

**LANA'I PLANNING COMMISSION
REGULAR MEETING
OCTOBER 16, 2013**

APPROVED 11-20-2013

A. CALL TO ORDER

The regular meeting of the Lana'i Planning Commission (Commission) was called to order by Chair John Ornellas at approximately 5:30 p.m., Wednesday, October 16, 2013, in the Lana'i Senior Center, Lana'i City, Hawaii.

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

Mr. John Ornellas: Okay, well let's bring the Lana'i Planning Commission to order. We have everybody but Brad and Priscilla. Okay, let's move on to item B, approval of the minutes, July 17th and August 21st, 2013 meetings. Yes Bev.

B. APPROVAL OF THE MINUTES OF THE JULY 17, 2013 AND AUGUST 21, 2013 MEETINGS.

Ms. Beverly Zigmond: Mr. Chair, I make a motion to approve the minutes of July 17th and August 21st meetings 2013.

Mr. Ornellas: Do I hear a second?

Ms. Stacie Koanui Nefalar: Second.

Mr. Ornellas: Seconded by, by Stacie. Any discussion? Hearing none, all those in favor of approving the minutes for July 17th and August 21st, 2013 say aye. Those against? It carries.

It was moved by Commissioner Beverly Zigmond, seconded by Commissioner Stacie Koanui Nefalar, then unanimously

VOTED: to approve the July 17, 2013 and August 21, 2013 Lana'i Planning Commission meeting minutes.
(Assenting: J. Aoki, S. Barfield, K. Gima, S. Koanui Nefalar, S. Marlowe, B. Zigmond
Excused: P. Felipe
Absent: B. Oshiro)

C. COMMUNICATIONS

- 1. MR. WILLIAM SPENCE, Planning Director requesting concurrence from the Lana'i Planning Commission pursuant to their Special Management Area Rules, as amended, that a Special Management Area (SMA) exemption can**

be issued for the following:

MR. RALPH MASUDA of Lana'i RESORTS and the MANELE BAY HOMEOWNERS ASSOCIATION submitting a Special Management Area Assessment in order to replace piping and pump at the Terrace Sewer Lift Station located within the Kapihaa Drive right-of-way in the Manele Project District at TMK: 4-9-022: 025, Manele Bay, Island of Lana'i. (SMX 2013/0266) (Valuation: \$300,000) (J. Prutch)

Improvements include replacing the piping and pumps within a concrete vault housing the current equipment for the lift station.

The Commission may take action on this request to concur or not concur with the recommendation for SMA exemption.

Mr. Ornellas: Item C, Communications. *(Chair John Ornellas read the above project description into the record.)* And Joe, you've got the floor.

Mr. Joseph Prutch: Thank you, thank you, thank you. Okay, you mentioned a lot of my first part of this. Essentially it's the sewer – I'm sorry, the Terrace Sewer Lift Station located on Kapihaa Drive in Manele Bay. Their proposal includes, like you said, \$300,000 worth of replacements which includes the piping and the pump within a concert vault that's currently existing out there. The Planning Department's SMA assessment, or the, I'm sorry, the Lana'i SMA Rules, and the Planning Department has determined that the proposed project is not a development per the rules, the Lana'i SMA Rules.

The rules provide, provided the use, activity or operations does not have a cumulative impact or a significant environmental or ecological effect on the SMA area. A development does not include – it's kind of strange, it's the opposite – so what a development does not include, or I guess, what would not be considered a development *is specifically repair and maintenance of underground utility lines including, but not limited to water, sewer, power and telephone, and minor appurtenant structures such as pad mounted transformers and sewer pump stations.* So according to the SMA rules, the Planning Commission, the Lana'i Planning Commission shall make a determination and notify the applicant in writing in 30 days. After that the application is reviewed by the Planning Department that the proposed action is – there's two choices – it's either exempted from the requirements of Chapter 12-402 because it is not a development as described, or you consider it not exempted. And then, of course, whatever you decide today the Planning Department will, will forward on to the applicant.

The recommendation of the department is that the Commission makes its determination to concur with the Department's SMA exemption for the replacing of piping and pump within a concrete vault at the Terrace Sewer Lift Stations. And of course, Lynn and Mich are here to answer any questions if, if they get specific about the, about the lift station itself. Thank you.

I'm sorry, you did get a handout today with the site plan because I noticed in the report, the

copy machine gobbled up part of the map so you couldn't see it. So the handout gives you a copy of the map so you can see exactly where this is located. Okay.

Mr. Ornellas: Thank you Joe. Lynn, you guys want to make a presentation? Thank you.

Mr. Mich Hirano: Thank you Chair Ornellas. My name is Mich Hirano with Munekiyo & Hiraga. As you can see from your handout the, where the sewer lift station is located, it is an underground concrete vault, so it's really below the ground. The sewer lift station was built in the early 1990s when the Terraces and the Manele Resort Residential Projects were underway, or before they were underway. So it's a maintenance, it's a maintenance action, the replacing the pumps due to their age, putting in more efficient pumps, and that's basically it. The sewer pump stations and the sewer system at Manele is a private system, and it's managed by Aqua Engineering. They manage the system. And Aqua Engineering will be replacing the sewer pumps. It takes about a week to replace them so thank you.

Mr. Ornellas: Thank you Mich. Anybody wants to testify on this, on this item, please come forward? No, Pat? Okay, close testimony. Members, any, any questions for the applicant or for the county?

Ms. Zigmond: Mr. Chair?

Mr. Ornellas: Go ahead, Bev.

Ms. Zigmond: Mich, I understand this is a, to update, what you said was an old system and it sounds like that. Is it going to increase the capacity?

Mr. Hirano: Same system. I'll ask John. Actually the pumps are smaller than what exists, what's in there now, and no, so they won't be increasing the capacity for them.

Ms. Zigmond: And just one question on workers. Lana'i folks? If not, where are they going to live?

Mr. Hirano: The Aqua Engineering as I mentioned is the company that maintains the sewer system, the waste water system for Manele, and it will be their staff that will come in and replace the pumps. Lana'i Builders may have, have a, a support role in some of the, you know, some of the work, but mainly it will be just a two technicians.

Mr. Ornellas: Bev, is that it? Okay. Anybody else? Alright, can I hear a motion to –. Well, let's hold off. I want to ask the county, is this considered a, a minor SMA?

Mr. Clayton Yoshida: We're recommending that it be exempted.

Mr. Prutch: So it's not a minor.

Mr. Ornellas: He's saying exemption.

Mr. Prutch: Because of that rule in there, the replace of, and maintenance of, makes it not a development, we can exempt it from the SMA. If it was minor, it wouldn't – it would be considered a development, it would be under a certain dollar amount, and then we can condition it. And you wouldn't see it.

Mr. Ornellas: Alright, thank you. Alright, can we get a motion to approve, approve SMX 2013/0266 for the new Terrace sewer lift station on Kapihaa?

Ms. Joelle Aoki: I move to approve.

Mr. Ornellas: I can have a second please?

Mr. Stuart Marlowe: Second.

Mr. Ornellas: Second by, by Stu. You guys are gonna have to use the mic over there. Get one. Thank you. Any discussion? Any more discussion? All those in favor say aye? All against? It passes.

It was moved by Commissioner Joelle Aoki, seconded by Commissioner Stuart Marlowe, then unanimously

VOTED: to concur with the department's recommendation for an SMA exemption
(Assenting: J. Aoki, S. Barfield, K. Gima, S. Koanui Nefalar, S. Marlowe, B. Zigmund
Excused: P. Felipe
Absent: B. Oshiro)

2. MR. WILLIAM SPENCE, Planning Director, transmitting proposed meeting schedule options for the Lana'i Planning Commission's review of the Lana'i Community Plan Update. (Long Range Division)

The Commission may take action to choose a meeting schedule option and approve it, or approve it with modifications.

Mr. Ornellas: John, don't, don't go away. We have some questions for you later on in the meeting. Then I'll have Lynn answer those questions. Okay, we'll go to communications #2. *(Chair John Ornellas read the above project description into the record.)* Let's get the county up here from Long Range Planning.

Ms. Kathleen Kern: Thank you Mr. Chairman.

Mr. Ornellas: Alright. Can you introduce yourself to the members so that way because we're gonna probably see a lot more of you, in the next few months.

Ms. Kern: For those of you who don't know me I am Kathleen Kern, one of the planners in Long Range Planning who've been working on the Lana'i Community Plan. We put before you today in front of you, you should have a small package with two options, two proposals, for schedules for reviewing the Lana'i Community Plan, the Draft Lana'i Community Plan Update.

And as you can see we have, we tried to stick with Wednesday night meetings and, and Saturdays. And we have two options here, one if which puts the emphasis on mostly meetings on Wednesday nights. And the second option most of the meetings happens on Saturday.

Ms. Zigmond: Can I ask a question here? On option B, it says, I see, unless my eyes are really, really bad. One, two, three, four, five Saturdays. But under, on the top option #2 says four Saturdays, so which is it?

Ms. Kern: I'm sorry, it should be, it should be the detailed list down below, option B is correct so it should be five Saturdays, and two Wednesdays. Any questions, any advice, or, or, I guess, the main questions to Planning Commission members is are they available to meet on Saturdays?

Mr. Ornellas: No. This is – did we get this in our packet?

Ms. Kern: No, no. This was given to you today.

Mr. Ornellas: Okay.

Ms. Kern: So, I guess –

Mr. Ornellas: So don't expect anything tonight.

Ms. Kern: No, I guess we would like you to ruminate on this, and, and let us know what your availability is and how many times –. I mean, we think, as planners, we sat down and we were estimating that it would take about 30 hours to go through the plan since it's, a lot of work has been put into it by the advisory committee.

Ms. Zigmond: Can I ask another questions please?

Ms. Kern: Certainly.

Mr. Ornellas: Go ahead Bev.

Ms. Zigmond: Sorry, I forgot to ask you. Sorry John. Cause I'm personally not fond of that many Saturdays. If – would there be like another option where there were no Saturdays?

Ms. Kern: That's possible. The, the limitations that we have, have to do with staff resources. And the planning commission is required to do verbatim minutes, so the planners, ourselves,

and our staff can't do verbatim minutes. We need to have the commission staff come and help us, so the other commission staff in addition to Leilani are willing to help so any, any schedule we have to make sure that the commission staff can come to do the verbatim minutes. So while in the CPAC meetings we did a lot of what we call double headers. We would come over for both a Wednesday night and a Thursday night meeting. We could try to do that same schedule again, or use that same mechanism, but we need to make sure that we can bring over commission staff to do the verbatim minutes.

Ms. Aoki: Mr. Chair? Sorry. I agree with Beverly. Less Saturdays is good for me because we work on Saturdays at our agency and I'm required to be at some of these events by law so I would like to have less Saturdays. March 12th, Wednesday, is not a Wednesday. It's actually a Tuesday. And February 12th, Mr. Chair –. That is a Wednesday, sorry. Mr. Chair, so February 12th, that date is out for us. We're working out of state on that day, so just so you know.

Ms. Zigmond: We can do without John.

Ms. Aoki: That includes Ms. Barfield over here. We're all out of state on that day.

Mr. Ornellas: Alright, we're not going to make a decision tonight. We just got this, and let's digest it first, okay. Can you, can the members have their schedules e-mailed to Leilani by November 1st, which is a Friday?

Ms. Shelly Barfield: Well, Leilani, you can put mines down, I'm not available any Saturdays.

Mr. Ornellas: Then put it in writing, and send it to her please, so that way we can, we can say it's all your fault. By November 1st, that gives the Planning Department, a little over, a little over a, a little over a week and half before our meeting on the 13th? The 20th, two weeks before that.

Ms. Zigmond: Mr. Chair?

Mr. Ornellas: Go ahead.

Ms. Zigmond: I'm a little flummoxed in how we're all going to, if we e-mail and then what, decide on the following meeting, when we meet in November?

Mr. Ornellas: Yes. That way we'll have time, the Planning Department will have time to digest what was sent to them, and then present what the meeting is gonna look like on the, on the 20th.

Ms. Zigmond: But, but that would be their option then. Wouldn't it be better if we had some discussion amongst ourselves here now since we don't want to do it privately?

Mr. Ornellas: I mean, we can go, we can go all night on this. We just got this.

Ms. Zigmond: Yeah, I know.

Mr. Ornellas: It's not fair to anybody to say, oh, okay, let's decide on something tonight. That's why I'm saying, you send your, your information to Leilani by the first and then by the 20th they'll have it compiled and brought back to us and then we can discuss it on the 20th.

Ms. Zigmond: Okay, I have a question then. If, if we were to go with something like Option A, and three members would not be available on February 12th, would, would the department be like make another, a substitute for that day?

Ms. Kern: Yes. If there are certain dates that, that we know, that you know that there isn't going to be, there isn't going to be a quorum of members, we can alter the schedule appropriately to a date where everyone could make it.

Mr. Ornellas: Okay. Is everybody okay with, the way I just handled it? I mean, you guys okay with that? Let's just –. Do you all want to discuss it tonight? I mean, we're going to go – we've got eight people – I'm sorry, six people that are going to say well I can't do it on Tuesday, I can't do it on Wednesday.

Ms. Zigmond: I can't do it Monday, Tuesday, or Thursday.

Mr. Ornellas: Okay, I understand that. If you put it in an e-mail and send it to, then we can put everything together and not hash it out tonight. You know, I gotta go to work in the morning because that's how long it's gonna take. Alright? Anybody, anybody have an objection to having their schedules e-mailed by the first of November to Leilani? You sent the e-mail already? You're great. Alright, anybody else sent her an e-mail already? Go ahead Joelle.

Ms. Aoki: I'm okay with having a quick discussion. We can limit our time.

Mr. Ornellas: Okay, let me ask you the question. What is it going to resolve to have a discussion right now? Are we gonna decide on a schedule or are we just gonna just hash it out and then –

Ms. Aoki: I don't think a decision will be made tonight, but maybe we could have a short discussion in honor of Ms. Zigmond's request, Mr. Chair.

Mr. Ornellas: Go ahead Kathleen.

Ms. Kern: I would just say, it, it would help us maybe to know just quickly if there are dates. You know, if Saturdays is just out, just let us know, and then we'll try and work around it. It sounds like maybe – are there other nights of the week where quorum is not going to be met?

Mr. Ornellas: Alright, let's – we can have a – let's open it up for discussion. Okay? I mean, but, you –. Yes, I will. Okay, I tell you what, let's get public testimony up now and then we can, then we can discuss it for 10 to 15 minutes. Okay? Who's – John, you're gonna? Okay. Then tell us who you are –. Can you turn it on please?

Mr. John Stubbart: John Stubbart, resident of Lana'i. I would suggest that you, from what I heard, that you take option A. And as suggested, throw in a couple more Wednesdays, a Thursday here and there. That's the end of my testimony. Thank you Chair.

Mr. Stubbart: Thank you John. Alright, anybody else want to testify? Yes sir Butch come up.

Mr. Reynold "Butch" Gima: Butch Gima. I've got two suggestions. One, for discussion tonight, maybe you guys want to decide if you guys want to do evening meetings or whether you want to do a marathon session, say like eight hours on Saturday, eight hours on Sunday or something like that and try to get it out of the way. I tell you if you guys are gonna do this for 30 hours over 10 meetings, I think it's gonna, it's gonna be difficult.

The other thing I want to testify too is I think you have to decide how much you guys want to get into the nitty gritty of the plan. My, my suggestion, and there are several others on the CPAC that also suggested that you not get into micro-managing the plan. That if there are statutory types of issues, legal issues, that need to be revised from the Planning Commission's point of view, then do so. But, to, to pick apart what we over for the last nine months, I think it's going to take too much of your time, and I think it will be a somewhat of disservice to what the CPAC did and what those who testified at the CPAC meetings, you know, provided. So, I, I think if you go marathon session, then you guys can block out time a lot easier than trying to block out eight or nine dates. If you choose to go to eight or nine days, I would suggest going doodle dot com. Then you can put all the dates in doodle dot com, have everybody's e-mails, and then everybody just picks the dates that can or cannot do, and it will save Leilani a lot of time. And it's a lot easier than e-mails going back and forth.

Ms. Zigmond: But you can, you can see the doodle where everybody else has responded, and is that going to be a violation? A violation of the sunshine law. When you doodle, you can say, it will say, Beverly and it will say all of the days I'm available; Butch, all the days he's available, and so that's going to be a violation of the sunshine law.

Mr. Gima: Why's that?

Mr. James Giroux: I, I think the temptation is that then it becomes a discussion. I think if all the information is given to the Planning Department, and if they can figure that out, then I think it will, it will save us that grief of having to, you know, worry about sunshine law challenges. The problem is is that everybody is getting information and they could be changing or, you know, they could be using the information that they're looking at as it comes in, and that could be seen as a discussion. So, you don't want – people need to just put down what, what they're available, and then the Planning Department can screen that information and then at an open meeting we can discuss the possible conflicts so, so the discussion happens on the record. So if people have to compromise and say well, you know, I didn't say – I know I said I couldn't come Saturdays, but, if, if I really have to, you know, I can change my job schedule. Well, then that's a discussion and that has to happen on the record.

Mr. Gima: So you wouldn't do that on doodle dot com.

Mr. Giroux: It could –

Mr. Gima: All you do is just click the dates that you're available.

Mr. Giroux: Right, but again, you're getting information –. You can do it on three separate days. You can look at the information, the information is going to be changing, people can be putting on extra information, and then you're going to be –. That's, that's – it's gonna start looking like a chat, so I mean –. All I can say is I highly discourage it. If we can get the information to the Planning Department we can save ourselves some –. I mean, we just went through the Kahanalele Case, and, you know, I mean, really after all the hundreds and thousands of hours of testimony to have one thing come back and bite you and have to start all over again. I'd rather be conservative and my advice to this body, and just let the staff work out the logistics. But we just need the information.

Mr. Ornellas: Thank you. Thank you Butch. Alright, anybody else want to testify? Ron? No? Ron, you want to testify, come up. Bev, can you give 'em your mic please? Thank you.

Mr. Ron McOmber: Join the real world folks. We just went through this, months of it. You're gonna have to pick a schedule and hope that everybody can be there. And again, I back up what Butch said, let's not micro manage this. We did an awful lot of work on this. And some of you if you'd come to the meeting you would've understood what we went through. I don't see – some of you didn't even come to these meetings. So, you know, you guys got a job in front, but please don't micro manage it. We did a lot of work on it. And if something's gonna bite you, then discuss it. But, as far as the schedule is concerned, I pity you. We had to work through the schedule. They put a schedule out there and we had to work through it folks. I just hope you can do the same thing. Thank you.

Mr. Ornellas: Thank you Ron. And I'm sure you'll be at our meetings, just to make sure we don't micro manage it. Alberta?

Ms. Alberta de Jetley: You know one of the – Alberta de Jetley. What I've noticed here tonight is we have four people from the community plan here to listen to you guys go on about this. You have two people absent from your commission. If they have been absent more than two meetings in a row, I suggest that you guys try to get them removed from this commission so that you have other people willing to serve on this commission. Because when you can't make quorum, the staff has come over from Maui, you guys are all here, and you can't make quorum because you're missing that one person, it's really, really hard, and you're going to be extremely frustrated. So if you have commission members that have not been coming to meetings, I suggest that you all consider petitioning to have them removed, and get people who are willing to serve and who are willing to put in the time on this plan here. Because when you want to go on vacation, you have a family emergency, you can't be here, you can't make quorum, it's the pits, so that what I suggest you all plan on doing.

Mr. Ornellas: Thank you Alberta. Lynn? Come on.

Ms. Zigmond: Mr. Chair?

Mr. Ornellas: Go ahead.

Ms. Zigmond: With all due respect to what everybody said, I totally understand that. I've been through this process before. I know it's a little grueling but, you know, I think just about all of us – virtually all of us – work, and some of us more than two jobs, more than one job, so it's –. You know, I don't think it's a matter of commitment for most of us as, as, as just finding the right schedule.

Mr. Ornellas: Thank you. Anybody else in the audience want to weigh in on the subject? Seeing none we'll close testimony. Okay members, 15 minutes, go ahead and start. Bev, you want to start it off? Discussion?

Ms. Zigmond: I already did before. I said I would prefer Option A, and I can work some, around that, if that's going to be best for everybody. There are days when I work till at least 6:30.

Mr. Ornellas: Thank you. Stu?

Mr. Marlowe: Option A would be my objective as well, as, as it's stated.

Mr. Ornellas: Stacie?

Ms. Koanui Nefalar: Option A, but I'm not available January 22 and February 26th. I'll get my schedule to Leilani in an e-mail.

Mr. Ornellas: Thank you. James? Kelli?

Ms. Gima: I would prefer Option A, as well. I think having the marathon meeting idea is possibly a good option if we could come up with – if we could agree on certain days just to get it, one shot or, you know, a couple of times versus nine meetings. Just throwing it out there. But I would prefer not to do it Saturdays so Option A with less Saturdays would be best.

Ms. Zigmond: . . . (inaudible) . . .

Ms. Gima: Right. But I'm saying if we had enough time to plan that in advance, for me, this is me, I wouldn't mind doing an eight hour day to get that out of the way. You know, I mean, Bev, we do similar work. I have on-call work, and there may be, with nine meetings, less chances me making most of those when we could just get it out of the way in one, you know, eight hours, two times. So that's just my personal preference.

Mr. Ornellas: Thank you Kelli. Shelly?

Ms. Barfield: Mine would be Option A as well. Saturdays probably I won't be here because of sports, and I probably won't be here on the 12th of February, and I think that's it.

Mr. Ornellas: Okay. Thank you. Joelle?

Ms. Aoki: Okay. I have Option A. I'm okay with a marathon Saturday if it's selected outside of any community event. I'm out of state February 12th. March 12th, there's another community meeting that we've already have scheduled on the dockets. I don't know if it's even possible to change it because I'm engaged in a contract with the facilitator. And March – okay, wait, let me see here. February 12th out of state. March 12th is a no. And May 7th is a no, in the evening. I wish I could rearrange that, but it was action on another board to have community meeting on that evening so I don't think I can change that.

Ms. Kern: And John what about your schedule?

Mr. Ornellas: I have no life, so –. Joelle, are we going to –? When? When?

Ms. Aoki: We are gone on February 12th.

Mr. Ornellas: I guess I won't be here on the 12th.

Ms. Aoki: And, you may not possibly be available on March 12th and May 7th.

Mr. Ornellas: Well, she hasn't told me yet. I don't know what she's talking about.

Ms. Aoki: That's the calendar we worked on today, this morning, that you're making reservations for, our community meetings.

Mr. Ornellas: Okay, okay, okay.

Ms. Aoki: Yeah, so March 12th. Excuse me, February 12th, March 12th, and May 7th. It's just a time of day that is an issue.

Ms. Zigmond: So Mr. Chair, what if – because I really don't like the idea of a Saturday and a Sunday marathon because I need some downtime. What if we did a Saturday because some of you won't be able to be here on certain Wednesdays. Did a Saturday for a full eight hours or something instead of a Saturday/Sunday.

Ms. Gima: . . . (inaudible) . . .

Ms. Zigmond: That's what I heard was Saturday/Sunday and it's like –

Ms. Gima: . . . (inaudible) . . .

Ms. Zigmond: Okay, I can live with that. Not Saturday/Sunday. No thank you.

Mr. Ornellas: Okay, alright, you know what, that's – 've kind of written down, it looks like everybody – Brad's not here so I don't know what he wants. But post office doesn't work on

Saturdays, so –. Oh yeah they do, till one o'clock? Okay. Yeah, so he can get off anytime he likes. Alright so basically got – everybody got Option A down, but with some exceptions. Okay, those exception, so when you, when you send your e-mail, Option A, with the following exceptions. That narrows it down for Leilani okay?

Ms. Aoki: Is there an option to do a different day on those weeks or are you folks set to Wednesdays?

Ms. Kern: I think we're somewhat – we have flexibility during the week. It was our understanding that Wednesday was your preferred day, what would be mostly likely, would be the most likely day that the Planning Commission members would be available. But from what I've heard, Option A seems to be the preference, but there's certain days that a number of you aren't available, so we can switch around some of those dates. And then based on the information you send to Leilani we can amend Option A and represent it to you in November or in advance of November's meeting we can send it to you with the package that comes out.

Mr. Ornellas: Yes, if you can – if Leilani can e-mail that information like before you send out the packets. If the information becomes available to you, send it us, and then that way we can, we can hash it out. We won't discuss it amongst ourselves, but we'll be able to review it. And, and, no secret meetings. So, go ahead Joelle.

Ms. Aoki: Just so can note, notate this, February, we're out from the 7th through the 17th. John, Shelly and I.

Mr. Ornellas: I'm going to Washington DC just to straighten out the Obama.

Ms. Aoki: I'm going there to collect my paycheck.

Mr. Ornellas: We are. Alright, so, you'll all gonna put down, you're going to send her an e-mail, Option A, with the following exceptions. Yes Joelle.

Ms. Aoki: One more question Mr. Chair. So how do you get a consensus when you have a, a, commission member that is not attending?

Mr. Ornellas: If she doesn't respond, then we just move on. Yeah, we just move forward. We can't wait for everybody to jump on board. Because there's gonna be, there may be some days that we do this that not everybody is gonna be able to get here. So the thing we're going to be focusing on is six. So if there's any changes, then we, we test six here, so we can afford to have one, maybe two people not being present. We have nine on the board, but we only have eight that actually shows up, okay. So I can go back and talk this, to our 9th, and talk to her again and just to make sure –. Or, I don't know how long – this is a question for you – how long would it take do you think to replace her if she submits a, a, her letter of resignation?

Mr. Yoshida: Well, it depends on the Council's schedule. I would say at least about, well, 30 days, at least. Because the Mayor has to submit the nominations to the Council, and the

Council has to schedule. And I believe they have 60 days to act on the nomination after the Mayor submits a nomination, or the Mayor's nomination is automatically approved.

Mr. McOmber: John?

Mr. Ornellas: Just a second Ron. Okay thank you. Does that kind of answer your question? Okay, go ahead Ron.

Mr. McOmber: John, if we're worried about the six people that didn't show up at the CPAC meetings, we wouldn't, we wouldn't be done today. You go with who shows up and enough interest in doing the community plan to participate. We had six people. We almost didn't have a quorum one night because people didn't show up. That didn't stop us doing our schedule. And what that really shows is people, how interested are in doing your community plan. If they're not interested, let them sit on the floor.

Mr. Ornellas: Thank you Ron. Okay? So any – any more questions or statements or –? Alright. So, so, we're going to resolve this right now that everybody's gonna send an e-mail to Leilani, picking Option A, with the following exceptions. And you gotta do that by the 1st of November, which is a Friday. That gives her time to put it all together. And then once she gets that done, and before, before our next meeting, hopefully, a week before our meeting, we can then hash it over. And then we'll come back on that meeting on the – when's our next meeting? – the 20th and put this to bed. And then that way we can focus on reading the community plan because that's the most important part of this is us reading the community plan and coming prepared to these meetings. Without that then we'll be –. We have to read it. Yes sir John. I think I just said that 10 times. Thank you. So that is probably the most important thing that we have to do.

Ms. Barfield: Can I ask a question?

Mr. Ornellas: Yes, go ahead.

Ms. Barfield: When are we getting our lovely large packets?

Ms. Kern: The CPAC's draft of the community plan update will be done by October 25th, and we will hopefully have it posted on the web shortly thereafter. Our other task that we're working on right now is with the CPAC draft is getting feedback internally from within the Department of Planning, but also with the other departments – Public Works, Environmental Management, et cetera. That's more likely going to take another month to get all of that stuff done, to get their feed back and then make corrections and which would just be sort of, you know, addendums and corrections, as per the director of Planning. We're basically hoping to have that done by the end of November and then hoping to mail you guys out a package in December. But it will be posted on the web, on the Lana'i Community Plan web page shortly after October 25th.

Mr. Ornellas: Okay, so it's, it's, it's still considered a draft only because the departments haven't weighed in the, the community plan. But, all I'm saying is, is we need to read it when it comes

out and know it by the time we have our first meeting. And that any changes that the departments may come up with will be manini compared to, it would be nothing major that would, that would change the plan per se, so we could be very well read by the time our first meeting starts. Anybody else?

Mr. Giroux: As far as the comment, the, the draft coming out of the CPAC is what the CPAC has. Anything coming out of the departments will just be comments to this body, and this body is the only one making any changes. The departments and even Corp Counsel might make comments or recommendations, but it's to you as a body. And so you're going to get the exact draft coming out of the CPAC, so that, that is what you will be reviewing. And then while reviewing that, you'll be looking at comments of the departments and of any other agencies that might have any concerns or suggested changes. But it's you who will be making the recommended changes.

Mr. Ornellas: Alright. Thank you. Alright, so let's move on. Anybody else have questions, comments on this topic? No, okay, we're moving. Okay, communications, three, discussion on amending Special Management Area Rules as suggested by me. Okay, so – hang on let me pull this. Can we take a five minute break? Is that okay? We'll take a five minute break. Thanks.

(The Lana'i Planning Commission recessed at 6:19 p.m. and reconvened at 6:24 p.m.)

3. Discussion on amending the Special Management Area Rules as suggested by the Chair

Action and/or direction on any specific proposals will be taken at a subsequent meeting after those proposals have been agendized.

Mr. Ornellas: Alright, let's reconvene. Okay, item 3, discussion amending Special Management Area Rules as suggested by Chair. Members, do you have this with you tonight? We're sharing. Okay. Alright, we can start off with the first one here. Go ahead. I'll wait.

Okay, the first one here is Lana'i Planning Commission to assume responsibility for both minor and major SMA permits. Minor of course is, is less than \$500,000 and a major is over \$500,000. Any –? Alright, if it's okay with you guys, I'd like to get, on each item, I'd like to get the response from, from the, the audience. Any objections to that?

Ms. Aoki: Mr. Chair, can you just give us a brief, some brief background on why you're doing this? Why you're recommending this? Just brief.

Mr. Ornellas: You know, I gotta keep these three girls away from each other from these meetings, I swear. I mean, I think, I think because Lana'i is so small, and we're not, we're not burdened with, with so many SMA Permits like Maui does. I think, I think we should be able to

see all SMA Permits that come before the, the Planning, the Planning Department. Of course, the second one is the Emergency SMA which I, I recommend, I recommend that we keep with the Planning Department, but he has – we'll get to that one. So that was the reason why I didn't it, I asked for that. Audience, anybody wanna weigh in this particular line, the Lana'i Planning Commission to assume responsibility for both minor and major SMA Permits? Go ahead Lynn.

Ms. Lynn McCrory: Lynn McCrory, Pūlama Lana'i. I would suggest that you add one more piece to that. If you want to approve, have the minor Permits come in front of you, I would suggest that you have the exempted permits not come in front of you. You saw today an example of an exempted permit. They are basically maintenance items. I can tell you that what you're also going to see coming in front of you is the repair of the 17th hole golf cart. You're also going to have some repair work down at Hulopoe Beach Park. And you're going to have a range of different things like that, that are really pretty simple things, aren't that great on the amount of money. And then you'll see – this way you'll see the minor Permits, but that flood of maintenance permits that are, at this point, intending to come in front of you, won't need to come in front of you. They'll just be approved by the department. So that would be my suggestion.

Ms. Zigmond: But Lynn, wasn't the Waterous Residence an exemption also? And I think we wanted to see that one.

Ms. McCrory: That's a house. Well, how about if it's over x-amount of dollars? And then it's a Minor. How come that wasn't a Minor? How about we leave houses in? I would be okay with that.

Ms. Zigmond: Well, we have to have that discussion here, amongst us. And, and the thing is that this is the only place where this community has any control, period.

Ms. McCrory: Well, my – it is a suggestion. It's going to be that you're going to get a bunch of them, that you're going to have to go through. So your reading volume level and what has to come out of here gets a massively large. So it was looking at it as saying it's a maintenance item, not a new house kind of situation, in that sense. Thank you.

Mr. Ornellas: Thank you Lynn. John?

Mr. Stubbart: I understand. John Stubbart, resident. I understand that Molokai has a broad SMA review for the planning commission there. And I believe for a while they were having two meetings a month to deal with all the minor permits that were coming before them. So it would probably mean a long term commitment from the committee, the board, or commission here, to maybe meet more than once if the load got too heavy.

Mr. Ornellas: Thank you for your concern. Yeah, sir, you do. Anybody else, wanna --? Go ahead. Come Butch. Pat? Please come Pat.

Mr. Reilly: Yeah, thank you, Pat Reilly, 468 Ahakea Street. You seem to be going about this

in an unusual way. To me, you're recommending an amendment to the present SMA Rules. Those rules should be before you, the entire set of rules should be before you, and the specifics that, of the language that you're trying to amend, to me, it should be before it. I mean, if I were going to make a decision, I want to see the whole ball of wax, and specifically the language that's going to be placed. I mean, you're discussing general concepts, that's not a problem. And I don't know how you'll make decision unless you actually see a Ramseyer kind of thing with the amendments actually written out.

But my understanding is the reason the SMA Rules came up was the discussion that we've had quite a while at CPAC was to amend the boundaries along with how to administer any projects that occur within those boundaries. And I'll reflect on this, you need to reflect on, if you're going to hold a meeting a week to discuss an SMA application, I don't think that's reasonable. Plus it's a cost to the county. I mean, that's tax payers' dollars. If they're going to fly over here once a week, and you know the amount of applications that come before you guys in the next two and three years because of all the developments going on. So somehow you've got to sort out, let the planning director or let them take care of the minor stuffs that's really not that key. And I understand the home rule issue, but deal with the major stuff that will have major impacts, relations to the community plan and how you guys want to see the development proceed or not proceed. But, the issue on the boundaries was real critical because if you don't change the boundaries, and that's a very complex process. If you don't change the boundaries, let alone the rules of what you do within the boundaries, all kind of stuff can go on along the coastline. And that's where I see it going. And, you know, for me, personally, I would like to see you have a little more authority to have those boundaries moved so that you have a little more authority in any projects happening close to the ocean or near the ocean in a special management area.

So, I – my recommendation is, you can have this discussion, but I would get some advice from the county and the planning department as about how best to proceed with these amendments to your SMA Rules, and please focus on the boundaries. Thank you very much.

Mr. Ornellas: Thank you Pat. Butch?

Mr. Gima: Butch Gima. I think Pat's comments are well taken, but to provide some context, I don't know how many of you remember, prior to 1992, we did not have a Lana'i Planning Commission. We had a Lana'i Advisory Committee to the Maui Planning Commission, so this was huge having our own planning commission. In that effort to achieve home rule, please keep in mind that, I think, many in our community see the whole island as theirs. Whereas somebody on Maui who lives in Waihee, doesn't really necessarily care about what happens in Lahaina. Somebody who live in Makakilo doesn't necessarily care about what happens in Kaneohe. The people on Lana'i, they care about the whole island. Even if they don't get involved and then they find out something's happen down by Shipwreck, they're going, hey, hey, what's going on? So I think you have to make your decision based on that context. And there, there needs to be some balance between how much you, you take on and the cost, you know, to the county. You may come to a compromise by saying all the minors under a certain amount of cost has to come to the Planning Commission but only as a communication, not necessarily an issue that you have to vote on. But I think you deserve to have, be made aware

of what's been approved or denied because this is our island.

Mr. Ornellas: Thank you Butch. Anybody else wants to testify? Okay, we'll close it on this particular item. Members, any, any questions or comments? Okay. County –

Ms. Zigmond: Mr. Chair?

Mr. Ornellas: Yes, go ahead Bev.

Ms. Zigmond: I'm just reflecting on when we changed the rules to have the exemptions come before us. At that particular time, there weren't any. And I remember the, the planning department was reluctant to have us do that because we would be meeting once a week. And, I, I questioned that, even with the minors, and maybe we should put some parameters around it because I still think it's really important that these, in my opinion, that all three categories come before us, but maybe with some parameters. Like, for instance, again, the residence that came before us a couple weeks ago, or a month or so ago, was an exemption, and I think we needed to see that. Today's, I was glad to know it was happening. It really didn't mean a whole – you know, I wasn't really emotional about it. But the residence itself was, you know, was a different story. So maybe we could consider having some parameters as people are suggesting.

Mr. Ornellas: Parameters as in size? Money? What?

Ms. Zigmond: Well, that's what we have to decide on, and it might be – if it's a routine kind of just maintenance thing, no. But a house, yes. I like what Butch said about the minors if it's under a certain amount, a dollar amount, that we be notified of it in a communication, but we don't necessarily vote on it. So those were good considerations, I think.

Mr. Ornellas: Go ahead Lynn.

Ms. McCrory: And, and just so you know that, you know, we're going to continue the community informational meetings where the pieces are coming up in front of you. Even things that won't come in front of this body, but we feel that you should know about them. We're going to continue with those meetings because we think they're important. So you'll have that as an additional piece should you need any further information on some of them. But I would believe – I like Bev's suggestions. I mean those would work for us too, and that would, I hope, eliminate multiple meetings in a month. That would be wonderful for all us. I love you all dearly bunch.

Ms. Zigmond: Mr. Chair?

Mr. Ornellas: Go ahead.

Ms. Zigmond: That was the scare tactic when we were trying to get the exemption. It was, you know, we're going to be meeting once a week, and, you know, it didn't happen. And although

things may be changing now, you know, I, I, I can see that. And you know, with all due respect to everybody I think there's still a certain amount of reservation, you know, so –

Mr. Ornellas: Joe?

Mr. Prutch: Yeah, just to mention and you mentioned a couple of times, the once a week, and maybe that was the scare tactic back then, but I don't think it would be meant to be once a week. I mean, Maui meets twice a month, so I'm looking at it more, at the most, twice a month rather than once a month. I doubt it would be once a week. That would be a lot.

Mr. Ornellas: Alright, thanks Joe.

Mr. Yoshida: Well, I guess a suggestion may be when we get the SMA Assessment we can come to the commission and say we're thinking of exempting this, and you waive your review and you give it to the director. So it doesn't cost, you know, a whole of time and effort and staff having to do a staff report and all of that, and come back before the commission several months later. And then on the ones that you want to review, you know say, yeah, it's a big single family house and –

Ms. Zigmond: I really like that idea.

Mr. Ornellas: How's that sound? That sound pretty good? Okay? Okay can, can we write this up for our next meeting so we can vote on it on the next meeting?

Mr. Yoshida: We can try to, you know, draft some sort of description. But when we discuss the agenda for the next meeting, I think you're going to see there's quite a few things that the commission has to discuss besides the, your review, the schedule for your review of the community plan update. You're going to have the Terraces at Manele SMA time extension that you deferred from the October 2nd meeting. And there's also the reciting of the recycling center to the center of town, which will need a County Special Use Permit and which the Department of Health wants that done before the end of the year, so, you know, that's what we have. And then I guess, we're also ready to move forward with the time extension on the swimming pool at Manele Bay Hotel, so, the SMA on that. So, I mean, that's, you know, what we'll have ready for the next meeting.

Mr. Ornellas: That sounds like –. What about December?

Mr. Yoshida: We could do so depending on how much progress you folks make in the November meeting, in terms of Terraces at Manele SMA time extension, and also the County Special Use Permit for the Recycling Center because that needs to be done before the end of the year.

Ms. Zigmond: Mr. Chair?

Mr. Giroux: Clayton, just as far as timing, I mean, we've had a general discussion right now, and

there seems to be some type of consensus to draft something. But according to Chapter 91, that is still just going to be a discussion of the draft, and, and authorizing that draft then to enter into the Chapter 91 process. Because the Chapter 91 process is going to use your draft as a posting so that the community can see what that draft change is. Then you have your, your notice period, then you have your public hearing, then you have your action and decision making. So I just want to make that clear as far as the timing issues involved. We're, we're still in discussion, and authorization of drafting. Because today you haven't decided on the wording of this conceptual change to the rule. So we're still in a discussion phase.

Mr. Ornellas: Alright, but we've already taken care of the first one, the minor and major. And you're gonna – you said you were gonna come up with a draft for that, on what you just said?

Mr. Yoshida: I think we'll come up with a concept for the commission's review and consideration.

Mr. Ornellas: Okay. Great. Then we'll move on to the next one, Emergency SMA permits. According to the rules, the planning director will notify, will notify the Lana'i Planning Commission members of an emergency SMA Permit at the next regularly scheduled meeting. That's the way the rules state now. I want that to be changed to notify the members within 48 hours. That way we don't –. You know, we don't have to go back too far to realize that we – there was – you know, we didn't have a meeting for three months. So, next regularly scheduled meeting might be three months away. But what I'm asking for is either by e-mail or call us, but –. Or he can just call me, and I can forward it on to you guys, but within 48 hours. So that way if we, if it's something big, then maybe we can jump in our cars or trucks and go down and just look at what, what happened and what is the fix. And then at least when, when we do discuss it we have some point of, point of frame where we can say, you know, this is what I saw when I went down there. This is not what's on the emergency SMA Permit. So that's why I'm asking for a 48 hours versus next regularly scheduled. You see any problems with that?

Mr. Yoshida: Off hand, no. But typically for the emergency permit we do send the commission a copy of the letter, written letter. So no matter if we have a meeting three months from now you're still going to get the notification by letter.

Mr. Ornellas: Okay, but that – see that wasn't in the rules. But, notification within 48 hours, I guess, if that's the letter, then that's the letter. That would be the notification, right, within 48 hours? When does the letter show up?

Mr. Yoshida: After the applicant submits an SMA Emergency Permit application. Because when you're in the emergency, you know, it's coastal erosion or whatever, you're just trying to deal with the immediate situation so get authorization from the director that it is of danger to habitable structures or whatever so, you know, do what you have to do, but within, you know, 10 days come in with an SMA Emergency Permit application and we'll condition it and say come in for the regular permit. This emergency permit is good for to 180 days, but within that time frame you gotta come in for the regular permit, you gotta go through the regular process.

Mr. Ornellas: Okay, so 10 days. After that then they have to submit. So they have 10 days. Okay. And so they submit the permit. He's already approved, yeah, if it's, if it's involving life, liberty and, and the pursuit of happiness.

Mr. Giroux: Health and welfare.

Mr. Ornellas: Health and welfare. I mean, he would have already make that a verbal, right? And if it's Pūlama and the hotel is starting to fall into the ocean, and they needed to get something done, he could say go ahead. And then, then the paperwork would follow within 10 days.

Ms. Barfield: That's not what it says here. *Not more than 10 calendar days after the date of the oral request, the applicant shall submit the required written emergency permit application. If the applicant fails to submit such application, information, documentation within the 10 day period, the director may require that the temporary solution be removed.*

Mr. Yoshida: Yeah, typically, we would document the fact that the director did give an oral, verbal, okay based on some phone call or what have you from a landowner or the applicant or what have you that there is imminent danger to a habitable structure caused by tsunami or whatever.

Mr. Ornellas: Alright. I guess we can, we can change that. I mean, you know what, I think I'm just looking for, I'm looking for it to be kept, that the planning commission be kept in the loop when stuff like this happens. So anybody got any, maybe some way to word it where, where we are in the loop, and as soon as he makes a decision he's notified? I know when I was on the Police Commission when something happened to an officer to the Police Department, the Chief would call me. So, I mean, if something happens on Lana'i, I would expect the Planning Chief to call me and then I can, I can disseminate the information to the members. But if it's, you know, I mean, that's what I expect. That's – and I think that's what everybody really wants to be part of the loop.

Mr. Yoshida: So you want notification of the Planning Commission Chair within 48 hours?

Mr. Ornellas: He's going to make, he's going to make, the Planning Director is going to make a decision. If Lynn calls up and say, hey, you know, the hotel is slipping into, into the ocean, we need to do this, this, and this. The Planning Department, the Planning Director will say go ahead, but you guys gotta submit your paperwork within 10 days. Okay? So as soon as he hangs up the phone he can tell you, hey call John, or call the Lana'i Planning Commission and tell him this is what's happening, and this is, and this, this is what's gonna happen next, and the paperwork will be in 10 days. I don't want, I don't want us to impede anything that's happening. I just want us to be part of the information.

Mr. Yoshida: So it just, it can be a phone call, e-mail.

Mr. Ornellas: E-mail, yeah. Nothing – doesn't have to be formal. Anybody? Is that okay? I

mean, alright. And then we'll go on to the next one. And then you'll write this one up too based on what we just, what we just said?

Mr. Yoshida: . . . (inaudible) . . .

Mr. Ornellas: Okay. You know, I'm just an e-mail away, you know. The next one is recently the Federal, State, and County governments has adopted a more concentrated focus in future planning of developments along Hawaii shoreline. With the new tools and forecasting sea level rise, the Lana'i Planning Commission should revisit shoreline setbacks as it pertains to SMA Rules. Now this one is, has a little bit more to it than –. We were able to see this on, at the conference at that we all went to, the Planning Conference, and got to speak to some very knowledgeable people from the University of Hawaii and from NOAA and the geological survey as far as what, what this island, what the islands could look like with, with the sea level rise that's forecasted. Now they've got a tool that we were all able to get. It's on NOAA's website, sea level rise. And you can go on there and see what it's, what it's gonna look like. You can pick, pick any particular place – Waikiki, Kahului Harbor, wherever – and then you can actually see how each – 10, 15 years – how, how much water is gonna be moving in. So you're not gonna see anything really drastic for the first 10, 15 years. But if you look 60 to 80 years out, now, it's pretty dramatic. So and since, and since the County of Maui and the State of Hawaii are, are really pushing for this we have some, some – Pūlama has some plans to develop the east side of the island and I think we need to make sure that, that we are aware of possible, possible hazards 30, 50 years, 100 years from now.

I would like to bring back what's her name from – Tara Owens – bring her back and have her, and have her give us another workshop on sea level rise. And she is associated with some of the people from the University of Hawaii and from NOAA. And they can, they said that they're willing to come to Lana'i to give us a presentation. So, I think it's important for us to schedule that. We don't have to do it, you know, now, but early next year, I think, we should put it on our schedule and get them to come. Go ahead Lynn.

Ms. McCrory: Lynn McCrory, Pūlama Lana'i. I would also suggest that we get Dr. Chip Fletcher out. Dr. Fletcher has done all the coast lines. He did all of Kauai. Has he finished with Maui yet? He's finished Maui. So what he's done is gone around and said you can expect that if you put a resort or you put a house here on this coastline, you need to be 200 feet away from the edge to deal with these issues. So it maybe something where, as an example, we have Dr. Fletcher do our coastlines. And he will do the whole island and then no matter where anyone puts anything you'll have knowledge that if something's put anywhere it needs to be so many feet from the coastline. I've, I've, we've used – my other job – we've used Chip all the time to determine where resort should be in relationship to the water. Because it does no good to put a resort and then, you know, have it start falling the water in 10 years. Somebody sues you. So you want to get the best information you can, and very honestly that's what Dr. Fletcher has been spending, what, 20, 30 years of his life doing. So if that's something I'm sure that Pūlama Lana'i could assist in getting him to speak to the planning commission and we would do that.

Mr. Ornellas: That sounds great. I guess, we'll just, we'll talk about this next year, after, after

we get done with the community plan, and we'll start talking about, about this. Maybe have a workshop on sea level rise. Alright, any objections to that? Okay.

And the last one, this was – I put this in only because I wrote this the day after we had our planning commission meeting with that guy down at the, the house. Yeah, the guy, the young kid, the architect that – here's – I don't know. When an SMA permit extension or a new SMA permit comes before the Lana'i Planning Commission the owner of the property must be present at our meeting to answer any and all questions pertaining to the permit. Go ahead John.

Mr. Stubbart: John Stubbart, resident. Does that mean that Mr. Ellison needs to come before you or is it a representative of the owner that is knowledgeable in the, in the project?

Mr. Ornellas: Go ahead Joe.

Mr. Prutch: That's the only thing I was going to suggest is well, yeah, it would be great to see Uncle Larry come here, I'm sure. But just with that one, the only thing I can suggest too is just that sometimes the owners maybe can't be here or for whatever reason or they live some where far away or whatever the thing is. But a lot of time the owners will hire people like Mich or whoever to process their permits for them, to act on their behalf. They sign and acknowledgment letter saying that I give Mich the okay to act on my behalf of my property for my project. And then it's the consultant's job to come and speak to you on behalf of the owner. So for my point of view in looking at this, there's a lot of times – I mean, I've seen thousands of applications in Maui, and you know, I don't know how many, but there's a lot of times where a consultant is doing the work for the owner and on their behalf. And I sometimes never even see the owner. Just throwing that out there as a suggestion.

Mr. Ornellas: Okay. Anybody else. Bev?

Ms. Zigmond: I think your intent was just to have somebody with some knowledge about the situation, yeah. So I don't know how you can enforce that, or –. I mean, it would be –

Mr. Ornellas: You know, yeah, when I also thought about is we had asked for certain –. I mean we can't use the word concessions in an exemption, but conditions. But we, if the owner was here, and we said, well, maybe you could do something with this. And he'll say, yes, I'll make sure that happens. The young kid that was here was, I don't know, so –

Ms. Barfield: He was a fill in.

Mr. Ornellas: Huh?

Ms. Barfield: He was a fill in.

Mr. Ornellas: I understand. I understand so –

Ms. Zigmond: Right, and again your point is very well taken. But if we make an exemption for Larry Ellison then we're gonna be making exceptions for other people so I'm not sure how you can do that. If it's everybody except Larry Ellison, they have to be here if they own it. I'm not sure that's gonna fly.

Ms. Barfield: Well you could say – I mean, like, that was a very good example, right? You know, the planner came before us. We all had questions and he didn't know because he was fill in. And then we didn't approve it. So, unless you want to come before us, if you want it approved or, you know, that sort of thing, have your, your know, ducks in the row. Have your – be knowledgeable of the project. Don't just send a fill in because that's what's gonna happen and it's gonna get pushed back.

Mr. Ornellas: Yeah we deferred it, but we didn't, we didn't – it was no decision but – so it passed. But, you know, when, when it's sitting in front of us, you know, that's when we can, we can ask for concessions. No, yeah, no, conditions – concessions. You can't, you can't conditions on –. Representations from –. You know if he's going yeah we'll do that, we'll do that for you, and then they'll so no, then we go on next. Because we can't, because we can't do that. We can't put conditions on to an exemption. We all found that out, so –. Alright, maybe I should think about this one more because we gotta do something.

Ms. Zigmond: Maybe if, if the Planning Department which ever staff person is working with that, you know, he can just say, send somebody who knows what they're talking about.

Mr. Giroux: From Corp Counsel. I think one of the issues you're looking at is that you want somebody who actually has authority to make those types of decisions. Not just somebody who has the authority to represent, but somebody who has the authority to commit. And that's the difference between having, you know, somebody just show up and then having somebody who's affiliated with the representative that they are authorized to make certain commitments if required to. And that's, that the difference.

The other thing is that, you know, with, with the fine line between some thing that's an action as opposed to something that's an exemption, a lot of times when the discussion is between the department those representations can turn, you know, from black to white really quick. I mean something that would normally be looked at as a development if certain representations are followed through with would actually cause a project to be an exemption. So it's really important that those representations are either on the record or are committed to, and are followed through with. Because if they're not it could actually turn a project into a development. So it's really critical because you guys are reviewing exemptions and I think that's the discussion early on during the evening was really critical because somebody could be mowing their lawn and then in the SMA area, do you want to review that? But then when somebody's building a half a million, to a two million to a 10 million, to a 100 million dollar home, and we're saying, oh, that's a single family home exempted from the SMA, you know, that's, that's where this, this huge pendulum. So you do want the representations of, of the person to be clear because we have had situations where people have come in and say, oh, it's a single family home and I'm not gonna cut down the trees, so there's no view issues. Well as soon as the bull

dozers come in and the trees disappear, guess what? You've got a million dollar view. Now what? Now the community's going, hey, how come you didn't protect the view? And it was like well the representation was there was no view to begin with. Now there's a view because you have a development. So these discussions have to be very clear with the representatives who are here that what they're representing does make a difference as to what is going to be a development as opposed to an exemption.

Mr. Ornellas: Joe, how many, how many exemptions or – sit before you now? Do you have an idea?

Mr. Prutch: How many exemptions are on my desk just from Lana'i in the last couple of months?

Ms. McCrory: . . . (inaudible) . . .

Mr. Prutch: I don't have – I don't have them all, okay. Okay, the ones that I have, right now, maybe a handful or less that I have on my desk for a moment. And then I have a Change of Zoning for the old Lana'i Police Station. I have the desal plant just came in. That's the biggie. So I only have maybe a handful of exemptions at the most right now. I'm sure they'll be throwing more my way soon, but that's it for now.

Mr. Yoshida: I think if you look at the list of open projects by TMK report, there may be about half a dozen, but it's growing. You know, Pūlama – I mean, they're doing a lot of things in the SMA and so there may be more forthcoming.

Ms. Zigmond: Mr. Chair, that's why we need to have Clayton draw up the concept so we can discuss at a later meeting because we really need to talk about that. We kind of just left that one hanging and went back to exemptions, and so maybe we can have them do that and we'll, we'll think about it in the next weeks and –

Mr. Ornellas: Alright, then I'll, I'll give this to Clayton and we'll ask him to, to give the county's view on this and what maybe – what, what I'm looking at, a lay person, who don't know, don't know crap so Clayton could give me a hand. Okay. Alright. So I'll deal with Clayton and this and then we'll see it, we'll see it, we'll see it later on in, in our deliberations.

So we agonized over that one. So let's go to the director's report. Commissioners' reports on the 2013 Hawaii Congress of Planning Official Conference conducted on September 18th through the 20th. You can go first, Stacie. And then we'll go to James with how many booze tickets he had left when he left.

D. DIRECTOR'S REPORT

- 1. Commissioners' Reports on the 2013 Hawaii Congress of Planning Officials (HCPO) Conference conducted on September 18-20, 2013 in Kona, Big Island**

Ms. Koanui Nefalar: I enjoyed it. Met a lot of people, lot of conversations, very informative. I enjoyed it. I'm glad I went.

Mr. Ornellas: I did too. I got to, I got to meet all the LUC people members on the Lana'i – not the Lana'i – but the Hawaii State Land Use Commission. They all have Lana'i –. They all have seen the reports generated back the 90s and stuff so they're pretty aware what, what happened and they're anxious to see what's gonna happen. So what really, I really got into the sea level rise. The guys that presented the, the reports and stuff with the new tools was pretty interesting as far as what –. I mean, it's amazing that you can plug in the, you can plug in the NOAA tool on sea level rise, and plug in Waikiki. We're gonna need a sea plane to land into Honolulu International Airport because it's gonna be under water. It's pretty amazing. But, yeah, it's, it's –. It was a very well. I enjoyed it. I learned a lot, and that's it for that.

Open Lana'i application, number two.

2. Open Lana'i Applications Report

Mr. Yoshida: Yeah, we distributed a list of open Lana'i applications. Are there any questions from the members? As you can see it's a lot more extensive than it was a year ago when there were maybe three items. And you see Joe's name a lot. He has – he's processing a lot of these applications.

3. Agenda Items for the November 20, 2013 Lana'i Planning Commission meeting

Mr. Yoshida: If there aren't any questions, then, I guess, we can move on to the agenda items for the next meeting on November 20th. We had already deferred the schedule for the planning commissions' review of the Lana'i Community Plan update. Once you send in your schedules to Leilani around the first of November. The commission deferred the, on October 2nd, the action on the Manele Residential SMA time extension request so that's scheduled for November 20th. Also we have scheduled the County Special Use Permit for the relocation of the recycling center in the interior of town because it's at the edge of town. And then we also have available the SMA time extension to initiate construction of the Manele swimming pool. And we have three hours to do that so see if that's a manageable agenda for the commission.

Mr. Ornellas: Will, will Pūlama bring –. The swimming pool was once approved, so –. Okay, you're just asking for an extension? Go ahead.

Ms. McCrory: Yes.

Mr. Ornellas: Not necessarily building a pool. You just want an extension.

Ms. McCrory: Not necessarily building the pool. I mean, that's what you'll see in my letter. There's, there aren't plans to, but because the permit is in place, we would like to extend it.

Mr. Yoshida: I just need some guidance from the commission given that we have possibly four items, which one they want to tackle first, and which one they want to tackle second.

Ms. McCrory: . . . (inaudible) . . .

Mr. Ornellas: Can we put on that last?

Ms. Barfield: . . . (inaudible) . . .

Mr. Ornellas: You want that first? Okay. The HI 5. Okay, so – . The exemption, the extension; the HI 5. Please turn off your cell phones. Okay so, it's –. Anybody has any objections to that? Clayton, is that good enough?

Mr. Yoshida: Yes, thank you for the guidance.

Ms. McCrory: Thank you. Thank you from us.

E. NEXT REGULAR MEETING DATE: NOVEMBER 20, 2013

F. ADJOURNMENT

Mr. Ornellas: Okay, so our next regularly scheduled meeting is November 20th, at 5:30 p.m., here. Everybody okay with 5:30? Can we maybe start early? You do? I don't. December 18th is our December meeting. Alright, so November 20th is our next meeting, 5:30 p.m. here at the Senior Center. Any comments? Questions? Okay. Meeting adjourned.

There being no further discussion brought forward to the Commission, the meeting was adjourned at approximately 7:15 p.m.

Respectively submitted by,

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

RECORD OF ATTENDANCE

PRESENT:

Joelle Aoki
Shelly Barfield
Kelli Gima
Stacie Koanui Nefalar, Vice-Chair
Stuart Marlowe
John Ornellas, Chair
Beverly Zigmond

EXCUSED:

Priscilla Felipe

ABSENT:

Bradford Oshiro

OTHERS:

Clayton Yoshida, Planning Program Administrator, Current Planning Division
Joseph Prutch, Staff Planner
Kathleen Kern, Staff Planner
James Giroux, Deputy Corporation Counsel