

**LANA‘I PLANNING COMMISSION  
REGULAR MEETING  
MARCH 21, 2018**

**A. CALL TO ORDER**

The regular meeting of the Lanai Planning Commission (Commission) was called to order by Ms. Kelli Gima, Chair, at approximately 5:02 p.m., Wednesday, March 21, 2018, in the Lanai Senior Center, Lanai City, Hawaii.

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

Ms. Kelli Gima: Let's go ahead and get started. We are on a little bit of a tight schedule tonight, but I think we can make this work. It is now 5:02 p.m. It's the March 21<sup>st</sup>, 2018 Lanai Planning Commission meeting. I'm officially calling this meeting to order, and so we'll move along our agenda on to item B, which is resolutions thanking outgoing members Kelli Gima, Brad Oshiro and Shelly Preza. And it is stated that she filled in for the remainder of Beverly Zigmond's term, and will be returning. So I'll turn that over to you Clayton.

**B. RESOLUTIONS THANKING OUTGOING MEMBERS KELLI GIMA, BRAD OSHIRO, and SHELLY PREZA (filled in remainder of Bev Zigmond's term and will be returning.)**

Mr. Clayton Yoshida: Thank you Madame Chair and members of the Lanai Planning Commission. It's that time year again when we thank the outgoing members for their dedication and service on the Commission. Again, we have Shelly Preza who is filling out the remainder of Beverly Zigmond's terms. And we'd like to thank her so far for her services and she will be returning next month. We also want to thank the two members, Kelli Gima and Brad Oshiro, who have served on this Commission since April of 2013, for the past five years for their dedication and untiring public service to the people of Lanai. And extending sincere appreciation for their services and extending best wishes in their future endeavors, and that copies of the resolution be transmitted to the honorable Alan Arakawa, Mayor of the County of Maui, and the honorable Mike White, Council Chair of the Maui County Council. It should be noted that Kelli Gima has been the Chair of the Lanai Planning Commission for the past three years, from April 2015 to the present. So we thank both, Kelli and Brad, for their service as volunteers to the people of Lanai.

With that we have the Mayor's letter of appreciation, as well as a certificate of appreciation for Brad and Kelli. The certificate is suitable for framing in a beautiful County of Maui logo folder, so we would also like to present that to Kelli and to Brad, and sincerely thank you for your service.

**C. PUBLIC TESTIMONY - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be**

**allowed to testify again when the agenda item is discussed unless new or additional information will be offered.**

Ms. Gima: Thank you. Alright, let's go ahead -- thanks again Clayton -- move along to Item C which is public testimony, and we will open up public testimony at this time. And we have first on the list is Lynn McCrory. You're going to wait? Okay. Next, we have John Ornellas.

Mr. John Ornellas: Hi, I'm John Ornellas. I -- I'm a Lanai resident for almost 30 years. I want to thank you Kelli and Brad. You guys have done a great job. This community is indebted to you for your service for the last five years, and I know it's a pain in the butt, but -- and thank you. And hopefully you guys will think about serving in other boards and commissions that support this island because God knows we need it, so thank you very much.

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

- 1. MR. WILLIAM SPENCE, Planning Director, transmitting the [Lanai City Country Town Business District Design Guidelines and Standards, 2011](#). (A. Kehler) (Public Hearing was conducted at the February 21, 2018 meeting.)**

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

Ms. Gima: Thank you. Thanks Uncle John. Alright, anyone else that has not signed up that's willing to provide public testimony? Again, we'll open up public testimony after the various agenda items. Denise, are you waving your hand at me? Okay, alright, I'll go ahead and close public testimony and we'll move along to Item D, under Unfinished Business, Item No. 1 . . . *(Chair Kelli Gima read the above project description into the record)* . . . And again, the public hearing was conducted at the February 21<sup>st</sup>, 2018 meeting.

Ms. Annalise Kehler: So Chair, I don't know if you want to start with questions from the Commission, and then I have some questions for the Commission as well so it's up to you.

Ms. Gima: Yeah, we can do that. Commissioners? Go ahead.

Mr. Bradford Oshiro: My question is, is the...on Twelfth and Fraser, you guys moving that over...to where it belongs, where Pulama actually is?

Ms. Kehler: So I got your e-mail on that, and then I saw Richelle's e-mail back, and she has a couple of recommendations.

Mr. Oshiro: No, you know, this has been going on for six years. If you guys cannot get the map right, I going ask for a deferment. And then after the deferment, I just going walk out of here. So, you know, it's up to you what you do, but, you know, you coming with this map and

it's wrong, it's wrong. And then, you know, if, if -- I gotta depend on Maui Council to approve something like this, I think it's dead wrong. You guys screwed up, you guys should fix the mistake. So I'm going, right now, I going ask for a deferment, and then --. Because I cannot, I cannot sign something, put my name to it, and say, yeah, it's correct. It's not correct. Come with something that is correct. Don't come incomplete. Do not come to this board and ask us to sign something, to agree with something because this is dead wrong. This is wrong.

Ms. Kehler: Okay, let me make a suggestion...how about we take all the maps out of the document and then once the, once the change in zoning occurs --

Mr. Oshiro: No, no, no, no, no, no. I want the Planning Department this time to fix their mistake, then come back to the board with the correction. Because right now, I just cannot see myself saying, oh yeah, we'll vote this in. No.

Ms. Gima: Well, we're not, we're not approving this. We're just making recommendations, correct? No, we don't have the approval for this. What we're doing is making recommendations to County Council who then has the ultimate approval. So we're not going to have to sign anything that says that we're approving these guidelines or not. You can correct me if I'm wrong. It's our comments to County Council.

Mr. Oshiro: Kelli, we already commented on this last, last month.

Ms. Gima: So why we deferred --. Right, we went through kind of a lot of comments and what I think we decided at that time was because our options are to --. We deferred because we wanted to come back and have our comments listed, right. And...but again, we're not approving this. So if you don't -- you can make that comment that this shouldn't be approved with this out-of-date map. But ultimately, we don't have the final say on this. But we can definitely put the comments on record, absolutely.

Mr. Oshiro: I already told Leilani what I was going to do, okay. I'm suggesting that we defer this until this is all correct, and then she come back to the board, again, and with the corrections. If we not going to do the deferment, I'm out of here.

Ms. Caron Green: Brad, I'd just like to say something. We didn't even think we would have these amendments back this month. We really pushed the Maui Department to put, to incorporate our comments into the text which I believe they have by in large done. So I think the reason these maps had not been corrected is because they were under a lot of pressure to get this back to us. And I think the idea was we all went through the discussion together. I think they would like us to be the ones to finally say -- well, to recommend that this go forward because we have the history. If you defer, then the next people who come in are not going to have history you have. So --

Mr. Oshiro: That is what I'm trying to saying. Because I have the history, I'm saying that this should be corrected before we even say we put any more recommendation on that. It should

be corrected before we even say and put any more recommendation on that.

Ms. Gima: I hear you. Clayton, you have something to say?

Mr. Yoshida: Yes, Madame Chair, I guess we see it as two different processes. One is Commissioner Oshiro is concerned about the community plan designation and the zoning for a specific property. We're talking tonight about the design guidelines for Country Town, in a Country Town Business to guide our future commercial development in Lanai City, to update those guidelines that we adopted in 1996-97 because times have changed, building materials have changed. You have a Community Plan that's been updated recently to try to bring that in consistency with those, that guidance, from the most recent community plan update. You know, there is a concern, you can get it on the record. It will be in the minutes that go to the County Council. But we see it as two different processes. Because otherwise, we're dealing with the 1996 Design Guidelines which are currently in effect, which are outdated as folks say, I mean, as far as consistency with the Community Plan update some of the policies that are in there.

Ms. Gima: So what I'm hearing you say, Clayton, is for Brad's concern about this area, that's a zoning and community plan issue.

Mr. Yoshida: Yes.

Ms. Gima: And what we are looking at is purely just the design. Now, our options are is to recommend approval, recommend approval with amendments, recommend denial, and, or defer, correct? Those are our four options. So if you feel strongly about not recommending approval, or recommending approval with amendments, then that can happen.

Mr. Oshiro: You guys do what you guys want to do.

Ms. Gima: Well, we won't be able to do anything if you leave.

Ms. Kehler: Let me ask you one more question. Let me ask you one more question. How would you feel if you, as a Commission, made a recommendation to us to submit the change --

Ms. Gima: Let her finish. Let her finish what her recommendation is. Go ahead. Okay, that's fine.

Ms. Kehler: That you collectively, as a Commission, recommend to us that we submit an amendment to the community plan and a zoning amendment to County Council. Because those are separate actions besides adopting this design guidelines. And that --. What we can do --. I can do that. Like if your Commission makes that recommendation we can totally do that and that will happen.

Ms. Gima: So that sounds like that would be a formal request to get that specific issue moved, moving forward. Because right now whether we don't make comment or not to the County Council on the Design Guidelines that's not going to correct this issue.

Ms. Kehler: No.

Ms. Gima: So I really think if you want to see this issue corrected --. Okay. Okay. So let the record note that Commissioner Oshiro has left and we no longer have quorum so we will not be able to vote on anything tonight, unfortunately.

*(Commissioner Bradford Oshiro left the meeting at approximately 5:15 p.m. **The Lanai Planning Commission lost quorum and Item D1 was deferred.**)*

So, obviously this is going to have to be deferred to the next meeting, which unfortunately like you pointed out Caron that we're going to have new members that were not here through this process. Sorry about that. But I hope that that --. I mean, I think it's a valid concern, and I hope at that time, at the next month's meeting, that you folks will be able to make that formal request to have those zoning and community plan reviewed. Alright.

Thank you for your time. I mean, is there anything that you do want to go over with us, or Commissioners, did you have any questions while we're here, while the information is fresh in your head? I mean, sure, we cannot vote on anything, but that doesn't mean that we still can't have a discussion or ask questions. Correct, we can still move forward, but just not voting. Caron?

Ms. Green: I have a couple of areas and the first one is more philosophical and it's on page 30 where you talk about -- there's several pages actually. On page 30 and 41 kind of go together, and it has to do with when you have to do demolition and replace or build over a site. I thought it was interesting especially given the fact that on Lanai Avenue we had those three homes that were demolished, but there was a very strong effort made to replace them with something that looks like what they took down. And yet when I read these two sections they're saying you shouldn't try to make it look like what you took down. You shouldn't try to make it look like the historical building that was in its place, but rather something in the same style and I was --. Pardon? Okay, so --. Pardon? Okay, so I was just wondering --. I guess that was just kind of strange for me because they said they didn't want something to look like what you took down because it's not what you took down, right? And yet we did that on Lanai Avenue. No?

Ms. Kehler: What page, what page are you referring to?

Ms. Green: Well, on page 30 there's a -- you look at the first solid red area they say, okay, at the bottom, it says "buildings on existing standard lots maybe reconstructed on established building footprint where the Director of Planning determines in accordance with established guidelines that such reconstruction does not detrimentally affect the character of the district."

Well, that's fine. But then if you go to 41, it says, under new construction, "like additions to existing buildings, the design of new construction should be either similar to, compatible with, or respectful of its historical setting. However, attempting to create exact replicas of the historic styles makes it hard to tell the difference between old and new buildings. While new construction should not attempt to copy historic styles, it is also important that new buildings not be so dissimilar that they damage the character of the district." And I just thought that was interesting that you wouldn't try to replicate what was there. That means specifically saying do not replicate what was there.

Ms. Kehler: Sure. That, that's a basic -- that's like a basic philosophy of preservation, of historic preservation. There are few instances where a reconstruction would, would be appropriate, and it would be if it was, if it was a very rare type of building. And then you would have to make it clear to the viewer that it was a reconstruction. Because you don't want to kind of seem like you're lying or making something, you know, that's new pretending that it's old. That's a basic preservation philosophy.

And there is another -- there's another part of this and I believe that that was carried over from the '96 design guidelines, and it said something, it's something in the earlier pages that says something to the effect of imitation old buildings are not encouraged. And there are many different ways that you can design buildings to make them fit in with the character, without directly copying them. There's this method that I found online. It's called the FRESH method, and it stands for like, Footprint, Roof, Envelope which is like a skin, and then a couple of other things. But those are like the main things that are really important that really help you blend without pretending to be something you're not, if that makes sense. It is, it is your opinion, though, and if the Commission agrees with you, that's something that you can put forward in a recommendation, to remove that part, about imitation old or exact replicas.

Ms. Green: I, I can go with it either way. I just thought it was very interesting that there was a specific statement that do not try to exactly replicate.

Ms. Gima: Commissioners, is there any other questions or comments? Alright, anything that you had for us? You said you had some questions.

Ms. Kehler: Yeah, there was, there was like a couple of sections where...I had Corporation Counsel, Richelle, review it and --. Like I --. So together we changed like the setback section on page 34. She recommended front yard setback should be a minimum of 15 feet instead of between approximately 15 and 20 feet. And then she also added the side and rear yard setbacks from the BCT ordinance, as well as the information about structures allowed in the setbacks from the BCT ordinance. I just wanted to make sure the Commission was good with that. I don't know if really you can vote on that.

Ms. Gima: We can't vote on anything, but I guess it's something to keep in mind for next month's meeting.

Ms. Kehler: Yeah.

Ms. Gima: Is there anything else?

Ms. Kehler: You know, I, I do have a few more questions, but --

Ms. Gima: Maybe it's worth saving to when --

Ms. Kehler: Yeah.

Ms. Gima: -- there's quorum and when the new Commissioners are on.

Ms. Kehler: Yeah.

Ms. Gima: So I will, if there's nothing else from the Commissioners, we'll open up public testimony again. I know Lynn you had signed up to comment on this, so come on up.

Ms. Lynn McCrory: Lynn McCrory, Pulama Lanai. And I just wanted to restate one more time that we fully support these design guidelines and we're very, very pleased that they're in. And great job for getting that done that fast. I was absolutely amazed. And, no other issues, just thank you all.

Ms. Gima: John?

Mr. Ornellas: John Ornellas, resident. You know, I haven't come to a meeting in the last three years so -- but, the thing that just perked my ears is I had, I had a problem with the, with the Lanai Planning Commission giving the, the, the Director more power over our community. So when, when things like this comes up, it should come to you guys, not let somebody on Maui decide how, how things should be for us. So I'm just kind of -- just be conscience of the fact that the more stuffs you give Maui, the less you guys are important here according to the eyes of Maui.

Ms. Gima: So just an FYI, everything that she was going over was all our comments from last month, so this is not the Planning Department putting anything on us. This is what we created through our discussions. But duly noted what you're saying, absolutely. Thank you. Anyone else wishing to provide public testimony? Alright, we'll go ahead and close public testimony, and I guess this is just deferred. Again, thank you for the time that you've put into this, and it's unfortunate that we can't really do anything tonight. But, really, for putting the time to get to us this by this month, it's very appreciated.

Ms. Kehler: You can submit comments to me in an e-mail, or you can come to the next meeting because, you know, I'd like to hear your comments.

Ms. Gima: Okay. Alright. Thank you.

**E. DIRECTOR'S REPORT**

- 1. Open [Lanai Applications Report](#) as distributed by the Planning Department with the agenda.**

Ms. Gima: Okay, so then we'll move on to Item E, and we're almost there. This is probably going to be the fastest meeting and it's perfect for my last meeting. We have Item E, which is our Director's Report, starting with the open Lanai applications report, so I'll turn that over to Clayton.

Mr. Yoshida: Yes, thank you Madame Chair. We have submitted, attached the open Lanai applications report, if there are any questions from the members.

Ms. Gima: Any questions? I just want to make a very -- one comment -- I am so glad to see on this project list that there's finally the permits for our Hulopoe Beach Park signage that has been a long time coming. For the community members that don't know, this is the signs that will be going down at the beach park to have all of our newly revised rules. But any questions, Commissioners, on this? I will open up public testimony again, if there's anybody wishing to provide public testimony on this open project report. Okay, none, I will close. Alright.

- 2. Agenda Items for the April 18, 2018 meeting.**

Mr. Yoshida: Okay, the second item is the agenda items for the April 18<sup>th</sup>, 2018 meeting. We will have introduction of the new Planning Commissioners.

Ms. Gima: Clayton, hold on just a moment. Do you guys mind maybe taking the conversation outside please? That's okay. Thank you. Sorry Clayton.

Mr. Yoshida: Introduction of the new Planning Commissioners, election of officers, Chair and Vice-Chair for the upcoming year. We have scheduled a water workshop with -- lead by the staff from the State Commission on Water Resource Management. And now we have the deferred --. Well, we have to decide if we're going to put the deferred Lanai City Country Town Business Design Guidelines and Standards item that couldn't be acted on tonight.

Ms. Gima: Just a question. Because it's deferred and it's not acted on tonight, does it have to necessarily be on next month's agenda? Is it time sensitive? And the reason I asked is because you're going to have three new members who will see this information one week before the meeting for the very first time and it might be a lot to take in especially for a first meeting. So I understand if it's time sensitive and it needs to be on the agenda, but maybe definitely --. I think it should absolutely be on the agenda, but maybe more of discussion and --. Just a thought because there's three new members.

Ms. Green: Clayton, is there any reason why they couldn't receive this earlier? I mean, do we know who our new members are going to be or at least several of them so that they can get this part of it at least early?

Mr. Yoshida: Again -- well, I guess there's no definite deadline. Well, I guess, with anything involving the Council, we're trying to get it to them soon because they, their term ends on January 2<sup>nd</sup> of next year. And several of them are either not returning, like Council Member Carroll, or they're running for other public office, so off the bat, you know, we're not going to have the same people, a lot of the same people there.

Ms. Gima: Yeah, and we definitely want to make sure that our comments get on record to the County Council. I mean, that's super important. But, yeah, I mean, if it's possible to get this -- not necessarily the whole packet -- but at least that particular information to the new members if possible ahead of time, so that at least they have time to digest it before the next month's meeting. I'm not going to be here, it's just a suggestion for the new members.

Okay, anything else, Commissioners, regarding agenda items for next month? And then I have this in front of me to do, the SMA. Go ahead Clayton. Did you want to say something?

**F. NEXT REGULAR MEETING DATE: APRIL 18, 2018**

**G. ADJOURNMENT**

Mr. Yoshida: Yeah, again, we wish to thank Chair Gima for her five-years of service.

Ms. Gima: Thank you. Thank you. So what I have in front of me that Leilani handed to me earlier is the Findings of Facts, Conclusion of Law and Decision and Order amending the Special Management Area Boundary and Maps for the island of Lanai. So this is what we talked about for months with Kathleen, which is finally done. Do I need to read this on record?

Mr. Yoshida: Well, this is like the final touches in finalizing the action of the Commission pursuant to your rules, that Decision and Order needs to be adopted. Now, this is kind of a big deal because this rarely happens as such as Kathleen had point out last month. And so we'd like for you to stick around and stay. We'd like to take a group picture of the Commissioner for our annual report purposes, our County newsletter purposes, and other public information.

Ms. Gima: Okay, so don't need to read this on the record. No. Okay. Got it. Alright, we'll do this after. I'll do it after because I have to sign it. Okay, so if that is it, this is like the fastest meeting ever, of like a 30-minute meeting. It's a way to end my five-year term so go ahead. Go ahead Caron.

Ms. Green: You're going to be really hard shoes to fill. You've done an outstanding job. Yes.

Ms. Gima: Thanks. It's a very bitter sweet day, so.

Mr. Ornellas: . . . (Inaudible. Did not speak into a microphone) . . .

Ms. Gima: Maybe not like you, but anyways. Alright, if there's no objections, it's now 5:31 p.m., and I'm going to officially adjourn this meeting.

There being no further discussion brought forward to the Commission, the meeting was adjourned at 5:31 p.m.

Respectfully submitted by,

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

**RECORD OF ATTENDANCE**

**PRESENT:**

Roxanne Catiel  
Kelli Gima, Chair  
Caron Green, Vice-Chair  
Mililani Martin  
Bradford Oshiro (from 5:02 p.m. to 5:15 p.m.)

**EXCUSED:**

John Delacruz  
Shelly Preza  
Shirley Samonte

**OTHERS:**

Clayton Yoshida, Planning Program Administrator, Current Planning Division  
Annalise Kehler, Cultural Resources Planner  
Richelle Thomson, Deputy Corporation Counsel (on-call)