

**LANA'I PLANNING COMMISSION  
REGULAR MEETING  
NOVEMBER 20, 2013**

**APPROVED 12-18-2013**

**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, November 20, 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: Alright the meeting of – Lana'i Planning Commission meeting of November 20<sup>th</sup> please come to order. Present is Bev, Beverly Zigmond, Stuart Marlowe, Stacie Kaunui, Koanui. Yeah, when I'm done I might be able – another two more years, I'll probably, I'll probably get your name. I'll get it right the last meeting. Kelli Gima and Joelle Aoki. And Shelly had called – Shelly Barfield had called and said she would be late today. Alright, so we go to item B, approval of the minutes of October 2<sup>nd</sup> and –. We'll start with October 2<sup>nd</sup>, 2013. Any corrections to the October 2<sup>nd</sup> minutes?

**B. APPROVAL OF THE MINUTES OF THE OCTOBER 2, 2013 AND OCTOBER 16, 2013 MEETINGS**

Ms. Beverly Zigmond: Mr. Chair I sent around a few to Leilani via e-mail. They were typos.

Mr. Ornellas: Okay.

Ms. Zigmond: So I would move that the minutes of October 2<sup>nd</sup> be approved with amendments or corrections. Sorry.

Mr. Ornellas: Okay. We get a second?

Mr. Stuart Marlowe: Second.

Mr. Ornellas: Alright. Leilani, did you get those corrections? Alright, any objections? All in favor say aye. All against? Okay, October 16<sup>th</sup> minutes.

**It was moved by Commissioner Beverly Zigmond, seconded by  
Commissioner Stuart Marlowe, then unanimously**

**VOTED: to approve the October 2, 2013 meeting minutes with the  
corrections as submitted.**

**(Assenting: J. Aoki, K. Gima, S. Koanui Nefalar, S. Marlowe, B. Zigmond  
Excused: S. Barfield, P. Felipe, B. Oshiro)**

Ms. Zigmond: Same Mr. Chair. Just a couple of corrections I sent around. So I would move

that the minutes of October 16<sup>th</sup>, 2013 be approved with corrections.

Mr. Ornellas: Great. Second?

Mr. Marlowe: Second.

Mr. Ornellas: Leilani, did you get those corrections also? Alright. Any discussions? Hearing none. All those in favor of accepting the minutes for October 16<sup>th</sup>, 2013 say aye. Against? Okay.

**It was moved by Commissioner Beverly Zigmond, seconded by Commissioner Stuart Marlowe, then unanimously**

**VOTED: to approve the October 16, 2013 meeting minutes with the corrections as submitted.**

**(Assenting: J. Aoki, K. Gima, S. Koanui Nefalar, S. Marlowe, B. Zigmond**

**Excused: S. Barfield, P. Felipe, B. Oshiro)**

## **C. COMMUNICATIONS**

- 1. MR. WILLIAM SPENCE, Planning Director, placing on the agenda the Lana'i Community Plan Advisory Committee's recommended revisions to the 1998 Lana'i Community Plan pursuant to Maui County Code Sec. 2.80B.090.B. The Director is asking the Lana'i Planning Commission to confirm the date for its first public hearing on the matter and to confirm its schedule of meetings.**

**This item is not on the agenda as a public hearing, pursuant to Maui County Code Sec. 2.80B.090.C, however, the public will be allowed to testify as to the schedule. The Lana'i Planning Commission will not be discussing or making decisions on any substantive issues concerning the recommended revisions to the 1998 Lana'i Community Plan. The Lana'i Community Plan Advisory Committee's recommended revisions to the 1998 Lana'i Community Plan are available on the County website.**

Mr. Ornellas: We go to item C, communications. And this is *(Chair John Ornellas read the above project description into the record.)* And I think we all got a copy of that in our packet, right? Okay, so we can all start studying. Alright. Good. That's -. Alright, Kathleen, do you want to provide the information on the, on the proposed schedules that we can choose from?

Ms. Kathleen Kern: Yes. Thank you Mr. Chairman. You have in your packets a, of calendars and three options for a schedule for the review of the community plan. Based on all the information that I got on the planning commissioners' schedules, I, I, I really, really tried hard

to develop a schedule where most people could make most meetings. But I know that what folks said, a lot of folks really didn't want to do Saturdays. But in order to try to get the 30 hours in, if we only do Wednesdays which is what option C is I can't quite get 30 hours of meetings in it. It's a little difficult. And on the planning department side we have logistics and, and just resources. It's very difficult for us to come two weeks in a row. On, on the option C which has Wednesday nights only, we do have one week where we're doing two weeks back to back. And, and just that for us it's a little struggle to try and get minutes done, get information prepared for you. But I did give you an option. Option C is Wednesday nights only. Option A is eight meetings with two Saturday meetings so we can do two long Saturday meetings and try and get a lot of work done. As you can see with Option A the schedule ends a little earlier. There's only eight meetings. Option B has nine meetings with one Saturday, so we do get 30 hours, but have to go to the end of May to get all the meetings in.

Ms. Zigmond: Kathleen?

Ms. Kern: Yes?

Ms. Zigmond: I have a question please.

Ms. Kern: Yes?

Ms. Zigmond: Option A, isn't that six Wednesdays and two Saturdays, for eight?

Ms. Kern: I believe you're correct. I'm sorry.

Ms. Zigmond: Okay.

Ms. Kern: Thank you. So if you would like to discuss which option works best for you or vote on which option works for the members the best. Or if there's any particular days that are really not good that I missed please let me know.

Mr. Ornellas: Leilani, is the schedule – is this proposed schedule, is that out, out there so that people – in the back. Okay, so there are available copies in the back. We'll open the floor up for testimony from the public on this. Based on the schedule. Just the schedule, not the topics. For the schedule, we can. All – I'm opening it up to the floor, Ron, so if you have, if nobody wants to testify then that's fine. We'll move on. Thank you for your blessing. Any more testimony? Okay, let's open it up, commissioners. I'm going to close the, the testimony from the public and move to the commissioners. Any comments commissioners?

Ms. Joelle Aoki: I see this schedule is different from the one that was originally e-mailed to us. Thank you very much for taking into consideration our discussion at the last meeting. Mr. Chair, so it would be hard to determine what the agenda would be based on how fast we progress through the plan, if I'm correct. And so –. That's okay, I, I, I rescind my question. But thank you very much for taking into consideration our discussion at the last meeting.

Ms. Zigmond: Mr. Chair why don't we just vote.

Mr. Ornellas: Okay. Let's –. I kind of thought about how we were gonna do this. So what we'll do is we'll take each of the three options and we'll vote on the three options. The two top vote getters will then go the final vote. Okay? So all those in favor of option A, raise their hand. That's four. Option B? That's one. Option C? You can do C?

Ms. Koanui Nefalar: . . . (inaudible) . . .

Mr. Ornellas: Okay, that's one. Okay, alright, let's –. Okay.

Ms. Koanui Nefalar: . . . (inaudible) . . .

Mr. Ornellas: Oh, no. You can only vote for one.

Ms. Koanui Nefalar: . . . (inaudible) . . .

Mr. Ornellas: Okay, and I'm glad you are flexible. But, we want to pick a date. We want to pick or plan our option.

Ms. Koanui Nefalar: . . . (inaudible) . . .

Mr. Ornellas: That's right. No, vote once, on the first three, and then the top two vote getters will then go to, to another vote to pick the one. Okay? Can we do this again? Thank you. Okay, so option A? That's settled. So it's option A. Any discussion on option A? Nothing? Okay.

Ms. Aoki: Mr. Chair?

Mr. Ornellas: Go ahead Joelle.

Ms. Aoki: Just for the record, so, I will not be here on February 5<sup>th</sup> and neither will you and neither will Shelly Barfield.

Mr. Ornellas: I knew that was coming. We, we should have quorum. Me, Stacie, Joelle will be gone. Three. And you only need six. What did you say? Yeah, that's right, three. So, we need six. Okay. There will be five because the other, the other member who doesn't show up. So all five of you should show up.

Ms. Zigmond: Okay, here's a suggestion. Just in case somebody, you know, gets really sick or something.

Mr. Ornellas: Yes ma'am.

Ms. Zigmond: Why don't we take February 5<sup>th</sup> and make it in May, the end of May or the middle

of May.

Mr. Ornellas: Like the 14<sup>th</sup>?

Ms. Kern: Yeah, if February 5<sup>th</sup> is a problematic day we can look at an alternative date for February 5<sup>th</sup>.

Mr. Ornellas: Okay. Let's, let's do this now so we don't –. Okay, any problems with May 14<sup>th</sup>, Wednesday? No, we're doing option A. The last meeting scheduled on option A right now is May 7<sup>th</sup>. The 28<sup>th</sup>? The 21<sup>st</sup>?

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

Mr. Ornellas: The 28<sup>th</sup>. Any objections? That's a Wednesday. Any objections? So option A – February 5<sup>th</sup> will be removed and it will be added to the, to May 28<sup>th</sup>, which will be the last meeting. And hoping that we don't have to have that last meeting. Okay. Any objections? Any concerns? Right. No, this is strictly, this is strictly for Lana'i Planning – the community plan. The 28<sup>th</sup>. It's strictly for – nothing else. That's right. Yeah, for the record, Clayton nodded his head saying, you're right, the 28<sup>th</sup> will be strictly a community plan meeting. Alright, so –. Okay, so let's move on before somebody comes up with something else.

#### **D. UNFINISHED BUSINESS**

- 1. MR. RALPH MASUDA, Vice-President of PŪLAMA LĀNA'I (formerly CASTLE & COOKE RESORTS, LLC) requesting a 5-year time extension on the Special Management Area Use Permit and Project District Phase II condition on the period to complete construction of the Residential and Multi-Family Development at Manele project on approximately 868 acres of land at TMK: 4-9-017: 001, 002, 003, 004, & 005 and 4-9-002: 049, Manele, Island of Lana'i. (95/SM1-015) (95/PH2-001) (J. Prutch) (Deferred from the October 2, 2013 meeting.) (*Members, please bring the original report to the meeting. Report was included in your October 2, 2013 meeting packet.*)**

**The Commission may take action on this request.**

Mr. Ornellas: Okay, unfinished business, D. (*Chair John Ornellas read the above project description into the record.*) Okay, and this is the – this is what we deferred on the October 2<sup>nd</sup> meeting, so you were to, you were to pull your, your paperwork from the October 2<sup>nd</sup> meeting on this, on this issue. We'll open the, we'll open up the floor to the, the mic to the public. Oh, I'm sorry, Joe, you want to rehash this?

Mr. Joseph Prutch: I sure do. Thank you.

Mr. Ornellas: Alright.

Mr. Prutch: Okay. As you mentioned, of course, we met on October 2<sup>nd</sup>. And at that meeting there just wasn't enough time where you didn't have the reports in time, so we, you asked for a deferral of the item to today's date. And you as the commission had four additional information items that you, as a body, came up with as Exhibit 1. And those were – just to summarize – those were to elaborate on the conditions of approval proposed for deletion and include kind of a how and when the condition was satisfied. Number two, you wanted to know, provide information about that construction road at Manele Project District. Number three, you wanted to, the qualifications of Mr. A. J. Vergara, their environmental quality control coordinator. And number four, you wanted too, them, to provide water usage analysis for the Water Use Development Plan. Beyond that, of course, we also allowed time for, for e-mail questions, and we ended up getting three questions from Commissioner Zigmond, and we got 14 questions from Commissioner Gima. And those are also included as Exhibit 2 and 3, so you can see what those were.

So I'll kind of go through and summarize how we responded to that, and then some of it will be the applicant to respond to some of their portion of it. So I'll start with Exhibit 1, the letter from the commission. So for item #1, the conditions, I removed all the strike outs. So no conditions of approval are being deleted. Those will remain. And I did provide a little additional information regards to how the condition was satisfied or when. That's included in there in underline. So that's there if you wanted to see it. But none of the conditions will be removed. So, that was something that was strong point.

For item #2, you wanted to know about the construction road. I, I got information from the applicant that said the Manele Hotel – the, these construction road through that area will be improved. The dirt road will be paved and a runaway truck ramp or two will be placed alongside the road. If there's anything about this, I will have Lynn elaborate a little bit more on that as we get to that.

For item #3, Mr. Vergara is no longer there I believe, or at least he's not at this capacity. So now they have a Mr. Edwin Petteys, and he's the Vice-President of Natural Resources. Is he still there I hope. Oh, he was here. Okay, I didn't –. Oh, good, okay, I haven't met him yet. Well, he'll act as the environmental coordinator, and he's got quite an extensive resume in here as Exhibit 4, so you can take a look and see who he is.

For item #4, Lynn has quite an elaborate description in Exhibit #5, and it's talking about the, the water, the water report. So that's in Exhibit #5.

Commissioner Zigmond's e-mail, she had a few questions, and one of her question was, was to review SM1 electronic files from – well –. I'm sorry, let me go back. I'm getting into my response. Her question was "what other projects have asked for and gotten this many extensions in the past 20 years?" So I went back and had to figure out how do I do this and I looked through all the SM1 electronic files that we have at the County, and I chose from 1995 to 2005. I just took a 10 years period. And from that I was able to find – I looked for anything that had two or more time extensions just to narrow it down. And over the past, over that 10 year period, I was able to find 16 projects that two or more extensions out of a total of

217 projects. So, not a whole lot, but this definitely occurs, of course. And of those 16, there were three projects with four extensions. There was one of them that had five, and one of them even had six extensions. So, I mean, extensions do occur. It definitely happens. Some projects take long time to get done, and extensions are part of the process. So that's what I was able to find out for #1.

For question #2, you asked if the time extension could be for more or less than five years. Of course it can. But we're recommending five years. If the commission feels like changing that, either shorter or longer, you may do so through a motion and vote when you get to that point. So you can make a change to that condition if you want to.

And #3, I already answered that, Mr. Edwin Petteys.

Commissioner Gima, she had –. Let's see, her 14 questions, most of them were responded to by the applicant, so I'll probably let Lynn go into your questions. But one of them was, for the department was a, #2, which was – that was the one you wanted to know – oh, was there any times that either CCR or Pūlama Lāna'i were non-compliant for this project. The short answer essentially is I wasn't able to find anything where they were not compliant with their conditions of approval. And what I reviewed was, I reviewed the conditions of approval, and I reviewed the past compliance report that have been issued each time along the way for extensions, and I didn't find any thing that was non-compliant. The only one that – there is one condition that has not been satisfied. But the only reason it hasn't been satisfied yet is because it's a condition about – that they needed to do an archaeological data recovery for site 1509. It's part of the building, but yet, the only reason this hasn't been satisfied is because there have not been any plans for construction in that area as of yet. So that's a condition that will be satisfied when they get to that point in developing that area. So that's the only one I found that just was not satisfied at this time and it's just because it can't be.

So in summary from us, I believe that the commission's questions or concerns have been answered either by the applicant or by the department, and we're recommending the commission approve the time extension with the revisions to the conditions as shown in the staff report. And the only thing I changed on the conditions was the – that lengthy wording for the insurance condition that James suggested. Other than that everything else is the same and there's just no strike outs or no deletions of any of the conditions. And at that I think, I don't know if Lynn wants to, to talk or if you wanted to ask questions and Lynn can provide answers to some of the questions she responded to.

Mr. Ornellas: Kelli, did –

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

Mr. Ornellas: Any, any you're okay with that? Did everybody else get a chance to read their packets, and they're okay with that? Okay. Yes Bev?

Mr. Prutch: That's my report. That's my report then.

Mr. Ornellas: Thank you Joe. Yes Bev.

Ms. Zigmond: Okay, if no one has any questions about Kelli's or my questions and the subsequent answers, I have a question that wasn't actually part of – it didn't get to those questions to you Joe, but according to the minutes and my recollection, on October 2<sup>nd</sup>, I did ask Lynn about, I think it went back to 1994, the 10 acres and 15 acres of commercial and light industrial that was – it's been in a black hole all these years and the ag park. And I didn't have the information at that point. I did subsequently send it to Lynn and we had some communication. And I was wondering, Lynn, if you would tell the rest of the world, what happened to those 10 acres and those 15 acres because I don't think anybody knows about it.

Ms. Lynn McCrory: I bet you Ron did.

Mr. Ornellas: Ron knows.

Ms. McCrory: Is he nodding?

Mr. Ornellas: Yes.

Ms. McCrory: Yes. Well, there is –. There was a condition for the Land Use Commission, not the Lana'i Planning Commission on the golf course portion. So not even dealing with Terraces. And so I'm going to address it even though it's not dealing with the subject. There were 25 acres that were to be set aside and given to the State of Hawaii. 15 of them were to be in a commercial area, 10 were to be in industrial area. The land was actually in – made an agreement to convey with the State of Hawaii that went over to DLNR – they're the holder of all the state lands – and was then set aside and the area. And the areas are right at the corner. The 15 acres is right at the corner of Manele Road and Kaunalapau Road. The 10 acres is adjacent to the airport. About six to eight weeks ago we had Department of Hawaiian Homelands come over and say, hey, guess what? We're now the owners of those 25 acres. We went, really? So apparently in 2010, the land, DHHL came into the land board and said, would you transfer this acreage over to us because that's part of that whole settlement with how much land should be going into the Hawaiian for their use. So as of this point, what DHHL said to us is they were not really thrilled with the locations. And really what they wanted was some way to make money. So we are in the process of working with them to possibly give them 25 acres, the same amount, but over in Miki Basin where they could set up an industrial park. They could set up a whole range of different things that they might want to do that would give them the long term income coming in. So we were surprised. Didn't know they had it. But, we're in the process. So the state has the land. That was turned over.

Okay. Do you want me to do the ag park too? Okay. Also in that condition for the airport was a lease to go for 100 acres to go for 55 years to the state and the county. The land is located south of the airport. It is land locked. But when you read the conditions it says you have to provide access either to Manele Road or to Kaunalapau Road. What I understand happened with this is that the lease is signed. We have the lease with the state. And about a year after the lease was signed, the state came in and said we don't want this. So Castle said – and I



understand this is from 94 – so Castle then said okay we'll take it back. And then what we understand is Council member Hokama at that point says no county will take it. There's been nothing done. So we still have a lease with the state. It's suppose to be \$100 a year. I don't know if we've ever collected it. It, it – Bev and I – when Bev and I were talking about this, it has a water condition on it, and it only has water in the lease and in the condition coming from LUC of 200,000 gallons a year. He's got it. You're not going to do anything with 200,000 gallons a year. And it then says that an amendment to the lease which was then filed, an amendment to the LUC decision was that if there was going to be any additional water it would be at the expense of the lease, so it would an expense to the state. So nothing has been done. So, I still have a lease that I'm sure we're not getting \$100 a year from. It is out there and it goes to 2049. So I don't, at this point, have to go back to the county and say if the county wants it, then we need to have that discussion. But I would guess that the county would look at it and say yeah, we need to wait till you get the desal facility and we can actually get some water. Because you're not going do anything with 200,000 gallons a year. I mean with cactus. And that's not going to – you know, 100 acres. So that's your answer. Anything different Ron? Okay.

Mr. Ornellas: Yes, let's finish with Lynn and then we'll go on to public, public testimony. You guys okay. Alright, we'll open it up to public testimony. Ron, can you hobble up? I hope, I hope you won the fight.

Mr. Ron McOmer: I hope I won the fight to this one. A little bit different than what Lynn said, and, and the 15 acres was at the old truck station, and the 10 acres was the commercial on the corner of Kaumalapau and Manele Road. That was going to be the extension of our city. Originally we were going to put it where Hale Kupuna is right now, and Castle saw that coming along, and they made Hale Kupuna and that took it out of the play right there. How does Ron McOmer and LSG stand up and say we don't want seniors there? So that killed that right away. That was the difference in that presentation. It was 25 acres. You're right. But it was 10 acres commercial and 15 acres of light-industrial which we thought originally was going to be at the Cooke station.

Ms. McCrory: Yeah, it was 10 acres. I said 15. You're right. It's 10 acres of commercial.

Mr. McOmer: Okay.

Ms. McCrory: Yeah, I'm just looking at it now and that's what it says.

Mr. McOmer: Thank you. It goes to show you I'm not as . . . (inaudible) . . . as I thought I was. Now, now the water situation with the ag park. The ag park is a 100 acres with 500,000 gallons a day put in the LWAC. In the Water Use and Development Plan, we put that in there with an additional 250,000 gallons a day if needed. We reserved 500,000 gallons a day.

Ms. McCrory: That's in the Water Use and Development Plan.

Mr. McOmer: Right. In the Water Use and Development Plan. It should be in there. If

somebody is taken it out, then I want to know how they did it.

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

Mr. McOmbler: Okay.

Mr. Ornellas: John's nodding, so –.

Mr. McOmbler: Huh?

Mr. Ornellas: John Stubbart is nodding you are correct.

Mr. McOmbler: Well, John wasn't here and he doesn't –. You know, whatever, this is what I remember. I know. I know. I hope he does. I'd have a black eye on the other side. The ag park, the reason the ag park didn't fly is we brought state people in. They talked to the farmers or to-be farmers. What they determined was they could not afford to farm with the price of water, and so that killed that. Basically killed it because the pay, they couldn't get a subsidy. Nobody would subsidize it. Castle wasn't going to subsidize it. The state wasn't going to subsidize it. The paying, the kind of money that they wanted per gallon, no farmer can grow a crop of anything. Nothing even pakalolo, if they can grow that. So that's really what killed it. It wasn't – they lost faith in it because we had the 100 acres and nobody could pay for the water. So that's basically what that turned out to be. Thank you very much.

Mr. Ornellas: Thank you Ron. Any, anybody else want to testify on this particular item? Seeing none, close public testimony. Commissioners, any comments? Hearing none. Then something comes to mind. You know, I mean, with all these, with all these agreements over the last 25, 30 years do, do you have a, does Pūlama have a grasp as far as where all these things are at? I mean – Mich, Mich is nodding, but he doesn't have a very convincing face. I mean, do we have a grasp as far as how many agreements are out there that are just kind of –? Oh, we do.

Ms. McCrory: We do. And we're in the process of putting them on one big sheet that we can all follow. We know that we're following all the conditions. So like your water reports that you're getting regularly, your annual, your quarterly, the Dr. Brock doing the monitoring for condition 14 which is part of the golf course piece. Those are all being done, so what needed to be filed is filed, and we're just pulling all of the other things. That's why when Bev told me about the 100 acres of ag I was like, I haven't heard about that, wait, I gotta find that. But I had already found the 25 acres earlier so it's just a process of going down through everything and being sure it's all there. I mean, a lot of this was done during due diligence. And where it was left at some point was there was just some questions, so we're now trying finalize all the questions and be sure that we have all the information for all the pieces. And I'm sure those – I'm just going to call and ask Ron. And that's going to be easier. Yeah, yeah, and all the annual reports. Everything is being reported as it should be. That we're sure of. The only other thing we're doing is kind of changing so you can understand them a little better.

Mr. Ornellas: Okay. And once this list is made, will you be able to share with us? I mean, I

mean if we see a list of all the –. You don't know.

Ms. McCrory: I don't know.

Mr. Ornellas: Okay. And also –

Ms. McCrory: . . . (inaudible) . . . legal or not.

Mr. Ornellas: Okay.

Ms. McCrory: That's all. If they're public document, no issues.

Mr. Ornellas: Yeah. And then also share it with Riki too because he needs to know if there's anything in the weeds out there so that might come up later and bite us so –

Ms. McCrory: Believe me, if there's something hidden in the weeds, we're going to find it very quickly and get it handled.

Mr. Ornellas: Okay. Alright. Great. Any comments from the commissioners? Okay, so we can get back to what we were doing on this, this extension. Do we have any, any comments on the item, item D, #1, for the five-year time extension? Any comments on that? Go ahead Bev.

Ms. Zigmond: I'm thinking that for approval of this five year extension that it be the final extension. Five more years from now is going to be 2018. The desal plant is going to be up for a few years supposedly. The whole game is going to change and the cumulative impacts are suppose to be considered cumulative impacts of an SMA Permit. And we're already seeing cumulative impacts. We have for years and we are seeing them at a faster rate now. And so I would say in order to approve this that we have it as a condition that it be the last extension. And if it's not completed by then, then we really do need a new EIS and we really do need to start all over again.

Mr. Ornellas: Any comments commissioners? Go ahead Stu.

Mr. Marlowe: In as much as these extensions have been given decades over decades, if Bev has suggested were to even be considered, then I think that it would be only right to extended it to a 10-year period, not five.

Mr. Ornellas: Okay. Do you want to –? Any more discussion? Commissioners? Okay, well you guys stew over that one. Yeah, no pun intended. Let me open it up the testimony to the floor. Ron, please come up. I know we kind of got deluded with that other testimony that but we'll give you a chance.

Mr. McOmber: The only thing that would hold them back from doing that development now is they don't have the water. All this hinges on is whether they get the desal. If the desal comes through most of this, you know, there's no real reason to block that down there. Because right

now with the Water Use and Development Plan they don't have the water to build down there right now any way. That's what's going to stop them. So unless their desal doesn't go. If it does go, . . . (inaudible) . . . probably. That's a lot of water. When they want to do five million gallons a day is their projected level. That's an awful lot of water and water that will stay down there and will be off the grid down there which will help us up here in the city. So I don't see any problem with it. I don't see –. Right now their hands is tied because they don't have the water and you gotta give them at least five years to get this desal plant up because I think it's gonna take that long to probably get it in full swing. Thank you.

Mr. Ornellas: Thank you Ron.

Ms. Zigmond: Mr. Chair, I have a question for Ron please.

Mr. Ornellas: Sure, go ahead.

Ms. Zigmond: What we heard the last time was that there is enough water for phase two which is what this extension is for. It was said, phase three, there's not enough water. Phase two, there is.

Mr. McOmber: How many units are in phase two?

Mr. Hirano: . . . (inaudible) . . .

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

Mr. McOmber: And you feel, the company feels with the Water Use and Development Plan, what you have allotted down there, that's enough?

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

Mr. McOmber: Well, I think LWAC would like to look at that again just to reconfirm that because that's been a long time since we talked about that. I think to be fair to LWAC we need to look at that and get back to you.

Ms. Zigmond: Then it will be difficult to make that decision tonight. It will be difficult to make a decision if a major factor is whether or not there's enough water for phase two which is what we were told previously. So if that is uncertain, I don't see how we can really make a decision tonight. And it's an important, it's an important information Ron. It is.

Mr. Ornellas: Thank you Ron. Anybody else what to come up and testify on this subject? Hearing none, close public testimony. Any more discussion here? Go ahead Joelle.

Ms. Aoki: I'm –. I believe that, to my understanding and correct me if I'm wrong, that Pūlama Lana'i is about protecting our natural resources and, and, and our aina and our marine resources here, here and surrounding the Island of Lana'i. I don't think it would hurt should the

extension need to be reapplied for after a five year period once the desal plant was constructed and moving forward because we would want to know environmental impacts such as changes in water temperature and all of those things we discussed when IDE did their original presentation to us because it's still the unknown. And they're very experienced. They're very good at what they do. However, this is an island environment and we only have so much natural resources here that we cannot gamble with. And so should it be the case that we had to do an environmental assessment, whether a five, eight, 10, or whatever, I strongly support that because it – I feel it would be necessary to see where we're at. However, if there was enough water already determined for phase two, I don't, I would like to see what LWAC comes back with at this point. Because I, I thought we had a report on that. Did we not have a report on that?

Ms. Zigmond: Lynn gave us –. She told us that it was, there was enough water for phase two, and I, I don't – she said it came from there. I'm sure that's where it did, but Ron is saying he wants another look at it. So I, I don't know that we can – I don't know.

Mr. Ornellas: John? Can you put this on LWAC's agenda? For our next meeting? You're the greatest. Microphone John.

Mr. John Stubbart: The Water Use and Development Plan was approved and – by the LWAC. In that plan it calls for about a million gallons a day of potable water for the entire build out of the current plan for Manele, and about 1.5 million gallons of brackish water. In our current resources we have a sustainable yield of 4.3 million gallons. Actually it's 5.2 but our cut off, our voluntary cut off is 4.3 million gallons. We're using about 2, 2.1 million gallons in our sustainable aquifer. We still have a couple of million of gallons to go which requires some new sources. The desal was always in the Water Use and Development Plan, as a build out to provide additional water sources. This is exactly what LWAC was talked about. As a member of the LWAC I know that there currently is enough water to sustain the proposed build out and that any additional water that needs to be created for that development was to be desalinization. So it's up to your, if you want to have another look and another 30-day extension on this.

Ms. McCrory: What I gave you in response to that question were pages from the Water Use and Development Plan. And what I did was the layout on the various pages and take you through it so that when you got to the end you could see that just taking the columns that were in the Water Use and Development Plan that there is water to complete phase two. There is no water to do phase three. That requires the desal facility. But there is enough water to finish building the single-family homes. And I purposely gave you the Water Use and Development Plan and stepped you through that so that is wasn't me standing here or sitting here and saying there's water. I wanted to be able to show you because I thought that was more important to be able to show you very clearly that you could see where it was coming from. So that was my intent not to have it. It was to use the document that everyone says is the basis of everything. And to show you that we are not going outside that document.

Ms. Zigmond: And, and again phase two is what this application is about.

Ms. McCrory: Yes. It is just the remainder of the single-family homes in the Terraces. And the reality also is, is the market isn't there. They're not going to build anything. Somebody has to want to buy that lot. And I, I think if I look out there, I don't think the buyers are there yet. So, will they build right away? I – it's going to take awhile. So, that's one of the reasons we asked you the five years was if the market doesn't come back in that time frame because that's basically what happened in 2007. The market dived. No one was buying anything so nothing got built and nothing was changed. So it depends very much on the market when someone will do something. But you have the water using the Water Use and Development Plan as listed.

Mr. Ornellas: Alright. Good. Thank you. Ron and John, LWAC members, we'll make – I'll put this on the next meeting agenda just to discuss it more. Go ahead Kelli.

Ms. Gima: I just wanted to make mention that one of my questions that I had submitted was to ask to see if LWAC could have come tonight to key in on specifically the water issues. And I made mention in that question that, you know, we're not all water experts so we would like to hear from LWAC and maybe that could've helped more tonight. So that's something maybe to think in the future when we're reviewing items that deal a lot with water.

Mr. Ornellas: Okay. . . (inaudible). . . after our next LWAC meeting, we'll do, I'll do a little update or have Butch, your dad show up and give an update. But right now, we're just, we're just gonna discuss –. I mean, I was gonna ask, is there a time limit on this, this extension?

Mr. Yoshida: There's no specific time limit, but as you would note the, well, expiration date from the 2007 approval was, has gone by. So, I mean, they have a time extension request and they're kind of in the situation that, you know, they don't have a firm approval on the time extension.

Ms. Zigmond: Mr. Chair?

Mr. Ornellas: Go ahead.

Ms. Zigmond: I'd just like to say in response to that, however, there was a long time gap before that application came before us. So, I don't think that if we deferred again it would be too terrible at that.

Mr. Ornellas: No. Thank you. There's nothing being built so –. And if we make a decision, they have to go along with it on time wise. Alright so let's –. You want to make a motion? Anybody wants to make a motion on this? Whether to accept the five year extension? Come on Bev.

Ms. Zigmond: My motion would be to approve the five year extension with conditions that this be the last extension, that the construction road be a condition in there, and all other conditions that were given in the report.

Mr. Ornellas: Do I have a second?

Ms. Gima: I'll second that.

Mr. Ornellas: Alright, so then we got a second by Kelli. Any discussion? Members?

Mr. Marlowe: Yes, given again that the fact that these extensions have been readily given over the last, whatever, 15 to 25 years, to put a condition that it be the last extension I think is grossly unfair. Given the permitting process alone, especially on single family homes on lots that are yet to be sold is, is grossly unfair. Earlier I said if there is a, such a condition which I'm, I'm opposed to, either extend it for five with no condition or if there are conditions, at least 10 years. That would enable the market place to find its own level, and the long range permitting process, building cost and so could, could fall short of that. So we need to either given them 10 years, minimum, with conditions, or five years with no conditions.

Mr. James Giroux: I hate to butt in but as far as the – and, and we might want to go into Executive Session – but I want to throw this out there that as far as, you know, the conversation about what are you gonna look at as, as being the trigger. Because when you're looking at a project that there's been no work on it's easier to say, okay, no more extensions. But if they're half way through the project and it's just a matter of finishing up or it's a matter of, you know, just getting additional financing to complete some of the infrastructure, you have to look at the vested rights issue. Because if, if they're substantially completing or they're substantially complying with all of their conditions, to just meet or miss that deadline and then say, okay you don't have a permit anymore, can cause a lot of problems in, you know, for the county and, and for the developer. So we need to think about that because there is a balancing act that has to occur. You want to make sure that you're, you're looking at project and that there's real time happening here. You know, cumulative impacts. You want to look at that. You want to see whether or not the project has morphed in such a way that there needs to be additional conditions or there needs to be additional environmental review. But you don't want to set something in stone that really should be a little bit more organic. You know, like, an ability to be flexible at the end of the time frame. So if you come to the end of the five years, and you've got 80% of the project done, to say, in the condition that there shall be no more extensions really causes a – I mean, you're basically gonna have to remove everybody from that site. Everybody who may be half way through, you know, putting infrastructure, laying roads, building homes. Everything is gonna have to stop if that's the condition. And I'm not sure if that's the intended consequence because you could be left with half the city. You don't want, you don't want that. So it's, it's a conceptual thing that you have to think through in order to make sure you don't have an unintended consequence. You know, because it's, it's hard enough starting the machine, but to throw that stick in the spokes and say stop can cause a lot of peripheral damage to, to everything that's going on. So we have to look at the whole picture when discussing deadlines, time lines, and conditions of, you know –. So I, I think that the condition – you might want to have more discussion about that idea of no more extensions. What does that mean? What is that going to be based on? What kind of criteria are you looking at?

Ms. Zigmund: Okay. I, I have a question then. There have already been three extensions, so this is going to go on for eternity, number one. And number two, I think there were what nine out of 166 so do you consider that a majority?

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

Mr. Ornellas: Can you use the –

Mr. Prutch: What's she's trying to say is the 53 multi family homes have built, and I think 19 of the 166 got built. Yeah, not, not a majority of the single family homes got built.

Mr. Ornellas: Thank you for butting in. In your opinion you want us, you want us to really think about the no more permit, no more extensions at the end of five years. But are you okay with the rest of the conditions that Bev brought up, new roads and –

Mr. Giroux: Well, I do have some concerns, and I think the applicant has, have a say in that because if the road is not actually in the project district, that, that could be concern especially if it's not being used as a public road. But, I, I – it's, you know –

Ms. Zigmond: But, okay, it's – they're not – the applicant is not doing construction, correct. But when the people buy the lot and are going to do construction, they're going to need that road because we sure as heck can't have the one road, getting down to Manele. And isn't there something about cumulative impacts and what happens down there affects us up here. I mean it's not just – I totally get it about having an unrelated condition, but I think this could be proven to be a related condition, and, and they talked about doing it anyways, so what's the deal?

Mr. Prutch: May I?

Mr. Giroux: That's my point. That's part of the conversation between the applicant and the, and the board.

Mr. Prutch: If I may as well? I know you mentioned a condition for the road, but I'd like a little more specific and what is it exactly you want. I know I mentioned or they mentioned paving here and there, and maybe a ramp. But I'd like a little more specific what is it that you want.

Ms. Zigmond: I don't have the words in front of me, but repaving it or I don't know if somebody if you have that –

Mr. Ornellas: Runaway ramps.

Ms. Zigmond: Yeah.

Mr. Ornellas: Drain. Drainage.

Mr. Prutch: I'll, I'll write something down and I'll, I'll word it to you in a minute.

Mr. Ornellas: Okay. Go ahead Joelle.

Ms. Aoki: Approach on grade. So, you know, the, the grading is extremely steep. And, and,



again going back to the use of the public road, I don't think the public road can handle the capacity for construction and a runaway ramp if a truck was coming down there without brakes which has happened before which is why we created that road.

Mr. Ornellas: Leilani, can you please add Shelly to the list? Would you take like a little short five minute break you guys come up with so –

Mr. Prutch: . . . (inaudible) . . .

Mr. Ornellas: Okay. Then spill the beans. Go ahead.

Mr. Prutch: Okay, so what we have so far to work with is that the, is that the construction road through the Manele Project District shall be improved with paving and runway ramps, with the s in parenthesis. Either a runaway ramp or runway ramps as determined by them, I guess, what's necessary, within one year of the date of this time extension approval. That's what I have so far. Of course, if you want changes to it I can adjust. And obviously I've spoken to the applicant and they seem to be onboard with that.

Mr. Ornellas: Okay. The road is outside the project district. It starts outside the project district and it works its way into the project. So he just said, he just said from the project district. It starts from the top. Alright it starts from the cutoff from Manele Road. Okay. All the way down. From Manele Road all the way down to –. Yeah, of course, you guys are not gonna keep a junk road in front of the hotel so. One more time Joe.

Mr. Prutch: Okay, so now it reads that the construction road from Manele Road, through the Manele Project District shall be improved with paving and runaway ramp or ramps within one year of the date of this time extension approval.

Mr. Ornellas: Okay, it's runaway. Yeah. We're not Mokulele Highway where planes land on –

Mr. Prutch: Oh, what did I say?

Mr. Ornellas: Runway.

Mr. Prutch: I wrote runaway. Yes, they're going to put a runaway ramp. My writing is really bad.

Mr. Ornellas: Bev, does that sound okay? Better? Bev, better? Okay. Any other questions? Go ahead Joelle.

Ms. Aoki: I don't want to be a pest, but the, the approach on grade, the steepness of that one part of the turn, I don't know if there's any way to, yeah, to include that. If possible.

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

Mr. Ornellas: Alright? Alright, I'll tell you what, we've got, we've got a motion and we have a

second. Let me go out to the community. Go ahead. Come up and speak. And Dave you're next.

Ms. Winnifred Basques: Thank you. My name is Winnifred Basques. Talk about the road, that is a bad road. Very bad. I tell you why. My husband use to work on the regular Manele Road for 29 years. Okay. When he saw that road how they when cut it was all wrong. I don't know if they had any kind of a diagram or how they going cut that road, the turns was unbelievable. There were no drainage ditch. There were no five feet shoulder. They were nothing. On top of that Conrad Kawasaki, he died on that road, on Mother's Day, several years ago. When he came down from that road, the truck was inspected. But when he came down that road, the brake when give way, and he when head straight to the culvert right there. The one who did it, I don't think they had it in mind that that was going be a construction road which he was driving the big truck, the big rig. But the thing is, you know, when you do something like that, I don't think they had any inspectors on the road, no policeman on the road because it has to be liability. And the liability was great. It's killed a person. When you do something like my husband when you have inspectors come in, before they do the road, you have to get all of the supervisors from all different departments on the road. You have to have to have a pre-con, a pre . . . (inaudible) . . . You have to describe how you gonna cut the road, who's gonna take the road, and who's gonna maintain the road. And did you know that the . . . (inaudible) . . . it has to be four inches, not two inches. Gotta be four inches. Because what they do, they, they do that on the road. They take a sample, send it to Honolulu to be tested if it's adequate with the tar and the gravel. See, this is the kind stuff that I had learned because my husband works for the supervisor inspector he made for 29 years. And I use to be on the road with him for do all that kind of stuff. But it has to be very cautious when you going do a road. And that road I tell you is "pilau." Very, very "pilau."

Mr. Ornellas: Yes, we know, we know.

Ms. Basques: Thank you.

Mr. Ornellas: Thank you Winnie. Very appreciate it.

Ms. Basques: You're welcome.

Mr. Ornellas: Dave? David Green?

Mr. David Green: Good evening. Dave Green, Manele resident. As I understand the motion, and I may not be correct or the wording that was read here. I'd be surprised if it's even feasible to do this given my short experience in the State of Hawaii. Making changes to the road can't be something that can be done easily, and just the construction process and . . . (inaudible) . . . everything. As I understood what was read it sounded to me like the road should be completed within one year of you approving the extension. So that's one issue. I would be highly – I would be highly surprised if that's even feasible.

The second issue is Pūlama Lana'i is doing an awful lot of things for the community and

spending a lot of money. And if the demand isn't there to use the construction road I would suggest if that's something that you feel important, is important to maintain or improve the construction road that you put some kind of a trigger that has it be completed before development or something like that. But rather than time limit that's arbitrary, something that would allow the work to be done in a way that stays with the demand, the increase demand for the road. Thank you very much.

Mr. Ornellas: Thank you Dave.

Mr. Green: I didn't say whose idea it was, I just thought it was stupid.

Mr. Ornellas: Thank you. Alright Dave.

Mr. Gabe Johnson: My name is Gabe Johnson. I'm a Lana'i resident. I drive up and down Manele Road at least four times a day and it's a dangerous road. It is – I see people coming off the ferry all the time with bikes now. It's a new thing that people like to ride their bikes up and down that road. So the back road is, I, I tell them, you shouldn't be going up and down Manele Road, you should maybe go up the back road. But I understand it's not, it's like a private road, it's closed. I can't tell them to go that way. But time and time again I see people going up and down Manele driving like crazy people. And the back road it's just, it's very unsafe. So I think that if you guys are interested in improving it, my question is it going to be a construction where you can't have people going on that road. So it's a private road. No one can even go on it even if you improve it. So you're improving it for the residence that will be at Manele or is it just getting the trucks off the main road?

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

Mr. Johnson: So if you're gonna just – it's just going to be for trucks and construction, then I would be for that, but I'm just concerned that the trucks on the main road is really kind of dangerous, you know, so I just wanted to put that out.

Mr. Ornellas: Thank you Dave. Anybody else? Okay, hearing none, we'll close public testimony. Leilani, can you do me a big favor and read the motion again please? Okay, who made that motion? You did. Go ahead and –. You wanted the –. Okay, so –. Try to remember what the motion was.

Ms. Zigmond: I know what it is, but I think I was told I can't do that. So I think I'm going to have to withdraw it.

Mr. Ornellas: James didn't say you couldn't do that.

Ms. Zigmond: I read between the lines, John.

Mr. Ornellas: Okay, so you're going to withdraw your motion? Kelli, would you withdraw, withdraw your second? Alright. Okay, so let's get back to the, the original reason why we're

here. So, so I can hear a motion to approve the five year extension for item D1? For –. Somebody's got to make a motion. I just recommended that we approve it. So you making the –? Stu you making the motion? Who's going to second it? Do we have a second? The motion is to accept. No, Bev withdrew. Okay, so the motion is to accept the five year extension as – with the, with the conditions that you guys have agreed to. For the road and the one within the –. You know, you guys have a problem with the one year? Is that kind of –? Okay. Joe, that's one extension for that too yeah?

Mr. Prutch: They don't seem to be having trouble with the one year. We were trying to discuss the tying it to development as was suggested, but, you know, the Manele Hotel Resort is going to be developed very soon, and so tying it to that is impossible because they're going to be doing that probably now.

Mr. Ornellas: You're, you're desal discharge pumps are gonna be right there too, so you guys gonna have to fix it any way so.

Ms. McCrory: That's why one year and no point of a trigger.

Mr. Ornellas: Yeah. Okay. So, Joelle seconds the motion. Anymore discussion? We beat this to death. Hearing none. All those in favor of accepting the five year extension with, with the exceptions as listed – conditions as listed – please raise your hand? We have five fore. And negative? And one negative. It passes. Okay.

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

**VOTED: to approve the department's report and recommendation with the conditions as listed.**

**(Assenting: J. Aoki, S. Barfield, K. Gima, S. Koanui Nefalar, S. Marlowe**

**Dissenting: B. Zigmond)**

## **E. PUBLIC HEARING**

- 1. MR. KRISTOFER BAPTIST of LANA'I RESORTS, LLC requesting a County Special Use Permit to relocate and operate the Lana'i City Recycling Center, a HI 5 Recycling Redemption Center to the B-CT Country Town Business District at 907 Ninth Street, TMK: 4-9-005: 090, Lana'i City, Island of Lana'i. (CUP 2013/0004) ( J. Prutch)**

**a. Public Hearing**

**b. Action**

Mr. Ornellas: Alright. Okay so the next item we're gonna go to is E1. And this is a public

hearing. *(Chair John Ornellas read the above project description into the record.)* Mr. Prutch.

Mr. Prutch: Okay, let me put on my recycling hat here. Hold on a second.

Mr. Ornellas: So the county will give their, and then we'll go to public hearing, and then we'll come back.

Mr. Prutch: Well, I'll give just kind of brief summary and then the applicant is here.

Mr. Ornellas: The applicant's here?

Mr. Prutch: The applicant is here and they'll go through a power point presentation.

Mr. Ornellas: Okay. Right. Then after they're done then we'll have public.

Mr. Prutch: Or if you want, I can just – essentially –

Mr. Ornellas: No, I think the public wants to hear what this is all about.

Mr. Prutch: Okay. So essentially this is a, this is a County Special Use Permit for a Lana'i Recycling HI 5 Recycling Redemption Center similar to what you already have down on, I think, it's Twelfth and Fraser, behind their offices. That will go away at the end of this year, and the idea is to get something operating on January 1<sup>st</sup>, so you don't have a break in the service of having recycling. So same facility as down there, the recycling, all the HI 5 glass, cans, and plastic bottles. Nothing else. They're proposing to do this on approximately 12,000 square feet of the baseyard over here, on Eleventh Street and Lana'i Avenue, on the corner there. They want to use eight of the bays for the recycling facility. Eight of the 22 bays that are currently existing there. Their normal hours of operation will be Monday, Wednesday and Friday from 1 p.m. to 6 p.m. and then on Saturday and Sunday, they'd be open from 8 a.m. to 3:30 p.m.

No new construction is proposed other than they'll install a chain link perimeter fence around the recycling, the 12,000 square feet recycling facility area. The site will be staffed at all times during the hours that it's open to the public. Obviously the current recycling center will be shut down at the end of this year, and that site will be decommissioned and the land used for company purposes which they say may include office trailers at this time.

This property is zoned Country Town Business. And with the Country Town Business the recycling is not listed as a permitted use which is why we're here to try to obtain a County Special Use Permit. I think at this time I'll go ahead and hand it over to, to Jordan Hart back here, and let him go through the power point presentation. He's got slides with maps and drawings so that you can see where things are and what's located and all that good stuff. Okay.

Mr. Ornellas: Yeah, when we have these special presentations, I mean, you guys gotta bring popcorn, alright?

Ms. Jennifer Maydan: Well, I'm not Jordan Hart. I'm Jen Maydan. But I'm with Chris Hart and Partners. And good evening Chair and Commissioners. Thank you for hearing our presentation today. I'm, as I said, I'm Jen Maydan, with Chris Hart and Partners. And also here is Jordan Hart, and representing the applicant, of course is Lynn. I just have a very brief presentation. The overview of the project site, the proposed use, and how it meets the criteria for a Special Use Permit. And then we'll be available for questions.

So the project site is located at the former Hawaiian Pineapple Company baseyard. As Joe mentioned the applicant proposes to move the current redemption facility from its current location at Twelfth and Fraser, to the baseyard site at Eleventh and Lana'i Avenue. The new location will be more convenient and accessible to the community as we thought.

The project, or the project is within the State Urban District. It is within the Country Town zoning district. And, and the baseyard is, the full baseyard site is seven acres. But as Joe mentioned, the recycling redemption facility will only occupy about 12,000 square feet at the southeast corner of the parcel.

This portion of the parcel currently contains a vacant commercial building with about 22 bays, eight of which are proposed for use for the recycling facility. The redemption activities will take place about three bays in and set back from Eleventh Street. The redemption facility will be accessed via Eleventh Street, parking will be provided in the existing lot that's along Lana'i Avenue, and a loading area will be provided in front of the bay opening for drop off of recyclables.

So in order to operate the redemption facility at the proposed site, a County Special Use Permit is required since the use is not an outright permitted use within the B-CT zoning district. The facility will be a certified redemption center as part of the Hawaii DOH HI 5 redemption program. It will be a state facility run by Maui Disposal. The facility will be used for temporary collection and storage of recyclables which will then be shipped to Oahu for processing. And perimeter fencing is the only construction that's necessary as part of the project.

So as part of the Special Use Permit application process we conducted a project assessment and determined that no significant impacts to environmental and historic resources, infrastructure or the surrounding community are anticipated. Existing infrastructure and public facilities are adequate to service the project site. In fact that there will be a positive benefit to solid waste services reducing the flow to the, to the landfill. The proposed facility is not expected to impact the local air quality. Recyclable materials will only be stored onsite temporarily, and the loading area will be cleaned daily. The proposed use is not expected to impact visual resources. No new structures are proposed. And the use is in character with the existing uses on the baseyard. There are no significant noise impacts that are anticipated. There will likely be short term noise impacts while constructing the perimeter fence, but long term noise impacts associated this operation of the facility are not expected to exceed current noise levels that take place on the site with existing uses. And mitigation measures will be implemented to dampened the noise created from the bottles and cans.

Now, I'll just very briefly go over the Special Use Permit criteria within the Maui County Code. One, the proposed is consistent with the objectives and policies of the Countywide Policy Plan, the Lana'i Community Plan and the Lana'i Community Guidelines. Two, the proposal request is consistent with the applicable community plan land use map. Three, that the proposed request meets the intent and purpose of the applicable district and it is an allowable special use within the B-CT. Five that the proposed development will not adversely impact social, cultural, economic, environmental, ecological character of the surrounding area. Six, that the public shall be protected from dilatory effects of the proposed use. And seven, that the need for public service demands created by the use shall be fulfilled. And criteria eight is not applicable as that's for ag and rural lands.

So, that pretty much sums it up. In conclusion, the redemption center is an allowable Special Use within the Country Town Business district, and it successfully meets the criteria for approval a Special Use Permit.

Mr. Ornellas: Thank you. That was short and sweet. Popcorn wouldn't need to be able to pop.

Mr. Prutch: I hope you finished your popcorn. Okay, I wanted to add as well this was routed to different agencies and it's in your staff report. A few of the agencies commented. Public Works did comment that they, they wanted litter controlled to ensure the debris, any debris that escapes from the facility will be cleared in a timely matter. They mentioned that. I also added that as a condition of approval that they will need to do, I guess, do litter control, pick up whatever blows away at least once a day or so to keep that clean. Fire and Public Safety had some, some requirements for fire extinguishers and certificate of occupancy, and storage of materials. And whatever they came up with I added a condition of approval as well.

Also the applicant held a community meeting for this item back in June of 2013. A small turn out. There was three members of the public at the meeting. But during that meeting, the take away from the meeting were that the Maui Disposal will be the operator of the new facility. Just as it's currently, currently operating the existing facility. Access to the facility to the proposed site will only be from Eleventh Street. And the facility will be open to the public starting on January 1<sup>st</sup>, 2014.

There was one testimony letter received as part of this report from the Herolaga Ohana. They questioned whether the facility would only store plastic bottles and aluminum, nothing else. And they had concerns about the possible odors and rodents from recyclables being stored onsite. Lynn, Lynn had included a response to this which is included in the staff report. Essentially saying that no only the HI 5 label stuff which is the plastic, cans and glass will be accepted. Nothing else will be accepted. And as to odors and rodents, the facility will only accept those materials, and that once those recyclable containers are full they will be transferred to Maui Disposal's location at Miki for shipment off island. I guess they currently are now.

And one of the conditions I wanted to – well, I guess when we get to recommendation maybe. I guess I'll leave it for then. I have a recommendation for a revision to a condition that I saw today that I wanted to make a change to. Is that okay? Okay, condition number six says that

building permits shall be obtained prior to any construction at the site. As far as they're proposing they're not doing any construction other than the fence, but if something else comes, get the building permit.

And then the second part, they said a Country Town Design Review Permit shall be obtained for any signage. But in looking at that, I'm not quite sure if that is true. It may not be required so I'm changing that condition to say, if required, the Country Town Business Design Review Permit shall be obtained for any signage cause I think depending on the size of the sign, it may or may not require design review. So I'd rather leave it up to the Lana'i Guidelines and let that determine whether it's required or not. So I wanted to leave that open rather than you have to do this when they may not have to do that.

And that's it for my report. I'm here for questions. Lynn's here for questions. And the Chris Hart and Partner guys are here for questions.

Mr. Ornellas: Lynn, do you have, do you have anything to add? Okay. John, you have something to add? Okay, well, let's open up to, for public testimony here. Alberta, please come up. Thank you. You can use this mic.

Ms. Alberta de Jetley: Good evening everybody. Thank you. I'm speaking on behalf of a private citizen. On the procedures on October 18<sup>th</sup>, it says the applicant mailed a letter of notification and location map to all owners. And that they also were suppose to send a certified registered mail. This registered owner, a property was within the 500 feet area, says that she went to her neighbors, and none of the other neighbors received the certified letter. She was the only person she knew of that had received a letter. So we wondered whether or not you could produce a list of all of the people who received a letter. And also its recorded leasees, so that also include rental tenants because –. It does not include rental tenants? It should have included tenants at the Courts and also at Hale Kupuna. And Kelli, you say that you live –? You did not receive a notice? So we would like to see a list of the people who received the letters if possible.

Mr. Prutch: There was list in their application. Actually Jordan got it here. There's a list. I'll ask Jordan how they produce it. But usually they produce it though Real Property Tax and using the County of Maui system and doing the 500 foot from that. Now as far as part of the actual mail out, I don't have them here with me, but I get copies of the receipts and the little green slips that come back just to say it got mailed and here's proof of that. So I have that packet at the office. I didn't bring those receipts with me. But as far as who it went to, I'll ask Jordan to go ahead and respond because I don't actually do that mail out.

Mr. Jordan Hart: Sure, we have our whole list here. It was submitted as part of our application. I guess we have to understand who's, you know, saying they didn't receive notices and reply according to that.

Ms. Zigmond: Can I ask you, did you send to the Courts and Hale Kupuna?



Mr. Hart: The Courts? I guess. It wouldn't be, it wouldn't be listed like that in this list.

Ms. Zigmond: No, but I mean the individual people as well as the individual people that –

Mr. Hart: No, no. Typically the way the County of Maui's list this out is that there's one recipient for addresses. If there's condominiums, then we'd have to identify each of the CPRs and there will be one recipient in each CPRs.

Ms. Zigmond: Because I have an office at Hale Kupuna and there are multiple families and apartments there and nobody received anything there. And the Courts, there's lots of people who have apartments there. They're condominiums, they're apartments. But I should think they would be notified and not the person or entity who actually owns that building.

Mr. Hart: Well, with regards to the County of Maui's policy as far as providing notice for applications like this, this is a standard process that we do regularly. We didn't do anything different from our normal process. I guess I would have to have the Planning Department tell me whether or not they think what we did was inappropriate this time. But this is our standard operation of preparing the list using the County's software that's available online to everyone, generating our mailing list with our staff, and mailing out and then producing the records for the County of Maui.

Ms. Zigmond: No, I'm not saying that you didn't do what is, is right. I'm just – it's kind of rhetorical that, a comment though that the people who actually will be affected by it who are the residents as opposed to the person who owns that building being notified who won't be affected by it seems a little odd.

Mr. Hart: I can understand that. Well, again, with regards to procedure, we want to do exactly what we're suppose to do. And we did try to go above and beyond as far as having an additional public meeting that was published in the newspaper. I believe there was notices placed around town. So we did make an attempt. We did a pre-consultation process where we mailed out letters and mailed out to all agencies before the application was even submitted. So I feel that we tried to make everyone aware that we were proposing this project. You know, beyond that, I don't really know what else to say.

Mr. Ornellas: Anybody else? Go ahead Joelle.

Ms. Aoki: I actually had three people stop by my office and asked if I knew anything about it because they had heard that there should've been notice. Two of the people that stopped by, the community members were from Hale Kupuna. And they normally receive ample notice from the residence manager. I believe Hale Kupuna is Federal. County or Federal? It's Federal. And so they have not received notice and I was told they knew nothing about it. As well as the public hearing. I don't know what the method of communication was for the public hearing, but I do know that after the fact there was several community members that said they didn't know anything about it. My office handles the Federal Post Office Board bulletin board, and the main community bulletin board, and we time and date stamp any flyers that are put up so that way

in case situations like this occur where you need to provide that, you know, get evidence that had ample notice, public notice, we did not have in our files.

Mr. Hart: I see. Okay.

Mr. Prutch: Just also as well too, I mean, I'm not sure as who it went to and all that stuff, I'll have to look at the receipts. I have to see who it was mailed to. But if it is an apartment building, I believe it goes to the owner on record of the apartment building. I was trying to see who that was, and I guess, I don't know if it's their job, but to distribute it to their renters. I don't, I don't know. It's unfortunate that they didn't get it. But this also too is part of the procedure, the County actually published it in the Maui News at least once and the applicant had to post in the Maui News three weeks in a row, so it was also posted in the newspaper as well.

Ms. Zigmond: Okay, it was sent to the person on Maui no doubt. And what I'm saying is the people who are affected don't get notice. And I understand that you did things the way that they're suppose to do. I'm saying that the system sucks because the people who are going to be affected don't get the notice. It's another situation where the common folks get screwed. But, you know, the procedures were followed, so we can't say anything.

Mr. Ornellas: Joe? Joe, can, can we get – can you – all the, all the green, the green things that you get back from the post office, can you kind of – can you fax those to us or just list it as far as who, who signed for them and the address? Or just, just e-mail it to us if you can. Is there a lot?

Ms. McCrory: The Courts were listed right on there. They're number 3G, so the mailing did go to the management company I would guess is what it looks like.

Mr. Ornellas: Yeah. That's what she's saying.

Ms. McCrory: And the management company just didn't do anything.

Mr. Ornellas: Do anything past that, okay. So –

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

Ms. Zigmond: We're not denying that it is not your fault. You followed procedures. Just saying that the procedure sucks.

Mr. Ornellas: Yeah. It just don't get –. It just don't go that extra step so –

Ms. McCrory: And I have not had any –. My comment earlier today was I haven't had any phone calls or questions other than that one letter. So I'm also concerned as to why somebody didn't pick up the phone or – because they sure call for all kinds of other things too.

Mr. Ornellas: Well, most people don't care.

Ms. McCrory: So, don't know. . . (inaudible) . . .

Mr. Hart: Obviously I would prefer to have been able to just send out a few extra letters rather than have everybody feel that, that, you know, we didn't cover all of our bases. So it's completely unintentional and if I could've anticipated it, I would have obviously accommodated.

Mr. Ornellas: Okay. I think this is, this is something to be – that we could better but not at this meeting, so. Public testimony on this? Hello.

Ms. Ann Suzuki Hao: Okay, my dad's house is –

Mr. Ornellas: Name please.

Ms. Hao: Ann Suzuki Hao. Lana'i resident. My dad's house is on Eleventh and Gay Street, so it's the one that blocks you so when the rubbish comes down they goes straight to my dad's yard. I've had a lot of rubbish with Ilima Storage, and other things that end up there that I still have. So that's kind of a concern. When it rains, it comes down, and comes right into there. I've got food stuff, I've got potted plants, I've got shipping memos, I've got all kinds of stuff. And it is loud because I can hear it where it is now with the glass and the plastic so it will be loud up the street, so that's a concern.

Ms. McCrory: Part of – one of the conditions in here is they pick up every day all things that are going on, and I'll check and see why you're getting so much rubbish down there. We also did sound tests, decibel testings as to what it's going to do, how the noise was going to be abated so they have to look at other ways to make sure the noise is down and it doesn't reach high levels. And part of it is how high you fill the containers because if you fill them all the way up it gets very loud. But you keep them at a lower level and you cushion things, you have a different effect, so we did do those.

Ms. Hao: . . .(inaudible) . . .

Ms. McCrory: Yes, glass is the issue. I agree.

Ms. Hao: . . . (inaudible) . . .

Ms. McCrory: Okay. Well the compacting should –. They're suppose to be putting them into the containers and then taking the containers to Miki Basin, and the compacting will be done there.

Ms. Aoki: So just to clarify. So your dad's house is on Eleventh and Gay Street, and you can hear the current noise from where it is currently down below Central Services?

Ms. Hao: Yes.

Ms. Aoki: And does that wake you when you're there?

Ms. Hao: It makes jump up and turn around sometimes.

Ms. Aoki: Okay.

Ms. Hao: Yeah, it's kind of loud.

Ms. Aoki: So the distance from where your dad's house is and the new proposed site is even closer?

Ms. Hao: And then the wind blows –

Ms. Aoki: And that's on the prevalent wind side?

Ms. Hao: And the wind blows down this way so it will be even louder.

Ms. Aoki: Alright, I just wanted to get some clarification.

Ms. Hao: Hopefully no more smell like when the trash people where there, you know? Remember?

Ms. Aoki: Alright. Thank you.

Ms. McCrory: That was also the point of the sound testing and mitigating that.

Mr. Ornellas: Ron, are you on your way up? Alright. Alright, that's a two-story house, right?

Mr. McOmber: Yeah. I've got one of the notices. It's within 500 feet. See this is what we're going to discuss later on when we talk about home rule and 500 feet permits and special use permits. There's no reason to have everybody in the whole town to get one of those notices. It should be the ones connected to that property, like Hale Kupuna. They're right there. All the other buildings that are connected to that building, directly across the street or next door. It's the same thing with Special Use Permit for vacation rentals. 500 feet from the center of that property makes no sense in Lana'i City because other people outside of that it is not gonna be affected by it. I got a notice. My question is why are we doing this? We have a spot that doesn't interrupt any of us. It's down below the city. All the flies and all the other stuff and all the noise goes out in to an empty field. This is gonna put it right in the middle of that yard. And we were told that we're gonna clear out this yard and do no more commercial activities in there other than parking vehicles in it. Because they moved everybody else out. I still don't understand it. I've asked Lynn this, and, and I don't know why they're doing this. Move it down to Miki Basin if you're gonna do it. It's not a convenience for the Lana'i people. The ones that are recycling will put the stuff in their truck and take it wherever they have to take it. And if you heard them ever dumped all the glass into those glass containers it is very, very loud. Aluminum cans aren't, but boy the glass bottles are. When they dump them at a barrel at a time it's a hell of a lot of noise. I do not understand why we have it in the middle of the community. I really don't, Lynn. I really don't understand that. And that's where I may be in opposition with

this. I just don't understand it. There's no reason to do that. We've got all these fields, and all these places we can put this stuff, why are putting up a recycling in the middle of town.

And the next question is when the County wants to come in and do their recycling which they do about once or twice a year, what yard do they use in conjunction with that? It's that yard that they do right now, where you go in the back side and you bring your tires and your batteries and your refrigerators and everything. Where is that gonna go now? Or is the company gonna do a massive clean up all the time and we won't have that problem? See, that, that's something you gotta take into consideration because the County has this Work Day project that they come in, once a year at least, and they go around and collect all these, these undesirable stuffs. Where is gonna be?

Ms. McCrory: It, it won't be.

Mr. McOmber: It won't be?

Ms. McCrory: No, we're going to continue to do pick ups that we're doing now.

Mr. McOmber: Okay. If you do that –

Ms. McCrory: So you'll see that three times a year. That's our agreement with the County.

Mr. McOmber: Okay. Alright.

Ms. McCrory: So that you'll have that car pick up and white goods and tires.

Mr. McOmber: Well it's not only car pick up. It's, you know, it's everything. Washing machines and –

Ms. McCrory: Yeah, it's white goods.

Mr. McOmber: And tires and batteries.

Ms. McCrory: It's white goods. We're looking at how do we put in, include an e-cycling into the next – in February.

Mr. McOmber: Yeah.

Ms. McCrory: So yes, the company is paying for that because the County doesn't have the ability to do it and you would be stuck with once a year. So the County is paying x-amount of dollars and everything over that, which is all of the pick ups that the –

Mr. McOmber: I love your clean up. I love your clean up. You've done a great job. The company has done a great of that so far.

Ms. McCrory: Well, all of that is the company's expense.

Mr. McOmber: Right.

Ms. McCrory: There's, there's nothing being reimbursed to cover that.

Mr. McOmber: Okay.

Ms. McCrory: The only money that the County is putting in is to actually ship it off site.

Mr. McOmber: Yeah.

Ms. McCrory: And we argued with them and it still didn't us any where.

Mr. Ornellas: Thank you Ron.

Mr. McOmber: No, I just, I just want you know I'm in opposition to where you're putting it. And it's because my house, one of my house is right there. It's just – I just don't think it's the proper place to put that.

Mr. Ornellas: Thank you Ron. Winnie?

Ms. Basques: Thank you again. Talking about the recycling, I've been so used to taking the cans and bottles down to, pass the police station, taking it down there. It doesn't make sense to put it in the labor yard. The thing is why is going smell stink. You know how booze smell when somebody drink? It smell like la-de-da. The thing is that it's gonna be unhealthy for the environment right over there. That is where is the Courts are. Now you gonna bring the recycle in there, I don't think so, because you going create problems. And problems I mean like going get rats coming inside there, and going get any kind stuff goes over there, and here the people walking around, smelling this stink bottle of beer. Hello people, leave it where it is. It will be better. And the thing is that, another thing is I hearing that things are going on in the community that we do not know about.

Mr. Ornellas: Let's, let's stick to this.

Ms. Basques: Yeah. Okay. One more thing is that, talk about recycling, you know something it's very, very unhealthy when my daughter took the cans and bottles down, they did not have enough money because the next person in line neva get no money to pay them.

Mr. Ornellas: That's –. Winnie, we have nothing to do with that, okay?

Ms. Basques: Well, that's . . . (inaudible) . . .

Mr. Ornellas: Thank you very much.

Ms. Basques: Oh, one more thing.

Mr. Ornellas: Yes?

Ms. Basques: You talking about disposable. What about the carcass? The deer carcass?

Mr. Ornellas: That's – that's not recyclable.

Ms. Basques: Because they gonna pick up any way.

Mr. Ornellas: No. That's –. They're not –. That's, that's a different issue. You go talk to Ron about picking up carcasses and stuff.

Ms. Basques: Thank you Ron.

Mr. Ornellas: The hunting, the hunting people can do that. Thank you.

Ms. McCrory: Just one more point, the bottles and cans have to be cleaned. If they're not, they're rejected. So, you shouldn't have these smells. You shouldn't have liquor smells that gets –. They don't accept it.

Mr. Ornellas: Okay. Anybody else want to testify? Hearing none, I'll close public testimony. Commissioners, any –

Ms. Zigmond: Mr. Chair?

Mr. Ornellas: Yes, Bev, go ahead.

Ms. Zigmond: As I said, I have an office over at Hale Kupuna. I have for 12 years. I'm not excited about having this, and the additional noise, which there will be noise. What I'm really concerned about is the traffic. I am intimately familiar with Eleventh Street. I go up and down it all the time. The Courts are right there. Do you know how many kids live at the Courts, how many kids walk to and from school, how many kids play there and the police had suggested at least a stop sign. I was appalled to see it wasn't even part of the recommendations. I mean, you have to have some sort of traffic control there. And at Hale Kupuna there are several residents that use the little motorized scooters. There's somebody in a wheelchair, and they use Eleventh Street. So you're going to have all these people who are excited about recycling their beer bottles, and without any kind of traffic control, I, I'm pretty appalled to that.

Mr. Ornellas: Bev, where, where's the stop sign you were proposing? Where?

Ms. Zigmond: I wasn't proposing it. I think we should have a Robo-cop there, myself. But anyway –

Mr. Ornellas: By the entrance into the –

Ms. Zigmond: In the report, it said, coming out of that chain linked fence that's going this way. Because, you know, when it was a company yard, before they put the fancy fence around, there was a stop sign there, and nobody ever stopped there, coming on to Eleventh Street, from the baseyard. And, and I think the, the proposal here was for cars turning onto Eleventh Street from the baseyard that there be a stop there. And hopefully it will be followed because I cringe to think of all those kids and people in motorized wheelchair.

Mr. Ornellas: Yeah, I mean, you guys, you guys got some stop signs welded onto, onto tire rims, just park it right there and just make sure people stop. Okay. Public testimony is – we're done with public testimony, okay. We're done. Go ahead Joelle.

Ms. Aoki: Mr. Chair, I'd like to request a flow, a diagram flow of traffic. Now I volunteer my time on Sundays to provide transportation for care givers to two of the residents at Hale Kupuna on Sundays. And it's not every Sunday. But I usually come in through Ilima, make a left on Eleventh Street and enter through the new gates, the gates that are now open which use to previously be closed to traffic, and exit through that gate, come back out heading north on Eleventh Street towards Lana'i Avenue. There is a huge problem with that intersection which will affect safety. And what it is if you do that on a day when there's work occurring and trucks are coming in because right now all of the trucks, the dump trucks and the Rock and Concrete trucks are parking at that area, plus the busses park in that area. When they make that turn, you have – if I'm driving my big truck, I have to back up to allow them to compensate that turn because they're – that road is not – there's no way to narrow that road without encroaching onto the property. So I don't know how that will affect traffic because in order for me, I have to make sure I'm in a smaller vehicle to make that turn without having to stop and reverse to allow them to compensate that turn.

Mr. Ornellas: Yes Kelli?

Ms. Gima: I'll touch upon that a bit because I, I live on Palawai and I come out down through Eleventh, and Joelle is right, that intersection is horrible. And I drive a small car. I can't make a right turn even with oncoming traffic. I have to wait till it's clear on both side. The street is really, really narrow and I could – I foresee a lot of problems with traffic having the entrance on Eleventh Street.

Mr. Ornellas: Thank you Kelli. Bev?

Ms. Zigmond: I'm curious why the current site is losing its lease or whatever it needs to continue. Why they're being booted out.

Mr. Prutch: I was here three years ago when it got approved. I remembered that. Since that time I know I've reviewed some compliance reports with the Department of Solid Waste and I don't quite recall why they're getting out, but they decided to get out. I think the County no longer wanted to do it from my understanding. And I also I remembered too that if they were going to stay longer than the three years that they were there, there was a condition that they had to pave Twelfth Street from Fraser down to the site, and I think the County, of course, no



money and didn't want to do that. So I think it came down to that too. It's like we can't stay here any longer was part of it. There was other reasons but that's one part I remembered is they weren't going to be able to pave that road. They weren't going to be able to stay in that location was part of it.

Mr. Ornellas: I remembered the conversation really well is that we wanted that paved, but that's not the only reason why it needed to be paved. It was because the trucks go to the gardens, and that road also lead to the sewage treatment plant. So, you know, the County, I think if I'm not mistaken, the recycling people wanted to pay part of the cost for that road, and the County would pay the other cost of that road. I think that was the discussion that we had at that meeting. But I agree, I don't understand –. I mean, eventually this is all gonna go down to Miki Basin any ways, so why not go now, instead of moving it into the city. If you have to move 'em, move 'em to –. And people – and it's not like you gotta drive to L.A., you know, so –. You can, you can – you know, make it an excursion or whatever. But you know people that I see with, with, with recycle bags with cans and bottles and all that stuff, they have, you know, seven or eight big huge bags in the back of their pick up truck and so they'll make that trip. You know, my little grocery bag with, with seven cans, I'm not gonna make that trip. I'll wait. I'll give it to Kelli's, Kelli's son. But I don't know understand why we have to move it here and spend money and, and get this kind of, you know, concerns. And traffic is, I just started to think about it, and I've been on that –. The gas station is on that corner. The housing is on that corner. The Courts is on that corner. And then you have all the people that work with transportation. Their vehicles are parked there. Their private vehicles are parked there. So it's, so it's at times it's really congested. In fact, today I went this morning and you have all the construction workers parking their cars all over creation over there, running in to go get their breakfast at the, at the gas station. So, I mean, it was pretty intense for –. I mean, it's not like it's like that the whole day, but it can be because that's the time when the kids are usually walking to school at that time. So, to add to it may not be the right thing. Go ahead. Kelli. I mean, Joelle.

Ms. Aoki: One more quick comment. You know, we're coming into rough water season, bad weather season now, so we haven't experience the, the delays in the barge which will occur no matter what, you know, with our harbor being re-built. I was raised down at Kaunapali Harbor and when that occurs we're not going to have fuel coming in. And I, I, I know all of you can recall where we had two weeks we didn't get fuel and how the line just lines up to get on the approach to the gas station. And even when we know that fuel is running low and the water is rough people start lining up. Already, just on a regular day, you can get three or four people lining up, and then you gotta like park some where until that clears and hope nobody's going to cut in on you. I think that's going to be a huge concern. And already we have the State of Hawaii Department of Transportation scolding people for parking on the opposite side of the road when they stop to pick up their food at, at LCS. Instead of parking with the flow of traffic, they're parking against the flow of traffic so there's many traffic challenges occurring just in that intersection on the approach.

Mr. Ornellas: Thank you. Go ahead.

Mr. Hart: I'd just like to say a number of things. With regard to the circulation, so we do have

a loading area where the cars would pull in, unload and turn around and pull back out. With regard to the A.M. conflicts of use in the area, the only A.M. use is going to be on a Saturdays. So Monday, Wednesday, Friday, it's going to be 1 p.m. to 6 p.m. Okay. And then with regard to fuel and transportation, it seems like it would be an amenity to be able to collect this material for everyone else and transport it to Miki Basin, but is that an issue for the community as far as, you know, having everybody take independent trips down there separately?

Mr. Ornellas: We use to go down there and pay our electric bills down there, so it's not.

Mr. Hart: I see.

Mr. Ornellas: It wouldn't be. So I'm – I don't know what you, what you think Lynn. You're shaking your head. I know this is kind of tough. Let me ask Clayton, is there a deadline? Is there a time schedule for this?

Mr. Yoshida: Well, they need a Department of Health permit for whatever. Where they have the redemption center, it runs out at the end of next month, the current one. To get the permit, they need to find a place that is properly zoned, or properly, redemption center is properly permitted for the County to sign off on the Department of Health permit.

Mr. Ornellas: Go ahead Shelly.

Ms. Barfield: Was Miki Basin ever a thought, I mean, prior to this? I mean, consider with the road, you know, making the roads a little better, putting gravel and site down at Miki Basin, versus, you know, going through all of this?

Ms. McCrory: It was, but Miki Basin is not ready yet. I mean, it's not ready to have people going through it. It will be as we start getting probably another year to two years at the most because, I mean, we're just starting subdivision, and we'll start dividing everything. But for that one to two years, that's the problem.

Ms. Barfield: Even if the, I guess, whatever is expiring at the end of December, where it's currently located, it cannot be extended?

Ms. McCrory: No.

Ms. Barfield: Even the way it's zoned, they won't?

Ms. McCrory: No. And, and remember, we started this way back in May or in April – I can't remember where we started this – because we knew this was a very long – excuse me – a very long process to get this served. So I mean I can say to you that it will go to Miki Basin. I'm delighted that people even say they're willing to drive down there because our first initial reaction in talking to people is we don't want to go down there, that's too far. And we were like, wow, so then it became an issue of where do we put this? So the only kind of place that even gets close to doing something that we could put it in is right there. And then that needed . . .

(inaudible), and that needed a special use permit. I can tell you that we will put it down at Miki Basin as soon as we can possibly put it down at Miki Basin. But at the end of December, it's gone.

Mr. Ornellas: Okay.

Ms. Zigmond: Mr. Chair?

Mr. Ornellas: Go ahead.

Ms. Zigmond: One more. I hear that, and, and I would want to continue to have a place to recycle, even though, like John, I have my little bag of, of water bottles here. But, I'm, I'm really concerned about the noise, and I'm really concerned about the traffic, period.

Ms. McCrory: And, and I can tell you that we did the noise studies purposely because we were also concerned about the glass and have various areas that it's going to be blocked so that the noise won't be escaping. We, we tested it already, with decibels, with all the other pieces, so we, we really have been.

Ms. Zigmond: Your office and your house aren't there, Lynn.

Ms. McCrory: No, I, I hear you, but that was the point of doing the testing. You know --

Ms. Barfield: Traffic is a huge thing because people don't know how to drive. I mean, you can sit at the gas station, literally, for half an hour, until somebody will have the common sense, you know, to move. Either you improve the traffic there before we even think about moving it. Like, block off the sides where people can park at LCS, you know, to just even hop in to get snack. You gotta block off something because they cannot park there. The hedges to the Courts, they gotta be cut because at the intersection of Lana'i Avenue and Eleventh, you're at the stop sign, you cannot see nothing. On the left and the right. You have to creep out and people just zoom down that highway like crazy. And you got kids that are not paying attention. They ride their scooters, they ride their bikes. They just have no sense of stopping and that's crazy.

Ms. McCrory: So if we had a person who was at that site when they were open directing traffic to come in. I mean, I can't direct traffic for every where. But if they were wanting to come in and drop things off, would that assist?

Ms. Barfield: I don't know. I can't answer that one. Cause I guess you have to, like, even on turkey day, they block everything, you can't park there. So maybe that would be a good day for you to come and watch people are just ridiculously crazy and they have no sense of courtesy, period. They just want their turkey, they just want cross across the street, get their gas, get their snacks, and just be done. Yeah. So, I mean, I don't how else to even explain it.

Mr. Ornellas: You know, since we're on, on a deadline here, maybe next, our next meeting, I mean, we'll work on – I know we have the deadline – but let's, let's get through this vote and

if it passes, if we do approve it, then next meeting, bring a traffic, some sort of a traffic plan to us, and, and then let us look at that so that they just so that they can come –. I mean--

Ms. Barfield: So is it basically the permit expires, right?

Mr. Ornellas: Yes.

Ms. Barfield: We cannot do a recycling if we don't approve this. We cannot bring anything anywhere unless something is approved. That's basically what it comes down to correct?

Ms. Zigmond: So we keep it in our garage for a while, you know. I can't – I don't think that is such a good idea to say let's approve it, and then come see if we like what, what the traffic flow is going to look like afterwards. I mean, there's no guarantee.

Mr. Ornellas: I didn't say there was a guarantee. Okay? All I'm saying is that we have a, we have an issue about traffic so their due diligence they heard us.

Ms. Zigmond: And we can defer until we get that.

Mr. Ornellas: Then we may lose our recycling.

Ms. Zigmond: Store it in your garage like we use to do. I mean, it's not going to be forever.

Mr. Ornellas: Go ahead Joelle.

Ms. Aoki: I, I am very sensitive to the deadline, and I do feel we do need a recycling facility. However, I am concerned about the noise levels because I volunteer on Sundays with two kupunas, and they're very sensitive to the noise, and you know, I have to say that, for them. But, in spite of, you know, the deadline, I, I don't think that we should either – we should think this through because once we approve it, should we approve it, it's going to be very difficult to go back. You know, it's going to be very difficult to go back. And then I also – we all know, I think we all can, can agree that people on Lana'i because of our rural plantation history, people are not necessarily proactive. They're reactive. So once it's in place, we'll have all these people coming and saying, there's a problem, how do we deal it from that point? So we should just be cognizant of that, of those thoughts, in making our decision.

Mr. Ornellas: Go ahead Lynn.

Ms. McCrory: I was going to suggest that one way to do this would be to approve it for one year. Give us time to get Miki Basin to the point where we can put it there. But this will keep your recycling. We can address any issues in terms if we need to put a person out on the roadway during the times that they are open. They're not open on Sunday. They're only opened on Saturday, from one to six. No, nine – Saturday is nine to three – eight to three thirty. And the rest of the days are in the afternoon. We'll put a person there so they're watching. And not Sunday. They aren't open Sunday.

Ms. Zigmond: It says Sunday.

Ms. McCrory: It, it, they aren't open Sunday. I'm going to tell you they aren't. They came back with new hours. No, they originally said it was Sunday. It's a correction.

Ms. Zigmond: Lynn, what that says to me, and, and, I totally believe that, that, you know, something will be worked out from your end. But what that tells me is that the recycling of cans and bottle for a nickle or whatever they are, are more important than the safety of our kids and our kupunas and everybody else. And, and that, to me, safety, that's what I do for a living.

Ms. McCrory: And, and what I'm saying is we'll put someone out to guide the traffic. We'll put someone outside that gate so as people are coming in or going out. And we can set it up that they can only make a left turn to Lana'i Avenue. They can't go right. Which would eliminate from going past the senior area, going past entrances to the Courts. So they can only – they can come in, but they can only go out that way. Safety is very critical, and, and I understand and agree with you. That's why I'm trying to find a middle ground for a one year period that can make this work. And if we can get it out of there sooner, we will. It's just that Miki Basin right now doesn't even have a road in it. I mean, it's just dirt. We've got a plan. It's laid out. But we've got to do infrastructure, and a whole range of things in order to make that work.

Mr. Ornellas: Go ahead Joelle.

Ms. Aoki: Lynn, is there a reason why it has to be that entrance when the labor yard ideally has many entrances to it? I mean, that is one. I mean, that doesn't alleviate any issues with the noise, but in reference to the traffic, why does it have to be that entrance. There's an entrance by Mr. Stubbart's office, Lana'i Water Company. There is an entrance over on – well, Ninth is no longer open. It's been fenced off. But, ideally you would be coming in from Tenth. Right where Ilima is at, in the center of Ilima there's Tenth that intersects with that, right into John Stubbart's office. You know that --

Ms. Barfield: May be they can enter that way and exit out that way versus coming in and out both. You can – you see how you enter towards John's area on Ilima?

Ms. McCrory: Yeah, what we're suggesting is they enter from Eleventh Street but they exit out Ninth Street.

Ms. Barfield: But wouldn't that cause congestion for the trucks that's parked over there?

Ms. McCrory: They're going to work around it.

Ms. Aoki: If, if we avoid Eleventh Street which is right by Courts and the Hale Kupuna, that might alleviate the traffic issue also with the Lana'i City Service, but it does not address the sound issue.

Ms. Barfield: Ron, pay attention the permit expires in December.

Ms. McCrory: Okay. Are you suggesting then possibly we have them come in Ilima, and exit Ilima?

Ms. Aoki: They could go down Fraser, head south on Fraser, go north on Tenth, come in through the gate right by Lana'i Water Company – sorry Ann – and then they would exit and enter from that. That would alleviate the traffic on Lana'i.

Ms. McCrory: We can do that.

Ms. Aoki: Our exit Ninth.

Ms. McCrory: Yeah. What we can do is have them come in either from Ilima Street or Ninth Street, and exit Ilima or Ninth. And they don't even go down Eleventh. That's an exit? Alright, they come in and out of Ilima.

Mr. Ornellas: Yes. That's the only one that's viable right now.

Ms. Aoki: And, and, that would be one thing with traffic, but it doesn't address the noise issue.

Ms. McCrory: The, the noise issue –.

Mr. Ornellas: Yeah, let's take a five minute break. 10 till.

*(The Lana'i Planning Commission recessed at 7:45 p.m. and reconvened at 7:50 p.m.)*

Mr. Ornellas: Let's get back to order here. Okay, Lynn, you wanna just give, just a little update on what you guys were talking about during the break?

Ms. McCrory: What we're talking about doing – in talking with Stu, and Stu has worked in recording studios for years, eons, whatever. And – okay. And what he is saying is that there's a material called perforated drywall. It's –.

Mr. Marlowe: It's like a drywall material. It's a little thicker. Between the two sheets is like a foam like product and, and there's holes all the way through it. And it will absorb a lot of sound. It's done in recording studios and that type of place all over the world.

Ms. McCrory: So what we're talking about doing is on the Eleventh Street side is to put up either the chain linked fence or a wall, but they'll fix this dry wall, perforated dry wall to it. And then also under the roof of the bays, we'll put either a false ceiling in that hangs all this material. So anything going towards that area would also be covered by the noise. And then they would go in and out of Ilima. And it will be a one year.

Mr. Ornellas: Okay. So how would you stop the traffic from Eleventh Street. You just shut the gates? Okay, I got my answer. John's saying yes. We'll just shut the gate on Eleventh Street.

So everything, everything funnel in through Ilima.

Ms. McCrory: Ilima or Ninth Street.

Mr. Ornellas: Ilima. Ninth Street is blocked, so Ilima Street.

Ms. Aoki: This would include the busses and Rock and Concrete, and all of the company cars would now come in through there as well. Busses, Rock and Concrete parks there, through Ilima, if you shut that gate because that's their access point.

Mr. Ornellas: But it's, it's only going to be shut during, shut during working hours.

Ms. Aoki: Exactly, during working hours.

Mr. Ornellas: Collection hours. Collection hours.

Ms. Aoki: Correct, but –

Mr. Ornellas: But then it would be open, it would be open the rest of the time.

Ms. Aoki: Right. But just so you know. I just wanted to say.

Mr. Ornellas: I know.

Ms. Aoki: The trucks. So you have houses a long Ilima.

Mr. Ornellas: I know.

Ms. Aoki: I'm just, I'm just throwing everything out there. I'm not trying to be negative. I'm just saying, look, make sure you think about that because the approach is also going to include the busses. And I didn't mention this prior to our break, the busses, the company cars, and the Rock and Concrete dump trucks.

Mr. Ornellas: Okay.

Ms. McCrory: Yes.

Mr. Ornellas: Alright. Go ahead Kelli.

Ms. Gima: Is there a reason why we are only seeing this now one month before the deadline? Because I mean I feel very pressured that we need to make a decision. I – me and my son are avid recyclers. I have clients who recycle for money to survive. But there's so many other issues, and I think –. I mean, I, I just want to know why we're only seeing this now, one month before.

Mr. Prutch: The application was made in September of 2013. And then the applicant, did of course, their early consultation in May of 2013. But the County got the application in September, so we got it here pretty quick, very quick. And the reason we got at this meeting because we were anticipating maybe some issues would come up, and maybe you would defer, who know, but we wanted to get it at this meeting, rather than December to give you the possibility. If we brought it in December that's the last meeting. So it was a rush to get it here as fast we could and we did get it here extremely quickly considering it came in September.

Ms. Gima: So knowing that we were meeting in November, you guys anticipated that there is a possibility that it could be deferred tonight?

Mr. Prutch: But we weren't hoping for that deferral, but we were thinking give you November just in case because also if it got approved tonight, they need to have time to get their permits to open the facility. So we needed to get it to the November meeting so that they had time to get their permits as well. Because my understanding with talking to Lynn before this was if we waited till December 18<sup>th</sup> and got an approval then that doesn't give them much time at all to get the, whatever, the State permit that they need to open up the facility.

Ms. Gima: And they need the State permits by when? Before the end of December?

Mr. Prutch: Well, to open on January 1<sup>st</sup>, yes. Otherwise, it would be, I guess, as Beverly mentioned a delay until they got their permits. Before they could open.

Ms. Gima: So there could be a month or two delay where the residents wouldn't have recycling. I mean I know a lot of residents who don't go and recycle every week. They tend to wait months. We do. Three, four months. Build, you know, and so we get a good amount of money. So I think if there's a delay of one or two months, it's not the end of the world. And then that gives time for you guys and for us to get this all clear. I think, I can only speak for myself, I feel very pressured to make a decision tonight or not make a decision. And I need, I think, more information and more time.

Mr. Ornellas: Alright. Anybody else? Hearing none. Can I get a motion to approve with, to approve with the exception as so noted by Pūlama Lana'i? Okay.

Mr. Marlowe: I'll make the motion as you outlined it.

Mr. Ornellas: Can I have a second? Hearing none. Can I hear a motion to deny? Or – I'm getting to that. I'm getting there. To deny, can I hear a motion to deny? I guess we don't have any denials, so defer. Motion to defer.

Ms. Gima: I'll make the motion to defer to next month's planning commission meeting which is December 18<sup>th</sup>.

Mr. Ornellas: Can I have a second? Stacie second. Anymore discussion. Wait, hang on.



Mr. Yoshida: With any deferral, the department would want to know if the commission needs any additional – what additional information the commission needs in order for it to make a decision at the next meeting.

Mr. Ornellas: Alright. So Kelli, you made that motion, so can you add the caveat to that please?

Ms. Gima: I think –. Oh, yeah, starting the proof with the certified mail. Traffic control, noise control, yes it was discussed really quickly here tonight. But to have a better outline planned of to how that will look. I said noise, noise control. And I think going, I mean, from the beginning of this discussion I, I know that it wasn't the applicant's fault of not having those surrounding – the Courts and Hale Kupuna – informed and that's really on their landlord. But I think that's such a significant amount of people who live right there who were not informed who needs, and who needs to be informed.

Mr. Ornellas: So who?

Ms. Gima: And I can't – I don't have the solution for that, but –

Mr. Ornellas: Yeah, but traffic and --

Ms. Gima: Noise.

Mr. Ornellas: – noise are the two major points. And communications. But I don't know how you can handle communications. But if you want to put it on there, we'll put it on there. Okay so is that good enough for you Clayton? Joe?

Mr. Prutch: I have proof of certified mail is something, I guess, to bring forward. Coming up with some kind of traffic solutions, or I guess, expanding a little more on using Ilima. Noise control, I guess, expanding a little more on ZZ top walls there, and different things to do to control the noise. And communication with the Hale Kupuna. Is that what's it called, the apartment building? Maybe a way of –. And the Courts.

Mr. Ornellas: That's all part of the 500, so if you're going to do the 500 then, you know, then, then I guess somebody's gonna have to call up the Courts and Hale Kupuna to go tell them to tell your tenants. That's all, so –. Go ahead.

Ms. Aoki: I'd like –. I don't know if this is possible, Clayton, but communication to the residence, not necessarily the owners.

Mr. Ornellas: That's what was –

Ms. Aoki: I know that the law only requires you to do it to the owners, but that is where our kupuna live.

Ms. McCrory: How about we put a notice on everyone's door?

Mr. Ornellas: Perfect. Thank you.

Ms. Aoki: And maybe, and maybe notify the resident manager. That way he can explain to them if they're not able to understand what is left for them.

Mr. Ornellas: Thank you.

Ms. Aoki: And if they want to speak or meet, maybe we can even do a little, I don't know, maybe you might be able to do a community meeting for that community, here at the senior center or whatever. And give them an opportunity to be heard because I don't think a lot of them even knew about the hearing. I, I saw – I personally saw your notes.

Mr. Ornellas: Okay, thank you. Joe, so you're okay with, you're okay with the exceptions?

Mr. Prutch: It's whatever you guys want, of course.

Mr. Ornellas: Okay. Okay, so it was Kelli did the motion and Stacie seconded. No more discussion. All in favor of the motion say aye. All those against. Alright, so you guys will get that together by next, by our next meeting. Yeah. Okay. Alright.

**It was moved by Commissioner Kelli Gima, seconded by Commissioner Stacie Koanui Nefalar, then unanimously**

**VOTED: to defer to the next meeting.**

**(Assenting: J. Aoki, S. Barfield, K. Gima, S. Koanui Nefalar, S. Marlowe,  
B. Zigmund**

**Excused: P. Felipe, B. Oshiro)**

## **F. COMMUNICATIONS**

- 1. MS. LYNN McCRORY of LANA'I RESORTS, LLC also known as PŪLAMA LĀNA'I requesting a 8-year time extension on the Special Management Area Use Permit condition to initiate construction of the proposed second pool at the Four Seasons Resort at Manele located along Ulopo'e Drive, TMK: 4-9-017: 001, Manele, Island of Lana'i. (PH2 2008/0001) (SM1 2008/0013) (C. Thackerson)**

**The Commission may take action on this request.**

Mr. Ornellas: We have to get done by 8:30, alright, so let's continue on. F, communications, F1. *(Chair John Ornellas read the above project description into the record)* Go ahead County.

Ms. Candace Thackerson: This is for a request for an eight year time extension request for the Special Management Area Use Permit for the proposed second pool at the Four Seasons

Resort at Manele. The original permit was approved by this body back on December 5<sup>th</sup>, 2008, for the second pool. The eight year time extension, part of the reason, is it was timely filed. It has since expired for quite some time with the change in ownership and it being sold and things like that. This one definitely got misplaced. And the eight years is because the way the County does the time is we back track it from the original date, not the from date of this meeting. That's why if you looked at the extension of the condition it's actually only until November 30<sup>th</sup>, 2019. Not 2021. Yeah. So that explains a little bit of that. And also the eight year is because we're hoping that pool won't get constructed until the desal plant comes on. And that will also be a reason for the length of the time extension. Instead of coming before you over and over again for multiple small ones.

Mr. Ornellas: Alright. Do you have anything Mich? Lynn?

Mr. Hirano: Thank you Chair Ornellas and commissioners. We, we just did a little table which was presented when the original time extension, or the original permit was applied for, just showing the analysis on water use, so I can just pass that out.

Ms. Zigmond: Mr. Chair, can I ask the applicant a question?

Mr. Ornellas: Sure. Are you guys done? Hello? Are you done?

Ms. Thackerson: Yeah. Yeah.

Mr. Ornellas: Okay, go ahead Bev.

Ms. Zigmond: Okay when we approved this the last time and then again at a recent meeting, a member of LWAC told us that actually a second pool would decrease the amount of water used, so I'm, I'm a little curious why you would say it allow the desal to be manufactured, or, I mean, to, to be built because we won't need desal for this.

Ms. Thackerson: Oh, no, no, no. Not that we'll – not that this will create any – I said that the time, the length of the time extension. I mean, once the desal comes out, there will be more water in general.

Ms. Zigmond: But that's not specific to the pool because with the pool there will be less water usage, so it's kind of irrelevant if there's desal or not at that point.

Ms. Thackerson: Okay.

Mr. Hirano: Thank you. Just to explain this table and the reason why there would be a decrease in water use is that the area where the pool will go in would replace what is now grass and landscaping. So the difference between irrigation and then using the pool would work to about a minus 53 gallons per day less use of water.

Mr. Ornellas: Thank you. Your presentation is finished? Pau?

Ms. Thackerson: Yeah.

Mr. Ornellas: Okay, public testimony. Dave? You need another pool down there? We can name it Dave's pool.

Mr. Green: Dave Green, Manele resident. I'll just say that I was at the LWAC meeting, and I don't remember if you were there. But I was at the LWAC meeting that proceeded the planning commission hearing when this was first discussed. And then it was – well, I'll just say the, the person, the engineer who presented the results confirmed that pool would actually take less water. So, yes, I'm just confirming what you said.

Mr. Ornellas: Thank you Dave.

Mr. Green: Supporting you.

Mr. Ornellas: Okay. Anybody else in the public want to testify? John? No. Alright, I'll close public testimony. Any, any comments from the commissioners?

Ms. Zigmond: Yes, I have a question. Why the time lapse from the time it was requested to extend until now? It seems like there was a big time gap.

Ms. Thackerson: That was, that was on the county. We had it switched between a few planners, and then also with the selling of the property, we had some trouble getting a hold of people and checking back on permits. And then they were not sure at the time. At first Castle & Cooke was not sure that they even wanted to proceed. So they timely filed, but then told us to hold off on it. So we held off on it, then they sold. And then I couldn't contact people. And then that goes on. And then we had a letter from Pūlama Lana'i saying they didn't want to do the pool. But then they changed their mind and then they wanted to do the pool. So there was a lot of going back and forth with that.

Ms. Zigmond: You know –. Never mind.

Mr. Ornellas: Thank you Bev. Anybody else? Hearing none. Can I hear a motion to support the eight year extension from members? Okay, I'm not hearing anybody, so are we gonna –. Can I hear a motion for anything about this? Eight years? Four years? Whatever. I need to hear something.

Mr. Marlowe: Let's have a motion to grant it for the eight years as requested.

Mr. Ornellas: Can I hear a second? Okay, I just want to remind everybody that, that this was approved back in your day, right, when you were here? Without – with some discussion but without that much pain and suffering. Not like tonight.

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

Mr. Ornellas: Alright Shelly. Thank you very much. Anymore discussion? Hearing none. All in favor of the motion of an eight year extension for the Manele pool raise your hand. Thank you, we'll move on to the next item.

**It was moved by Commissioner Stuart Marlowe, seconded by Commissioner Shelly Barfield, then**

**VOTED: to approve the eight (8) year SMA Use Permit time-extension request for the construction of the second pool at the Four Seasons Resort Lana'i at Manele Bay.**

**(Assenting: J. Aoki, S. Barfield, S. Koanui Nefalar, S. Marlowe, J. Ornellas**

**Dissenting: K. Gima, B. Zigmond**

**Excused: P. Felipe, B. Oshiro)**

- 2. 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:**

**LANA'I RESORTS, LLC submitting a Special Management Area (SMA) Assessment for the renovation of the existing lobby building including improvements such as replacing wall, floor, and ceiling finishes, replacement of lighting fixtures, upgrades to the fire alarm system, and relocation of HVAC system to the following areas: spa, salon, restaurant back of house, dining area, exterior Lana'i, lobby, public corridors, sports bar, front office and guest rooms, Lana'i railing replacement in guest rooms, also two guest rooms will be converted into office space at the Four Seasons Resort Lana'i at Manele Bay, TMK: 4-9-017: 001, Manele, Island of Lana'i. (SMX 2013/0472) (Valuation: approximately \$7.672 million) (C. Thackerson)**

**There will be no structural modifications of the buildings.**

**The Commission may take action on this request.**

Ms. Thackerson: And this is for the Special Management Area Assessment for the renovation of the existing lobby building including improvements such as replacing the wall, floor and ceiling finishes, replacement of lighting fixtures, upgrades to the fire alarm system, and relocation of the HVAC system to the following areas within the spa, salon, restaurant, back of house, dining area, exterior lanai, lobby, public corridors, sports bar, front office and guest rooms, lanai railing replacements in guest rooms, and also two guest rooms will be converted into office space at the Four Seasons Lana'i at Manele Bay. This is SMX 2013/0472. The Department of Planning did an SMA assessment for this pursuant to the Special Management

Rules for the Lana'i Planning Commission, and we determined it to be an exempted activity since it goes under the HRS rule for repair, maintenance or interior alterations to existing structures, as well as, non-structural improvements to existing commercial structures. Within the report because the commission had some concerns last time regarding the work force housing and other issues like that, the applicant did submit a letter. Let's see which page that was on. Page – it's exhibit – I think it's exhibit 1. If you just go past that monetary amount they have other information as may be required by the Lana'i Planning Commission. And they included some contractor conditions such as, you know, possession and use of the drugs and narcotics will be prohibited at all times, as well as, illegal, illegal or disorderly conduct. And they included the contractor housing and how the employees and any subcontractors will be commuting to and from Lana'i daily. So it just wanted to kind of take care of some of the issues that occurred from the last. We tried to learn from the last time, and add in the concerns into this project so we don't have to add conditions. It's actually part of their application. I'll turn it over to you for questions.

Mr. Ornellas: Okay. Do you have anything Mich?

Mr. Hirano: No, just the – this is just part of, I think, a continuation of the room renovations for the existing hotel. It was picked up after they, you know, did further inspection.

Mr. Ornellas: So it's not an extension of any footprint or anything. It's all internal.

Mr. Hirano: It's all internal.

Mr. Ornellas: It's like the last one.

Mr. Hirano: That's correct.

Mr. Ornellas: Okay. Thank you. Alright, Lynn, you have anything? Okay Joelle.

Ms. Aoki: Thank you Mr. Chair. Just to follow up. Thank you very much for paying special attention to our requests with the contractors. There's a couple of notes I have, mental notes, on what's developed since then. We've gotten some feedback from Department of Land and Natural Resources regarding education for some of the contractors. Using the dive flag when you dive. It's a state law. You know, regulations and fish sizes. So I think if there's some way maybe you could, just to inform me, if there is a way we could maybe get them involved with the appropriate department of the State of Hawaii. So that way when they are here, because some of them are staying overnight, and they might camp, which they're free to do so, they need to follow the rules. And I know that we just had a meeting about limits. And now that it will be enforced on other islands, we're going to have more of an influx of people here if we don't have limits enforced here.

Ms. McCrory: Part of, part of what's going to be done – when we're doing these Manele Community meetings which are monthly meetings to talk about the renovations, one of the points that we made at the last meeting is we are going to do both cultural and a social

indoctrination. But it's a training session, and it would start with the higher level. It will go all the way down to the workers. And one of the pieces that will be said because we can't legally enforce this which is why it's not in this community code of conduct that we've given them is that they are not to bring coolers, they are not to fill it up any natural resources from the island and leave. So that will be one of the major pieces that's in there. But the intent is to, to tell them about Lana'i. Get them to understand that when they're here they have to behave in a specific manner and they have to treat everyone with great respect. But also, and Kupa is going to do part of this training. So, I mean, it's a full on training and it's all the way down to the lowest level of worker.

Mr. Ornellas: Great. Thank you.

Ms. Aoki: So how does that affect, how does that affect natives who are related or from this island that is part of the work force coming in and out when they're being told that they cannot practice their cultural gathering rights as natives who are related and/or their . . . (inaudible) . . . comes from Lana'i. How does that affect those individuals?

Ms. McCrory: And as I said we cannot enforce that. We, we are –. I'm sure everyone that knows that they have native gathering rights will follow suit. But I'm sure there are also people that are going to be very happy. We're making that statement to everyone else so that they still have resources that they can, that they can, they use . . . (inaudible) . . .

Mr. Ornellas: Thank you.

Ms. Zigmond: Mr. Chair?

Mr. Ornellas: Go ahead Bev.

Ms. Zigmond: Lynn, a couple of questions. I know it says a Maui contractor. About how many employees?

Ms. McCrory: I don't know the number. But they are all – but the contractor is on Maui.

Ms. Zigmond: And so will any Lana'i folks be getting any work out of that? I still know people unemployed.

Ms. McCrory: Whenever Lana'i people can be hired they will be. And remember, we still have housing . . . (inaudible) . . . Lana'i Builders isn't even busy as they're going to be. So you will start seeing more of that occurring as the permits start coming through. And as they get their supplies in, we have a number of the permits on the housing that's already come through, but they have to get their supplies in. So they've got to do the ordering and then it's got to ship in and they've got to get moving on it. So, I don't – I can't imagine who's not going to be working that shouldn't be working.

Ms. Zigmond: And I have a comment to make. I see that they're not going to be utilizing any

community housing, or rentals, or whatever. However, you know, Lana'i people are still getting shafted, and they're still getting shafted. They're getting kicked out of their rental homes. I just heard the nurse at the hospital, for the fourth time, because the owner of the house is putting in 12 – count them, 12 people – doing work. So she's moving to the mainland because she can't deal with this anymore. Four times. So we have to find another nurse who's still going to need a house. Plus somebody else in the hospital is being kicked out of her rental because 10 people are going in that house. So, I just needed to put that out there.

Ms. McCrory: Okay. That occurred, that rental contract between whoever is the owner of the house and a construction contractor occurred before we stopped it. And we stopped it by putting it in the contractor's contract that they cannot rent anything on Lana'i. So the few that we have are the few that we are going to have. Because we can't go back and tell someone who owns a house what they can do. We can't. We are certainly juggling like crazy. We don't have enough housing. I mean, it's, it's left over from the prior owner, and we're still trying to get it moving. But we're doing the best we can in terms of juggling people around.

Ms. Zigmond: So why are all the apartments at Iwole still empty. Who are they waiting for?

Ms. McCrory: I don't – I'm not in the housing area. I'm not watching it. I just know that they are very tight on just about everything. I don't know.

Ms. Zigmond: There's lots of empties.

Ms. McCrory: I, I don't know how they're used, and they may be intermittently used. I don't know.

Ms. Aoki: One more quick thing. And so I agree with what Beverly is saying. However in another case in, on the – in defense of some homeowners who have taken a decreased amount of rent during the recession and taking a loss on their investment properties are now able to rent their homes for what they need to at least cover for their mortgages. Some of these homeowners are now have engaged in contracts with contractors who now reneged on those contracts because they've been told if you're going to work with Pūlama Lana'i you cannot rent on Lana'i. And these homeowners are now renting out their homes again to Four Seasons employees for less than what their mortgage is, is that, the cost of that. And so I know of two people in that situation and I didn't know what to say to them. But just so you know that's occurring because you have people who are coming and saying, okay, I want a three bedroom, two bath home, but I'm not willing to pay \$2,500 which is market price right now. And you pay that on any island where they might have been renting it out for maybe \$1,500 previously, or \$1,300 just to be able to make ends met and being shy on the mortgage. So just so you know, there's a small handful of people that are experiencing contractors reneging on the contracts and saying, you know, what, you can keep the security deposit, and they're, they're put in hardship where off season from the hunting, the 26 weeks out of the year they did rely on contractors to pick up the slacks during those off weeks when there wasn't hunting occurring.

Mr. Ornellas: Thank you.



Ms. McCrory: We don't win either way.

Mr. Ornellas: Yeah. Damn if you do, and damn if you don't.

Ms. McCrory: Yeah.

Mr. Ornellas: So –. Alright, so is there anybody in the – did I do public hearing yet? Public hearing? Okay, we'll just move on. Hearing none. Close public hearing. Can I –. Do you have something else to bring up? No? You're okay.

Ms. Thackerson: Just the recommendation.

Mr. Ornellas: Okay. Your recommendation. Go ahead.

Ms. Thackerson: The department recommends that the commission make a determination to concur with the department's SMA Exemption for the renovation at Four Seasons Resort Lana'i, at Manele Bay project.

Mr. Ornellas: Thank you. Hearing that, can I have a motion to accept, to accept this SMA – concur with the SMA Exemption?

Ms. Aoki: Sorry Mr. Chair but we're confused. We thought that this was done and it was approved already. We don't understand. They're doing the renovations already.

Mr. Ornellas: No. This is, this is a separate one. Yeah, it's in addition to the one that they're already doing. So this is different. It's all cosmetics. Internal. No external. So it's just basically the same thing, but they just --

Ms. McCrory: This is the lobby.

Mr. Ornellas: The lobby area.

Ms. McCrory: The other was rooms.

Mr. Ornellas: Yes. Okay. So, can we have a motion to, to concur?

Ms. Aoki: I move to concur.

Mr. Ornellas: Second? Stacie seconds. Any more discussion? Hearing none. All in favor of the motion say aye. All those against? It passes.

**It was moved by Commissioner Joelle Aoki, seconded by Commissioner Stacie Koanui Nefalar, then unanimously**

**VOTED: to concur with the department's SMA exemption for the**

**renovations at the Four Seasons Resort Lana'i at Manele Bay project.**

**(Assenting: J. Aoki, S. Barfield, K. Gima, S. Koanui Nefalar, B. Zigmund  
Excused: P. Felipe, B. Oshiro)**

- 3. Continue the 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: Okay, so that's it, that's it for that, right, we're done? Okay, so let's move on to communication 3. Continue discussion on the SMA rules. We're going to defer. Director's report, commission, the HWWA, the Water Work Association Conference that Stacie and I attended, we're going to defer to the next one. We'll go to director's report, G2, open Lana'i applications.

**G. DIRECTOR'S REPORT**

- 1. Commissioners' Reports on the 2013 Hawaii Water Works Association (HWWA) Conference conducted on October 23-25, 2013 in Makena, Island of Maui.**
- 2. Open Lana'i Applications Report as distributed by the Planning Department with the November 20, 2013 agenda packet.**

Mr. Yoshida: Thank you Mr. Chair. We had distributed the list of open applications. We dealt with some tonight, but there are, you know, still others that have been – SMA assessments that have been submitted by either Four Seasons Lana'i, Lana'i Resorts LLC or Pūlama Lana'i, that you may have to deal with.

- 3. Agenda Items for the December 18, 2013 Lana'i Planning Commission meeting**

Mr. Yoshida: The next meeting is on December 18<sup>th</sup>. We're going to be having a public hearing on the Lana'i Resorts LLC request for a zoning change for the Old Police Station to zone it to BCT, Country Town Business District, and the deferred item from tonight's meeting, the County Special Use Permit application for the HI 5 Redemption Center on Ninth Street, and the other items that the commission, the Chair, had mentioned would be deferred from tonight's meeting. And anything else?

Ms. Zigmond: Mr. Chair?

Mr. Ornellas: Go ahead.

Ms. Zigmond: I have a couple of questions, Clayton, please on the open projects. The Lana'i ILWU subdivision. Can you speak to that please?

Mr. Yoshida: That's a Board of Variances and Appeals item. It's – I don't know if Pūlama has any more details, but that's pretty much handled by our zoning division.

Ms. Zigmond: Where is it? What is it?

Mr. Hirano: It's the IW – ILWU, WU, Hall.

Ms. Zigmond: And they're subdividing it? I don't understand.

Mr. Hirano: They're buying it from –

Ms. Zigmond: Ah so.

Mr. Hirano: And it's a one parcel, so it's being subdivided. And part of the variance is to seek relief from road widening and sidewalks because it's a rural type of area. So that was, that's what the variance is for. Because they wanted a road widening lot. Yeah, ILWU.

Ms. Zigmond: I hope, I hope they have more success than the Lana'i Community Health Center. Thank you. Clayton, two, two questions on the –

Ms. McCrory: It's more exciting than you know.

Ms. Zigmond: I'm sorry?

Ms. McCrory: I'll tell you later. It's more exciting than you know.

Ms. Zigmond: Okay. Successful, I meant, not exciting. But anyway, completed projects, Houston Street office trailers and Theresa Heitkamp?

Ms. McCrory: Houston Street Trailers has just been pulled.

Ms. Zigmond: It's been pulled. You mean you're not doing that?

Ms. McCrory: Right.

Ms. Zigmond: And who is Theresa Heitkamp and what did she do and why? Okay, it says it pau. Coast Sign Incorporated. What were they doing? Anybody know? Nobody knows. Request for comment. It's a request for comments. Okay, we can't figure that out. I have, I

have one more thing to say and I'm sure everybody will –. When we, we could not come to the agreement on the Waterous residence, we asked that our concerns and comments be relayed even though we knew that there were no conditions put upon the project because it was – what it was – whatever it was – we couldn't put conditions on. But on the letter to the owner there's not an item that we had spoken about. And the planner said that she would convey those concerns and I thought that it would be at least in the letter, at least to, you know, kind of like humor us, and there's nothing.

Ms. Thackerson: Yeah, I conveyed it to the owner. I did not put it in the letter because I was not instructed to put it in the letter. I spoke with them. I didn't put in the legal, in the approval letter, since it was not a condition of approval.

Mr. Ornellas: Alrighty.

Mr. Yoshida: Well, again, by the decor in the room, I'm reminded to wish all of you, on behalf of the department, a happy Thanksgiving.

**a. Public Hearing on the following request:**

**LANA'I RESORTS, LLC requesting a Change of Zoning from Urban Reserve District to B-CT Country Town Business District to enable office use of the Old Lana'i Police Station/Courthouse Building located at 312 Eighth Street, TMK: 4-9-006: 004, Lana'i City, Island of Lana'i. (CIZ 2013/0007) (J. Prutch)**

**H. NEXT REGULAR MEETING DATE: DECEMBER 18, 2013**

**I. ADJOURNMENT**

Mr. Ornellas: And you wanted me to defer all this stuff just so you could wish us all a happy Thanksgiving? Alright, so our next meeting is going to be on December 18<sup>th</sup>. If you have any items that you want to put on the agenda please – you know, you can send an e-mail to Clayton. Copy me please. And then we'll see if we can get it on there. James, you okay? Alright. Okay. We don't care. Alright, good night everybody. Drive safely.

There being no further discussion brought forward to the Commission, the meeting was adjourned at approximately 8:30 p.m.

Respectively submitted by,

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

**RECORD OF ATTENDANCE**

**PRESENT:**

Joelle Aoki  
Shelly Barfield (from 6:30 p.m.)  
Kelli Gima  
Stacie Koanui Nefalar, Vice-Chair  
Stuart Marlowe  
John Ornellas, Chair  
Beverly Zigmond

**EXCUSED:**

Priscilla Felipe  
Bradford Oshiro

**OTHERS:**

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