay. Fellow Commissioners, would you like to have an update on the status of that? I think that would open the door, and address one of the topics for the Company to meet.

Ms. de Jetley: So staff will ask for a status update?

Mr. Hopper: I think, and you will deal this later on in your agenda, you deal with agenda items for your next meeting. I think in fact your Chairperson has brought a list you could consider. Maybe that's when you would put on there. And you could have Mr. McOmbler, or whomever else show up, and give you a status update with that on your agenda if you would like.

Mr. Rabaino: Commissioners, is everybody in agreement with that? To put it for next month, on December's agenda? Letty, do you agree? Commissioner Letty, for December's agenda? Commissioner Kaniho, do you feel the same way? Commissioner de Jetley? Stanley, yes? Shelly yes. Green? Okay, all in favor, say "aye." Okay, so let it be.

Mr. Hopper: Just to be – you don't need a motion if it's just to put on your next agenda. You could say, "Planning, I would like to see this on the agenda for the next meeting," and Planning could say, yes we'll do that. If you want to send a letter, yeah, you need to take

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action. I know, sorry, it's confusing, but that's just where we're at.

Mr. Alueta: I'm not sure what other items are on the agenda. So as to whether or not there's going to be a full enough agenda to justify the Planning Department trying to come over, or this is going to be for you to take action on a letter. I just feel that if the Commission wants to have some type of letter drafted by you, you would draft a letter. You would authorize the Chair to draft it.

Mr. Hopper: . . . (inaudible) . . .

Mr. Alueta: I'm sorry, I missed that.

Mr. Hopper: You want a status update at the next meeting in lieu of a letter, correct? For now? Okay.

Mr. Rabaino: So we can have it that way, right, Corporate Counsel? An update as a status letter, right? The letter from the department. Go ahead, one more, because I haven't close the public hearing yet. I'm just asking Corporate Counsel for advice.

Mr. Reilly: Pat Reilly. 468 Ahakea. Since the County Water Department is the key here. They're the ones that made the plan. Then my recommendation is you ask for a status update from the County Water Department. Whoever replaced Ellen Kraftsow. She was the lead person in creating the plan. Then the communication would just go to whoever is taking her place and ask for a status update. They're the ones responsible. Thank you.

Mr. Rabaino: Okay. Alberta you want to make a suggestion? Okay, wait, before I continue, we're going to close public hearing for now, and then back to the Commissioners regarding this item. Corporate Counsel?

Mr. Hopper: In that case, I think you would have Planning as your staff to ask the Department of Water Supply. And I think you'd want to be specific on what matters you would like updated specifically as far as, you know, what you want. I mean, reiterate to the department because Planning, I guess, would then ask. If you want something to come from the Department of Water Supply, and again, neither the Commission, nor the Planning Department can force the Department of Water Supply to write something, you know, by the next meeting. But you can ask for a status update. Let Planning know what you want them to ask the Department of Water Supply, and then Planning would say okay we'll ask them. And that's how you do that. You could do that. Water is not here now, you would need them to ask the Water Board.

Mr. Rabaino: Okay. So from my point of view, if we request to the Planning Department to write an update status to the County Water Committee, request status of an update.

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Mr. Hopper: It would be to you, right? To the Planning Commission? Not to the Water Commission?

Mr. Rabaino: Yeah. To the Commissioners. And then the two items of concerns would be, number one, if the Commissioners agree with me, is that LWAC and the Company meet on a regular basis, and the status.

Ms. Barfield: No. You can't do that.

Mr. Rabaino: Oh, can't do that. Okay. Sorry. Help me out here. Status update on the Water Development. Plain and simple. How's that? Joe, is that a good enough phrase? Commissioners, all in agreement?

Mr. Alueta: Yeah.

Mr. Rabaino: Okay, so let it be. Thanks Joe.

Mr. Alueta: Just to be clear. The department is going to ask, send a letter to the Water Department requesting that they provide a presentation or some type of letter to update the Lana`i Planning Commission on the Water Use and Development Plan for Lana`i.

Mr. Rabaino: Correct. Thank you.

## **E. DIRECTOR'S REPORT**

### **1. Status Report on the Lanai Community Plan Update (Long Range Division)**

Mr. Rabaino: Okay, moving on. We're going to item E, Director's Report. Number one, status report of Lana`i Community Plan Update, Long Range.

Ms. Kathleen Kern: Good evening Planning Commissioners. My name is Kathleen Kern. I'm one of the senior planners with Long Range Planning. And I'm here to give you an update on the status of the Lana`i Community Plan. You should have received, I believe, just yesterday a brief one page report on open house summary. If you don't, I do have more copies here.

So, to begin with, we have the Long Range Planning Department has begun work on updating the Lana`i Community Plan. We had an open house event here, in this venue, on August 7, 2010, and this one page is sort of a brief summary of some of the feed backs that we heard from that event from people who attended. We had approximately about 40 residents of Lana`i attend the event. It was a drop in, open house, and there was both

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information boards, as well as, interactive boards where people could post comments and post ideas.

So this one page summary shows some of the key issues that we articulated by attendees, as well as some of the key ideas for the future and what people thought were opportunities that are unique here to this island. We do have a full transcript of everything that was said posted through the comments on the boards. It will be available shortly, and we're more than likely to post it onto the website. We did receive comments on sticky notes, comments on a brief survey form, as well as on a couple of visual preference boards. So, to sort of continue with our work, we have updated the Long Range Division website on Lana`i and Moloka`i Community Plan updates. We are also doing ongoing research, both the Long Range Division, as well as our consultants, who include Chris Hart & Partners (CHP), along with John Knox, and Tom Dinell of Oahu. John Knox in particular is doing an economic development paper, looking at both Moloka`i and Lana`i. And Tom Dinell is looking at issues of housing and affordable housing. CHP is doing some work with the various departments in the County and looking at state of infrastructure.

The Planning Committee of the County Council has approved a draft resolution that has set the order for the update of the Community Plans. That happened on October 27<sup>th</sup>, and that should be going up to Council for approval. That just confirms that Lana`i and Moloka`i are the first Community Plans to be updated.

We are also working on a resolution to go to Council. That should go to Council hopefully by the end of this month. If not, in very early December which will start the process for the selection of CPAC members, the Community Plan Advisory Committee. Long Range Division has taken the Resolution to Council, and that will authorize Council to begin the process of selecting CPAC members. Long Range Division has, over the past month or so, been trying to contact people who were members of the GPAC to see if they are interested in being and becoming members of the CPAC. And as part of this Resolution, the Long Range Division will be forwarding recommendations to Council. But, ultimately, it is Council who decides what the selection process will be, whether there's an application form or not. And it will also be up to Council and Mayor to select the CPAC members. There will be 13 members, and nine members are selected by County Council, and four members are selected by the Mayor.

We are working on doing a second event, a workshop, perhaps also a panel discussion as part of that workshop. We were initially hoping to have that in early December, but I think, unfortunately with our staffing and other issues have come up, it's looking like that would will happen in late January or early February. And because we know there has been other Planning events here on the island, in particular, the event that happened on September 11<sup>th</sup> that Castle & Cooke sponsored with HACBED (Hawa`i Alliance for Community Based Economic Development.) That was the community listening event. So



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I attended that event as well to also hear what was being said. And in a sense, we didn't want to overwhelm the community with too many events all at the same time.

We also understand that a lot of good work has been done to listen to what the community has to say about issues and ideas. So the vision for the next event that's part of the community update would be to not start from scratch, but to start with everything that we've heard and that has been said also through the events that HACBED sponsored. And we'd like to sort of really kind of start talking about some of the ideas that have come up, some of the ideas for the future, and start there and start figuring out how things can happen and what needs to be done, and how they might work together. So the idea of a panel discussion would be to try and bring in some expertise, perhaps on the island, from people elsewhere in the State on various specific issues, and ideas that have been brought up. I think, for example, some of the ideas that we heard were looking to diversify the economy of the island. And one suggestion was to start a college, or a preparatory school, or field school for university here, so that there would be sort of a second, another employer on the island. And so, that would be one of the ideas we really want to have some research on and start talking about at this next workshop.

We're still in the planning –. We're planning and working on this event, so we would welcome any comments or feedback input on what the commission members, or members of the public, might suggest how this event could happen. And we really sort of would hope it would be a very creative workshop where people can work together to sort of figure out how to move forward. And I think that's the essence of my report, so if the Commission has any questions, I'd be happy to answer them.

Mr. Green: I have a question. Can you go through the rough time line even though it's not necessarily specific? But roughly starting, CPAC gets involved, where that goes through, when that roughly happens, all the way through completion? Just to refresh my memory.

Ms. Kern: Certainly. Yes. If the Resolution for CPAC goes up to Council, hopefully by the end of this month, by December, that the process to select CPAC members can start in the Spring, essentially February/March. And it would hopefully mean that a CPAC has been chosen and appointed by late Spring, perhaps by May or June. And the next thing the CPAC would have to do is some introductory workshops. Once the CPAC starts meeting, they have a six-month time line to conduct meetings and workshops. That six month period is mandated by County Code 2.80B. However, that six month period can be extended with an application. The Long Range Division along with our consultants will be continuing in the six months before June 2011, before the CPAC actually beings, we would be continuing to do outreach events, as well as research to have enough materials ready for the CPAC to consider. That is just not so much a draft plan, but proposals and ideas to look at ways to update the plan. So the CPAC, once it begins meeting has six months to consider the update to the draft plan. Once that six months is up, the Planning Department, Long

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Range Division, then will have about a month to produce a draft plan that then would come to the Planning Commission, the Lana`i Planning Commission. And the Lana`i Planning Commission then has another six months to review the plan before it then needs to come up with it's draft recommendations. And the plan then goes to the County Council, and the County Council has 12 months to consider the update to the Lana`i Community Plan. So those are the mandated time lines. Things can be extended if absolutely necessary.

Mr. Rabaino: Okay, so you said the earliest would be in January, late January of next year, to have another meeting, the second meeting?

Ms. Kern: To have another community meeting/workshop, it would likely be mid to late January.

Mr. Rabaino: Okay, would you have a precise date more or less?

Ms. Kern: We don't have a date yet.

Ms. Barfield: How long was the County Council review?

Ms. Kern: County Council has 12 months to review.

Ms. Kaniho: So those that was on the GPAC before, you said people were contacting them or anything?

Ms. Kern: Yes. We have been trying to contact members of the GPAC, but we haven't always been able to get a hold of people. So, I would also ask that anybody who is here who was a member of the GPAC if you would kindly give me your contact information and we'll make sure you get contacted.

Ms. Kaniho: Okay. Thank you.

Mr. Rabaino: Can you also provide the Planning Commissioners with a list of the GPAC because you want to create the CPAC, right? You want to take that GPAC members and move them into this CPAC that you're trying to create? Is that what I'm hearing?

Ms. Kern: That will be part of the recommendation. If people who were members of the GPAC are interested in becoming members of the Community Plan Advisory Committee, that recommendation will be put forward by the Planning Department to the Council.

Mr. Rabaino: So understood now, the breakdown from what I wrote of what you mentioned earlier would be four will be chosen from the Mayor, and 19 would be from the County –

Ms. Barfield: Nine.

Ms. Kern: Nine.

Mr. Rabaino: Oh, nine. Okay, so that would be the breakdown. Four from the Mayor and nine from the County.

Ms. Kern: Correct.

Mr. Rabaino: Okay. And how soon would you have that list? You're still calling, but when you do, would that list be generated?

Mr. McOmber: . . .(inaudible) . . .

Mr. Rabaino: I understand Ron, but I'm asking her when she going have that CPAC list – once you get in touch with the GPAC.

Ms. Kern: Well, we do have the list of people who were on the previous GPAC, and I can provide you with that list.

Mr. Rabaino: Thank you. Commissioners, any other questions for her?

Ms. de Jetley: Kathleen, I just have a comment. I think that you should put out a press release saying that you are looking for volunteers for this committee because a lot of the members of the GPAC committee are no longer alive, or they've relocated. So it would be a really good thing to have some fresh faces on it so that we're not rehashing the same things over and over and over again.

Ms. Kern: Yes, we will do that.

Mr. Rabaino: Commissioners, any other questions for her, for Kathy? So sorry, Kathleen, right? Okay, any other questions Commissioners? None? Oh wait, go ahead Alberta.

Ms. de Jetley: I have one other comment because I get hit upon all the time for information about Lana`i. One comment I heard was that there is a move, there is some thought of doing marketing for Lana`i with Moloka`i. Moloka`i and Lana`i are two entirely separate communities. We have different economic faces, different population mix, and we should remain totally separate and apart.

Mr. Rabaino: Okay, any other comments for Kathleen? Kathleen, you'll take that down, yeah, we're two separate islands, even though they're across the water. Okay, thank you Kathleen.

Ms. Kern: Thank you very much.

Mr. Rabaino: You're welcome. Okay, public. Go ahead Pat.

Mr. Reilly: Pat Reilly. 468 Ahakea. There is a number of people in this room that were on GPAC. The question I would have is what is the relationship now between GPAC and CPAC? Because when we went into it, we understood that the General Plan people would continue to the very end of this process, and then suddenly there's a CPAC. So, I guess my question first is whether GPAC will be dissolved and a new CPAC? But that's not my understanding – is that GPAC would be a continuance. Secondly, the schedule is a little soft. Meaning that it's not real firm yet, and I appreciate we just had an election and understand that some personnel may be changing. But we need to get on it, right? This Community Plan is really an important community plan. Thirdly, Mr. Knox and Mr. Hart and some of the other consultants, I'm not sure –. I would like at least a little more information how they're going to do their research because you have these companies that are going to do "research" on Lana`i, and then CPAC is going to get this stuff. But I still don't have a clear idea of what format that's going to be in. So those would be my concerns. I am interested since I have an old face, but what the heck. You know, I'm retired, and I have time, so I would certainly like to be on it, and I would encourage other people. I don't know what the relationship. Because it all has to come before you, and I know there's some people here that were on GPAC. But please encourage people in the community too. Whatever the process is I think needs to be on the website, so that we can access it. And I would agree with Commissioner de Jetley, we need something in the paper on a regular basis to update the community and what the status is and how the residents can proceed. So thank you very much!

Mr. Rabaino: Commissioners, any questions for Pat? None. Kathleen, can I – according to what Pat said, what is the difference between the General Plan members versus the one that you want to create with the CPAC?

Ms. Kern: My understanding is that the GPAC has now been actually dissolved. So the CPAC is a new body, but that the Planning Department will recommend to County Council and Mayor that those GPAC members who would like to continue and become a part of the CPAC be appointed to the CPAC.

Mr. Rabaino: Okay, great!

Ms. Kern: But that's our recommendation, but ultimately the decision will be made by Mayor and Council.

Mr. Rabaino: Okay. But you'll provide us the General Plan members that were at that time on the GPAC?

Ms. Kern: Yes.

Mr. Rabaino: Okay, next month or so.

Ms. Kern: Yes, we can transmit that to you.

Mr. Rabaino: Okay, thank you. Commissioners, is everybody in agreement? We're going to close public hearing regarding this matter. And we're going to take a 10 minute break. Agree? Okay. You like five minute? Five minute break according to Shelly.

*(The Lana`i Planning Commission recessed at approximately 7:35 p.m., and reconvened at approximately 7:47 p.m.)*

## **2. 2011 Meeting Schedule**

**The Commission may act to adopt or modify the proposed meeting schedule.**

Mr. Rabaino: The time is 7:47 p.m., meeting come to order. The next item on the agenda is 2011 meeting schedule. Comments, suggestions, Commissioners? You approve the dates that are on the list? David said it's perfect.

Mr. Ruidas: I get question.

Mr. Rabaino: Question Stanley.

Mr. Ruidas: Who do I talk to Joe? Do you anticipate any cancellation of our meetings?

Mr. Alueta: We don't know until we know what kind of projects, but I'm not sure how many meetings we had this year that were cancelled.

Mr. Ruidas: I think we had four this year.

Mr. Alueta: Yeah.

Mr. Ruidas: So I just like bring that back that we saved that money, so enough with the cuts already. You know we need our meetings.

Mr. Alueta: Yeah, no, we're not going to cut if there's an agenda item. I mean, I don't know what the budget is going to be like. I'm assuming that we are going to – we don't know. All I can say there's rumors.

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Mr. Ruidas: The budget is like July to July?

Mr. Alueta: Yeah.

Mr. Ruidas: Okay. Just checking.

Mr. Rabaino: Commissioner Castillo?

Ms. Leticia Castillo: We're talking about the budget for the planning, and I believe that before we do this thing, the monies are already allocated for the purpose. And if we're cancelling meetings, that means that the funds is going to go back to the County, to the, you know, source. And we are missing our agendas at that time, so I don't know.

Mr. Rabaino: Okay, any other? Go ahead, Letty, finish up. A little closer to the mic Letty.

Ms. Castillo: Yeah because that –. You know, Joe, we already have –. You folks already have budgeted those trips that you folks come in here and if we are missing – like what Stanley said we have lost four meetings. And with that kind of time we have lost some of the things that we need to discuss. So that's my concern too for cancelling meetings. Because the monies suppose to be there.

Mr. Rabaino: Okay. Understood. Commissioner Kaniho, any suggestions? Now is the time.

Ms. de Jetley: Mr. Chair, I have one comment. With all the cuts in the schedule and in cut backs, it's really important that all Commissioners attend every meeting unless they have a legitimate excuse, and have an excuse by the Chair. I would like to have a review of attendance records for the past two years.

Mr. Rabaino: Commissioners, would you agree to that, that we have an attendance review for the current commissioners that sit on this board? Any objections? No objections? Letty, okay? You're fine? Lisa? Stanley? I'm okay with it. Shelly is okay. Okay. So we're requesting a review on the attendance of the current Commissioners. Corporate Counsel, what is the attendance? Is it voluntary requirement or is it that they have to be at the Planning Commission meeting or is it with a valid excuse that they are excused from attending a planning scheduled meeting?

Mr. Hopper: I can look up the rules. All the different Planning Commissions have different rules. I don't know this one off hand so I can look it up and see if it says anything in your rules specifically about meeting attendance. It may not. I mean, generally, yeah, you should be at all of the meetings. And if you have an excuse you should notify –. There are quorum problems on Moloka'i before occasionally. I'm not sure about this Commission,

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but it's obviously helpful to know you have quorum for each meeting. But I'll check the rules and let you know if there's a specific rule on that.

Mr. Rabaino: Okay. Is it fair and reasonable to say that if you have a medical or surgery that is a valid reason? That would be acceptable, correct?

Mr. Hopper: I couldn't imagine any circumstances where if you were medically unable to attend or if you had surgery that that wouldn't be a valid reason.

Mr. Rabaino: Okay, because we're not certified doctors anyway. Okay, thank you. Alberta?

Ms. de Jetley: Mr. Chair, I think when people are out of town because they're away on a trip that is a legitimate excuse for not being at a meeting.

Mr. Rabaino: Okay, well taken. So, can we have a review on the attendance of the current board here? Plus, Leilani has been so kind to email everybody to see who's going to attend. So if she hasn't received an email from either of the two that is missing tonight which is Commissioner Mano and Ornellas. If they didn't email to Leilani that they weren't going to be present tonight. Because I just found out yesterday from John Ornellas, and today from one of Mano's daughter that her father wasn't going to be here. So that is why I knew that only two wasn't showing up. And I just found yesterday for Ornellas. So, anyway, as we continue. Lisa, you're frowning. You have something to say?

Ms. Kaniho: . . . (inaudible) . . .

Mr. Rabaino: Was it last week? Okay, well, he reminded me at Expedition yesterday. Okay. Moving on –

Mr. Alueta: How far back do you want me to go?

Mr. Rabaino: Alberta, how far back do you want them to go?

Ms. de Jetley: . . . (inaudible) . . .

Mr. Alueta: Okay. Two years.

Mr. Rabaino: Okay, thank you two years. Okay, item number three, open Lana`i application report.

Mr. Alueta: Before you move on, can I get a motion to accept the meeting schedule as is?

Mr. Rabaino: Sorry.

Ms. Castillo: . . . (inaudible) . . .

Mr. Alueta: Okay. Was there a unanimous on that?

Mr. Rabaino: I didn't get that one. So you made a motion. Letty made the motion, and David seconded right? Okay, thank you guys.

Mr. Green: I seconded.

Mr. Rabaino: I didn't catch that one. Sorry. I'm kind of off tonight anyway. Sorry. Redo. Letty, could you please make the motion for the record?

Ms. Castillo: I move that the schedule of next year's meetings is approved.

Mr. Rabaino: Any second?

Mr. Green: Second.

Mr. Rabaino: So move. Thank you.

**It was moved by Commissioner Leticia Castillo, seconded by Commissioner David Green, and with no opposition by the Commission, the 2011 Lana`i Planning Commission meeting schedule dates were accepted as presented.**

### **3. Open Lana`i Applications Report.**

Mr. Rabaino: Now can we go forward with the next item? Sorry folks. Open Lana`i applications report.

Mr. Alueta: Okay, just –

Mr. Hopper: Yeah, rule on attendance is no member shall be absent for the service of the Commission unless the member is sick or otherwise unable to attend and has so advised the Chairperson prior to the meeting. That's section 12.401.28 of the rules. Just FYI, I think in order to remove a member for attendance issues – this has come up before – I think you do need the Mayor and the Council both to act in order to do that, or the member could resign. But that happened in other boards. But, yeah, so that's the rule. You've got to let your Chairperson or you've got to let your Chairperson know that you can't make a meeting if you can't do it.



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Mr. Rabaino: Okay. Thank you. Well for the record that I know when Leilani sends email we send back her an email whether we can attend or not. Is that acceptable instead of the Chairman?

Mr. Hopper: Yeah, as long as you're notified in those emails, I think that's fine. Maybe Leilani can send you that email.

Mr. Rabaino: Yeah.

Mr. Hopper: As long as you know who's coming and who isn't. That's fine.

Mr. Rabaino: The protocols. I have no problem with that. Thank you.

Mr. Alueta: Okay, moving onto your open projects. The first one, it should have been closed. I'll find out why it's not closed. Your second one is the No Ka Oi Grindz, and the variance. They had to apply for a variance through BVA for parking issues, and that was granted. And the other one is also closed. The comments are done. That was just for a request for comments by the staff.

Mr. Rabaino: Commissioner Green? Sorry Letty. Go ahead.

Ms. Castillo: I'm looking at Lana`i Health Center and Health Center Clinic. Are these two different ones or is it the same one?

Mr. Alueta: One is Lana`i Community Health Center and the other –

Ms. Barfield: The first one is the permanent site, and the second one is the temporary site.

Mr. Alueta: Okay.

Mr. Rabaino: Go ahead Commissioner Green.

Mr. Green: I'd like a question about the variance hearing that was related to the variance request by Naomi Ohashi related to the parking. Can you – and if you can't answer this and I'd like to maybe suggest it's on our agenda for next week, next month. But I remember the BCT guidelines – I didn't have a chance to look it up before this – but the BCT guidelines I'm surprised requires seven paid parking spaces. And so I didn't understand why her application was turned down because of the lack of parking. I also remember several months ago we went through all the revisions of the different Business Country-Town, et cetera. And I thought that we even made a recommendation to change parking requirements for Lana`i. But I'd like to be reminded what, if you can, tell me or if someone can tell me, exactly where the requirement for seven paid parking spaces for that

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little restaurant came from. I think it should be BCT guidelines that apply, should it not?  
And if so –

Mr. Alueta: I'm trying to remember the specifics for this, and I may mix it up with another Lana`i project. But my recollection – because I didn't work on this specifically – the issues at hand, I think, is that this is an unsubdivided lot and No Ka Oi Grindz is on a portion of a lot, yet there are other structures on the lot, or other users on the property. And because the other uses did not meet. When you come in, when somebody comes in and because it's located on one lot, everyone needs to meet the parking requirement. So it's like if you come in –. So if there's a violation on the lot, we consider it one lot even though this tenant is renting one portion of it, the whole property, before we can issue a CO. All violations or all uses need to meet the County Code. And that's pretty typical. But in Lana`i and in some areas it's unusual that this lot is, you know, a large lot. It hasn't been subdivided, so therefore the parking requirement most likely came about because other uses on the property did not have parking. And so therefore it was a requirement that they all bring their parking up to Code.

Mr. Green: So is the seven parking spaces for the entire lot?

Mr. Alueta: Yes, for the parcel.

Mr. Green: So she got stuck with the requirement.

Mr. Alueta: Well, not her, Castle & Cooke did.

Mr. Green: Okay.

Mr. Alueta: Because that's my understanding, it's Castle & Cooke is the owner, and so they were required. And before they could complete their lease agreement, I guess, with No Ka Oi Grindz, they needed, they had to go and get a variance so she would be able to get her certificate of occupancy and meet her parking requirements.

Mr. Green: Am I right though that the BCT guidelines are the ones that govern that decision or not?

Mr. Alueta: It was a parking requirement. Whatever the parking code under 19.36. The BCT guidelines will guide us as to how the parking could be or configured, but it still has to conform with the parking code, 19.36.

Mr. Green: When we talked a few months ago, and went through all the different classifications – you remember the –

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Mr. Alueta: For 19.36? For the parking requirement?

Mr. Green: Yeah.

Mr. Alueta: Yes.

Mr. Green: It seems to me that we made a recommendation on reducing the requirement for parking on Lana`i. Could you confirm if that's correct at our next meeting or send a letter or something like that?

Mr. Alueta: Reduce the required parking for mixed use projects. And so that was if the lot is a certain size, they could qualify. If they had multiple users on the property such as a live/work situation where you had above and below or there was a centralized, you could ask for a parking reduction from the County up to 30%. In the case of Lana`i, that parking reduction was to go to the Lana`i Planning Commission that you could grant up to 30% of the parking waiver. I'm not sure whether this specific project qualified as a mixed use development. I'm not sure based on it's zone. Again, I can check back with Erin Wade as to whether she was aware of that waiver and that the variance was not needed, but I don't know. I'm assuming that she had checked everything out and tried her best to avoid having, and I think the parking requirement may have been of such a number that it would not have qualified.

Mr. Green: I would appreciate if you would check on that.

Mr. Alueta: I'll follow up.

Mr. Green: And confirm what our action was because I don't trust my memory as much as I use to.

Mr. Alueta: No you did. There was the previous Chair, you wanted the authority on the waivers to be granted by the Lana`i Planning Commission. I believe that is in the Code, but I'll double check on it. That was your recommendation as to whether that was approved by Council. I'll double check.

Mr. Rabaino: Okay. Any other item Commissioners? Item number four, agenda items for December 15<sup>th</sup>, correct? That's the last item, right?

**4. Agenda items for the December 15, 2010 meeting.**

Mr. Alueta: Correct.

Mr. Rabaino: That's the last one. Corporate Counsel, I passed out this thing here for the

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Lana`i Planning Commission 2010 agenda proposal for December. Okay, if we could have it for next month, whatever you can, whichever you can fit in. Also, I would like to add the November 17<sup>th</sup>, 2010, subject: respond to email questions raised by Lana`i Planning Commissioner Vice-Chair Stanley Ruidas to be placed on the agenda for discussion and clarification. Would that be possible? Joe? Corporate Counsel? Which ever.

Mr. Alueta: Maybe me, but what was the item? Clarification on what letter? Okay. You wanted to have a discussion. Okay, I'll let Clayton know.

Mr. Rabaino: Thank you sir. And any other items that each individual Commissioners would like to place on the December agenda? Now is the time. Commissioner Castillo? None. Commissioner Kaniho? None. Commissioner de Jetley? None. Stanley? None. Commissioner Barfield? Any? None. Commissioner Green? None. And so we go with that as presented, Joe.

Okay, do I hear a motion to adjourn? Second by Alberta. So be it. Thank you for your time everyone, and hopefully we see you in December. Mahalo.

**F. NEXT REGULAR MEETING DATE: December 15, 2010**

**G. ADJOURNMENT**

There being no further discussion brought forward to the Commission, the meeting was adjourned at approximately 8:05 p.m.

Respectively transmitted by,

LEILANI A. RAMORAN-QUEMADO  
Secretary to Boards and Commissions I

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**RECORD OF ATTENDANCE**

**PRESENT:**

Gerald Rabaino, Chair  
Stanley Ruidas, Vice-Chair  
Alberta de Jetley  
David Green  
Leticia Castillo  
Shelly Barfield  
Lisa Kaniho

**EXCUSED:**

Matthew Mano  
John Ornellas

**OTHERS:**

Joseph Alueta, Administrative Planning Officer  
Kathleen Kern, Staff Planner  
Michael Hopper, Deputy Corporation Counsel