

**LANAI PLANNING COMMISSION
REGULAR MEETING
MARCH 21, 2012**

APPROVED 06-20-2012

A. CALL TO ORDER

The regular meeting of the Lana'i Planning Commission (Commission) was called to order by Chair Gerald Rabaino at approximately 6:00 p.m., Wednesday, March 21, 2012, in the Lana'i Senior Center, Lana'i City, Hawaii.

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

Mr. Gerald Rabaino: Meeting come to order. The Lanai Planning Commission meeting for six o'clock. The time is six o'clock evenly. My understanding is Matthew Mano is not present. Any other commissioner not present? Okay, do we have a quorum Corporate Counsel? Okay, let's begin with the agenda. March 21st, Wednesday, Lanai Senior Center. Meeting called to order. Item B, on the agenda, resolutions thanking the outgoing members, Alberta de Jetley, Matthew Mano who is currently absent, and Stanley Ruidas. Corporate Counsel, anything you want to add? Deputy?

B. RESOLUTIONS THANKING OUTGOING MEMBERS - ALBERTA DeJETLEY, MATTHEW MANO, and STANLEY RUIDAS

Ms. Michele Chouteau McLean: Thank you Chair. I'll just read a few excerpts from the Resolutions. It's noting that these three commissioners are commended by the Lanai Planning Commission for their dedication and untiring public service to the people of Lanai, and that the Planning Commission expresses its sincere appreciation for their services and extends best wishes in future endeavors. And there's also a letter to each of the outgoing Commissioners from the Mayor thank them for their service.

Mr. Rabaino: Commissioner Alberta, aloha, I'm going to miss you. And Stanley Ruidas, Mr. Vice-Chair. Okay, so this is my understanding this is their last night, right? Aloha 'oe. Okay, next item, number C.

C. APPROVAL OF THE FEBRUARY 15, 2012 MEETING MINUTES

Mr. John Ornellas: Is this the appropriate time to ask on replacements, and the status of that?

Ms. McLean: Thank you Chair. Because three members are leaving, there will be three vacancies. Two names were forwarded to the Maui County Council from the Mayor's Office and both nominees were disapproved by the Council's Planning Committee. The Full Council still needs to vote on that recommendation and if they do, then that would leave the ball in the court of the County Council. And so until those positions are filled, there will be three vacancies, so it is left with the County Council.

Mr. Rabaino: Commissioners, any other questions before we proceed? None?

Mr. Stanley Ruidas: Can we add another agenda item as New Business, on this?

Mr. Rabaino: Commissioner Ruidas what would you like to add on the agenda?

Mr. Ruidas: Can we?

Mr. James Giroux: I don't know what the subject matter is at this point, but –

Mr. Ruidas: It's in regards to this letter that we had dated February 29th, posted marked February 29th. It was for the Accessory Use Permit for the Recycling Center. I found some discrepancies in there, so I just wanted to bring that up.

Mr. Giroux: Well, let me just give you the overview is that to amend the agenda, to put anything on it, you're going to need two-thirds vote of the members present. So we've got to vote on putting it on. Now in voting to put it on we have to analyze whether or not this – if you took action on something like this, whether it would impact members of the public. If it's just, you know, maybe a discussion to put it on the next agenda for action, that would be appropriate. But if it's something that you want to actually vote to take action that would affect either an applicant's rights or the public's right, then we would have analyze that. At this point I'm not quite sure –

Mr. Ruidas: Well, this is an extension that the Director waived, I guess, or he approved that we didn't know about until after the fact.

Mr. Giroux: I guess at this point let's see if we can get two-thirds vote to just get it on the agenda for discussion. And discussing with the Department, it looks like, you know, it would be okay to just discuss it. It doesn't look like there's any type of action that would be taken at this meeting. So I guess if the Chair is open for the motion, the motion would be to put this communication on the agenda for discussion.

Mr. Ruidas: Well, I make a motion to put – what's the title of this? – communication dated February 15th 2012, subject: County Special Accessory Use Time-Extension Approval for Lanai Recycling Center.

Mr. Rabaino: Do I hear a second to the motion?

Mr. Ornellas: (hand raised)

Mr. Rabaino: Corporate Counsel? Go ahead. We'll take two minutes. We're going to have a recess for two minutes. Commissioners? Okay, back to the drawing board. Okay before –. Okay, John –. Okay, Stanley made the motion, John second the motion. All

those in favor of the motion please raise your hand. Any opposed? Go ahead David, the mic is right in front of you.

Ms. Alberta de Jetley: Mr. Chair, I have to recuse myself because I might have a conflict of interest since I serve on the board that might be a party in this.

Mr. Rabaino: Okay, you can abstain, though, the other alternate for you. One more time.

Mr. David Green: Could you repeat the motion please?

Mr. Ruidas: Okay, we're going to add – because I don't see any New Business agenda item here – to discuss communication of the County Special Accessory Time-Extension approval for the Lanai Recycling Center. Did you receive that on the, post marked on the 29th? Everybody got that? That's what it was.

Mr. Rabaino: Any comments Commissioners? Shall we move forward on the voting? On the motion? All those in favor raise your hand. How many we got? We're going to have one abstain for the record. Okay, for the record, we have two-thirds of the vote so this will be an item to be discussed on Item, under Director's Report, Item #4.

It was moved by Commissioner Stanley Ruidas, seconded by Commissioner John Ornellas, then

VOTED: to add for discussion, under Director's Report, a communication dated February 15th 2012, regarding the County Special Accessory Use Time-Extension Approval for Lanai Recycling Center.
(Assenting: J. Aoki, S. Barfield, L. Castillo, D. Green, J. Ornellas and S. Ruidas
Recuse: A. de Jetley)

Mr. Rabaino: Okay before we move on, being that the Resolution was read for the three Commissioners, we would like to have the Commissioners approve the Resolutions. All those in favor say aye. Any opposed? The ayes have it, none for the nays.

The Lanai Planning Commission approved the Resolutions for outgoing members.

Mr. Rabaino: Okay, moving on to Item C, approval of the February 15th 2012 minutes of the meeting. Any corrections, Commissioners, or added comments? Mr. Ornellas, any questions? Additions? None? Joelle? Shelly? Ruidas? Mr. Green? Letty? Alberta? Okay.

Mr. Ornellas: . . . (inaudible) . . .

Mr. Rabaino: Any second?

Ms. Leticia Castillo: Second.

Mr. Rabaino: Okay, John moves, and Letty seconds the motion. So be it. All those in favor say aye?

Planning Commissioners: "Aye."

Mr. Rabaino: Any opposed? The ayes have it.

It was moved by Commissioner John Ornellas, seconded by Commissioner Leticia Castillo, then unanimously

VOTED: to approve the February 15, 2012 meeting minutes as presented.

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

- 1. MR. WILLIAM SPENCE, Planning Director, transmitting Council Resolution No. 11-137 referring to the Lanai Planning Commission the Lanai City Country Town Design Guidelines and Standards 2011. (E. Wade) (Copies of the resolution were distributed to the Lanai Planning Commission in January and early March. Members: Please bring your copy with you.)**

- a. Public Hearing**
- b. Action**

Mr. Rabaino: Okay, we're going to Item D of the agenda, Public Hearing, action to be taken after public hearing. Okay, number one, Mr. William Spence, Planning Director, transmitting Council Resolution 11-137 referring to the Lanai Planning Commission the Lanai City Country Town Guidelines and Standards for 2011. E. Wade. Copies of the resolution were distributed to the Planning Commission in January and early March. So the members, do you have your current copies with you? Okay, Item A, public testimony. Okay, did anybody signed up? Do we have a list? Lei?

Mr. Clayton Yoshida: Chair, perhaps it's better to have the planner do the power point so we kind of have a common information base. And then the Commission can ask questions,

and then you can accept public testimony.

Mr. Rabaino: John use the mic. John, thank you.

Mr. Ornellas: Mr. Chair, I agree, and if we could proceed with that right now please.

Mr. Rabaino: Okay, so be it for the record. You may present your presentation.

Ms. Erin Wade: Thank you. My name is Erin Wade. Tonight we're going to be reviewing the Lanai Country Town Business District Design Guidelines and Standards 2011. I was here last Monday with the Department and Councilman Hokama's Office to have a meeting with the community. The exact same presentation was given at that meeting, so, just so you know the information today and at that meeting is the same. Also, we are still working off the same initial document that was circulated to you folks. The only change between last Monday and today is you folks got a significant amount of public comments sent to you via email in the last three or four days, and you have hard copies of that correspondence in front of you tonight.

So starting off, the Country Town Business District in Lanai City is shown in the grayed areas. Can everyone see it or should I turn off the lights? So there was a little bit of a confusion. I did get a question about what is the white dotted line around Dole Park? And that was the original proposed historic district. The thing that was under discussion a couple of years ago, that was the recommended historic district. But the grayed areas on this map are the ones that are zoned Business Country Town – Country Town Business District, or BCT. So you know too part of the point of doing an interim update to the design guidelines is to eliminate confusion about what the design guidelines actually apply to. So right now the current design guidelines have discussion about civic buildings and residential buildings and things like that, and all those can act as guides, they aren't actually part of the law. Whereas the properties that are zoned business country town have a, there's a section in 19.15, which is the Business Country Town, BCT ordinance. That section says there shall be design guidelines for all of the places in the County of Maui zoned BCT, and each community shall have its own design guidelines.

Mr. Ornellas: Excuse me, Erin? Mr. Chair, are we going to be allowed to ask questions during her presentation or after?

Mr. Rabaino: I think so John, so let her finish her stuff and then we can move forward. We'll be taking questions and answers after your presentation, right, besides the public hearing?

Ms. Wade: Yes. Absolutely.

Mr. Rabaino: Okay. Thank you.

Ms. Wade: So just for that clarification, this is what is zoned commercial in Country Town Business, or BCT. This was the former, this property actually which is where are today, the Lanai Senior Center, the old building was not in the BCT district, just as a point of clarification. But we did use as guidance the Business Country Town Design Guidelines for the design of the new building.

So just to clarify then the key changes between the 1997 version of the design guidelines and the proposed version now is there's more direction provided for new structures. There's elimination of the references to residential structures. There's discussion of onsite parking flexibility and there's street design guideline standards that are provided. I should clarify too, the more direction provided for new structures also include discussion on demolition of existing structures.

The Table of Contents flows like this in the 1997 version and then again in the 2011 version, introduction, design characteristics, architectural character and styles, architectural features, inventory of characteristic buildings. So that's basically, there's photos in that section of the buildings around Dole Park and a little narrative. And then design guidelines.

So what I'm going to do fairly quickly is walk you through a very technical what has changed and what's new, and then if you have any questions, you're welcome to ask. So on page 1 in the Introduction and the Purpose and Intent sections, the section on the Lanai Community Plan was updated because there is a new community plan since the last version, so that was inserted into the section. There's also, under the Purpose and Intent, there's a first initial paragraph and then there's a bullet list of priorities. That section is also new. Page 1 –. Oh, then I should reference here, it goes down, so there's a paragraph, a bullet list of three bullets, another paragraph, and that paragraph ends by saying that the goals and objectives of the community plan are, and that actually is on page 3. So that part needs to get moved back to where it suppose to be. Then it moves into the description of the study area, and their references is to residential properties was removed in that section.

And moving on to page 3, as I've said, this is all new, but it's because the language from the new community plan. Well it's not new anymore, but the most recent community plan. The section on page 4 that talks about physical characteristics of the area, this also isn't new. It was pulled forward from one of the appendix in – appendices – in the original 1997 document. And then the summary recommendations on page 5 are pretty much – there were a few words either inserted or removed. And then the last sentence, above all life, health and safety are the utmost importance. Those are the changes in the first section. Did you want me to take questions by sections, or should I just do the whole thing Chair?

Mr. Rabaino: Commissioners, what do you prefer? John, sections or the entire thing? This side. Green? Commissioner Green? Commissioner Letty, sections or entire? Commissioner de Jetley? Okay, so we have the sections.

Ms. Wade: So if you'd like to ask any questions on this, the introduction section.

Mr. Rabaino: Okay, any of you want to question the introductory?

Mr. Ornellas: Thank you Erin for your presentation tonight. What is Maui County's definition for Standards and Guidelines?

Ms. Wade: So standards are generally used for specific road widths or gutter dimensions. They're what the Public Works Department uses to define public improvements, essentially. So the Standards become, in fact, as part of the Design Guidelines whether it becomes is it allows the Public Works Department to vary from their street ordinance in Lanai City only. But that's what the standard . . . (inaudible) . . .

Mr. Ornellas: And the guidelines is not as forceful?

Ms. Wade: Well, because this is connected to Chapter 19.15 which is the Country Town Business District, and it says in the ordinance there that all of the towns shall have guidelines and they shall have force and effect of the ordinance. The guidelines that we, we use as part of the ordinance for that section, for only business zoned properties. So, that's why I mentioned before, we can't apply it to residential and public/quasi-public zoned properties, but we do apply it to the BCT properties.

Mr. Ornellas: Let me see, this is, this is your check list transmittal, Department of Planning. Are these all the agencies that you –? How many agencies did you –?

Ms. Wade: So the agencies you see on my transmittal form are the ones that got routed to, the ones with the check marks.

Mr. Ornellas: Okay, so the ones with the check marks are the ones that responded.

Ms. Wade: No. Those are all the ones that received the document.

Mr. Ornellas: Oh, so these were the only ones that received this document.

Ms. Wade: Correct.

Mr. Ornellas: And they all responded.

Ms. Wade: I'll have to double check if they all responded. Actually, yes, they did all respond.

Mr. Ornellas: I don't see any, like the Maui County Design Review Board, are they part of this? Should have been part of this check list?

Ms. Wade: So the Urban Design Review Board (UDRB) did review the document. Because they're not actually an agency, they're considered a Board and Commission, and they reviewed the document at their February and their March meetings and provided comments, and you have those also in your packets tonight. Those are comments from the Urban Design Review Board.

Mr. Ornellas: Is it this one?

Ms. Wade: No. It was a word document with –. It's actually not in my packet. Yeah, that got e-mailed on Friday.

Mr. Rabaino: Erin, which documentation are you referring to? February 3rd?

Ms. Wade: It was –. No. It's a memo from the Planning Department, and it just says at the top of it Urban Design Review Board Notes from, and it gives the date, the February meeting and the March meeting, and it has bullets that listed as comments on it. And it was e-mailed to you folks last Friday, but I actually don't see it, in the hard copy.

Mr. Rabaino: Is that the one you sent by email that we had to download?

Ms. Wade: Yes.

Mr. Rabaino: But on the bottom of the email it stated that copies will be distributed.

Ms. Wade: Yes it did, so I apologize. We didn't get the hard copies for you tonight.

Mr. Rabaino: So for our next or whichever is sooner that you can mail us that, or for those who has computer, they can down load theirs one.

Mr. Ornellas: I prefer mail. My computer is not responding to my touch.

Mr. Rabaino: Okay. Commissioner Letty, you have anything to add to John, as well as Commissioner Green? I'm going down the line so everybody has an equal part to voice their items for this subject.

Mr. Green: I have question if John is, if Commissioner Ornellas is done.

Mr. Ornellas: No. I'm not done yet. Thank you Gerry. Thank you Mr. Green. What about the Cultural Resources Board or Commission? Should they be a part of this too, this review?

Ms. Wade: So we're scheduled to take this to the Cultural Resources Commission the first week of April. It's their next board meeting.

Mr. Ornellas: Okay, isn't that something we should have for us so we can see what the different, the different boards and commissions that actually have maybe a connection to us? Isn't that something we should have in our hot little hands to make some of these decisions?

Ms. Wade: I think what, they way it worked out with the Cultural Resources Commission's schedule was that the April meeting was going to be the time that was available. I can have Clayton – Clayton does the agenda – I can have him respond to that.

Mr. Ornellas: So is there a clock ticking now on this particular BCT? When does that clock go off?

Ms. Wade: So by the end of April we need to have the comments back up to the Council for recommendation to move forward on the resolution.

Mr. Rabaino: John, can I intercede? The Deputy will explain some of your questions. Thank you.

Mr. Ornellas: If he can answer them now, that's great. But we're going by Chapter, right?

Ms. McLean: Yeah, responding to your question about the Cultural Resources Commission and Urban Design Review Board. The resolution itself states that after the Lanai Planning Commission completes its review, the Commission shall transmit its comments and recommendations, including comments and recommendations of the Urban Design Review Board to the Council. So there wasn't – there didn't have to be a sequence in that. And in the Resolution, the Cultural Resources Commission wasn't even noted as one of the agencies the Council wanted us to take it to. We're doing that because we do still have time to take it to them before we have to send it back to Council. We have 120 days to turn this around and get it back to Council. That's what the time line is from the Resolution which was adopted in December.

Mr. Ornellas: Okay. So, but since we're making that decision, shouldn't we have all the information presented before us? Shouldn't we have the minutes and the recommendation from the Urban Review Board? I'm sorry, the – yeah, the Urban Review Board and also from the Cultural because once we're done with it, don't we just send it to the Council? I mean, it goes back to you, but then eventually it gets to the Council?

Ms. McLean: Right, it does go back to the Council. The Urban Design Review Board comments were e-mailed to you guys. They weren't wrapped up in time for them to get put in the packets, so they were e-mailed instead.

Mr. Ornellas: Okay, like I said, my computer and I are divorcing so I didn't get that.

Ms. McLean: Right.

Mr. Ornellas: And the way I'm feeling right after listening to this is, you know, the Urban Review minutes and decision, recommendation, as well as the Cultural Resources Commission, their recommendations should come to us and then we forward it. We forward it on to you and then back to the Council, and that's the way I feel it should be.

Ms. McLean: Okay, we're trying to follow what the Resolution directed us to do, and it did not include the Cultural Resources Commission.

Mr. Ornellas: Okay. I understand what you're saying. You're governed by some sort of rules and stuff that we don't particular care for, so how do we change? I mean, can we make a recommendation that we defer this until we get that information? Or table it? Or you tell me how I can push this back because I don't like this being forced down our throat and not enough time to get all this information so we can make a well informed decision? So, I mean, if we can push this back to the CPAC that's even better. That way the whole community can get involved and make that decision and then we, then, will see the finished, as well as yourself, and then the Council will have something to go on what this community is really looking for.

Ms. McLean: If you defer taking action on this, there are a couple of things that would be a concern. One is we don't make the 120 days and that would enable, theoretically the Council could proceed without your input. Waiting for a future meeting when this Commission is going to be losing three members, and we don't know when those seats are going to be filled, it might be difficult to get a quorum in order to meet again so that you can take action. Like at the next meeting, if we were to schedule this at the next meeting, we don't know if we would get all six or even five of the members who are left, so that would be a concern as well. And my understanding is that this is intended to be sort of interim update so that after the community plan is adopted then the guidelines can have a much more thorough and complete revision.

Mr. Ornellas: Repeat that last part again.

Ms. McLean: And if Erin wants to elaborate, please, that this is more of an interim update because there have been some snags with businesses lately of having to comply with existing standards that has put them through a really burdensome process. So this was somewhat of a quick fix that we wanted to get in place. Then after the community plan is updated, then a more comprehensive review of the design guidelines can be done and not with this 120 day deadline.

Mr. Ornellas: Okay. I don't --. You know, a quick fix, I use that term. I mean, Maui has been burden with quick fixes ever since the 60s and look at what its gotten us. Let's do this process and let's do it right. This community deserves to be part of this process and yes,

we are, we do represent the community, but as you can see there's only a few people that are here. So why not get the CA – move this to the CAC. Now I understand you're under a deadline, 120, and that comes up in April, right? Is that what you're saying? So, you know, we're pretty good at lobbying the County Council. So let's just defer this or table it and then we'll go after the County Council to make sure that this part of the community plan process.

Mr. Green: Don't we have the cart before the horse here? Aren't we suppose to vote to take action after we hear the comments, the public testimony, the presentation, et cetera? I mean I think John is suggesting that we make a motion right now and just table the whole thing without public testimony. It doesn't seem to be an appropriate process.

Mr. Ornellas: Alright, I can hold off until the end, and hopefully I don't get that . . . (inaudible) . . .

Ms. McLean: Your points are very well taken. This was something that, again, was initiated by the Council and sent down to us. We didn't move these forward at this time so we're processing what we were directed to do by the Council, and your feedback to them through our department can be, no, you want to wait until you have this other feedback, or you want to wait until the community plan is updated. That's fine. Those can be your comments that we send back to them.

Mr. Green: I have a question. Why was this particular plot of land that we're sitting in right now not part of the Business Country Town District?

Ms. Wade: Because the building is public/quasi-public for the purpose of the Senior Center. Both Kaunoa Senior Centers on Maui are also zoned public/quasi-public. Just like the gymnasium is across the street.

Mr. Green: But as such they are not –. My understanding is Maui County is not required to follow the Business Country Town Guidelines. And it seems to me that they're sitting in a very prominent location. This building is sitting a very prominent location. We had a lot of issues when this came before the Planning Commission about the design with the bell tower, et cetera, et cetera, that were totally inappropriate. Maybe I'm getting the cart before the horse here, but I want to come back to is there something that we can do to ensure that the County is not exempted from the Business Country Town Guidelines, and what would we need to do to change that to ensure that the County has to eat their own cooking?

Mr. Rabaino: Commissioners any added comments? Joelle? Shelly? Ruidas? Letty? Alberta?

Ms. de Jetley: I appreciate Commissioner Green's comments because if we're going to not let the County be exempted from the Country Town zoning regulations, we should not let

the State or Federal government. Because if you look at the Post Office, the Post Office, you know, is not really handicap accessible, it's stuck out there and it doesn't meet the road width requirements. But the lot next door, we were all yelling and screaming about sidewalks. So we have to make sure that if we are going to do Country Town zoning laws that they have to apply equally. But with that said I was really opposed to demolishing the Old Lanai Senior Center. I loved that building. But sitting here in this new building, this new building is a wonderful example of what new construction can be like. So it's very heavily used and although we might not want to tear down our older buildings in the town, just look at this building as a prime example of excellent quality.

Mr. Rabaino: Commissioner Ruidas you have the floor.

Mr. Ruidas: Okay, I was looking on page 1, Introduction, where right above the word study area it says "the guidelines conform to policies and purposes identified in the Lanai Community Plan adopted in 1998 by the County of Maui." Okay, I was wondering, wouldn't you do it after? Do this BCT after the community plan or is it guaranteed it's going to be interim? Because if it is, is it written in there?

Ms. Wade: So at this point, the Resolution is a resolution to change the design guidelines. And the way that I think the Planning Department is looking at this knowing that the community plan is on the horizon, that there is a bigger community conversation that should take place about a lot of the issues in the design guidelines. And what the opportunity tonight is, for you, as we go by line by line, is to basically identify which of these sections you feel there's consensus on today. And you'll hear from the community too. My feeling from what I've read in all the testimonies that's come in is there seems to be some consensus on parking and there seems to be some consensus on letting Lanai roads stay as they are today. The rest, maybe, there was not consensus at the moment. And maybe that needs to be part of a bigger conversation with the community plan. However, that's for you folks to kind of determine tonight. So the purpose of me doing this line by line is for you to say, yes, we like the change on page 1, no, don't like the change on page 4, and that sort of a thing. So as we're going through, you have the opportunity to say, we accept that this is worthwhile to change for an interim measure. However, there might be some things that are not for you, and that's okay. That's the point of doing this as a public hearing process.

Mr. Ruidas: Okay, another one was I was reading the comment by the Wailuku Tri-Isle, and did you author this or someone else authored this?

Ms. Wade: From the Tri-Isle Resource Center?

Mr. Ruidas: Yeah, their comment was who authored this document.

Ms. Wade: Yeah, we, our understanding is Councilman Hokama's Office created the

document and distribute it for review. So that's what he testified at the Urban Design Review Board meeting.

Mr. Ruidas: Okay. Because it's not written and I was wondering about that. That's it.

Mr. Rabaino: Commissioners, any other questions? None. I have for you. Under page 1 under the Introduction, paragraph five, the guidelines conform to the policies and purpose identify the Lanai Community Plan, LCP, adopted in 1989 by the Maui, County of Maui. Okay, with that first sentence and then the sentence that follows thereafter, updated process was driven by the Lanai Citizen's Advisory Committee. With the Lanai Community Plan and the Lanai Advisory Committee, was there also another committee that was established on Lanai, years back, under the GPAC?

Ms. Wade: Yes.

Mr. Rabaino: Do you have minutes of that GPAC, what they are requesting, and the members that were on the GPAC?

Ms. Wade: So the GPAC provided comments on the Countywide Policy Plan. So the recommendations from the Lanai GPAC members were for the Countywide document and didn't apply specifically to Lanai City. But we, I have, certainly we have all the documentations from that.

Mr. Rabaino: Okay, but for that GPAC which was established in this community, they gave their concerns as recorded by, whoever department was. Okay, for this sentence, yeah, since you going page by page, I would recommend that you insert the GPAC group into this with Lanai Advisory Committee. And I also requesting for the Lanai Planning Commissioner as well as the Lanai Community Plan that the GPAC as well as the Lanai City Advisory Committee list those two organization members that was established and be inserted into this before we move forward. And any information that we need from these two committees, I feel very strongly that the current and future Commissioners that's going to be sitting at the Lanai Planning Commission committee will have accessible materials to read on. Is that request reasonable, Erin?

Ms. Wade: So you just wanted – what you're asking is to reference in that paragraph the existence of the GPAC committee from Lanai, and at the beginning, to acknowledge those GPAC members is what you're saying.

Mr. Rabaino: Right. And also the list of names of the Lanai Citizen Advisory Committee because these committees were formed before all of this came about, correct, according to what you have accessible knowledge with? Okay, Commissioners, do you folks agree with that request? Is there any opposition? Okay, Alberta? I going right down and you guys give me your guys opinion since I made that request. Letty?

Mr. Reilly: . . . (inaudible) . . .

Mr. Rabaino: No we're not, I'm just requesting that she add that thing into the paragraph.

Mr. Reilly: . . . (inaudible) . . .

Mr. Rabaino: Okay. Well anyway, just put it there and table that on the side and let's move forward with the meeting before we go to, with other questions because we still get the public hearing to go through. Okay. Corp Counsel your opinion please.

Mr. Giroux: Well, first of all the point of order should be coming from the Board. Second of all, I think the public's comments, as heard, is, you know, accurate as far as, you know, do you want to be changing things before you hear the public comment? It's a reasonable request.

Mr. Rabaino: Okay, so let's move on. Thank you.

Ms. Wade: Okay, the second section of the design guidelines is Design Characteristics. In the first intro paragraph for this section on page 8 the most notable thing was there was a sentence removed that stated business signs are not prominent and there is a noticeable lack of false front commercial buildings. Under street design, page 8, the reference to wheel stop materials changed. Originally it had said logs and stones. That was changed to concrete block which I personally observed is concrete block now, so just so you know that it was changed. On page 9 on the map there is an error. I just wanted to identify the boundary line for the Country Town Business District shows a little puka in the boundary above where Coffee Works is. Coffee Works is suppose to be the puka. That's not zoned Business Country Town. But it's shown as being a block. So that's inaccurate. On page 19 is actually an accurate map. So it's right on one page, it's wrong on the other page. The wrong page is page 9. Page 19 is correct.

Mr. Green: May I ask why Coffee Works is not –? That area is not zoned Business Country Town?

Ms. Wade: I think Kay Okamoto had the whole story. We got the story at the Urban Design Review Board. Do you remember Clayton? I don't know the story personally why.

Ms. Shelly Barfield: I think back in the day because it was a residential use, or they were using it as a house. So, I think, during that time it changed over.

Ms. Wade: And then Design Characteristics, the majority of this section is the same as the 1997 version. So page 10, 12, on Streets, Parking, Utilities, Drainage, Landscape, Views and Landmarks, those are the same text as the 1997 version.

Mr. Ornellas: Mr. Chair?

Mr. Rabaino: Go ahead.

Mr. Ornellas: Design characteristics, you said all of this is from 1997?

Ms. Wade: Right. Right.

Mr. Ornellas: Okay, Maui County has approved the drainage plan for this island, for this city, so why isn't that referenced in this?

Ms. Wade: In the current version or in the previous version?

Mr. Ornellas: Whatever version. What are we looking? We're looking at something that's going to be done 2012, right?

Ms. Wade: Right.

Mr. Ornellas: Or not. I'm just – I know we did a drainage plan. The company that did the drainage plan did a fantastic job for this island, and they've – and we, the community, all backed it, so, you know, I'd like to see that in the this plan.

Ms. Wade: So page 12 where it talks about drainage would be appropriate to include something on the drainage plan and the community process involved. Okay, let me make a note of that real quick.

Ms. Barfield: Erin, the drainage plan that John is referring to is the one done by TM Towill.

Ms. Wade: Okay. So the next section –. The next section is Architectural Character and Styles. The introductory paragraph is the same. This is page 13. Street scapes is the same. Roofs, the only change was the use of standing seam metal was identified as a common material. In facades, on page 15, there's a portion of a sentence that got left out that I think was not intentional because the sentence doesn't make sense without it. But it said, "with a central entry and shops" was the segment that was taken out, so that probably would need to be re-inserted. And then the section on covered entry is the same.

Mr. Ornellas: Mr. Chair, can I ask Erin a question please?

Mr. Rabaino: Go ahead.

Mr. Ornellas: Erin, why was –. I mean, Hotel Lanai has everything on your list. Why wasn't Hotel Lanai part of the, included in this?

Ms. Wade: When I looked because I did actually go property by property to look at what everything was zoned. That is zoned Hotel.

Mr. Ornellas: Understood. And I go back to Mr. Green's comments about letting, you know, even though it's zoned as a Hotel, it should go on because it's almost like a character as you enter our business community that everybody sees Hotel Lanai.

Ms. Wade: Right. And honestly I want to acknowledge that that's a really legitimate thing to be discussed during the CPAC process because right now we don't have a mechanism for that. But, right now, this is just tied to your business district, and that's how it is done in all the other small towns. But it's a really – I mean, it's an important thing for the community to discuss how to do that.

Mr. Green: Can you clarify how it's done? What do you mean?

Ms. Wade: By it, I mean, applying design guidelines to zoning districts other than just Business Country Town.

Mr. Green: And that's done in the GPAC, other than changing the zoning or the GPAC recommendations or the Community Plan –

Ms. Wade: At the moment –. Sorry.

Mr. Green: – then changes –. Does that automatically change zoning? It wouldn't, would it?

Ms. Wade: So at the moment you have a section and it's referenced in this document on urban design in the community plan. And that would be an opportunity to have a discussion about what is important to include urban design requirements in and what should those types of requirements be. And if you wanted expound upon that about what kind of tools you wanted to use to do that, if there was an overlay district or something like that. At this time we don't have that tool in place. We're tweaking the tool we have in place. But in to the future as we talk as a bigger community about how to do it, all of those things should be on the table for you.

The next section is page 16 on doors, windows, siding and materials, ornamentation, color and signs. This is all the same as the 1997 version.

Ms. Barfield: I had a question on the signs. Why is it say that it's prohibited? I mean, we have the signage. They're in the ground. Where's that? Page 18.

Ms. Wade: Well, I think that's later, as we get into the ground sign one.

Ms. Barfield: I think it's under streets or I can't remember.

Ms. Wade: Yeah, it's in the actual design guidelines section where it says no ground signs shall be permitted. And in jumping forward, we learned from the Urban Design Review Board that the ground signs are actually a relatively new thing. They've only come about like in the last five years. And we permit them by County Code and the current design guidelines are silent on it, so we have allowed ground signs to be located in Lanai City. But I guess the understanding, or that there had been some folks who didn't like it. There historically weren't ground signs, and now there are, so I think it's a good point to discuss whether or not it's appropriate. So we'll get to that.

Okay, the next section is the Inventory of Characteristic Buildings. This was actually a section that got updated in some areas, and not in others because of the re-characterization of the document. Basically it's very focused now on properties within the CTB, or Business Country Town. So you'll see Bank of Hawaii has a new narrative and a photo. Richard's has the same narrative, but a new photo. Hotel Lanai got removed. The reason I said, it's hotel zoned. This and That is a new narrative and a new photo. Café 565 has the same text as when it use to be. In the previous document, it's Akamai Trading. Pine Isle Market has a new narrative and a new photo. The International Food and Clothing Center has the same narrative, new photo. Actually all of them have new photos, actually, so I'm not going to repeat the new photo thing. Pele's Garden, new narrative. Sweetest Days, new narrative. Police Station and jail, same. Sacred Hearts, the same. Lanai gymnasium. And actually, I have a question of why these were included because they're not in the Country Town Business District so you can comment on that also if you would like. The Community College, same narrative. Lanai Arts Center, new narrative. Laundrette is the same. Local Gentry is this. It used to be Heart of Lanai Gallery, so it's the same as that previously. Blue Ginger is the same. Lanai Luxury Communities is a new narrative.

Mr. Rabaino: Erin?

Ms. Wade: Yeah?

Mr. Rabaino: Page 23. The Catholic Church, you said why it was – why was it included? Well, you know, look at the other church down the line, they did some remodeling. And you look at the two other church that came into play. So the Catholic Church should remain the same architecturally.

Ms. Wade: I don't disagree. I just think it might be a methodology question. You know, why include only some Business Country Town and some public/quasi-public?

Mr. Ornellas: Mr. Chair? Erin, Lanai Luxury Communities? What the heck is that?

Ms. Wade: Let's see. Let's turn to that page. That's what it –

Mr. Green: It's a building next to Carroll Gallery.

Ms. Wade: That's how it shows up on the business name on our property tax record is Lanai Luxury.

Mr. Ornellas: But you –. Okay, alright, this is an old – this must be an old slide because the Lanai Museum is not in –

Ms. Wade: Right.

Mr. Ornellas: – in the real estate office.

Ms. Wade: So what's shown in brackets is how that structure was previously discussed. So the Lanai Museum used to be there, is that right, in this building? Yes. Okay. So previously it used to be there. So in the 1997 design guidelines if you look in that space, it talks about that building as the Lanai Museum. I'm just trying to make the connections between the 97 version and this version so you know where everything got adjusted.

Mr. Ornellas: Is there a process that we can follow that maybe can change some of this wording because let's keep it update. I'm not worried what happened 10 years ago. I am interested in what happened 50 years ago, or 100 years ago, when these buildings were built and it wasn't definitely not the Lanai Community, Luxury Community, so, and it wasn't a museum. So –

Ms. Wade: So are you saying that it is inaccurate to say it was formerly the Lanai Museum and Dole Plantation Office?

Mr. Ornellas: No. I'm not saying that it wasn't. It's just that –. We have another museum and it's in another place. So how can we change the wording?

Ms. Wade: So are you looking at page 26 where it says this?

Mr. Ornellas: Yeah.

Ms. Wade: Okay. And there's a picture of the building and then it says formerly Lanai Museum and Dole Plantation Offices, this large gable roofed building is constructed on grade, has board and batten wood siding and covered entry porch. That's basically the template of each of the narratives next to the buildings. So if it's up to you folks if you want to change what that says there. But it's consistent with the format and the rest of the guide, in the rest of that section.

Mr. Rabaino: I kind of agree with John, yeah, because Lanai Luxury Community, this use to be one store. This is Rabon Store, right? Oyama's Store? The video store, right? No, no.

Mr. Ornellas: We'll change it later.

Ms. Barfield: Let's move along. Come Jerry, we're going to be here until midnight.

Mr. Rabaino: Erin, just change that Lanai Luxury Community, and put what originally what that building was.

Ms. Barfield: You cannot change it.

Mr. Green: Jerry?

Mr. Rabaino: Real estate, yeah.

Mr. Green: We're not suppose to be making –

Mr. Rabaino: Letty, could you please use the mic Letty? Everybody needs to hear what you're saying.

Ms. Castillo: Mike Carroll put a shop. It use to be the Oyama's store. And then the next one, the Lanai City Luxury use to be the Rabon store.

Mr. Rabaino: Just the name change, yeah Erin.

Ms. Barfield: You can't change it.

Mr. Rabaino: I mean, not name change, but –

Ms. de Jetley: Mr. Chair? Mr. Chair?

Mr. Rabaino: Just the history of the store.

Ms. de Jetley: Mr. Chair, if you're going to change that, you should change it to the business name which is Island of Lanai Properties. That's the name of the business that's located there now.

Mr. Rabaino: Okay, understood Alberta.

Ms. de Jetley: Nobody cares that was Rabon store, and nobody will know that it was the Rabon store. All the other businesses you have their business name of the business that is in it now.

Mr. Rabaino: Okay, so let's move forward before we make any changes as agreed earlier.

Ms. Wade: Okay, the next section is Design Guidelines and Standards. This, page 30, is the actual section that when an applicant submits to the Planning Department to adjust their building or their site or anything like that, this is where the rubber hits the road where we say are you in compliance or not in compliance. There's – this is where the majority also of the adjustments got made. So in the introductory section, there's a word change to make the guidelines a little less restrictive. There's a new paragraph on buildings that are structurally unsafe, and about demolition. There's a sentence about redevelopment that was removed from the previous 1997 version. There's a statement on the guidelines and standards that they shall prevail, so this is actually consistent with what it says in 19.15 which is the Country Town Business ordinance that the guidelines and standards shall prevail over other sections of the County Code where there inconsistencies.

Mr. Ornellas: Mr. Chair? Erin, the –. Erin, I'm sorry. I'm sorry. Erin, the new paragraph on buildings that are structurally unsafe and the demolition. Are these the 10 buildings within this community, in the business town, that are being recommended to be demolished? Is that what this means?

Ms. Wade: I don't know about the 10 buildings you're referring to.

Mr. Ornellas: Okay. And also is there any provision for demolition by neglect?

Ms. Wade: Yes. So the way it reads is any and all buildings that are structurally unsafe and determined by a structural engineer or an architect or a County Building Inspector to be a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment shall be allowed to be demolished. That is the sentence as it's written.

Mr. Ornellas: Okay, we'll come back to that later.

Ms. Wade: Streets, the text changed in this section from more generic which was actually the problem for road expansion. So, in a lot of cases folks were coming in to do improvements within existing buildings, and they were asked to do road widening even when the community plan didn't – it said we want to keep the roads as they are in Lanai City, there were no standard to support the fact that people wanted the roads to stay as they are. So the text was changed from generic to more specific and it actually has, in this section now, roadway widths that would be recommended that are consistent with what you have today, that are existing.

And then the setback section, this is, I guess, just the, it's just relocated, but it replicates the zoning ordinance, 19.15, that there should be the 15 foot setback. And then this paragraph on where the side or rear lot abuts any lot or zoning district that requires a

setback, that's exactly what it says in the zoning district as well.

Ms. Barfield: I have a question. Well being that we want to keep our street substandard, right? They're smaller than usual. I mean, these setbacks are kind of outrageous because you take 15 - 20 feet off of a lot, you have no building. So, like how we have the 201G Plantation Home Program, the setbacks are modified to accommodate our substandard lots so that would be an idea to think about on this part.

Ms. Wade: Yes. So remember too that this wouldn't apply to residential neighborhoods. It's going to apply to the properties basically surrounding Dole Park. And generally from a design standpoint you want to look at consistency of the building line. So where ever if you're looking, you know, Blue Ginger, Local Gentry, everything, where is that front building line, you want to maintain that along the entire block or front facade. So, I think that that is between 15 and 20. For the community plan process, it would be really good to know what exactly that is, and then basically set a front building line which would be a definitive. Not only can you not build further into the setback, but you can't actually build further back into the lot either to maintain your consistent building plan.

Mr. Rabaino: Erin, will the ADA comply to this setback too? Is it included with this, for the ADA, under the setback?

Ms. Wade: That's good question. I don't know.

Mr. Rabaino: Because we having a community slowly taking a little turn, yeah, and we have some young kids. So the ADA incorporated into this paragraph?

Ms. Wade: So your question, if a building were to ADA ramp, would they be required to be outside of the setback with the ADA ramp. Is that sort what you're getting at? Normally, we would look at and say yes, so taking that into account might be worthwhile to adjusting this, to exclude the ADA ramp so that the building line itself could be maintained at the 15 to 20 feet, but the ADA ramp could be inside the setback.

Mr. Rabaino: Yeah, just to let you know because we have three stores that, you know, we have people that cannot go in with their wheelchairs, yeah.

Ms. Wade: Yeah, very good catch.

Mr. Ornellas: Erin, the – we do have residential houses within the district, will they be grand-fathered?

Ms. Wade: Yes. Okay, so we're on the next slide. The next section is on Parking, and I've already received a whole lot of recommendations for revision to this section also. But primarily to make it even more flexible than the new version even. The new version

changed the text from a generic character to specific standards. It exempted existing uses from the off-street parking requirements. But I think what we're kind of looking to get some feed back from you on is well what if we, instead of exempting existing uses, we exempted all existing buildings. So what ever use might come and go, be it a restaurant, retail, in existing building, would you folks be okay with exempting the parking requirements for those? They have a whole –. Allowing for unpaved parking and then creating standards for a multi-family housing in the Business Country Town District. On the sidewalk section which is kind of brief, but it basically states the sidewalks would not be required, and that curb and gutters are not required. And this is a change from the 1997. There was a master plan for sidewalks in the 1997 version that is not in this new version, and not referenced in the new version.

The next section is on scale. This section was relocated, but was in the original version. It does replicate the zoning ordinance in terms of lot sizes but it creates maximum building area and floor area ratios. So that's numbers three and four under scale and those are new. The design guidelines on views was removed so there use to be a section where there was little graphic of Dole Park and it showed some views out over Lanai, past Lanai gymnasium, by Sacred Hearts, and then another view kind of over the old jail, and that graphic and the reference was removed.

On page 35, utilities states that over head lines shall be allowed and that it requires new or additional transformers be underground or screened, and there's no discussion about that previously. That drainage – and this would be the opportunity also to reference the drainage master plan – requires drainage capacity for a 10 year rain event now, and it provides for flexibility and storm water management. And I'd actually like to look at the master plan because what this does is allows for a lot more current management mechanisms, bio-swales and all kinds of things that might be better in keeping with Lanai City. And maybe those are all in RM Towill's document too, so this could be an opportunity to blend that.

Mr. Ruidas: Erin, what's the – back to the utilities – what is underground or screened? What does that mean?

Ms. Wade: That's a good question. So I guess screened because it's not specific, could be any number of things. So we might want to be more specific about what's screened. I mean, obviously, underground means underground, not visible. But screened, there is no specificity there so that would be a good thing to be direct about what you'd like to see in terms of screening materials.

And then landscaping, the text was changed from generic character statement to specific standards. The statement that I've gotten the most comments on this section is just number five where planting of invasive species shall be avoided, and both Urban Design and some other public comment has suggested it should be prohibited basically within this

section.

Okay, moving on, architectural design guidelines. In the introduction statement there's a new sentence that says the use of wood maybe substituted by materials that are similar in appearance to wood. Roof is pretty much the same except for the standing seam reference. Again, now, so we're saying, you know, standing seam has been used, and now we're saying you can use it also as a replacement material if you so choose. Windows is by in large the same. Entry ways and doorways is the same. Siding and finish materials there was a sentence removed. It use to say hallow tile, metal, vinyl, plastic siding or imitation finishes including textured and grooved plywood should be avoided. So that's something new. And then, in the next section – did I skip a section? No. Okay, ornamentation and colors is the same. The section on signs, I see, yeah, I'm just going to go through this with you and we'll get to the street furniture. The section on signs, this is the section that the Commissioner brought up on ground signs are not permitted. That's the one new component in that. And actually the whole section on signs is a lot more specific than it was previously. This is something to take a look at. And then the section on street furniture, the Urban Design Review Board asked that we consider adding bike racks into the benches, tables, trash receptacles, bike racks, as something to include for Lanai. Fences, Urban Design stated a desire for more restriction on appropriate color schemes. That's related to the color. But also on fences, number five, fences should not be permitted unless required for public safety and welfare. But then there's a list of specific instances of what types of fences should be used. They felt that was contradictory. And then street lights, it adds more specificity about what type and how high and that kind of a thing.

Mr. Ruidas: Erin, I get one question on the street light.

Ms. Wade: Yeah?

Mr. Ruidas: If you don't have a pole, a utility pole, a wooden one, would that be replaced by the metal one to put the street lights on since everything going go underground?

Ms. Wade: Let's see. It actually doesn't speak to the material of the pole on the street lights. So if you want to add something about that we could do that.

Ms. de Jetley: May I ask a question Mr. Chair? I have a concern about the street signs, the no ground signs, because all the businesses now have very attractive ground signs. Like I manage the thrift shop and we have a very nice sign. That whole street that we're on, we have a really nice No Ka Oi sign. We have a nice sign for Lanai Animal Clinic. We have a really nice sign for Beach Walk and for Guns and Ammo. So I think that it would be detrimental to say that we can't have street signs, ground signs, and to ask all those businesses to remove what I consider are very attractive signs.

Mr. Rabaino: Commissioners, any other comments? Joelle, you're smiling away over there. Share your thoughts. Okay, continuation.

Ms. Wade: I think – the presentation is concluded and if you'd like to open for public hearing, you can do that at this time.

Mr. Rabaino: Okay, you're done with your presentation right? Okay, so now we're going to open up to public hearing testimony. Okay, and it's 7:15 p.m. for public testimony. Okay, Ron McOmber, you're the first in line.

Mr. Ron McOmber: My name is Ron McOmber. I sat on the last community plan and I sat on the GPAC, and I think Erin will testify to this. A lot of stuff that we had County wide that was basically Maui County, Maui Island, we refrained from commenting on those things because they did not pertain to Lanai. We didn't feel that, most of us didn't feel it was right for us to deal in to what was going on in Kihei or anywhere else on Maui Island. We referred, and you can back this up, that we said a lot of this stuff will come when we see our community plan, not knowing that three years later we still haven't seen it. This is frustrating. It's terribly frustrating because there's so many things going on in Lanai right now that we need to address. And you can talk about the last thing you just talked about, signs, look at these stupid ass signs all over this town that do not follow specs. Stay on point? It is the point. That's the point. You just talked about signs. It's the only thing I could remember of all of the other stuff you guys are doing. That the community plan that we were looking at, we still need to look at it, and this is intricate part of that community plan. This should not go forward. I don't care what Riki says, or anybody else says. This should be coming before the community, and let the community come out and vote on it and talk about it. This thing comes down from the Council, thrown into your guys lap, and we're suppose to make a decision on it? You haven't even heard from the public yet. There's only 10 people out here. You know, this is, this is not right. We had a whole room full on people last Monday. Good crowd, the same questions. We are going to – hopefully I'll be on that community plan. There's, I think, there's 13 people so far that they've got. They don't know. They haven't boiled it down yet. But we're going to have many hours to discuss this and I would beg you folks to not let this go forward the way it is right now because it absolutely has no input other than this small group in this community right now, right in this building. Not that I don't trust you guys or trust me. Don't trust me either. This is a community thing. There are so many things on this GPAC that's driving Maui nuts. We need a community plan and we didn't take this forward to that. I can't even remember all of the things I wanted to make comments on because you guys go through this stuff, and you talk about it, and Erin she does a great job, and you guys are going to go back to it. But I don't think it's fair to the public to not to be able to make comments as you go through it with your process. If that's what you're going to do tonight, we should have a workshop on this then and let the public comment as we go through, with the evidence that we've got and the knowledge that we've got, that we put into this community already.

You know the setbacks – remember when, I think it was Blue Ginger, when they wanted to expand their place a little bit, they had to go through a whole bunch of hoops to see if they were going to change their parking. No, leave the parking alone. Throw a rock out there, and let people park that way. That's the way the community feels about it. One thing I did notice here, just recently, the height. Two-story that does not exceed 35 feet. That's not the way we understood it. It should be no two-story in this district, period. So whether it's 35 feet, if you can squeeze two-story in 35 feet in two-story, that's not acceptable. It's just not acceptable. And I think Mr. Murdock was all hoo-hoo because we didn't give him 18,000 square feet building or something like that. And the reason he got on everybody, he said, well, I'll get back at you, I won't put a pharmacy in it then. If I can't have 18,000 square feet, I'll just take the pharmacy out. That's not the way to talk about this community folks. That's his pressure. And then I heard it, a young man that works for Richard's Shopping Center, Monday night say that his buildings are unsafe where they store their stuff, acting like this community said no you can't upgrade those buildings. I don't ever remember in any Planning Commission meeting or anywhere else that this community say, no, you've got to work with that sloppy, scary building that you work in. They never presented anything to this community to say can I tear that building down or can I remodel it or can I strengthen the floors? Nobody ever asked this community to do that. To have those assertions saying that this community said, no, you can't do that. You've got to leave the building like it is. I don't believe that ever happen. I don't ever remember it, and I come to almost every one of these things. Even when there's only two of us here, Pat Reilly and I. So anyway folks, I read the comments. I really believe that this should go back, a strong word back to the Council that we want this in our community plan and this should be an intricate part of our community plan. And that's about all I can say about it. Thank you very much.

Mr. Rabaino: Commissioners, any questions for Ron McOmber? If none, next speaker. Pat Reilly.

Mr. Fairfax "Pat" Reilly: Pat Reilly. First I want to apologize to the Chair for my outburst on point of order. I didn't know quite how to deal with that, but I appreciate you accommodating that. And thank you Alberta, and Stanley, and Matt for your service, and all of you for your services. This is hard stuff. It's not easy to do. And thank you for the staff. I really appreciate this.

I'm going to make three recommendations tonight. Here's what you're confronted with. Riki Hokama, I think, is trying to solve the issue of existing businesses, and as you know, the new businesses and the amount of money they have to pay to start a business to conform to the standards. That is a reasonable effort. Now what you're confronted with is we may not, even if the community plan starts, it won't be done for two years. The CPAC gets 180 days. I think the Council gets a year. So what I think, and I heard him say that the other night, what I think he's trying to solve is, is there anything we can do in the short run to help existing businesses or new businesses get started to lower their cost. In the

mean time, there's the long run.

So these are my three recommendations, and I don't know if they'll float. Please do not close public testimony. Place this on the April agenda so that you and the public can continue to add suggestions. And as some of you said, you have not seen all the comments yet. So my recommendation is do not close public testimony, just recess it, put it on the April agenda, and then you can make your decision. Now that pushes it to the time line. My second recommendation is ask the Council to extend the time line, beyond the 120 days. At least till 180 days. I mean, that's at least three meetings. And this is our community. I mean, I have no problem with the Urban Design Review Board, and that's all part of the law, but, hey, this is us here. You can listen to all of this, but we don't even have a decision. We make recommendations, and yet it's our community. And I noticed – this is an aside comment – but your rules, your Lanai Chapter 405 or something, you get to appeal. You are the appeal body for anybody who gets turned down on an application. Now I thought about that. I said why wouldn't you be the first? Why wouldn't they come to you directly? But it goes to the Planning Director. If he turns it down, it goes to the Urban Design Review Board, then ultimately you're the appeal. To me that's one thing I'd change, but that would mean you would have to change Chapter 405 of your Administrative Rules, but it's something to think about. And the issue about going to our CPAC, it's not in the Resolution. The Resolution doesn't say it shall go to CPAC and shall be up for consideration. Now I can assume that CPAC can consider anything, but I would make a specific recommendation that this whole Business Country Town Design Guidelines at least be considered by CPAC put in writing. It may work and it may not. So what you may end up doing is changing it now and when the community plan comes up, you change it again. So now is that going to be useful to new businesses to have one set of rules and then six months later have another set of rules?

My last comment, I want to say one thing to Ms. Wade. Maui Community College is now Maui College. I think the official, yeah, University of Hawaii, Maui College. They have upgraded themselves. Right? I think so. The last things I'll say is what we really have to think about and it's hard in this instance because this is interim or short-term, we have to think about what do we want this community to look like in 20 years. When the community plan comes up that's, to me, in my heart, that's what we're going to be deciding. What will this community look like in 20 years? How do we want it and what language can we use to create an image that's so clear that that image can be carried out. The second thing is who pays for it? Castle & Cooke are not going to pay for it. If we want to entice businesses to this community, we have to create a business infrastructure that's going to be useful to the community, and at the same time maintains this atmosphere that we have that we love so much. That is a very hard thing to do. How can we entice new businesses and economic growth in this community because we don't know where we're going to end up. 20 years from now it will be a new company, new businesses, and the devil is in the details of language. What Ms. Wade is trying to do is write in words how you want this to appear. And my experience has been you better get the two documents together side by

side. I just did a little exercise for myself today. And if you get the 1997 document, this one, and lay it side by side with the present document, which you should do, then you can see what languages have been changed because the language is the key to the law. For example and I have extras of these if this is useful. I put the two together just on the recommendations, from 1997 and the 2011, there's a whole paragraph taken out.

Mr. Rabaino: Okay Pat you have copies of that that you can share?

Mr. Reilly: I do, and I will share it.

Mr. Rabaino: Okay.

Mr. Reilly: Give me one minute and I will be done. All I'm saying is –. Let me just read three words that were taken out of the old one that were omitted. This is in the first paragraph of the summary recommendations. Additionally the commercial area is characterized by, predominately taken out, single story buildings, plentiful open space. Plentiful taken out. With generous setbacks. Generous taken out. Now you could say those are frivolous words. They don't belong in Standards and Guidelines. And yet these conveyed a certain meaning. Those words were put in there for a reason. To convey a certain image in your head about what people wanted Lanai City to look like. So please don't close public testimony. Put it on the next agenda and let's keep this going. Thank you very much.

Mr. Rabaino: Thank you. Commissioners, any questions for Pat Reilly?

Mr. Ruidas: Since this my last time to ask you one question. Okay, so you talking about businesses in the past. You think the Board of Variances and Appeals doing their job? Because I don't think there's a Lanai representative on that. Is there?

Mr. Reilly: You know, and I hate –. I think we all went to a meeting maybe a year ago when there was a variance appeal coming up. There was 100 people there. They slammed dunked us. But the other side of the coin is what – how much did it cost that business person to hire a lawyer to go before the board to get that variance? It was very expensive, and the delays in starting the business. And was that really necessary? Is there a better way to reduce those to still maintain standards? I'm not saying let's not go backwards for Pete's sake, to mud streets, but we have to think through what those reasonable standards are and can we prevent somebody having to pay thousands of dollars, maybe 10's – I don't have no clue – thousands of dollars to start a business.

Mr. Ruidas: So you saying the system, the process, is sort of flawed and it should maybe come to the Commission before going to the other?

Mr. Reilly: Well, I was kind of surprised when I read your rules, and it's rules related to

design guidelines. It says, everybody gets to review it. You only get to be the appeal and yet it's your community. Now maybe there's a legal reason for that. Maybe you should be the final appeal. And if you do the first one, you can't do the second one. You know, who's going to be the appeal if you guys do the initial application? So I'm not sure how that legally all works, but I just had the sense from what Councilman Hokama said the other night is there are a lot of people that are coming – there's got to be, but he didn't share that – people coming to say it's too expensive. Now everybody will –. You know, you hear this all the time, regulations cost a lot of money. That's not necessarily true. It depends on what the regulations are. I think the last line in that summary recommendation is the priority is health and safety, right? So we want to create a modern business community at the same time we want to retain what we have, and we want to encourage if we're going to be in a new era, economic area, we're going to want to encourage investment in this community, how can we create a design, a master plan, kind of like we did for the school? Create a master plan and it might take a long time to get the money for it and figure out who's going to pay to upgrade the facilities to attract businesses here. And that includes non-profits too because non-profits may want to be in the business district, have an office or a space and they'll be confronted with the same thing. So, yeah, I'm kind of saying, please take a look that why you're at the very end of the thing instead of the beginning.

Mr. Ruidas: Thank you Pat. Maybe the next, the future Commissioners can do something about this thing.

Mr. Reilly: Yeah, and I think you raise a good point about the three people are leaving today, then if you put it on your next agenda, are you risking not being able to do anything. But it's rough to do it tonight I think. So you're in a tough situation. You have to do some short term stuff and yet you're trying to do long term things. Thank you.

Mr. Ornellas: If you had your druthers what would you want to do about this? I know you said a lot of things, but what would you rather see this thing tabled, deferred, sent to the CAC? I mean, I'm sorry, I keep using that CAC, but I mean the CPAC.

Mr. Reilly: Yeah, the word I say is – I'm trying to think about the next meeting. I don't think you should defer it because as your Deputy Corporation Counsel said, they don't have to wait, Council doesn't have to wait for you. You're not making a decision. You're making recommendations. Council can just go ahead and, hey, you guys don't have anything to say, we're just going ahead and doing it. So you don't want to go with a blank. If you think – and I don't know how to guarantee it – if you think you can get a quorum, get a quorum at the April meeting, my preference would be if everybody was going to be here to continue the public discussion till next April so you get to see more comments and hear more comments. And you're stuck with exactly whatever was put in as the short-term fix. And if you think those are reasonable short-term fixes you've got to say yay or nay to them. But certainly that's not the end of the story. The last thing, please make a recommendation that it does come to CPAC.

Mr. Rabaino: Commissioners, any other questions for Pat? If not, we're going to the next speaker. Warren Osako.

Mr. Warren Osako: Warren Osako. I'm glad it was brought up about why is Coffee Works not part of the district. I noticed another parcel, another two parcel, or if you include this parcel which is not part of the Country Business Town, but the Old Police Station. And also the Hawaiian Telephone or Hawaiian TelCom parcel is not part of the –. And you know, I would like to know why these parcels are not part.

And what Shelly said about oh maybe because it was residence. If that exempts them, there's a lot of properties on here that were residential that should be exempt. In fact, some of the businesses are in buildings that were set up as shotty multi-family buildings, four units in one building, they had an access to the attic and if you went up in there, there were all connected. You could go up one access and go down into the unit on the other end and still have access. And now they're turning them into businesses, but they were residential. Those were one bedroom units and there were families living in there. And I think, I believe, the next street over there are still some of those that are being used as residences. And so, you know, that's a question that I think needs to be answered, why are some parcels exempt.

And the other thing is 120 days and I guess Monday, last week was the first meeting. And let's see, end of April, so roughly the public or the people of Lanai have 45-days to even review this and think about it. I came to the meeting Monday night, there were not enough copies of the guidelines that I didn't get one, so you don't even have a chance to really –. You know, it's hard to make comments if you don't have a chance to read the guidelines and see that, and I think that's very unfair to the people of Lanai.

And I hate to always jump on demolitions, but I realized that, yes, the buildings are getting to that condition. And, but I would say for those of you that haven't been to Mike Carroll's Gallery from time to time, and see what Mike Carroll paints and what other visiting artists paint, they don't go around and paint the new buildings. They go around and paint the old buildings. And oddly enough those are the ones that sell. So what is the appeal of Lanai? Are we going to tear down all the old buildings and have all new buildings? And these are people that are visiting that, that have, you know, shown that there is appeal in the old buildings, and they need to be maintained. And that row, up here on Lanai Avenue, and down to Ninth Street, those are some of the original buildings that were built in the 1920s. And I think that, yes, they can let them, you know, board them up like the ones over here and let them fall over, but, you know, the appeal is to have some of those buildings well maintained, and you know, that was Lanai and it should still be a part of Lanai. And in fact, Mike Carroll's favorite one is the one on the corner of Ninth and Lanai Avenue, and he says that's one of his favorite buildings to paint. And so I just want, you know, everyone to consider that, you know, not because it's new, you know, I mean, there's places in other parts of the world. Why do people go to Old Europe and look at the old buildings or

Nantucket Island or places like that? Because there's an appeal. And if we take away all of those what's going to be the appeal of Lanai? Thank you.

Mr. Rabaino: Commissioners any questions for Warren? John?

Mr. Ruidas: How's it Warren? You know coming back to that demolition thing, yeah, if somehow like a plan was designed exactly how the house was built to be demolished and built the same way. Not the – just externally.

Mr. Osako: Correct.

Mr. Ruidas: Would that be okay by you?

Mr. Osako: Sure.

Mr. Ruidas: Okay, that's all. Thank you.

Mr. Rabaino: Warren, I would like your input. Next to, right above the post office, there's three empty homes there, right?

Mr. Osako: Correct.

Mr. Rabaino: Would you share your – of what you think would be best for those plantation homes that use to be residential because it sits in the business district area?

Mr. Osako: Well, you know, they could be residential, but, you know, they could be businesses. There's businesses in other parts of the world, other parts of the countries, that are built into old homes. You know, I mean, a building is a building. You can save the building and make it into what you want. You know there are people who have bought old churches and turned them into residences, but if you look at it from the outside, it still looks like a church. You know, you don't necessarily have to tear it down.

Mr. Rabaino: Okay, so reasonably if we keep the structure and the architect of those three buildings by the theater side, same as is, but rebuild with new materials, would that be more in tune with the country town flavor of plantation style? What is your opinion?

Mr. Osako: I believe so.

Mr. Rabaino: Okay.

Mr. Ruidas: Sorry Warren, back to the thing. Okay, for approval of the architectural design, who would you say would be the best avenue as far as boards or commissions to go through?

Mr. Osako: As far as?

Mr. Ruidas: Approving the structure. Would you think the Variances and Appeals would be the best board, or do you think it should come to the Commission?

Mr. Osako: Well, ultimately, it would be, you know, what would the reason for wanting the demolition. You know, if it's unsafe, then can it be restored or repaired so that it is. I know there was a comment at the Monday meeting that they're full of asbestos and I really doubt that there's any asbestos in this building.

Mr. Ruidas: So would you say that at the least, prior to demolition, you would want it to become part of an agenda or public hearing to the Commission so that the public can make their testimonies?

Mr. Osako: Yes, I think that would be a very good idea.

Mr. Ruidas: Thank you.

Mr. Rabaino: Commissioners, any other questions for Warren? Go ahead John.

Mr. Ornellas: Warren, do you sit on the Cultural Resources Committee Commission?

Mr. Osako: Yes I do.

Mr. Ornellas: In your opinion, wouldn't you want to see this come before you so you guys can weigh into this?

Mr. Osako: I think it will be on our agenda at the April meeting.

Mr. Ornellas: Okay. Thank you.

Mr. Rabaino: Thank you Warren. Next speaker is Sally Kaye.

Ms. Sally Kaye: I would like to recommend a solution for this evening's quandary. I think it's been evident in the last couple of meetings that there's a lot of questions and a lot of missing information. And Erin actually gave me the idea of making a motion that you recommend to County Council that the section on streets, page 30, be adopted on an interim basis until such time as the guidelines can be reviewed as part of the community planning process. That covers Councilman Hokama's concern about the impediment to new businesses. But it leaves the existing guidelines enforced so you don't have to deal with all the other issues. I would recommend that number six of that section, insert, and I quote, replacement planting of Cooke Pines be implemented because it's very unclear. If you do take that section on streets it, right now reads, a replacement planning shall be

implemented, but it doesn't say what. Okay, so that takes care of the streets. And then the second section would be the parking, limited to parking only, on page 33, with, again, I would suggest the exceptions of number three, five and six because they deal with multi-family housing and there is no multi-family housing in the BCT right now, be adopted on an interim basis until such time as they can be reviewed by the community planning process. Otherwise, recommend that the 1997 guidelines stay enforced. That way everybody wins.

Mr. Rabaino: Commissioners, any questions for Sally?

Mr. Ruidas: Hello Sally, I never got you on the other side of the table. Okay, as far as the Cooke Pines and that section where they say replacement of old trees, who do you think should be responsible for the cost and replacement of the trees?

Ms. Kaye: I actually think that's something that should be part of the community planning process that discussion. I don't think that's something I would have an opinion on tonight. I'm just reacting to the fact that the streets, number six, say shall be preserved to the extent possible. I think everybody would agree with that. But as the trees reach the end of their lives, a replacement planting shall be of what? So that's my only comment. Normally when trees die and there's something in here that's a standard, then the landowner, whoever that might be, would replace the trees.

Mr. Ruidas: At their expense?

Ms. Kaye: Well, yeah, I can't imagine that little Cooke plant could be that expensive, but yes.

Mr. Ruidas: Thank you.

Mr. Green: Could I understand your – sorry Jerry.

Mr. Rabaino: Go ahead.

Mr. Green: Could I understand your recommendation again? Let me tell you what I think I heard. I think you said eliminate on page 30, the third paragraph.

Ms. Kaye: . . . (inaudible) . . .

Mr. Green: Okay, why don't you – would you go over it again?

Ms. Kaye: Okay.

Mr. Green: You went through it a little quickly and I was stumbling on pages.

Ms. Kaye: I'm sorry. Okay. Yeah, this is really prompted by last Monday's meeting, and all of the comments that I read, and everybody's got something that should be in here and everybody wants to wait for the community planning process. But, to answer the concerns that the Planning Department has and Riki has, then streets should be adopted in its entirety because that's a fairly benign thing, and I think he indicated that would help any new businesses, although he didn't indicate that there were any on the table, at the moment. The only recommendation I made there was Cooke Pines be inserted into six. And then on page 33, that's where I recommended – again, this addresses Riki's concern – parking I think was overall an issue for him. But I didn't see the reason to leave in three, five or six because they all have to do –. I'm sorry, five and six have to do with multi-family which we don't have so I didn't see the point of leaving that in even as an interim basis. And I just don't, you know, if this is going to be six month interim thing, what new construction is there going to be in the BCT that's going to require that? I don't care that much about three, but those were just my suggestions. But if you take the streets, and you take the parking, and say you don't approve anything else and leave the 97 guidelines in place, then you can kick it down to where it belongs which is the community planning process.

Mr. Green: And you would be just simply adding those sections to the existing 1997 guidelines?

Ms. Kaye: Yeah. Well, actually, what I think what you would do as a board is recommend to County Council pursuant to the Resolution that those two sections could be inserted on an interim basis into the existing. And then the people in Maui County, the planners and everybody who's going to, you know, here it's going to catch on fire, when nobody has to comply with these conditions, we'd be better off because then they'll be – because as Riki had pointed out if you adopt them as standards, then there's no ambiguity in the other in the other departments.

Ms. de Jetley: Thank you for bringing that to us Sally because it really make sense. On parking, number seven, a minimum of one loading space, would you consider deleting that also?

Ms. Kaye: You know, I looked at that Alberta, and I don't really know what it means. So that's up to you folks. I'm really just try to address Riki's concerns that would help the small businesses, and I don't know enough about that to have an opinion. I'm sorry.

Ms. de Jetley: Thank you for bringing it up because it really makes a lot of sense. Thank you.

Mr. Rabaino: Commissioners, any other questions? Letty? Green? Shelly, any? Joelle? John? Stanley? Okay, thank you Sally. Okay, we're going to take a three minute recess. The time is 7:51 p.m. Well, if you want to go five. Five? Okay so be it, five minutes,

7:51 p.m.

(The Lanai Planning Commission recessed at approximately 7:51 p.m., and reconvened at approximately 8:03 p.m.)

Mr. Rabaino: Commissioners come to order. Time is 8:03 p.m. For the minutes, the public testimony has not be closed. Anyone else in the room wishes to speak come forward. Please announce your name as you speak your topic. Thank you.

Ms. Susan Osako: My name is Susan Osako, and Jerry you're going to have to help me with this. This is a portion in there about ratios, and it's on the housing section. And I just wanted you to be aware because just a cursory reading of it, you might not be aware of what it actually says. What that does is it changes the building in this town from being one-story to allowing two-story. And if that was allowed to go through you would see two-story buildings like on Lanai Avenue apartments all the way probably from Kaunalapau all through town. And it also allows, somewhere in there, multi-family in the business district. So I think maybe this also would not be a good time to just give blanket permission for that because it would literally change the entire character of the town. It would increase the density by far more than any of us will realize at this time, and just to be aware that that's what it actually means. My first reading I didn't get it and someone else pointed it out to me and it's not obvious at first reading. So that's all. Thank you.

Mr. Rabaino: Are you saying that you want, with this scale, yeah, on page 35.

Ms. Osako: Don't change it. Leave it the way it was.

Mr. Rabaino: Yeah, no two-story buildings.

Ms. Osako: No.

Mr. Rabaino: Okay, and then you also – this is just within the zoning area, right, the business district zoning?

Ms. Osako: Yeah. No multi-family and no two-story. The change that occurs would allow those two things, that little sentence about the ratio, changing the ratio.

Mr. Rabaino: So are you referring to item number one, maximum floor area to a lot, or maximum building area shall be 50% of the lot? Three and four.

Ms. Osako: Yeah.

Mr. Rabaino: These what you're referring to?

Ms. Osako: Yeah.

Mr. Rabaino: Okay.

Ms. Osako: So just be aware.

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

Mr. Ruidas: Susan, would you be okay with, instead of a two-story, allowing basements to be built, and somehow making the outside look like it was one-story?

Ms. Osako: Can we build basements here because of the water . . . (inaudible) . . . and everything? There are no basements in this town. I would have to say leave that to an architect, who, I have no idea whether anything could be safely built underground here.

Mr. Ruidas: I think from, I think it was from Joe that, I asked him one time, it has to – I mean, certain part of – it's a ratio thing. If you go below the ground, you can go to China if you wanted to, you know, say if you wanted to go down. But would you be okay what's above the ground? You wouldn't care much what is –?

Ms. Osako: One story above the ground and I have no idea geologically what you can do below the ground, but this is a visual thing, the character of the town, the density, one-story buildings.

Mr. Ruidas: Okay, but if it was possible, would you be okay with that?

Ms. Osako: If I don't see, I don't care if it's there.

Mr. Ruidas: Okay. Thank you.

Mr. Rabaino: Commissioners, any other questions for Susan? If none, next speaker please announce your name for the record.

Mr. Lance Anderson: Hi, my name is Lance Anderson and actually the things I want to mention have been touched on, but I did want to point out on page 35, basically the ratio, to make you guys, to make sure everyone understands that basically you've got the one to one ratio with 50% of the square footage basically allowing in effect for two-stories to be built. It seems as though maybe we were trying to solve a parking problem and someone dug in a little deeper. And the other thing is on page 30 basically allowing for the whole demolition. Basically I think that that's going to deserve a broader community discussion, and so I would ask basically to approve the streets and the parking, and send that back to the Council as your proposal back.

Mr. Rabaino: Commissioners, any question for, who that? Lance? Commissioner de Jetley, any questions? Castillo? Green? Over here, none? Okay, thank you.

Mr. Anderson: Thank you.

Mr. Rabaino: Anyone else wishes to speak? Go ahead Reilly. Okay, three minutes, yeah, because they got to catch a plane.

Mr. Reilly: I'd like a point of clarification because the 1.0 ratio is already in the Code. It's not new. If you look at the ordinance passed in 2006, it's in the ordinance. It's not in the design guidelines, so it's already in the Code, so I'd like a clarification on that.

Mr. Rabaino: Hold on Reilly.

Mr. Reilly: It says right here. Page 55, Appendix B.

Mr. Rabaino: Clayton, could you verify that for us, the ratio of the 50% lot area, and the ratio, lot area ratio shall be 1.0? Thank you.

Mr. Green: Which Code is that Pat?

Mr. Reilly: . . . (inaudible) . . .

Mr. Yoshida: The question was regarding lot area ratio?

Mr. Rabaino: Okay hold on, the Deputy going speak.

Ms. McLean: That's listed in a section called limited conditional uses so it's listed as conditional use which means it's allowed with a conditional use permit. It's not an outright permitted use. This would change the design guidelines to outright permitted and because the design guidelines are referenced in the ordinance, that, yes, it would change it to outright permitted.

Mr. Reilly: . . . (inaudible) . . .

Ms. McLean: And it would not require a conditional permit.

Mr. Reilly: . . . (inaudible) . . .

Ms. McLean: And that's for hotels only.

Mr. Reilly: . . . (inaudible) . . .

Ms. McLean: Yeah, if you look at that section, 19.15.050, limited conditional uses, the following are declared conditional uses, (1), hotels, provided that the following additional standards and development are followed. Then it's a ratio of one to one. So it would be a conditional use for hotels. That's in -. That's what you're pointing out as the existing BCT ordinance but what's being proposed in the document that was presented today would make that allowed in anywhere in BCT.

Mr. Rabaino: John, you've got a question? No? Commissioners, any? None? Okay, anybody in the, in this building, wish to testify? None, okay, public hearing is closed at this time. Excuse me.

Mr. Ornellas: Mr. Chair?

Mr. Rabaino: Go ahead.

Mr. Ornellas: Can I request that we leave public testimony open?

Mr. Rabaino: Okay, sure.

Mr. Ornellas: In case something else happens.

Mr. Rabaino: Go ahead Clayton. Clarification.

Mr. Yoshida: Well, I guess typically, they would close the public hearing and then the Commission would go either into questions or deliberations. I mean, if it wants to allow public testimony or ask questions from individuals in the public, I guess they can do that. But, typically, the public hearing is closed at some point in time.

Mr. Rabaino: Commissioner Green, do you have any questions for Clayton? None? John?

Mr. Ornellas: Yeah, Clayton, at some point in time?

Mr. Yoshida: Well, I think you would want to have the public testimony closed before you folks start going into deliberations.

Mr. Ornellas: Does that -? Can I ask Corp Counsel to make a determination on that because I don't see us, if we decide to leave it open, we can still do our deliberations and that kind of stuff. But at this time I feel more comfortable to leave it open because who knows what the votes are going to be in a few minutes.

Mr. Giroux: Chair?

Mr. Rabaino: Go ahead.

Mr. Giroux: Well, in the Commissions that where the public, the close of the public hearing starts the clock ticking. Like at the Board of Variances, sometimes they do leave it open just because they're still discussing the project, looking at the project, trying to get more facts. However, in this case it wouldn't stop any clock because the clock is actually based on the transmittal of the Resolution. It's just procedurally that if you want to start making changes and you haven't closed the public testimony, it does make for an awkward situation if you're going to be making motions, if you're going to be making changes to the document. If you take further public testimony, you're going to have to go through a procedural nightmare to go back and make those changes. So as far as, you know, again, it depends on what the Chair wants to do. If the decision is to go forward and start making changes, then you probably would want to, if everybody in the room has had a chance to testify, then close the public testimony.

Mr. Rabaino: Okay John? What are you thinking?

Mr. Ornellas: Okay, so as Chair, as Chair, can he –? If we don't close public testimony, as Chair, can he decide who, if somebody in the audience wants to make a statement based on what we're doing, the Chair can refuse that, that comment at that time, right? Yeah, I was looking for, yeah, Corp Counsel. I can get anything from Jerry.

Mr. Giroux: That was a question for the Chair actually.

Mr. Ornellas: Well, no, I mean, the Chair has –

Mr. Giroux: Yeah, this is an issue of order. The Chair, you know, is in charge of that. The problem that arises is that if you start into your deliberations and decision making, and then only certain members of the public are allowed to testify further, you're going to have due process problem. And that's why you close testimony, you go into your decision making, you have action.

Mr. Ornellas: Okay, and so if we do make a decision tonight and we defer or we recess until the next one so we could still open up as part of the – we could still open up for comments from the gallery?

Mr. Giroux: That's correct. As long as everybody who shows at that meeting is allowed to then give their public testimony.

Mr. Ornellas: Okay. Thank you.

Mr. Rabaino: Are you comfortable with the response?

Mr. Ornellas: As long as –. As long as we can reopen it if this meeting gets recessed or deferred.

Mr. Rabaino: Okay.

Ms. McLean: This might just be an issue of wording. If you were to close the public hearing today and defer taking action on the item and close your meeting, at the next meeting, we would post the item again and it would be open for public testimony. Public hearing, there's a requirement in the County Code that things have what's termed a public hearing so it's formally posted as a public hearing. At the next meeting, it won't say public hearing, but it's still an item on the agenda that anybody can testify on. So, it won't be public hearing. So you can close the public hearing and if you want to defer taking final action and post it for next meeting you can. Testimony will be allowed.

Mr. Rabaino: Okay, any questions? Commissioners, any other questions? If none –. Speak. Yeah, I'm going to close the public hearing, then we can go into our discussion, as protocol, and then we can deliberate. Is that correct Corp Counsel?

Mr. Giroux: That's correct.

Mr. Rabaino: Okay, so as of now, we're going to close the public hearing at 8:19 p.m. to be exact, and then we are going to have a discussion among ourselves regarding this matter. Everybody in favor say aye. Okay, here we go. So the public hearing has been closed.

Mr. Green: Are you –? Can we now have discussion?

Mr. Rabaino: Yeah, we open up for discussion. Mr. Green, you can begin. Thank you.

Mr. Green: I think we're in between a rock and a hard place. And I think if I understand this correctly and I ask our experts here to confirm this, if we defer, next meeting there will only be five members of the Board, of the Commission, and we need five for a quorum so I think there is a good chance that we may not have a quorum. And so that would be taking a big risk. If we defer just because we defer, I think –. If we can't act next month and if we defer now, then I think, from what I understand, the Maui County Council could just adopt the resolution without input from Lanai, and I don't think that's what we want.

Second point is I really feel it's important that the Lanai Business Country Town Guidelines are decided by the residence of Lanai. I think it's good to have input from the State Historic Preservation Department, from the Wailuku Main Street whatever it is, but I don't want them deciding what the Business Country Town Guidelines are for Lanai. I think their input is input, and the decision should be made here. And if we defer, then Maui County Council could adopt their recommendations et cetera. So I think if –. I don't think doing nothing is an option, the way I'm looking at it. It's too risky, and so I think we have to do something.

I agree with Pat's testimony that there are certain – I think, quick fixes, I think Pat called

them – but quick fixes are known issues that have caused some issues are really what Councilman Hokama was trying to deal with initially and that those are real hardships for businesses. And if we wait until the community plan process is completed as I think Pat pointed out that could be a year or two years. And so I don't think that's fair to the businesses on Lanai to wait for the community plan.

So, therefore, I propose that we basically adopt more or less what Sally Kaye recommended and that was going to be my recommendation, but she also came up with it. But that we take the pieces of the proposal that we can agree on and recommend those be included in the 1997 guidelines and forget everything else. That basically means that we don't have to go through this line by line and decide if ground signs are appropriate or not. And I'm open to – Sally recommended we take the streets and the parking sections as she highlighted, and those seem to be the areas where the quick fixes are, and I think that's a solution that I can live with that allows us to make comment. We're making really two comments. The quick fixes that we think are important, and the other items that we think are too important to be decided on such short notice without an appropriate process and without more input from the community. So that would be my recommendation.

Mr. Rabaino: Commissioners, any added comment? Commissioner Ruidas?

Mr. Ruidas: David, do you think that maybe we could hold a special meeting between now and the next scheduled meeting to avoid not having a quorum?

Mr. Green: My personal opinion is I would rather personally that the Planning Commission not make decisions, that it might be better for the community plan process to make. And rather than us going through line by line and stating what's in and what's out, I don't really think we have time to do that. I'm not sure how well that would work. My guess is that would take an awfully long time for this group to do. Therefore, I think we keep it simple and go with the stuff that's pretty self evident, quick fixes that everybody can agree with, and just don't deal with the other things that are more contentious for now and hash that out in the community plan process.

Mr. Rabaino: Okay, Ornellas?

Ms. de Jetley: Mr. Chair?

Mr. Rabaino: Go ahead Commissioner.

Ms. de Jetley: I really would like to see Stanley and I end our term on a really positive note and feel that we've accomplished something tonight, so I would like to see us agree to make a motion on what Sally has suggested so that we at least have something then tonight.

Mr. Rabaino: Okay. John?

Mr. Ornellas: This question is for the Director. This 120 days, this is not etched in stone. They have made time extensions for a myriad of things for the last 50 or 60 years so this is not etched in stone so we have time. We just have to go and ask for a time-extension from the Council. And I've seen in the past that they've given extension for some of the real stupid things that come before them, so my recommendation is to go get a time-extension from the Council. Who would do that? Us? That would be a recommendation from us or that would be from the Planning Department?

Ms. McLean: It's a recommendation or a statement that the Department could make that you folks met today and didn't feel like you had enough time to make your recommendations and that more time is needed. You would want to specify an amount of time where you want to say, for example, you're going to take it up again on April 18th so we expect to be able to get it transmitted up to them, you know, sometime in mid-May. The concern there, though, as I've said before is you're being down to six members by then. And we're not certain that we'll even have that meeting on April 18th or whatever other dates we might look at. So, asking them for more time, letting them we need more time, that part is fine. But, until they approved – until they approve new Commissioners, we can't be certain that we're going to be able to meet to do it. I mean, that's up to the remaining six of you to commit to those dates. So that would be the only problems. We wouldn't be able to tell with certainty that we would be getting back to them by a certain time.

Mr. Rabaino: That's it? She answered your question? Okay, I'm going to call for the –. Go ahead.

Ms. de Jetley: Could I ask Deputy Director a question? Has there ever been a case –? Now as far as I know they don't have Commissioners waiting to be appointed. They don't even have nominations, nominees in place. Has there ever been a Commission where they've extended a Commissioner's term until they could get replacements? Because if they did, I would suggest that we try to keep Stanley on, Stan Ruidas on, because he has been the Vice-Chair, and that would give us a little bit of a hedge rather than maybe not being able to make quorum.

Ms. McLean: Clayton could probably give you a much fuller historical answer, but I do know in the time that I've been here we've had this problem with some of our other boards and commissions and we have asked if Commissioners can carry over and we've been told no. It could be that farther back that was allowed or that happened, but in the recent past, no, cannot.

Mr. Rabaino: Okay with that said, I would like make a motion that –. Oh no, well, excuse me. Sorry. I would like to recommend, if I can. Can I make a recommendation? Okay. That we adopt the recommendation that Sally Kaye has forwarded and we're going to take

a vote on just that as considered as a quick fix.

Ms. de Jetley: Mr. Chair?

Mr. Rabaino: Go ahead.

Ms. de Jetley: I'm willing to nomination – the motion.

Mr. Rabaino: Okay, great.

Ms. de Jetley: I may need some help with it.

Mr. Rabaino: Okay.

Ms. de Jetley: You have it? Okay, then why don't you make the motion? I pretty much have it too, and Commissioner Green has also notes. So, do one of you want to make it, or should I go ahead and make it?

Mr. Rabaino: Lei, could you be our little secretary for wording purposes? Thank you. You too, okay. Who wants to make a –? Okay, Mr. Green will make the –. Okay, hold on. Going be Shelly then.

Ms. Barfield: Okay, so Sally's motion –. The motion is to recommend that or recommend to – recommend to Corp Counsel – County Council that section on street, page 30, be adopted on an interim basis until such time as the guidelines can be reviewed as part of the community planning process. Recommend that number six of that section insert replacement planting of Cooke Pines be implemented. And second, that section of street or parking, on page 33, with the exception of number five and six – three, five and six be adopted on an interim basis until such time as can be reviewed as part of the community planning process. Otherwise recommend that the 1997 guidelines stay in place or enforced.

Mr. Rabaino: That's it? Okay. Hold on. What you guys going do? As is, as you read it is what we going recommend – that's Sally statement right there, correct?

Mr. de Jetley: I second that motion.

Mr. Rabaino: So the motion has been made, and the second has been by Alberta, Commissioner Alberta de Jetley. All those in favor say aye.

Mr. Ruidas: Can we have discussion?

Mr. Rabaino: Sorry, discussion? Any discussion?

Mr. Ruidas: I want clarification on interim. If we can put a time line on that so that this thing doesn't get carried out.

Mr. Rabaino: Clayton, you have the honors.

Mr. Yoshida: The question again was?

Mr. Ruidas: Interim, maybe we can put that in there so that we don't have this thing going on and on and on. So that we have time line to make sure the interim is complied with.

Mr. Green: Or you just take out the word interim which I think is better.

Mr. Ruidas: Can we put like maybe a year or so?

Mr. Green: No, it's just –. You can tell it's changed by whoever changes it the next time, whether it's the community plan or the Planning Commission, et cetera.

Mr. Ruidas: Okay, should we put that in the motion?

Mr. Green: Well, I would recommend we, we amend Shelly's motion. It was Shelly who did that wasn't it?

Mr. Ruidas: Yeah.

Mr. Green: It was Shelly's motion by eliminating the word interim in the two locations, for interim under parking and interim under streets.

Mr. Rabaino: Okay. Green has a motion on the floor.

Mr. Ornellas: Okay, go ahead.

Mr. Rabaino: Okay, so anybody going to second the motion that Mr. Green, Commissioner Green made?

Ms. de Jetley: I second the amendment.

Mr. Rabaino: We're in discussion then. Are we still in discussion?

Ms. de Jetley: No.

Mr. Rabaino: Because he made a motion.

Ms. de Jetley: He made a motion, you need . . . (inaudible) . . .

Mr. Rabaino: And you second to the motion, is that correct?

Ms. de Jetley: Yes.

Mr. Rabaino: Okay, Alberta is going to make –

Ms. de Jetley: So I second the amendment to the motion.

Mr. Rabaino: Okay, so it's been – the motion has been made by Green, seconded by Commissioner de Jetley, for the record. Now we're open for discussion. John.

Mr. Ornellas: I understand what the interim part, but the interim we can apply our definition to interim. So the community plan process could be the end of the interim. Does that make sense?

Mr. Rabaino: Go ahead Clayton. Can you verify, clarify?

Mr. Yoshida: A design guideline would implement the community plan. So if your next iteration the community plan has certain design standards then we would go back to amend the design guidelines to conform to the community plan based perhaps on funding or whatever constraints. Because actually the proposal that we have now is to conform to the 1998 Community Plan because the previous Lanai Community Design Guidelines were adopted in 1997 to conform with the 1983 Community Plans.

Mr. Rabaino: Can you read the one, the motion that Green made and then that was second? Thank you David.

Ms. McLean: With the amendment, if the amendment were to pass, then the motion would be that the section on street be adopted until guidelines can be reviewed as part of the community plan process. So just taking out on an interim basis. It would just jump straight to the community plan.

Mr. Ornellas: Okay, so that does give us an end to the interim. Okay, because if we took interim out completely, who knows, you know that could last forever and a day.

Mr. Green: No, interim is pervious.

Mr. Ornellas: Alright.

Mr. Rabaino: Okay with all that said, is there any other discussion regarding this matter? It's close, right? Okay. So now we're going to vote on the amendment, right? Okay which is the parking – deleting interim, right? Deleting, excuse me, interim. Deleting the word interim. Right Lei, okay, for the record? So let's take a vote. Go ahead.

Mr. Ornellas: What did you tell me? You took interim out, but then you replaced it with something else. Is that in the main motion?

Ms. McLean: The main motion was to adopt the section on an interim basis until guidelines can be reviewed as part of the community plan process.

Mr. Ornellas: And we're taking out –?

Ms. McLean: And what the amendment would be is taking out on an interim basis. So the guidelines would be –

Mr. Rabaino: Okay, so we're on the same page, on the same boat. Now we're going to vote, correct? On the amendment to delete interim, correct? Okay. So here we go, all those in favor say aye.

Planning Commissioners: "Aye."

Mr. Rabaino: Any opposed? The ayes have it, and the nos are dead, for the record. Okay.

It was moved by Commissioner David Green, seconded by Commissioner Alberta de Jetley, to amend the main motion, then unanimously

VOTED: to eliminate the word interim in the two locations, for interim under parking and interim under streets.

Mr. Rabaino: Now we're on the main motion. Okay, any discussion on the main motion? As amended. Please read, please read the –

Ms. McLean: Okay, in its entirety that the section on street be adopted until the guidelines can be reviewed as part of the community plan process. Also adding on number six, in street, replacement planting plan of Cooke Pines. So adding Cooke Pines to the replacement planting plan. Also with the section on parking it shall be adopted until the guidelines can be reviewed as part of the community plan process except for numbers three, five and six.

Mr. Rabaino: And that is the main motion, right? I mean the main –. That's the main motion? Okay, any discussion folks, Commissioners? Go ahead Commissioner Ruidas.

Mr. Ruidas: Okay, so we making a motion. What happens to the original document? Are we making –. No, as Erin presented or as original? What is that one Erin, please? Okay, just wanting clarification that we're on the same page that we're not adding anything new except what we discussed and – yeah Jerry?

Mr. Green: Well, I think this is a really important point so that's what I assumed by implication. But maybe we should be more clear than implication is we don't like the other changes that were recommended. That's really what we're saying. The only parts that we think should be adopted are the ones in the motion. The other ones we think, and perhaps we need to state that, maybe there needs to be a second motion or another amendment to the motion that basically says the other items that were in the original proposal we feel should be dealt with in the community plan process.

Mr. Rabaino: I agree. You guys agree? Who's going to make the motion? And we can vote on it now, right? Okay.

Mr. Ruidas How about we withdraw the motion and make –

Mr. Rabaino: So we're going to vote on the streets and parking. All those in favor say aye. Hello? Who was the second? Oh, was Alberta. Okay, so now we're going to vote correct? All those in favor say aye.

Planning Commissioners: "Aye."

Mr. Rabaino: Any opposed? None. Okay, the ayes have it and the nos are dead. Now we're going to make another motion for clarification. Go ahead Green.

It was moved by Commissioner Shelly Barfield, seconded by Commissioner Alberta de Jetley, then unanimously

VOTED: to recommend to County Council, with the amendments, that section on street, page 30, be adopted until such time as the guidelines can be reviewed as part of the community planning process. Recommend that number six, of that section, insert replacement planting of Cooke Pines be implemented. And second, that section of street or parking, on page 33, with the exception of numbers 3, 5, and 6 be adopted until such time as can be reviewed as part of the community planning process. Otherwise recommend that the 1997 guidelines stay in place or enforced.

Mr. Green: I move – is it important to say for clarification? Okay, I move that we add, for clarification purposes that we feel that the other items that were included in the recommendation that differed from the 1997 plan are so important that they should be decided by the community plan, during the community plan process, by the community of Lanai, and not adopted that this time, otherwise.

Mr. Rabaino: So the motion has been made by Commissioner Green. John Ornellas, Commissioner John Ornellas, has second the motion, okay, for the record. Now we have an open discussion. Okay, any discussion Commissioners?

Mr. Ornellas: That is very important, what Dave made a motion is. It's very important that we tell these guys that we're not happy with the whole thing, but we're willing to move this, get these things by just so the process can continue. But this, from page one, to the last page, has to come before the community plan process for this island.

Mr. Rabaino: Okay, any other discussion Commissioners?

Ms. Barfield: Please include that it was not fair for any of us to review this in such a short period of time. I make an amendment to add that part.

Mr. Rabaino: Can we just add it on as an amendment or we have to go through the process? Okay, you want to make a separate motion or –? Okay, add her comment to that. Correct Shelly? Okay. The maker of the motion has to agree which is Mr. Green, Commissioner Green. Please use the mic because cannot hear too good you know. Okay, it's been declared to make a separate motion so who wish to make the motion? Oh, we're going to vote on Commissioner Green's motion. Do we have a second? Any discussion? Okay, so now we are going to vote. All those in favor say aye.

Planning Commissioners: "Aye."

Mr. Rabaino: Any opposed? None. Okay the ayes have it. Now Shelly is going to make a motion.

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

VOTED: for clarification purposes, that the other items that were included in the recommendation that differed from the 1997 are so important that they should be decided during the community plan process, by the community of Lanai, and not adopted that this time.

Ms. Barfield: I make a motion that it was not fair for any boards/commissions to review in such a short period of time, and for the community not to have their say in the input process as well.

Mr. Rabaino: I second. Sorry, I no can.

Mr. Ornellas: I'll Second.

Mr. Rabaino: John will second the motion that Shelly made. Okay, any discussion? No discussion. Calling for the vote. All those in favor say aye.

Planning Commissioners: "Aye."

Mr. Rabaino: Any opposed? None. The ayes have it.

It was moved by Commissioner Shelly Barfield, seconded by Commissioner John Ornellas, then unanimously

VOTED: to include that it was not fair for any boards/commissions to review in such a short period of time, and for the community not to have their say in the input process as well.

Mr. Rabaino: Okay, is there any other discussion on the agenda for Item D? If none, we're going to Director's Report.

Ms. de Jetley: I had one other, I had one other comment on this, under architectural design guidelines. If you guys go down and look at windows, I think that one, two, three, four, five, it's all like part of the cost of renovation is maintaining it's style. If you require wood framed windows, it just becomes four or five times as expensive as this type of window, which is prefabricated. And then like if you look at number five on this, it says, do not mix application of window styles or building use. This is a push out window that looks old fashioned, and that's a double hung window. So here in this building alone you have two different styles of windows. So I think that that kind of decision should be left up to the architect rather than to a committee.

Mr. Ornellas: Mr. Chair? Alberta, you know, when I went through the 83 Community Plan process the community plan can bring in architects to discuss these. Yes you can. We had them come in as well as other professionals that helped us with our understanding of the community plan. So this stuff can all be discussed when the community plan process starts. Because right now you're dealing in details, yeah? And you are correct that an architect should be consulted with this stuff.

Mr. Green: If I make a comment for the record. That's just one more example where the County did not follow the BCT Guidelines.

Mr. Rabaino: Okay, any other discussions?

Mr. Green: In the construction of this building.

Mr. Rabaino: Okay, we're going to move on to – where are we? – Director's Report, yeah. Open Lanai application report.

E. DIRECTOR'S REPORT

- 1. Open Lana`i Applications Report**
- 2. Agenda items for April 18, 2012 meeting**
- 3. Status of Lanai Planning Commission vacancies**

Mr. Ruidas: I have a question.

Mr. Rabaino: Okay, Castle & Cooke. Stabilization of Ka Lanakila Church, Lanai. Okay, what is this about? Clayton, is it you? Thank you Clayton.

Mr. Yoshida: Yes, so Mr. Chair, it was determined by the Planning Department upon doing the SMA check that the project does not lie in a Special Management Area (SMA) and therefore a Special Management Area review is not required. So we've informed Mr. Maly of that fact.

Mr. Ruidas: So Clayton, so he applied for a Special Management Area Permit?

Mr. Yoshida: He applied for an SMA Assessment, Special Management Area Assessment application for the project, but the property –

Mr. Ruidas: Yeah, and he's exempted because it's over the 300 feet setback, I think.

Mr. Yoshida: The property is not located in the Special Management Area.

Mr. Ruidas: So what's the X for?

Mr. Yoshida: I guess he would go in for whatever permits, if any, the Development Services Administration would require. They'll be processed administratively.

Mr. Ruidas: Okay. Yeah, that was my question because I was wondering why they came up for a permit when they're out of the SMA.

Mr. Yoshida: Yeah it was recently determined that since he only was filed earlier this month that the property is not in the Special Management Area, so it doesn't need an SMA review.

Mr. Ruidas: I guess you couldn't, but would you be able to find out why he applied for it? I mean, who was – who required him to do it?

Mr. Yoshida: Yeah, we could talk to Mr. Maly and try to find out why he applied for an SMA assessment.

Mr. Green: But this work has been ongoing for some time right?

Mr. Yoshida: I believe he went before the Cultural Resources Commission last month for this project and they did provide comments.

Mr. Rabaino: Okay, next one, Lanai Community Health.

Mr. Yoshida: Yeah, I believe that this item on the Community Health Center did go before the Urban Design Review Board for Country Town Design review so I believe it's just a matter of finalizing a letter.

Ms. Wade: Sorry, thank you. So because they're using government funds for the project they had to do an Environmental Assessment document so that's underway right now. And they're determining actually whether or not they need variances and one of those variances would be a road widening easement variance, so the design guidelines that you passed today will actually help them to not have to get the road widening variance for that property.

Mr. Rabaino: Thank you. Next item, Richard's Appliance.

Mr. Yoshida: Yeah, that is another Country Town Design Business Design review project. I guess we're still – which is still pending.

Mr. Rabaino: That's regarding the dormitories, right? Behind the store? The three dormitories behind the store?

Mr. Yoshida: Yeah, to convert part of the dormitory to retail.

Mr. Rabaino: What do you mean by pending? It's still under review?

Mr. Yoshida: I believe –. I believe so, but somebody might know better than I do.

Ms. Wade: Yeah, that got routed for agency reviews so we're just waiting for some final comments and then it sounds like an administrative approval.

Mr. Rabaino: Okay, so by summer time we going have appliances in there then? Okay. Okay. Last item, Castle & Cooke removal and replacement tiles pool. Where is this? Down Manele?

Mr. Yoshida: Yeah, this is an SMA Assessment the Department is currently reviewing as noted or as described by the Chair.

Mr. Rabaino: Okay. Any questions Commissioners? None?

Mr. Ornellas: The County gym is being worked on. Shouldn't we have been notified as far as what's going on with the gym and why it's being worked on and how long it's going to be till the work is done? I mean, does the County come, should come to us and tell us, hey, we're going to work on your gym. We're going to sand the floors. We're going to do –. I know it's a County owned property, but it should still come to us and say this is what we're going to do next month over at the County gym. Because we get asked about a lot of stuff that goes on this island because they know we're on the Planning Commission and we don't get too much information other than from you guys. So I would appreciate that if something is going to happen to a County property that at least let us know because that is pretty major when they rip out the sidewalks and the ramps and stuff. And I've heard they're going to start sanding the floors inside the gym so you're going to shut it down. So our community should have known. I mean, we should have been brought up to snuff as far as what's going to happen.

Mr. Yoshida: Well we realized that the smaller communities like Molokai and Lanai the Planning Commissions are kind of the clearing house for information so I guess if you mentioned it to us we'll try to talk to the appropriate body and we'll get back to you with the information.

Ms. McLean: Yeah, and not all permits go through the Planning Department. So, it might or might not. Not all permits do if there isn't a BCT review, if there isn't an SMA review, if there's isn't, you know, the things that Planning needs to look at, they're things that don't come to us. And we love coming here.

Mr. Rabaino: Okay, second item on the agenda, under Director's Report, agenda item for April 18, 2012 meeting.

Mr. Yoshida: Yes, I believe our Zoning Division wanted to come over and talk about the new FEMA Flood Maps, but I think we'd like to do that in conjunction with another item. And typically we would have new member orientation but we don't have any new members so we're kind of deferring on the orientation, so we'll have to get back to the Commission. And plus the Commission will only have six sitting members so and you need five to have a meeting at least. So right now it doesn't look like we'll have a meeting but, you know, things –. Because I don't think any of the open applications necessarily will come to you. I mean, you have two Country Town Business and one that's not in the SMA, and remove and re-tile replacement. So we may not have a meeting next month, but we'll confer with the outgoing Chair.

Mr. Rabaino: So we're going have one April Fool's then?

Mr. Yoshida: Yeah.

Mr. Rabaino: Okay, so you guys will notify us through email, yeah, if it's going to be on or cancelled, correct?

Mr. Yoshida: Yes. Correct.

Mr. Rabaino: Okay.

Mr. Ornellas: Mr. Chair?

Mr. Rabaino: Go ahead.

Mr. Ornellas: You know, there's – over the last year, we've missed, we didn't have meetings for various amount of reasons, but, you know, we still can have workshops. We still can do –. I mean, we haven't discussed the Water Use and Development Plan. You know, there's other things that we can, you know, that we can come and this community could use the information. I mean, I know you guys are hurting for bucks, but, you know, to keep us engaged and interested in this, you know, make us feel like we're needed and not just because you don't have nothing to talk about that day. There is a lot of things that we can talk about and workshops would be a good one. Pick one. Water. You know, the community plan. That was my other question, but, okay, I'm done.

Mr. Yoshida: Well, I mean, there is a Council Resolution that we should be getting any day now on establishing a Lanai Water Advisory Committee. And, you know, that will be coming to you specifically for public hearing comments. However, we'll probably just get it maybe this week or next week so I would say we may not have the hearing until June. Because we have to send it out for agency comments. The same process like we did today with the Lanai City Country Town Design Guidelines, and we have to publish a public hearing notice. But right now as you see from our applications, it's pretty sparse.

Mr. Rabaino: Okay, any other questions? Yeah, so as far as item number three, you had any nominees or still vacant?

Mr. Yoshida: The Council disapproved the two that the Mayor nominated last week. The disapproval action occurred on March 16th so I guess it's in the Council's hands to try to come up with a nominee by a certain time frame. If not, then it's up to the Mayor to come up with another nominee. We kind of have this situation on Molokai.

Mr. Rabaino: Is it reasonable to ask how many was nominated or how many applied?

Ms. McLean: Only two applications were received. Only two nominations for the three vacancies, and both were –. The Mayor's Office didn't hear any negative comments about the two individuals who were nominated. Council member Hokama indicated that he heard concerns from the community about the two individuals, and the Council tends to be differential to the Lanai and Molokai members when it comes issues specific to your island. And so the Council went along with Council member Hokama's recommendation. So it's now –

Mr. Green: So he – does the Councilman have to give any specific reasons for his recommendation?

Ms. McLean: I believe that he said he had gotten calls from the people in the community who felt they didn't have enough long standing connection with the community.

Mr. Green: I'm sorry but that's b.s.

Ms. de Jetley: One of the nominees is Ralph Black who grew up on Lanai, who went to high school on Lanai and who's father was Duane Black who wrote a book on Lanai and who was a fixture in this community, so I really have problems with that. And I also had problems of the rejection of Jim Clemens as a nominee because he's been very involved with the Lanai Youth Center and helped spearhead their building project when they needed someone to put their building together for them so he was project manager for them and did this on his own time with no reimbursement.

Ms. McLean: I think it will also be difficult just because the community plan process is opening up so the CPAC, the Council and Mayor will be looking for members to be on the CPAC as well. So community members who were interested in planning who might otherwise be interested in serving on this Commission might be putting their names in to serve on the CPAC instead. So there's more slots open and more competition, you know, for these seats. So, you know, I don't know if the Council would reconsider those two nominees. I have no idea, but I think it would be worth making your feelings known to them because otherwise, you know, we're not going to have, we're not going to have applicants.

Mr. Green: I'd also like to add that Jim Clemens is somewhat, might be somewhat controversial primarily just because he's out spoken. But he's no more out spoken, probably less out spoken than Ron McOmer who's been a member of the Planning Commission in the past. Jim has been a resident, part-time, since 1996 on Lanai. He's the owner of the building, one of the part owners of the building of where 565 is located, so he owns commercial property here. And the fact that –. Well, I said what I said.

Mr. Rabaino: Okay, with that said we still have another item of main concern. Number four Stanley's February letter of Mr. Ginoza.

4. Discussion on communication dated February 15, 2012 regarding County Special Accessory Use Time Extension approval for Lanai Recycling Center (ACC 2008/0005)

Mr. Ruidas: I guess this more for Michele because the Director is not here. Okay, so this letter extended the recycling center. My questions were concerning items #9 – I mean, #8 and #10 – regarding the pot holes along Twelfth Street, and the condition that if the Recycling Center is to operate at this location beyond the time allotted with this permit – this is the original permit – then Twelfth Street shall be paved and meet County's standards regarding frontage improvements. If Twelfth Street is not constructed prior to expiration of this permit, the original permit, a status report, including a schedule for construction shall be provided to the Department. So, was that provided because the road is bust up?

Mr. Yoshida: Yeah, Mr. Chair, in talking to Joe Prutch who was the staff planner on this, he was in discussion with the Department of Environmental Management and they have confirmed with the Department of Public Works. And for the FY14 Budget, they're trying to get an appropriation in the Public Works budget to do the paving because it's Public Works that does the road work. So that's why we only gave them until December of next year. Although their original permit would expire say next month. Hopefully by then we'll know the results of the FY14 budget and a time table, if Public Works gets the appropriation, the time table for the paving of the road.

Mr. Ruidas: Okay. So can the Commission get an update on that and the process, or something in writing so that we can all see what's going on because it's like another –

Mr. Yoshida: Yeah, we could ask Environmental Management to put that in writing.

Mr. Ruidas: Yeah, because it's like another permit passing us without, you know, we knowing about it again, like several before this.

Mr. Yoshida: Yeah, they do have a plan to work with Public Works to try to get monies in the FY14 budget to –

Mr. Ruidas: So what's the plan for now and yesterday?

Mr. Yoshida: Well, I guess they just –. I mean, the budget cycle will start again in a few months, although, the Mayor will be providing his, presenting his FY13 budget on Friday.

Mr. Ruidas: Is it possible for the Director to contact the head of Public Works – what's his name? Dave? – yeah, Dave, and ask him to at least interim, repair that road?

Ms. McLean: Yup, we can follow up on that.

Mr. Ruidas: Thank you. And that's all I have for mine.

Mr. Rabaino: John? Go ahead John.

Mr. Ornellas: I just want to add to Stanley. I've been around that road for almost 20 years as manager for Burgessing Warehouse for Castle & Cooke. County should not be responsible for that road. It's Castle & Cooke has just, has many more tractors and heavy equipment that runs on that road. So, you know, the County should be picking up the tab because they're at the end of the road because of all of their heavy equipment and their big trucks, and Castle & Cooke is also should be part of this cost to pave the road. And the road should be paved from Fraser Avenue all the way to the County baseyard, not just in that general area where the recycling center is.

Mr. Ruidas: I don't know if you noticed but this goes back to what we were discussing today. That part is part of the BCT. If you look at the zoning map it's BCT. So that's why I was wondering County or company, I mean, Castle & Cooke? So that's what my concern was.

Mr. Rabaino: I want to add to that. You know when all this development going on, it was agreed with Castle & Cooke and the County that all construction vehicle are to use another route, not to be driven in the city limits. See, and that I'm aware of. But now they're coming in, so it's going to bust up some more roads.

Mr. Yoshida: Okay, yeah, we can check into that.

Mr. Green: Okay, just to make sure I understand. This isn't requiring the recycling center to put in a road or is it? I mean, it's part of their permit so if they're not responsible for putting in the road, why is it in the permit like that?

Mr. Yoshida: Well, I think it's the condition that was placed on the original permit three years ago. And I guess the Department of Environmental Management was the applicant so their solution was to try to work with Public Works and try to get a budget appropriation. If there's another route, or maybe the company, then maybe Public Works can work with the company.

Mr. Rabaino: Yeah but Clayton the company gave the land for the recycle to be established so the road for, to commute inside there as well as the County on the other end as Stan said should be paved because the liability there. Who's going to assume the liability if the road is not paved properly? Or else we all going end up paying more taxes that's for sure. Okay, moving on, next meeting, if it exists, April 18th 2012. If not you would notify us by email as stated earlier. Do I hear a motion to adjourn?

F. NEXT REGULAR MEETING DATE: April 18, 2012

Ms. Castillo: So move.

Mr. Rabaino: Motion to adjourn.

Mr. Green: Second.

Mr. Rabaino: Okay, who seconded it? Green. Okay, so move. Good night everybody. Thank you for a delirious evening.

G. ADJOURNMENT

There being no further discussion brought forward to the Commission, the meeting was adjourned at approximately 9:09 p.m.

Respectively submitted by,

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

RECORD OF ATTENDANCE

PRESENT:

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

EXCUSED:

Matthew Mano

OTHERS:

Michele Chouteau McLean, Deputy Planning Director
Clayton Yoshida, Planning Program Administrator, Current Planning Division
Erin Wade, Small Town Planner
James Giroux, Deputy Corporation Counsel, Department of Corporation Counsel