

**LANA`I PLANNING COMMISSION  
REGULAR MEETING  
JULY 20, 2011**

**APPROVED 08-17-2011**

**A. CALL TO ORDER**

The regular meeting of the Lana`i Planning Commission (Commission) was called to order by Chair Gerald Rabaino at approximately 5:30 p.m., Wednesday, July 20, 2011, in the Lana`i High & Elementary School Cafeteria, Lana`i City, Hawaii.

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

Mr. Gerald Rabaino: Okay, the time is 5:30 p.m. We are, for the record, we are waiting for David Green and Letty Castillo to arrive. At this time, Mr. Green just walked in. We're waiting for Letty Castillo at this time. For the Lana`i Planning Commission meeting, July 20<sup>th</sup>, Wednesday, starting at 5:30 p.m. We have some communication on the agenda. Corporate Counsel, do you have any things to distribute? None. Okay.

I believe – Letty not here yet, yeah? – okay, we have a quorum present for the record. Okay, we're going to begin with communication, item-B, Planning Commissioners LWAC representative to provide a brief update on the Lana`i Water Advisory Committee meeting from John Ornellas which he did his speech. David?

**B. COMMUNICATIONS**

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

Mr. John Ornellas: Mr. Chair? I'd like to defer this to the next meeting please?

Mr. Rabaino: Do I hear a motion to defer?

Mr. Ornellas: Okay.

Mr. Rabaino: So it's been motioned by John and second by Alberta. Correct? So moved. Item-C, unfinished business. Discussion on amendment of the SMA. Oh, sorry, I'm speeding along. Okay, calling for the vote. All those in favor say aye?

Planning Commissioners: "Aye."

Mr. Rabaino: Any opposed? So be it. The ayes have it. No nays for the record. Now we move onto item-C, unfinished business, discussion of the amendment to the shoreline management act map for Lana`i. Corporate Counsel? The SMA?

**It was moved by Commissioner John Ornellas, seconded by Commissioner Alberta de Jetley, then unanimously**

**VOTED: to defer Lana`i Planning Commission’s LWAC representative to provide a brief update on the Lana`i Water Advisory Committee meeting.**

**C. UNFINISHED BUSINESS**

**1. Discussion on amending the SMA maps for Lanai**

Mr. Clayton Yoshida: Thank you Mr. Chair, members of the Commission. If you remember at your May meeting when we were doing the orientation session on your Special Management Area Rules and your Shoreline Area Rules, we did discuss the process to amend the Lana`i SMA boundaries which was in a May 11<sup>th</sup> memo from Planning Director William Spence to Lana`i Planning Commission Chair Gerald Rabaino. We did also circulate copies of your SMA maps in two halves for Lana`i – I guess the north half and the southern half. And essentially Manele, for the Manele area, it covers a good portion of the Project District at Manele. And then there’s like a 300-foot strip around the island. So that’s your current SMA boundaries for the island of Lana`i adopted in 1979 by the then-Maui County Planning Commission.

I don’t know if the Commission wanted to have further discussion on, you know, having the maps in front of them and the process as laid out set forth in the transmittal from the Planning Director – if the Commission wanted to have further discussion on this topic. As you recall, it was like at the very end of the meeting so we’re kind of rushed to catch a plane.

Mr. Stanley Ruidas: So Clayton, what would be the first step in amending the SMA?

Mr. Yoshida: Well, I think the rules, your rules, SMA rules under 12-402-22 talks about the adoption and amendment of SMA boundaries that the – any amendments to the boundaries of an SMA map, as amended, may be initiated by the Director. The Director may at any time initiate comprehensive review and amendments to the SMA boundaries. The Commission by a two-thirds vote of its total membership may direct the Director to initiate a comprehensive review and amendment to the Special Management Area boundaries.

Mr. Ruidas: So what can we do today is vote on –

Mr. Yoshida: Well, I guess if they can, whatever, point out what kinds – now that you have the SMA maps for the island – what kind of amendments possibly the members may be contemplating.

Mr. Ruidas: Right now it’s 300 feet.

Mr. Yoshida: For the most part, except for the Manele –

Mr. Ruidas: Project district, yeah?

Mr. Yoshida: The Manele area. It covers a good portion of the Project District.

Mr. Ruidas: So I was looking at the east end of Lana`i and there's a lot of historical sites out of that 300-foot boundary. So I was thinking of going with the elevation. I don't know exactly what number the Commission can come up with. But going up with the elevation along with the 300-foot boundary, how can we initiate that?

Mr. Yoshida: I think our Deputy Director Michele Chouteau McLean wanted to make some comments on this topic in general.

Ms. Michele Chouteau McLean: Thank you Commissioners. I haven't had a chance to meet each of you. My name is Michele Chouteau McLean. I'm the Deputy Planning Director. And this item being scheduled on the agenda actually coincides with something that Will Spence, our Planning Director, has initiated, which is to look at our GIS data base. We have an extensive GIS data base, and to look at all the different layers that we have and see which of those layers tie into the State Coastal Zone Management Law, and identify those areas on each of our islands and to see about adjusting the SMA boundary to include those areas that the State law and that your rules are intended to protect. So in State law there are 10 specific objectives and policies that relate to recreational resources, historic resources, scenic and open space resources, coastal ecosystems, economic uses, coastal hazards, managing development, public participation, beach protection and marine resources. So we want to look at our GIS data base and see all of those layers that tie directly into these and map those for you, and then we can see how adjusting the SMA boundaries would specifically protect those areas. And that was the intent of the State law is supposed to be. So there are number of ways to approach how to establish SMA boundaries. That's one that the Department is looking at right now, and that's something that we would bring back to the Commission, you know, as we proceed. It would be, you know, a detailed process, but we'd be able to give you, you know, a first glance at what those things might be. And also, to get your feedback as to what areas might need to be included in that adjusted boundary. Does that sound like a direction – sounds like a direction you might like to go in?

Mr. Rabaino: Commissioners, any discussion or questions for Michele? David Green?

Mr. David Green: Yeah I have a question. What is a GIS data base, and what kind of data is in it?

Ms. McLean: Gosh. GIS is a geographic information system. At its simplest level it's a mapping system, but we input all kinds of data and those are the layers that I'm talking about where we would have tsunami zones, flooding inundation limits. We would have zoning community plan, State Land Use designations. We would have beach accesses. We would have the reefs. So looking at the mauka land, maybe you want to protect those more because those have the most valuable reef ecosystems offshore. We have census data. We have – let's see what else – documented cultural sites, documented archaeological sites, wetlands, watersheds. It's extensive. And as our GIS people will say we don't just make maps. They interpret data in a useable way.

Mr. Rabaino: Any Commissioners have any questions for Michele? David?

Mr. Green: So as I understand what you're proposing this is more of a comprehensive review. And when will that be completed or when would you be the position to share the data with us with any kind of recommendations that the Planning Department might have?

Ms. McLean: The first thing we'd be able to share with you would be the different layers that I'm talking about, and that wouldn't be a map necessarily. It would just be this is the kind of information that we have and what it's based on. You know, where that information came from. And in terms of mapping it, we could throw together a very rough conceptual type map within a few months, but refining it to the point of actually making boundaries would take some time after that. I don't want to commit our GIS guys to a particular time line. But certainly a rough glimpse we could do.

Mr. Rabaino: Michele, I have –. I was looking at the telephone directory from last night and this morning. From the east end as Vice-Chair Ruidas was talking about, I'm concerned about the area of Kamauike point all the way to Kama – no, Makawai, all the way down to Keomoku. Currently you have the standard of the distance from the shoreline up. Being that the northern side of Lana`i is eroding, that is subject to change during your GIS data, right? Okay, my proposal to you – maybe you can make a note of it, for the SMA – we would like to move up the boundary a little inwards. And I'm going to give you an example why. Being that Japan had theirs one all the way to six miles in, and that is the lower side of the windward side of Lana`i. The other factor is the Manele Small Boat Harbor and Hulopoe Bay. Okay. If there should be any tsunami coming that way or just a small surges from the first effect of the three different waves that come into Hulopoe Beach and the wrap around into Hulopoe Small Boat Harbor, I think it's only fair and because the hotel does sit way lower as well as the beach park and the terminal, have it move it higher so when evacuation everybody is on a safe height. How can you present any maps or figures for your geographic information data center to show Lana`i in comparison of what you have in the telephone directory of options that we can chose from in moving the boundary further in as a safety precaution for the general public?

Ms. McLean: If I understand your question correctly, we might be looking at two different issues. One is safe evacuation zone, and the other is the Special Management Area where we look at extra protections for development within the coastal zone. The State Civil Defense prepares the evacuation maps. We understand that they're not current and we actually have current data from the March tsunami that we will be providing to them because we have mapped out the effects of that March event, and we'll be providing that to State Civil Defense so that they see the areas within our County that were affected.

But – and then you touched upon something else that is also one of our data sets is coastal erosion, so that is another one of our data sets or the erosion rates. So that over time, you know, understanding that . . . (inaudible) . . .

Mr. Rabaino: Okay, I understand what you're coming from, but just make sure that this is accessible for us as well as future Commissioners regarding the geographic areas of Lana`i. And because we're quite sure that, you know, there's going to be a lot of movement within Maui County and a lot of changes. So make sure all those information is accessible to the current

and future Commissioners that be in line, yeah. Okay, thank you. Commissioners, any other questions for Michele before we move on?

Mr. Ruidas: Chair, I think we should go down the line and see what everybody was thinking about this.

Mr. Rabaino: Okay, as Stanley requested, Commissioner de Jetley?

Ms. Alberta de Jetley: One of my concerns are moving the – extending the 300 foot zone was the erosion that we are seeing along that coast line so we don't have any development plans coming for that side of the island. And I just wanted it to be like if you go to Hanalei and the north shore of Kauai, there's the back for Hanalei Bay are way, way, way back. And during the winter when they've got that huge winter surf coming in there, it really, the water comes way inland. I don't want to see us 20 years from now saying that we should have moved ourselves back further, bring development back further mauka rather than makai. So I don't know where we should be going. I think that Michele's plan of waiting until we have more mapping detail would be helpful.

Mr. Rabaino: Commissioner Castillo, any comments? Shelly? Stan? Commissioner Mano? David Green? Mr. Ornellas? Go ahead Mr. Green.

Mr. Green: I'd like to see the data as well. I think it's better to make a decision after you have some data and/or specific proposal on why we want to change something. So I would support waiting as the Deputy Director had suggested.

Mr. Ornellas: Mr. Chair? Michele, is your GIS guy Bill Medeiros?

Ms. McLean: Bill Medeiros is still with the County. He works out of the Management Department now. He's involved with Countywide GIS. Within the Planning Department we have a team of five GIS technicians. Bill isn't with the Planning Department anymore, but he still with the County.

Mr. Ornellas: So will he be involved with this process?

Ms. McLean: No.

Mr. Ornellas: As part of the – Mr. Chair – as part of the 1995 Community Plan this was an issue and it will probably be another issue, but if the Department is going to be proactive about this then, you know –. If we can make a decision that would be great. But it will be a topic at the Lana`i Community Plan process.

Mr. Ruidas: So John how you feel about we ask the Department to map out like elevation wise like several elevations and see if all of the things we want to protect is in those areas?

Mr. Ornellas: As part of the 1993 Community Plan I was member of that and we did push for

it. I think it was a 500 foot, and of course it didn't work, and it stayed at 300. So as far as using an elevation, that was not part of the discussion then, but it should be part of the discussion now because there are places that has eroded a lot in the 20 years since we last looked at it. So, you know, I'd like to see both – I'd like to see both sides and what would be the better for this island and I would make a decision based on that on what I feel would be good. Did I avoid the question good enough?

Mr. Ruidas: So how about we ask the Deputy Director to map out like three different elevations starting from say 500, 700 feet and 1,000 feet? Would that be sufficient? At least we get something to come back to us.

Mr. Ornellas: Mr. Chair? Can you –? Are you saying setback feet? Or are you talking about elevation?

Mr. Rabaino: Both. I want to see what they're going to draw up.

Ms. McLean: Preparing a map, we can prepare two maps. One with linear distance from the coastline, the other following topographical contours. And we can do both of those at the increments that you said at 500, 700, and 1,000. That's very easy for our staff to prepare. So we can put those together.

Mr. Ornellas: Great. That would be fantastic. Thank you.

Mr. Rabaino: The concern Michele is we have Palms down there. There's a lot of –. We have the fishing – I mean that old –. It's already in the water that they use to raise mullets and what not, yeah? You get Keomoku town that is buried with a lot of silt from the mountain, the railroad tracks. You have Club Lana`i where the pier still goes out and reminiscences of the pier foundation of the other side by Whale's tail and further down. So that's the reason I wanted to see some changes should Castle & Cooke, or the State or County decide to go and weeping down that end. You know what I mean? At least something is preplanned for the future of Lana`i, yeah? And it's time to update because Lana`i is always like a step child. Okay, so we await for your response from your Department and all the other agencies that are involved. Okay? Thank you.

Ms. McLean: What we're concerned about is that the line right now is arbitrary. Statewide, it's acknowledged that the SMA boundaries around each island were drawn arbitrarily. It either was a certain distance or it followed the coastal highway until the coastal highway veered too far mauka and then they cut it back down again. So we're trying to get away from just an arbitrary distance because there's going to be some areas where it needs to come farther inland. There may be other areas where it doesn't have to go that far. So we are trying to establish more of a criteria based boundary. Preparing the maps for you to look at that's no problem we're happy to do that using the contours and the distance. And we'll accelerate our efforts to give you more of the criteria based maps as well so you can see what that might look like.

Mr. Rabaino: Commissioner Green?

Mr. Green: Just to clarify, you would obviously, I would assume, show the current 300 foot boundary and you'll look at this in the future?

Ms. McLean: Yes.

Mr. Rabaino: Michele, one last request. When I was working under Koele Company, there was an issue of who owns the road down there or public access. If you can find out the information on two items. Does the State have any involvement down there on highways being that the history down there was Keomoku town? Okay, secondly, is the County have any jurisdiction down there? Okay, and thirdly, as an overall would be the right of public access to the areas down there. So maybe your Department could go one step further and find out from these two other areas, State and County, who really owns the road down there or who's responsible. Yeah because I'm hearing from various people even though she just got into the vehicle registration it's going back and forth. So we want something in black and white, yeah? Okay, thank you.

Ms. McLean: Okay.

Mr. Rabaino: Commissioner Ornellas, you have anything to say to Michele?

Mr. Ornellas: When? When can we expect these?

Ms. McLean: The maps using the distance and the elevations we could probably have at your next meeting. If not, then the meeting after. The GIS based maps might take a little bit longer than that, but . . . (inaudible) . . . .

Mr. Ornellas: Okay. I'm okay with that. I don't know if the other Commissioners are.

Mr. Ruidas: Michele, would that include the entire island or just that area? Can we make it for the entire island?

Ms. McLean: Yeah, for the whole island.

Mr. Ruidas: Okay.

Mr. Rabaino: Okay, Commissioners, any other questions regarding the SMA? If none, is everybody willing to move on to item-D?

Ms. McLean: Excuse me Mr. Chair? James is asking about taking public testimony.

Mr. Rabaino: Okay, we're opening it up to public testimony? Anyone signed up for public testimony? Lei? Okay, I'm just going –

Mr. Ornellas: Excuse me Mr. Chair? Mr. Chair? Are we going to start on E? Is that what you're at? D. Okay.

Mr. Rabaino: For SMA, public. It goes in sequence. I thought – that's why I was going to move on to D, but since James said public testimony, we'll just have to follow the protocols. Okay Mr. Ornellas? Thank you very much. James, yes? No? Nobody signed up. Anybody want to testify raise their hands. Last chance. Pat Reilly, mention your name for the record. Thank you.

Mr. Fairfax "Pat" Reilly: Pat Reilly. 468 Ahakea. I agree with you wholeheartedly. Thank you. This needs – we need a complete revision of this for the whole island, and take your time for it because it will be a recommendation to the Community Plan Advisory Committee. Thank you.

Mr. Rabaino: Any questions for Pat Reilly, Commissioners? If none, anyone else wishes to speak at this meeting regarding the SMA? Mr. McOmber? George Purdy? None. Okay, so move. Okay, item number –. Okay, we're going to close the public hearing and we're going to move to item-D, director's report, 2011 Hawaii State Association of Counties report. Ruidas and Matt? Okay you wish to give an update?

#### **D. DIRECTOR'S REPORT**

- 1. 2011 Hawaii State Association of Counties (HSAC Conference Report) - Commissioner Ruidas, June 22-23, 2011**
- 2. Open Lana`i Applications Report**
- 3. Agenda items for the August 17, 2011 Meeting**

Mr. Ruidas: This is a good conference to go to and basically the biggest topic was social media and how that effects the sunshine law. And right now they're going to through the process of revising the sunshine law to include social media because now you've got like the biggest ones is Facebook and twitter and all that kind of stuff. So I learned that, and I also learned that Legislatures – legislatures aren't subject to the sunshine law so that's what I learned on their end. We did also do a tour of Kaheawa wind farm and HC&S sugar plantation and that was very interesting how something like for the sugar mill for like 175 years old still standing. And, you know, they're still making sugar and one of the last agricultural farms in the State. So, yeah, that was a good workshop to go to.

Mr. Rabaino: Okay. We're going to move to open Lana`i applications. We have James? Clayton?

Mr. Yoshida: Yes, we've distributed an updated list of open Lana`i applications. Two of them the Commission has dealt with previously. The Miki Basin expansion which is still open because the Council hasn't made it's decision yet on those, the District Boundary Amendment and the Zoning Change. And the other one is the item that we'll hear tonight which is the T-Mobile County Special Use Permit request.

Mr. Rabaino: Clayton, regarding Miki Basin, what is the hold up with the Council? Could you give us –?



Mr. Yoshida: We do not control the scheduling of the Council. You know they were here, I think when the 201H application –. They dealt with the 201H application and they did a site inspection and that's about it.

Mr. Rabaino: Okay, Clayton, regarding a site inspection, yeah, at that time when Sally Kaye was the so-called Chairperson. We all went down there, we said what we needed to say, okay, and I was part of that group. We understood that the slope was a main concern and if the Company could come back with a geographic map if they can relocate that corner to another flat area where it doesn't cost too much money for construction purposes. If my memory serves me well, I believe de Jetley was there also – correct me if I'm right or wrong Commissioner de Jetley – but being that that was done almost, over what, five to eight years? No, less? Okay, but, you know, with that time frame, yeah Clayton, something has to be moving forward, okay? Not just sitting on someone's desk and collecting dust. Now I'm going to throw this at the Planning Department, okay, because right now because of the economic times and Lana`i only has one employer, there's a greater concern right now that we need something to move forward. Now in order for this Commissioner or this agency for Lana`i, our issue is what can be done to move things forward besides processing the permit application? There's a lot of things that's happening in the city that we would need that came across us that we have approved. We know they go through their protocols and their routines, but the feedback from the Planning Department is either idle or confidentiality at most, not sharing. So if you can come back next month and give us a brief, on the Planning area, what is happening to Miki Basin. Okay because it is a concern and we would like to know what it is. Okay, at least give us that, in generality if you have to, that's fine. But that piece of parcel is a concern if it's going to be relocated and stay within the boundary as the company has proposed.

Mr. Yoshida: Yes Mr. Chair, you know, we did transmit the record of the Commission to the Council. You know, the Commission conducted a public hearing, had several meetings on the matter, made a recommendation. We transmitted that to the Council, but it's the Council prerogative to act. They're the final authority on the District Boundary Amendment and the Zoning Change, and their scheduling is up to them. The Planning Department does not control the scheduling of the County Council.

Mr. Rabaino: Okay, I'm going to cut you short Clayton. I'm not talking about the scheduling. What I'm saying is if you have any information regarding the issue at Miki Basin and what was taken back to your Department that further – that forwarded that to the Council members. If anything was discussed in that little area, in general or something was blocked, at least share that with us so we know what to expect, not to speculate, to expect, if any transmittal was gone from your Department to the nine Councilmen at the Council level. The scheduling, I understand. We understand. We have no beef with that. The beef is going to be because it's been sitting back then for those years where does it stand today and moving forward Clayton? Thank you.

Mr. Yoshida: Our next meeting is scheduled for August 17<sup>th</sup>. If there are agenda items that the Commission would to place on the agenda. Or maybe we can come back to this after the public hearing because it's after six o'clock. And I don't know how long we'll be able to retain quorum

because when we had our June 15<sup>th</sup> meeting there was an expression from the members that some of you wanted to go to the County Charter Commission meeting at seven.

Mr. Rabaino: Okay Commissioners, any questions for him regarding this issue?

Mr. Ornellas: Mr. Chair? Clayton, on the last report that we got on open project districts for TMK report, there was no Miki Basin on there. In fact there was nothing on there.

Mr. Yoshida: Yeah, we tried to clean up. I think we did a change in how we do the report, and so with that there was a glitch on for Lana`i reporting and I think we, some of our staff have been working the Management Information System people from the Managing Director's office to fix that glitch because there are pending applications, Lana`i applications, such as the one you're going to hear tonight.

Mr. Ornellas: Okay. Is one of them the Richard Shopping Center expansion? It was on there two meetings ago.

Mr. Yoshida: Yeah, I mean, the building permit again was issued so that's been resolved.

Mr. Ornellas: Okay. Mr. Chair, well, thank you Clayton. Mr. Chair, we had asked for an update on the Richard Shopping Center a couple of meetings ago, and nobody from the Company had showed up. Now we've got them all here and I would like to request that somebody gives us an update on the Richard Shopping Center expansion if that's okay with you.

Mr. Rabaino: Okay Commissioner Ornellas. Any representative from Castle & Cooke wish to comment on Richard's Shopping Center as well No Ka Oi Grindz? Mr. . . . (inaudible). . . . I mean Steve.

Mr. Steve Bumbar: Steve Bumbar with Castle & Cooke. Chair. Members. The update is we just had the Fire Department inspection today. We felt that it was necessary to bring bulk items over to the island at a reduced profit margin so we could help out the people of Lana`i. That was the original intent of the grocery store that never got built. So we went through the process. We're going through final inspections and hopefully we can have it open on September 1<sup>st</sup>.

Mr. Ornellas: Steve?

Mr. Bumbar: Yes?

Mr. Ornellas: So the buildings that are there, the old apartments, are just going to remain there?

Mr. Bumbar: Yes.

Mr. Ornellas: You're not going to expand as far as building to include them to under one roof?

Mr. Bumbar: No. We're -. It's the adjacent old four unit apartment building, and that what's

been cleared out, gutted on the inside and that's going to hold bulk storage. So point of sale will take place inside Richard's. You drive over, somebody will load up your car, and then away you go because we're looking at like Tide and paper towels and tried to clear up the shelves in the store to get more products, give everybody more opportunity of a selection. And we're also going to probably be looking in the future to get rid of those containers back there because it just looks terrible, but we ran out of storage. And we do so well at the store, and support and thanks to everybody who shops there. We try to do our best to provide what we can for you as a selection. So we might be looking at trying to get rid of some those containers. Three of them are freezer containers. Our electric bills are atrocious over there. We have three freezers either attached to the store or two inside the store. We're trying to think about a way to get rid of those and get those more efficient because those go back to single wall construction with a little piece of insulation with a metal panel on the inside that leaks when it rains so we're always constantly throwing stuff out and repairing those things. So we might look at it, but we're also handcuffed to a certain extent because it's in a historical building more than 50 years old. We have to go SHPD. And with this application that's still pending, it's out there for the registration for the historic district, it makes it very difficult for anybody to do anything with any of those buildings in town. However I'm surprised I still see stuff happening.

Mr. Rabaino: Steve, can you remain seated? Thank you. Question for you, what's happening with No Ka Oi Grindz? That's done? Okay.

Mr. Bumbar: It's outside of this body.

Mr. Rabaino: Okay. Thank you Steve.

Mr. Bumbar: Anything else?

Mr. Rabaino: Commissioners, any more questions for Steve? None? Okay. Thank you very much. We're going to move on to item three, agenda on items for August 17<sup>th</sup>, 2011 meeting. Anyone wants to add to the agenda for August 17<sup>th</sup>, Commissioners? Alberta? Commissioner Alberta? Letty? Shelly? Commissioner Ornellas?

Mr. Ornellas: Just the maps that we're going to get from the County for discussion. The maps we agreed upon from the County.

Mr. Rabaino: Yeah, according to what Michele said which should be provided for us. Commissioner Green? Commissioner Mano? Vice-Chair? Okay, so be it. We move on to E, public hearing. Action to be taken for – no wait. Excuse me. For T-Mobile, Laura Ann K. Chan or are you going to speak on behalf of her sir? Okay, this is T-Mobile right?

**E. PUBLIC HEARING (Action to be taken after public hearing.) (To begin no earlier than 6:00 p.m.)**

- 1. MS. LAURIE ANN K. CHAN, Director of Client Services of AVALON DEVELOPMENT COMPANY, LLC on behalf of T-MOBILE WEST**

**CORPORATION requesting a County Special Use Permit in order to install improvements at two wireless telecommunication sites, each approximately 300 square feet in area at TMK: 4-9-002:001 (por.), Island of Lana`i. (CUP 2010/0009) (J. Prutch)**

- a. **Site 1 is located 0.25 miles north of the Koele Lodge.**
- b. **Site 2 is located at Manele Bay adjacent to an existing water treatment facility.**

- A. Public Hearing**
- B. Action**

Mr. Joseph Prutch: I'll get it started and then I'll turn it over to Laurie to go ahead and give you a power point presentation.

Mr. Ornellas: Excuse me Mr. Chair? Doesn't our agenda say action to be taken after public hearing. Is the public hearing before?

Mr. Rabaino: No, I read it wrong Commissioner Ornellas, so I corrected myself. We're going to listen to what T-Mobile has to propose then we can –

Mr. Yoshida: I guess Mr. Chair, Joe Prutch is the staff planner handling the County Special Use Permit. He would give an overview of the Department's report as well as the applicant might make a presentation so that the members of the public may better understand what the application is about.

Mr. Rabaino: Thank you Clayton. Okay.

Mr. Prutch: Okay. Aloha Chair. Aloha Commission. It's been a long time.

Mr. Rabaino: I hope you pau with your vacation. Welcome back.

Mr. Prutch: Welcome back. Nice to see you. Yes?

Ms. de Jetley: I have a question. Do you know on item number E, the public hearing, it seems as if we seemed to be having the public hearings first before the presentations. And if the public hearings were on the agenda after each presentation it makes more sense unless this public hearing was for the Director's Report. Can you explain that? It was for the Director's Report.

Mr. Prutch: Well, I believe, my understanding, the normal procedure is I give my presentation. She goes ahead and gives her presentation with the slide show. You guys ask questions of us if there's questions of us. And then you open it up for public testimony with the public. So they will get their chance to speak for sure.

Ms. de Jetley: Right, after hearing the information they can speak?

Mr. Prutch: Yes. Yes.

Ms. de Jetley: Alright. Thank you.

Mr. Prutch: Okay. So I'll go ahead and start off with this T-Mobile Lana`i project. As I had mentioned Laurie Ann Chan is here from Avalon Development. She's representing T-Mobile. This is a County Special Use Permit for two cell tower facilities. Two separate locations on the one parcel, the 2-4-9-002:001 parcel. One of them is we call the Koele site which about a quarter mile north of Koele Lodge. The other one is the Manele site which is just north of the resort next to the waste water treatment facility. Both of those sites already have competitor's cell towers existing anyway.

The Koele site is zoned interim. The Manele site is zoned agricultural. And the agricultural zoning specifically says that any telecommunications and broadcasting antennas are permitted with the County Special Use Permit approval. So we're here today for that. Community Plan wise, Koele is public/quasi-public, Manele is agricultural. Their proposed uses are both consistent with those land use categories. I think what I want to do now is I want to hand it over to the applicant to give her power point presentation, show you where they're located, what they look like, photos, drawings, heights, elevations, all that kind of stuff, and then I'll come back and I'll be able to go ahead and give you the analysis portion of it. So if there's no question yet, I'll go ahead and hand it over to Laurie. She'll give you a power point here.

Mr. Rabaino: Okay. Go for it. Welcome Joanne.

Ms. Laurie Ann Chan: Thank you. Thank you Chair. Thank you Commission members. I'm just going to do a real basic presentation. More visual. The descriptions of both sites. The Lana`i City will about three equipment cabinets, four panel antennas, and overall height of 20 feet. Manele Bay will about the same. Instead of the panel antennas we'll use omni antennas with an overall height of 27.

Basic locations of these two sites is where the red stars are. Lana`i City/Koele Lodge site is right above Koele Lodge as Joe mentioned. This is an aerial view. The red star is where we're planning to locate the facility. As you can see the two white specs are where other facilities are located. This is just a picture of where we plan to put the equipment and the open area near the tree. Another view of that location. This is a plan of the equipment. It will be a fenced in area no larger than about 300 square feet. These would be the antennas above the Koele Lodge site. And this is the location relative to the other existing wireless facilities. I believe it's Nextel, Verizon, and AT&T. This is an existing photo of the AT&T antenna. This the existing Nextel equipment. And this is the existing Verizon equipment. Verizon at this site is using omni antennas.

The next site is at Manele Bay which is right above the waste water treatment facility indicated by the red star. And this is another aerial shot of that. T-Mobile is proposing to put their

equipment behind an existing wireless facility. And this is just an equipment yard plan. Again, no larger than 350 square feet. This is just an east elevation showing the proposed site. And again, in relation to the existing structures in the area. Existing Verizon equipment, AT&T equipment, and existing Nextel equipment. And this is the view of the existing waste water treatment facility.

Our coverage objectives basically this is the, the red stars are where the site is, and this is the predicted coverage for that site. The green is indoor coverage. The yellow is in car coverage. And the gray would be on-street. And this is the Manele before, and after. And is there any questions? I know there was one question. Someone had asked the difference between a panel versus an omni or whip antenna. The panel antenna as you can see in this photo is constructed more in a panel shaped and it's more of a directional antenna so it focuses to one area. Versus the omni or whip is more cylindrical and transmits more in a 360 degree. That's it for my part.

Mr. Rabaino: Thank you Laura. Commissioners, any discussion regarding the presentation? Any questions? None so far. Alberta?

Ms. de Jetley: I just had one comment that in your packet of information on your project you had correspondence from the Hawaii State Preservation Society. Yes. I feel really badly for you guys because it's absolutely impossible to believe how lacking I say this and how unfriendly they were towards businesses. Your project has potential to bring in more services to our island and I think that it's just terrible they made you wait almost two years to appear before.

Mr. Rabaino: Okay, Commissioners, any? Commissioner Green? Mano? Ornellas? Stan? Okay, I have a couple of questions for you. Okay, being your whip antenna, yeah, where is it going – you said it's going to be placed at Koele or Manele?

Ms. Chan: . . . (Inaudible) . . .

Mr. Rabaino: Both. Okay.

Ms. Chan: Only at Manele.

Mr. Rabaino: Only at Manele. Okay. What is the coverage area wise? I know she shown it, but will it able to cover from Koele and Manele over coverage for both sides or is it restricted in coverage?

Ms. Chan: Due to the geographical nature of the island, yeah, the Manele one will mainly cover just the Manele area, and the Koele one will mainly cover the Lana`i City area.

Mr. Rabaino: Okay. That is what I hope you would say. Will it cover the airport area because there is a lot of guests that comes in, they can't get reception.

Ms. Chan: The two sites that we're proposing, unfortunately, will not cover the airport. However

there is another site, I know that is providing coverage for the airport.

Mr. Rabaino: So you folks will piggy back on AT&T and Verizon frequencies?

Ms. Chan: No. T-Mobile will have – has their own coverage for the airport. So there's existing coverage. There's existing coverage now at the airport.

Mr. Rabaino: Okay. That includes Wi-Fi? Because we don't have Wi-Fi within the terminal.

Ms. Chan: Just for the –. It would just be the T-Mobile service for T-Mobile customers.

Mr. Rabaino: Okay. Thank you. Commissioners, any other questions for Laurie? If none, we're going to open up to public testimony. Anyone has signed up Leilani? None? Anyone in the crowd wish to? Okay, Pat Reilly come forward.

Mr. Reilly: Pat Reilly. 468 Ahekea. I had a question which kind of followed on the Chair's question about the coverage in Lana`i City. I didn't understand the colors because you had in-house, car and on-street. So in-house, if I don't have a house within that green area, I can't get it. Is that? Maybe if you could. I mean I don't know if you guys want to ask that question, but that was an issue for me. I support any attempt to get broadband or any kind of wireless communication on this island that actually works for the whole island, I support wholeheartedly. But I just didn't understand the three different colors. If you could explain that. Thank you.

Mr. Rabaino: Okay, Laura, would you answer that for him? Thank you. Laurie. Laura. Laurie. Sorry.

Ms. Chan: It's okay. So basically this is just the engineer's predicted coverage. And the green is where the strongest coverage would be, and the yellow would be the next level, and then the gray would be, you would still have coverage but it just wouldn't be as strong. You know, the signal bars on your phone wouldn't be –. Yeah, right, the strength of the coverage. And this is just predicted. I mean it could be better than what's shown here.

Mr. Rabaino: Okay. Are you planning to, in the coming months or future, to have internet connection to your guys services?

Ms. Chan: T-Mobile, depending on what, you know, their business objective is, they will maybe bring the 3G coverages for their customers, and any other newer technologies that come about for their coverage.

Mr. Rabaino: You said 3G.

Ms. Chan: 3G.

Mr. Rabaino: You guys advertising 4G.

Ms. Chan: And 4G. Any other newer technology.

Mr. Rabaino: Okay, thank you. Commissioners, any other questions? Okay. At this time we have –. Did I close the public hearing? Okay, public hearing is closed. Okay Commissioners, any other comments?

Mr. Prutch: When you're ready I'll go ahead and give a recommendation. But if you have got some discussion or question on it, that's fine.

Mr. Rabaino: Okay. Go ahead, recommendation, sir. Thank you.

Mr. Prutch: Okay. I'd just like to say that staff reviewed the project and according to Chapter 19.510 which is the application and procedures which dictates the approval process for a Special Use Permit, this project was found to be in compliant with the requirements and the eight criteria that were set out. They're spelled out in your staff report, and staff felt that all of these criteria were met. So we're saying that the – the staff is saying that the application complies with these applicable standards for its County Special Use Permit as listed in your Department's report. The Maui Planning Department is recommending approval of the County Special Use Permit subject to the 10 conditions that are in your recommendation report. Six of those being standard conditions. Four of them are project specific with condition number one allowing for a five year time period for them. And then of course they would have to come back to the Planning Commission for an extension before that five years is up. One change I need to make. I found a spelling error in there. I'm sorry. I spelled Lana`i wrong. I spelled it M, A, U, I in condition number one. And number two? Thank you. Okay, so with that change to condition number one and two, obviously, to say Lana`i.

So we're recommending that you guys accept the Planning Department's report and recommendation for this July 20<sup>th</sup>, 2011 meeting and authorize the Director of Planning to transmit said Findings of Fact, Conclusions of Law, Decision and Order on behalf of the Lana`i Planning Commission.

Mr. Rabaino: Commissioners?

Mr. Ruidas: Joe this is nice to have something written like this. I would like to see two conditions added. One is whenever and wherever possible to use labor or whatever resources from Lana`i. You got it already?

Mr. Prutch: No. I remembered when I got here.

Mr. Ruidas: And the second one would be if you were to, you know, finish the project to return the area back to its natural state. Okay, that's it for me.

Mr. Prutch: Let me just, if I can, just make sure I get these right. So you're saying the use of local residents for construction. I don't know if there's much on-going maintenance afterwards but I'll ask the applicant if she's acceptable of these conditions. And then the second one of



course is return site to original conditional upon termination.

Mr. Rabaino: One question yeah. How often is it maintained, the area?

Ms. Chan: For regular maintenance of this site it's very minimal unless there is some type of equipment that goes down or, you know, something needs to get changed. I would say maybe once a quarter someone will come out and make sure everything is okay. And they can see it back on Oahu in the office if everything is working right here.

Mr. Rabaino: On the maintenance part, is there any future openings so that you have someone on island if something goes down? I'm just throwing it out there.

Ms. Chan: I can always discuss that with T-Mobile, but that is a T-Mobile decision. I know they have tech on, I believe, it's Maui that sort of services Maui County.

Mr. Rabaino: Okay. Thank you. Commissioners, any other questions? Okay, calling for the motion to accept the T-Mobile as recommended by the County of Maui. Commissioner Green? Commissioner Mano?

Mr. Green: Okay, I move that the – I move that the Lana`i Planning Commission approve the County Special Use Permit subject to the 10 recommendations that are listed on the printed sheet here, plus two additional recommendations. One is whenever possible to use local Lana`i labor in the construction of the facility. And the second is if and when the site is abandoned, to restore to its original condition.

Mr. Ornellas: I second.

Mr. Rabaino: Okay. So the motion has been made. John has seconded the motion. Calling for the vote. All those in favor say aye.

Planning Commission: "Aye."

Mr. Rabaino: Any opposed? So let it be moved for the record. The ayes have it and the nays none. Thank you very much for your presentation.

Mr. Prutch: Thank you.

**It was moved by Commissioner David Green, seconded by Commissioner John Ornellas, then unanimously**

**VOTED: approve the County Special Use Permit subject to the 10 recommendations that are listed on the printed sheet plus two additional recommendations.**

**F. NEXT REGULAR MEETING DATE: August 17, 2011**

**G. ADJOURNMENT**

Mr. Rabaino: Okay, next regular meeting is August 17, 2011. Okay, do I hear a motion to adjourn the meeting? And we'd like to thank the general public. This is the biggest yet we've had, so thank everybody for showing up. At least they know what's happening in their community. And do I hear a motion for adjournment.

Ms. Castillo: I move.

Mr. Ornellas: Second.

Mr. Rabaino: So it has been moved and second. 6:30 p.m. Lana`i Planning Commission on Wednesday. Thank you.

There being no further discussion brought forward to the Commission, the meeting was adjourned at approximately 6:30 p.m.

Respectively transmitted by,

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

**RECORD OF ATTENDANCE**

**PRESENT:**

Gerald Rabaino, Chair  
Stanley Ruidas, Vice-Chair  
Shelly Barfield  
Leticia Castillo  
David Green  
Alberta de Jetley  
Matthew Mano  
John Ornellas

**OTHERS:**

Michele Chouteau McLean, Deputy Planning Director  
Clayton Yoshida, Planning Program Administrator  
Joseph Prutch, Staff Planner, Current Planning Division  
James Giroux, Deputy Corporation Counsel, Department of Corporation Counsel