

**LANA‘I PLANNING COMMISSION
SPECIAL MEETING
FEBRUARY 13, 2020**

A. CALL TO ORDER

The special meeting of the Lanai Planning Commission (Commission) was called to order by Ms. Shelly Preza, Chair, at approximately 4:15 p.m., Thursday, February 13, 2020, in the Lanai High & Elementary School, Lanai City, Hawaii.

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

Ms. Shelly Preza: We have quorum. I'm so sorry for the late start. It's about 4:15 p.m.; we'll officially start now. Welcome to the special meeting, February 13th, of the Lanai Planning Commission. So today, we have a few things to get through. We're, unlike other times, when we've done this at the Senior Center, we will, we're asking that public testimony be held until the agenda item is being discussed because we have visitors here to do presentations for us coming from a long way away and they have to catch a boat. So, if you wouldn't mind, if you're testifying on a later agenda item to hold your testimony until then so we can get through the presentations.

B. COMMUNICATIONS

1. **Overview of the March 2018 Maui County Code (MCC) Title 19 Zoning Code Audit and introduction of the MCC Title 19 Zoning Code Rewrite (T19) project by the Department's consultant Orion Planning + Design. This will be the first of several meetings for the estimated four-year project. (C. Cortez)**

Ms. Preza: So that's the call to order. B.1., we're going to be discussing the overview of the Maui County Code, Title 19, Zoning Code audit, and introduce the Title 19 Zoning Code rewrite. There is a presentation that is about 45 minutes I'm told, and so if everyone wouldn't mind sharing public testimony on that after the presentation that would be very helpful for helping our meeting moving along if that's okay. So, yeah, I believe we have presenters here.

Ms. Kathleen Aoki: Good afternoon Commissioners. Kathleen Aoki, Plan Implementation Division head. Thank you all for accommodating us for this special meeting. We do have with us Orion -- members from the Orion Planning and Design team. They are a firm that is representative of a lot of different states. We're going to have Carol Rhea and Allison Mouch here today. And we also have Kimi Yuen who is with PBR. She's a subconsultant with the project. So I'm going to turn it over to Carol. Her presentation is really thorough. And as we go through the process, afterwards if you have any questions, we'd be happy to answer them, and, and go from there.

Ms. Carol Rhea: Thank you Kathleen. It is an honor and a pleasure to be here today to talk to you about what I think is a very important project for Maui County. And we are talking about the Title 19 Zoning rewrite. And what we hope to get accomplished is --. Turn it on? Thank

you. So what I'm going to do first is you got a brief introduction of the consultant team. I'm going to give you a much more thorough introduction of the consultant team. We're going to talk about the audit findings and the recommendations because that was the foundation of what we're moving into now. And then I'm going to talk a little bit about how we're doing the Title 19 rewrite, and the schedule, and the process so you know what to expect of in the next few years. And we're going to wrap up with roles and responsibilities, and I have a few discussion questions for you to consider. You can certainly provide comments to us this afternoon. But if you would rather provide written comments or later on, engage with us to answer those questions, that's fine too. And those are just prompt questions.

So our team, we actually we have, I think, it's a large team, but it's a very well rounded team. Orion Planning and Design is the lead firm. I am a co-lead, and Allison Mouch is a co-lead for the Orion Planning and Design team. We have with us on the ground this week and here on Lanai today, Bob Barber that you see on the left, and Ron Slade. Those are two of our designers. And they're working on looking at the design element from Lanai so that we can be very cognizant of those as we move forward with the Title 19 rewrite. We also have Kimi Yuen who is the lead on the PBR Hawaii team. Kimi, would like to introduce your team very quickly?

Ms. Kimi Yuen: Sure. And this is just a small group of our team that's available to help with this project. But some of you might know Tom Schnell. He does a lot of work in Maui County. He's another principal on the planning team. Ramsay Taum is our Cultural Sustainability Planner, who will be helping with some of the cultural issues. And then Kalei Perkins is our design lead. And then Malachi Krishok is a planner with our team.

Ms. Rhea: And she raised a good point. There are other people behind some of these groups that you see. But these are the principals from each of these firms that have been involved with this project. On the top right are Rundell Ernstberger Associates. They're out of Indianapolis. Cynthia Bowen is the lead on their team, and she is going to be taking the lead on the user guide, and also on the ground with a lot of the public engagement.

Carlsmith Ball is our legal team, and they will be helping us, make sure that whatever draft we bring to you are grounded, well grounded, in legal, legal principals and requirements. And they will be working closely with Corporation Counsel on those items as well.

So, how many of you were involved in the audit? Anybody see an audit presentation? Anybody participate in one of the questionnaires or surveys for the audit?

Okay, so how old is Title 19? This is a slide that we use a lot, and I just wanted to know how fast to go through it. But Hawaii became a State in 1959. Shortly after that, Maui adopted Title 19. It is the last comprehensive reviewed and consideration. And by that, I mean, in its entirety, that the Code has had, the Code has many amendments since then, but not comprehensively review and updated. Since then we've walked on the moon. We've released the first microprocessor, the first PC; Windows was released in 2004. Something that we'll

talk about a little bit, but the form based code institute was created. That marked a shift in the way that zoning is approached in many communities. And then in 2007, the first iPhone was sold. So just think about how different life was than it was prior to the first iPhone, the first smart phone. It has completely changed the way many of us engage with each other, with our community, how we access information. And believe it or not, people will be looking at your Code and your zoning maps on their smart phone. So it's changing the way they intersect or use the materials put out by the County.

And then in 2017, Title 19, we began the audit for that very important Code that you have that helps to regulate planning, or regulate land use and design the Islands of Maui, Lanai and Molokai. And then we're starting the new Code update, and our target for completion is 2022 to 2023. The purpose of the audit, it had many purposes. But to summarize, I think, first is it was recognized that the framework for the current Title 19 is obsolete. As I mentioned, when the form based code institute came into being, there was a major shift. But even before then, zoning had begun shifting to more form. Your Title 19 was first created in an era when it was very heavily used. And in planning lingo that puts everybody to sleep, that's referred to an Euclidian Zoning Code where everything is divided into districts. And districts tend to separate uses. And, you know, we've learned over the decades that has created a lot of problems for our communities. And so the form, when, when, the form based movement started it was an attempt to reengage design into the community planning, saying that it wasn't just use that makes a difference in our communities. It's how buildings are built. It's how streets are constructed. It's how sidewalks, or do you even have sidewalks, do you want sidewalks? Bikeways? How are people moving about your community, using your community, your public spaces?

The other purpose, or another purpose of the audit was to determine how the Code could be improved. Of course, that makes a lot of sense. We wanted to go into the Code to see what the content was, and what was were the process and procedures were that could be changed and made better for Maui County.

Determine how the current the Code does or does not work with plans. This was really improvement. How many of you were engaged with the Lanai Community Plan? Any of you? Okay, back here, yeah. So many or some of you, at least, were engaged were with that plan. Zoning codes is one of your most important plan implementation plan tools that Maui County has available to it. So if your Code is out of sync with your plans, your plans, you have a very difficult time implementing the vision that you have created within those plans.

And to explore how contemporary best practices could help Maui. One of the things about our team being as large as it is and as spread out as it is is our team in its total form is working currently from the very far eastern shore of the U.S. to Hawaii. We have members of our team that have worked in Saudi Arabia, and Libya, and Abu Dubai, and lots of places, and Bolivia, and Guatemala. And we have seen planning practices from many different places. And it's exciting when we see communities that are doing things that are making a difference. And when we go into other communities, and they're having the same issues, then we can bring

those experiences, and that idea, and that information to the community that we serve. So we feel like we have a fairly robust collaborative best practices to offer to you and to the rest of the Maui County as we move forward.

During the audit we interviewed a lot of stakeholders. We conducted user surveys, internal and external user surveys. We toured all three of the islands. We reviewed, of course, the plans and the codes in depth. We developed a key issues and best practices list, and we ultimately ended up with some draft recommendations.

Some of the findings that came out of the study included your code organization and readability is weak. How many of you have actually spent much time reading Title 19? I don't blame you. It's, it's very difficult to read. And it will, it will definitely is a challenge. And your staff finds it a challenge as well.

The Code lacks flexibility. We are in an age of acceleration in terms of change. Change is happening faster, and faster, and faster. That's one of the reasons why we sense in a lot of communities there's some anxiety, some angst around change because it's occurring so much more rapidly than it has in the past. And so flexibility is necessary to keep your Code responding adequately to a changing environment.

Process aren't clear and transparent. We've heard this from both internal and external people. Text and maps are difficult to read and access, and that's when they're there. Your Code is largely devoid of most graphics that are very common in more up to date Codes. We heard also loudly and clearly from a number of people that housing is unaffordable for many, many people. Zoning can't solve the housing affordability problem, but Zoning can help create opportunities and remove obstacles. So, for example, when I mentioned that Zoning and the way that it was practiced when your Code was originally adopted, it separated uses. So single-family detached, one big district. If you wanted to do multi-family, you had to go to the other district. Well, when we looked at historic areas, areas that were built even in the 1700's, 1800's, if you go to China 1200 years ago, 1500 years ago, they were built with a mixture of housing types. They were built mixed use with businesses below, residential above. A lot of different things that our zoning just basically stripped out of -- as American development.

So we're going to help you explore which housing options you think best fit Maui and the future of Maui County, and should be reincorporated into your Zoning District.

Maui is auto-centric. I don't think that's a shock to anybody. And some felt that Title 19 actually aids congestion in the way that it required development to occur. And the way that streets are planned and constructed. And the fact that it's not multi-modal. That it doesn't allow what we would consider micro-transit. Like, that's maybe a mile or so where you can walk, you can skate, you can ride a bike easily. Bikes actually gets much farther than that. But these other micro-transit opportunities to get people out of their cars.

There's little contextual design or place making. And that means that there are zoning districts in the current Title 19 that apply on Lanai. They also apply on Maui, that also apply on Molokai, and they're not respective of what exists, and the character of the area. And I'll tell you, it's very common in older zoning codes. We see a lot in older zoning codes, and there is just very little respect. They were laid on top of areas that were already built and they don't match. And so they created issues with changing the character of a community in a way that the community is not happy with.

Agricultural zoning practices aren't working or not working as well as they should. Short-term rental regulations have been quite a challenge, both for the community, I believe, as well as the staff, who have spent an inordinate amount of time administering that program.

And we heard from some that historic buildings can be challenged under the Title 19, especially when it relates to any kind of change of use of that building, and how that building, you know --. Zoning -- when zoning puts down requirements for example that you have to have a certain number of parking spaces in order to have a use on a certain building, and there's no flexibility, there's no consideration of what exists there now, I have seen it, literally, closed buildings. There's nothing they can do with it because they can't meet the parking requirements, or they can't meet the landscaping requirements. And so, historic buildings can be challenged in that way. So we will be looking at that.

And lastly, there are areas of Maui -- I think most of them are Kahului and around in there that have interim, or what we call stacked zoning. And those have not achieved what I think the original draft or thought which is this is going to create a zone where we're going to inspire a lot of economic development, and -- because people can do a range of things and they can do a bunch of stuff, and instead, it has lead to a much less desirable development. But there is a way that you can incorporate the original vision by using more mixed use. And you have some districts currently in your Code that are mixed use. And the difference, and I had this question asked so I'll go ahead and answer it. What's the difference between interim, and stacked use zoning and mixed use zoning? Because it sounds like the same thing if you're allowing a bunch of different uses in a district. The difference is that in this practice what you basically say is anything allowed in this district is allowed in this district. And anything allowed in this district is allowed in this district. And it's just you kind of layer, and it's done pretty much indiscriminately in a way. Whereas in mixed use, we . . . (inaudible) . . . We carefully pick the uses that can go in there to make sure they're compatible, and that they lead to the best possible community.

So our recommendations. First was to create a simplified, hybrid code. This is not a --. We wouldn't -- are not recommending a full fledged formed base code for all of Maui County. Very few communities have done a full fledged jurisdiction wide formed base code, and none the size of Maui that I'm aware of. Mostly in small towns. But, it is bringing a lot of form into your code that you don't currently have there now. So we're introducing that, or we proposed that in the audit recommendation, that that be introduced into the Code.

That the Code promote housing choice and affordability. But it address more specific use, needs and issues. This might be a way of getting around the need to have some proposals go to board action if you can go ahead and nail down, what is it that would make this use appropriate in Lanai City? If we can nail that down, and put it in black and white in the Code, then everybody knows what's going to be required to come and build here or make use of the property. And they don't have to, you know, go to a different level of board just to be told the same conditions.

Create multimodal mobility standards. Revise plan content and process. So the last item is not a Title 19 issue, but it is in a sense that remember Title 19 is supposed to help implement the plan. So I'm pleased to report that, you know, the Maui County Long Range Planning team really took that to heart and they used some of the concepts that we discussed in building their platform, their framework for the West Maui Plan that's currently under construction. And that's going to lead to that plan being better or easier to implement through zoning in the future when it's adopted.

So zoning is a balancing act. There are many different competing priorities. These are three of what I think are the biggest ones. The ones that I pay a lot of attention to when I help write codes. The first is your public priorities, and those we look to your plan, but we also look to you, and into your citizens, and to your elected officials to tell us what are the public priorities. As we live within communities it's really important that we live within those communities in a way that everybody can proposer and, you know, live hopefully the lives that they want.

Private property rights; very important. Very important in the United States, so we pay a lot of attention to that. Local capacity, though, is something that we also look to. Capacity means a lot of different things, but it can mean, can your staff, do you have enough staff to implement? If you say, we want to see this happen, then, you know, we might turn to staff and say, do you have the capacity to do that? Do you as a planning commission have the capacity in terms of knowledge or time to implement something that somebody might want to put into the Code? Do you have the money, local capacity, to do something that might be in the Code? So, so we aim for that center area. And in reality, these circles overlap a lot more than I'm showing, so that center area is actually larger larger than it looks. It's not that small. But, just for clarity, I spread them out a little bit further.

Code organization. Your current Title 19, if you do look at it, it looks like a -- when you go to the permitted uses list, it looks like what you see on the left. Something that you could consider which a lot of communities are doing is going to table that looks like this. It makes finding what you can do, use wise, within a district much easier. If you're looking at districts, you look in columns. If you're looking at uses, you're looking at rows, so you know, it's good for both types. So if you're a developer who puts in single family homes you just come across this row and see which districts those are permitted in. If you are -- have a property in this district, you just go down the column to see what uses you could make with that property.

Code organization, dimensional standard wise, your current Code looks like this, and there's anything wrong with that. But you can make those tables easier to read just by making them, changing them up and making them, giving them clarity through color, though, through dimension and better organization.

So code content. We're also going to be looking at code content. This was the district list at the end of the audit process. You have a lot of zoning districts. There's nothing wrong with a lot of zoning districts, if you need every one of those zoning districts. One of the things we're going to be asking is, do you need all those zoning districts. And if you don't, which ones can we merge? Which ones can we maybe transform into something different than it is right now? Which of these, for example, could we make more mixed use? Do you really need park districts or open space districts? Those are not very common in, in many communities. Especially open space where more and more communities are requiring either public parks or some form of open space in every district.

And then the project districts. There was a lot of discussion about project districts during the audit, so we're going to be taking a look at these. And, you know, if there's a new district proposed that a property owner with property in one of these project districts would rather be in that's something to consider that they may want prefer to be rezoned into one of the newer zoning district. However, the intent coming out, or coming into this process is not to encourage more project districts so we're going to be looking at, you'll see a section in your table of contents called legacy districts. And that's where districts that currently exists, that need to continue to exist so that those properties and uses can remain legal, conforming uses will go into the legacy district category. But it will be clear that they're not to be expanded or new districts like them created.

Current Title 19 for the district description your Code is pretty dense. It's all text for the most part. It can be hard to tease out of really fleshed out purpose statement for each district. Here's an alternative that some communities are going to. It has a much more expansive purpose statement, so it tells the reader exactly what your vision is for that district. But it also provides visuals that showed visual clues and cues for what they can do. We're also, if you look in your table of contents there's something called lot types, and buildings types, and there will be a lot of diagrams like this that help to explain different lot types and building types that would be permitted in districts.

Something else that's really important and we did talk about this in the audit, but we're going to continue this into the zoning rewrite and that's making sure that the emerging issues that we're aware of are at least discussed in the rewrite process. If and how they're actually implemented into the Code is, again, completely up to Maui County and what you see the future being. But some of those, again, as I've pointed out, this was from one of our trips when we were here during the audit. This was in the paper, on the least affordable list. I think you're often number two, behind San Francisco. Short-term rentals. Historical and cultural preservations and respect. Making sure that the cultural aspects of the community, the native, native Hawaiian culture is respected. The future of agriculture is changing. What we're seeing

and what we're hearing across the country is that farmers, especially the smaller farmers and not the industrial scale farms, but the smaller farmers are having, you know, harder and harder time to make ends meet. And so there's a little bit of a revolution going on in the agricultural zoning around where we tried to preserve agriculture, but only allowing agriculture strictly defined agriculture and agricultural land. But what we're finding is there might need to be a little bit more flexibility to allow a farmer to stabilize his income so that he can make the ends meet more often. So that might include allowing some forms of green energy, be it wind, or solar, or something on farm land. And that is happening more and more across the country. Farmers can run sheep. They can run goats underneath solar panels and around wind turbines. More recently they're actually using the land in and around solar farms and areas where there are larger solar arrays to plant certain species of plant that are pollen friendly. And even some beekeepers are putting bee hives in these areas. But having pollen friendly plants on those solar farms that are actually part of a larger agricultural track is a symbolic use. It's a use that helps the farmer as well as helping the farmer with his income.

So those are the type of things we're going to be discussing with agriculture. One of the big items, though, is in this quote, and this is from Moody, but I will say that all of the five major bond rating agencies have come out with strong statements about the need for communities to be actively considering climate change in their policies. And those communities that don't may not get the bond ratings that they really would like to get in the future which could impact how much you pay to borrow money. And so we'll be talking about that.

I know that Hawaii's been in the forefront of both climate adaptation in some respect, as well as, the next slide, which is the energy transformation. The energy industry is undergoing a major transportation and I'm going to turn and look at these energy people in the audience. But it's going through a major transformation and that it's going to a more distributed energy system versus the old style system where we have very large generators that break down into, you know, transmission lines to step down into substations. They go out and feed houses and businesses through distribution lines. And so what we're advising communities to do is make sure that we have no unnecessary obstacles to this, this revolution and this industry. And if there is anything that does concern you be it how solar panels look on property, or how big solar farms can be, to how wind turbines where they can be located, that we do so in this Code rewrite process, and we make sure that your interests are covered.

And then there are a number of roles and responsibilities for each group involved in the rewrite process. Our particular part of this process is to lead it. We are leading the rewrite process but we are working with Maui County to write a Code. We are not going to write a Code, and then just come back and drop it on you, and say we think this is a Code that you should adopt. You know, here, we want your endorsement, we're going to take it County Council. That's not the way this process is going to work. So we really need you to be engaged and I'll talk about that in a minute.

But we are continuing to interview stakeholders. We have an active advisory group. We just meet with him this morning. And those are external stakeholders. We've met -- you're now

the third planning commission meeting that we've had. We've met with County Council subcommittee. We are creating information pieces for our project website. And that website is not live yet, but it should be relatively soon, and it's going to include the schedule. It's going to be a place where people can go to find the latest information on meetings that are going to be held. It's where you can go to get drafts. It's where you can go, hopefully, to get answers. There is already a question and answer sheet that's been started. And as questions continue to come in or really start to come in, those that we think would be of interest to a wide range of people or at least a good number of people, we're going to put in that Q&A list and just keep building on that. It's going to be a place where you can go and get at links to best practices, and you can keep abreast of everything that we're doing.

We are going to have, as I've said, draft codes will be posted there for public review. We are in charge of putting those drafts together. The content is something that we will work collaboratively. We will bring ideas and best practices, but we need you to tell us what is going to work in Lanai. We need you to tell us what your priorities are for Maui County. We're working closely with the staff, and they will also be providing a lot of information that the planning commissions are very important in this process. And as I mentioned, we're going to be drafting a user's guide and launching an online version of the Code.

So there was a list here, and you can go through it, but here's a good summary. What we need from you, generally, is remain positive if you can. Change is scary to a lot of people. And this is going to be a lot of change. We're talking about changing the entire Code. Now that doesn't mean everything, everywhere is going to change. A lot of the content, and substance, and the regulation may come forward with little or no change except organizational. But there will be, it will be a completely different, organized, completely different Code in terms of its organization scheme. It won't look the same.

Provide information and answer questions when asked. Review drafts and summaries carefully. We're not going to give you something and, you know, without giving you time to read it and be thoughtful, and give us feedback on it. We really want you to read it. I know it's -- don't read it at bedtime. It will definitely put you to sleep really fast. But do try to read it and if you need any assistance with that just let us know because zoning is not for everybody. Advise and provide direction as needed to us, the staff, and help control misinformation. This is really important. We live in an age when everybody has access, as I've said, to smart phones and to myriad of ways to share information unfortunately. Much of it is not true so if you can drive people to the website for information. You can trust what you see on the website. You can trust the information that you get from County staff. And if you look at your table of contents, there's a little logo on the top. We did that to brand items that are going be coming out from the consultant team. So anything that has that brand, unless somebody clips it and puts it on something, you should be able to trust that as well. Do you see it? Yeah, thank you. It looks like this. It's a little wave with the T19 rewrite. I'm sorry about that. I should have seen that. And then, assist with our stakeholder meetings and outreach. When we get into the, next year, we're going to begin a fairly robust round of public engagement meetings, and so, to the extent that you can help get the word out about this meetings and attend, and

you know, listen if you want help with that facilitation or, you know, gathering information from people who come, that would be great too. But if, if for no other reason to come and listen, and just engage, and see how those go so that you can be better informed that would be wonderful. We'd really appreciate your assistance.

So our process, our anticipate process is we're currently in the very first thing, current code issues and directions. We, the audit helped us to find a number of issues. Our team has been spending the last few months going back through the Code and through the plan to tease out anything else that we have found. We're coming -- we're here right now with this trip, trying to get more direction and at least start the process because this isn't your only time to give us input. We're going to have a lot of opportunities for input both in terms of face to face with us and with staff, but also we have an e-mail address that we have set up strictly for this project that should help get any questions or feedback that you have and anybody else in the community has to the staff the most efficient way possible. That email address is T, 1, 9 -- the same as that logo that I showed you -- T, 1, 9, rewrite, at Maui County dot gov. So T, 1, 9, rewrite at Maui County dot gov. And then we're going to go through three drafts of the, of the Code.

The first draft that comes out that we'll be looking at early next year is going to be a first rough cut. It is, it is our first attempt to say, here, this is what we found, this what we've heard, this is how you could respond. But we're really going to need a lot input to make sure that we hung that draft into a second draft that's a lot closer to what it needs to be for the County. And then the third draft should be pretty close, and hopefully kick us into the adoption process. But through the adoption process, the County Council might agree to approve Title 19, the rewrite, but with certain edits. And so, there will be an opportunity for us to integrate those edits after they're adopted, so that you have a new copulated version. And then we'll create a user's guide and workshops. So those all happen, the adoption happens, and actually towards the end of phase five, phase six we compile the final zoning code, we create an interactive version of your Code. So once the Code is approved, we're going to put it on line. It's going to be clickable. So you can click in the table of contents. It will take you to where you want to go. You can go back to the table of contents. You can click on the hyperlinks to go from one place to another within the body of the Code. So there will be a lot of online functionality for that. And then phase seven is about preparing that user's guide that hopefully the planning commission and the public will find very useful. And then we're going to come back and we're going to do workshops. We're going to do workshops with the planning commissions and the public, and, and the stakeholder.

And we have here is our current public engagement schedule or at least layout. It shows you all the different types of public engagement techniques that we plan to use. When we plan to use them, there are a number of them. You know, I'd say this is, this is our first final public engagement plan because I'm sure it will evolve over time, but none of these will come off. If anything, maybe some more will be added so keep that in mind.

And with that I would like to just kind of open it up. Madame Chair, I will let you decide how to do this, but we have, we've had some discussion, anticipated some discussion from the planning commission, and these are the question prompts. I only have the three that I have listed. But, as far as we're concerned, it's whatever your, whatever your issues are and wherever you want to take this we're here to listen and just to take your feedback. Allison and Kimi and staff, you know, they'll be taking notes.

Ms. Preza: Thank you so much for that presentation. It was very informative. And thank you for taking time to come all the way to speak with us in person. We really appreciate it. Yeah, we never want Lanai to be forgotten, and discussion with Maui County, so thank you.

So Commissioners, we are not taking any action on this just to make that clear. It's just discussion, and initial preliminary input to you folks about our comments. But before we discuss, so feel free to think about your questions, but is there --. Sorry, I don't have the, the table that if anyone signed up for public testimony on this agenda item. But would anyone in the public like to testify on this agenda item at this time? Okay, well, there being none, commissioners, do you have questions or comments for the team that's here, while they're here? So you folks will be coming back to Lanai at different times to, to speak to us about this?

Ms. Rhea: Yes, ma'am. We have in that public engagement schedule you'll see we have planning commission work sessions in four different phases. And then in the -- let's see where is it -- I'm not seeing it. I'm missing it. But all of the public -- yeah, here it is -- community workshops, those will be held on Lanai. They'll be held on Maui. They will be held on Molokai. So, yes, we'll be back many times.

Ms. Preza: Great. And so we are, as a Planning Commission, going to be involved in the various drafts that you folks prepare or --?

Ms. Rhea: That is my absolute hope.

Ms. Preza: Okay, great.

Ms. Rhea: That you will be as involved as you can give us time.

Ms. Preza: Okay, thank you. Commissioners, do you have questions, comments about Title 19? Any thoughts? Caron?

Ms. Caron Green: I always have something to say. First of all apologizes to everybody. I had mentally this meeting was at five o'clock in my head. So I have to say I was very impressed with this, and there was a lot in there. My takeaway thought at the end was it's too bad this wasn't done before we all did the community plans because, you know, so much of this is, is going to be changing things, isn't it?

Ms. Rhea: Well, you know, planning is irritative. This whole process is irritative. The whole zoning rewrite, but even planning. So plans inform the Code, and this code update will inform future plans. And it's all -- these are all living documents. And I didn't say that earlier, but there's never been the perfect zoning Code, ever. There's not a perfect zoning code in the operation anywhere in this country. So, let's, you know, to the extent you can shed the concept if we're going to end up with a perfect code please do so now because we need to get a new code on the books in a reasonable amount of time to respond to things that are happening now in Maui County, and one that fits your needs that's good. And as I told a group earlier, I said, don't let perfect stand in the way of good enough because it's a living document. And your Zoning Code doesn't need to wait 50 years for another comprehensive update. If you keep it, keep it tuned up as you go, through the years, you know, don't be afraid to amend your Code, but do it more comprehensively than you have been doing it. You know, it will continue to be a tool that serves you, that serves your interest instead of working against them. So, yes, it's always unfortunate. But, you know, if we wait for all of the plans to get updated -- you guys have a lot of plans -- the Code will never get updated.

Ms. Green: There were a couple of other things in here as I read through this and with other communities, or other -- what is it? Is it usually counties or whatever you're dealing with -- I just think about the huge diversity that Maui County is and how many times when we've been dealing with code, and the good example that you brought up today is like parking, where in Lanai City having the same parking requirements that might be on Maui would not always be justified. So, I just think it's a huge task with a huge diversity. Is this something that you're used to dealing with?

Ms. Rhea: Yes, and it is a huge task. You guys present a really unique challenge. You're geographically challenged being on three different islands. But that's also opportunity. I mean, there's so many distinct characters throughout Maui County and we're trying to, this Code, we're going to try to reflect that make it what we like to call context sensitive. So to the extent that we could possibly be. There's a lot of zoning that doesn't need to vary, from Molokai, to Maui, to Lanai. Definitions don't need to vary, you know. The legal foundation doesn't need to vary. The use list doesn't need to vary. But perhaps the design standards need to vary, whether that is parking, or building, or whatever. So that's what our guys on the ground are doing right now is they are visually and functionally, you know, mapping if you will the design characteristics of Lanai to make sure that we get it right, or as right as we can get it before you have your input and tell us where we got it wrong.

Ms. Preza: Thank you. Commissioners, do you have other comments? I had a, I had a few. So thank you so much again for coming. And so I think just in the process, the initial process in creating the draft, and just keeping -- and you kind of acknowledged this just now when you were speaking -- but Lanai is so different from the other three islands. I feel like often times we get overlooked in Maui County. Sometimes people say like Maui Nui, which I don't really like because I feel like, it's just like, oh, we're just part of Maui but, you know, even though we're a small community like Molokai, the issues here are different and the needs are different I think. There are some common issues that, you know, are, like you said affordable

housing and stuff like that across the islands. But I think keeping in mind that Lanai is a very, special unique place and that I'm glad that you folks are thinking about, you know, maybe design standards would be different on different islands is very important.

I also appreciate that kind of what you were saying about making the Code more flexible so that it's -- I don't know if it was, like, easier to change but we haven't changed -- I mean, we've changed a lot since the 50's. But, you know, like you said there hasn't been a comprehensive change, overhaul change, so I'm glad that's happening now.

We actually have been spending -- you asked earlier if we spend any time with Title 19. We spent many months particularly about talking about the short-term rental homes. Like we're discussing that at our next meeting, next week. So, I think we've spent a lot of time trying to figure out what kind of wording we can put in. And so having a Code having that's maybe a little bit more transparent, clear and easier to -- not change -- but for community input to shape it as the years go on. You know, we're not the same community that we were in the 80's and 90's, you know, even in the 2000's, so I feel like that's really great that you guys are considering the flexibility. And also the accessibility in making the online functionality, I think is going to be super important especially for Lanai people where we don't have easy access to County Council. You know, like people can show up to the Lanai Planning Commission once a month when we have it, but in terms of, you know, where's the center of power is in Maui County, you know, it's not really, things aren't really happening on Lanai in terms of like it being very easy for local people to participate in, you know, county governance, and so I think it will be really great for people to be able to access information about Title 19 online in an easy way. Because like you said, zoning isn't for everyone, but I feel it applies, you know, it applies to anyone who is living on Lanai, in Hawaii. And so I feel like making it maybe a little bit easier to understand than just --. You know, I think when we all got on the Commission we got, we got this huge book with all the regulations and, man, it's dense, so it's really excited that people will hopefully be able to have an easier time accessing the information they need.

And also the part where you were acknowledging, like, incorporating cultural respect not only for the diversity of mixed use that we have here, but also the native Hawaiian culture. I think that's incredibly important to remember when you guys are drafting the Code. I don't think it's necessarily all of the part of discussion in Title 19, but I think that's a good thing to keep in mind especially anywhere in Hawaii. So, those are all my thoughts, but does anyone else have questions or comments?

Ms. Chelsea Trevino: Some of us are not experienced in zoning and whatnot. But, we know the islands and we know its history, and you know, we know the people. I just, I'm not sure if this is the space to ask this question but because I'm not knowledgeable in these kinds of things, my understanding is that this, the zoning rewriting will be...to address things that are outdated and so forth. Can -- is there a clear picture that we can give our community in regards to how the changing in the Code would affect an island like Lanai which is unique in the sense of there is private ownership of a majority of the land? I don't know that people understand how the, the code, this change would affect Lanai. Would it affect Lanai in the sense of it

would just clarify we already have this land that is zoned of a particular type, and now we will know specifically what that type can or cannot be used for, or does it look something like zones will be changing. You know, at one point it was this type, and now it's going to be this type. Because those are the things I think maybe our residents aren't clear on, so they wouldn't know how to give input. Especially again, as I said, it's a little different here in the way land is facilitated, its use and ownership and whatnot, and how much impact, or what the -- not allowability -- but how much we can or cannot do about things or about land use types and whatnot and so forth.

And I guess my other comment was from what I read in here it sounds like Lanai actually was beneficial to have had their community plan done more recently because that contributes to helping with this planning process a little closer to today than some of the other community plans that are out there. So I'm assuming when you're looking at this process you're looking at these plans because it kind of gives you an idea of what the community wants. But that may be based on seeing a Lanai City here in Lanai City where it is now, and you know in the future we could have different areas of livability. So, yeah, I guess I'm just -- if you could get --. I don't know if that makes sense.

Ms. Rhea: No, you did, and you raised actually several really good points. Number one, you said you're not that well verse and the public is not that well verse in zoning. We don't expect you to be. Okay. And so one big message you can carry back to the community, and your friends and family is don't let that intimidate you. If you, if you can tell us what your concerns are, what your wishes are, that aren't reflected in your plan that you would like considered in this rewrite, that's our job. That's our team's job, and our team working with the staff and Corporation Counsel to figure out how to, how to word it, how to make it work in the zoning language. So you don't need to know how to speak zoning speak to have really meaningful input into this process. We do know that from past experience when the general public comes to give input on zoning, the most common questions are how is this change this new Code is going to affect my property. Totally understandable. That is what I would want, you know. Well, how is it going affect what my neighbor's been doing that's making me mad for the last . . . (inaudible) . . . years. Is that going to take care of that problem? I mean, there is certain things we can predict. That's okay. If that's, if that's the way they engage, that's valid engagement, we want to hear it. So please let people know, just come engage with us on whatever level they're at, and you know, we'll try our best to explain terms. We're going to try to simplify the language of the Code. But zoning isn't going to be easy for most people to understand unless they're in the industry of having to use a Code on a fairly regular basis. I get that.

So if when you read something, if you don't understand it, ask. It is not because you're --. You know, as I told one local government I was working with, I said, if you don't understand something I write, it's not because you're not smart enough. Please don't ever feel like that that's the issue. Perhaps it's because I didn't write it well enough and I need to clarify it. And perhaps it's because it involves legal terms that have their own definition. But that's what we're here to tell you. We're here to explain that to you. So please ask all your questions.

Don't ever be intimidated. Don't hesitate to ask. You can ask them through the e-mail address, you can ask them in person when we're here, you can ask them of staff in between our visits, but do ask those questions. It's important that when we get to the end of this process you feel good about what we've done, and where the County is headed. Because ideally I would love for all of you to support this and even give testimony at the County Council and say, hey, we really support this Code. I know that may be asking a lot, but, you know, that's, that's my goal is that we able to explain it well enough, and it's written well enough, and it reflects the desires and needs of Maui County well enough so that there's a ground swell of support. And it gets adopted, and it begins helping you.

Ms. Preza: Thank you so much. Commissioners, do you have other questions, comments at this time or --?

Mr. Bruce Harvey: . . . (Inaudible) . . .

Ms. Preza: So you can ask it. You have to get the mic. You can ask it to the Commission, and then she can answer.

Mr. Harvey: Okay.

Ms. Preza: Sorry.

Mr. Harvey: Okay, so hi. My name is Bruce. What I was wondering is if this is Maui County rewrite. Has there ever been a consideration of taking a book that thick for Maui County, and just using Lanai as a total separate entity? So that would take that book from this thick to about this thick because our concerns are so much different. When you read through this in the end of the day it's going to say this, this, this, and this with the exception of Lanai which can do this or this. Well, to me, it just adds more confusion. Why can't we be our own separate entity in this whole thing? Why should we be --? I know we're all Maui County. We can't avoid that. But it just seems like we're --. We don't want to be involved with what's going on over there. It's different than what's going on here. So to have our own rewrite, I think, would be way more beneficial because we're so different from over there it's not even funny. And I think it would simplify things. So have you considered using three islands separately; Maui, Molokai, Lanai? Okay, thank you.

Ms. Kathleen Aoki: Thank you for that question. It's not the first time it's been asked, and it certainly won't be the last, I'm sure. Molokai has expressed the same thing. Our goal -- and I'm going to be very frank with you -- is to have one Code. And the reason being is that while you think that Maui's Code would be like this, and yours would be like this, it wouldn't. It would still be like this because you're going to have the same districts, the same -- maybe a little bit different standards tweaked here and there. But you're going to have the same laws, the same set --. You're going to have to address zoning is zoning, districts are districts, so it's going to be the same. So I hear you.

One other thing is for staff to have --. There's a lot of different layers when it comes to development, so zoning, as you know, is just one of them. There's State Land Use. There's SMA layer that you guys look at. There's historic districts. The Department, the people that do the permits have to evaluate on all those different development layers. So if we now have three different Codes that means that all your staff, your Zoning Division, everybody, is going to have to pull and try to memorize three different Codes. When in actuality there's probably a lot that's all the same, but there's just these little exceptions. So for us, we would actually recommend staying with one Code, but recognizing that it's going to be different because you are going to have these place types now. So you will get recognized for Lanai City. You will get recognized for Kaunakakai. It will recognize Makawao. So what I would say is give it a chance for us to create something that's totally different that is supposed to address these kinds of things where you say well we're different. I can tell you everywhere we go is special. Lanai is special. Makawao is special. Kula is special. I don't know if Kihei is special, but Kihei is special. Sorry. Oh boy. Okay, Kihei is special in their own special way. No but I think -- my message is that we have to recognize and write a Code that addresses the special needs of everybody, and we can do that in one Code. It doesn't need to be three separate Codes. I really, I really don't think a setback of six feet on a residential property here in an outside, in a regular area is going to be any different than a setback of six feet everywhere else. Should it be different here for parking? Absolutely. No questions. No questions. But that came up for Maui too about parking. So you're not alone, and you think, well Maui needs plenty parking. Well, do they? Maybe. Maybe not. Maybe we can change that.

So that's my answer. I'm not saying that it won't be three Codes. I can tell you that our goal is not to make it three Codes. But if it ends up that way, it ends up that way and we'll go with it.

Mr. Harvey: It's easier control if we were a smaller Code. I mean, I'm from Hawaii. We started working on the Lahaina bypass 42 years ago. Now I think Ellison has done more in six years faster than somebody took 42 years to build something because . . . (Inaudible. Did not speak into the microphone.) . . .

Ms. Preza: Sorry, if you could speak into the microphone if you're going to speak.

Mr. Harvey: . . . (Inaudible) . . .

Ms. Preza: Okay. Thank you.

Ms. Aoki: Do you guys have any follow up questions on that? Because I'm happy to answer them. I has come up so --

Ms. Preza: No, I think I understand why we need. I, I think considering that we're a unique place is good, but I understand how we're subjected to, like, all the County regulations. I know you understand that too. So luckily there's going to be three drafts of this, right, coming before us. So if you have input in the future we know we can discuss this.

Ms. Rhea: So I would like to say that there was a lot of text on the slideshow that you couldn't read. You're going to get copies of this so hopefully you'll be able to see the detail.

Ms. Trevino: So I just wanted to share because I think Bruce's concern is how we have all these extra things. And I think too because everyone's experience with the Code now -- is this on? -- is it's cumbersome. It's hard to read. It's hard to find things. My understanding was with what will be happening with the new code is, especially with online access, you will have links that will take you to, directly where you need to go. We as a Planning Commission have had experience with looking at something and saying well, expect on Lanai. Where do find that? Where's that? Where does that --? Who has that information? And so with this, I think, new system that would alleviate maybe some of the complications or confusingness about it. And, and create a little bit more streamline to knowing what is specific to Lanai, and what, you know, yeah.

Ms. Rhea: So Kathleen had said, you know, maybe I just mention the jurisdiction that we, we just finished doing a model code for, and that's a county in Kentucky. And the staff there, they have a countywide planning commission, and they have a countywide staff that report to that planning commission. And they implement codes for 15? 15 different towns in this county. And they're doing their best to try to get them all into one because the bureaucratic and administrative issues related to the responsibility for that many jurisdictions. And I know it's way more than what you're talking about, but I've got this great picture of this guy sitting on literally so many notebook of codes you can't see him hardly. And it happens, but we're going to try. And I'll tell you if it doesn't work, it would be easier to probably pull them apart than it might be to try to put them back together.

Ms. Preza: Thank you. Commissioners, other questions or comments before we --? Okay, real quick because I kind of want to move the meeting along, so we have other things before they have to leave.

Mr. Nicholas Palumbo: Just real quick. You know, I wasn't going to say anything but this, the zoning rewrite kind of terrifies me. And to hear Chelsea -- thank you for your honesty with understanding. I just wanted to let you guys know you have a very heavy responsibility, and it's not about me or you. This is like a legacy. And with Maui and Lanai being very small, actually, it's the opposite because we have one guy who owns so much. So, with the economic growth growing to tripling our population and the lack of water, the letters we're receiving to conserve water, but we have to grow to this big population in order for it to work. This is terrifying. I thought that this was over digitalizing the mapping. So I thought, well, if they're going to do that. But now I'm hearing zoning rewrite.

So for you guys if you're voting on this please do your homework, and please make sure we don't regret it, our grandchildren don't regret it in 50 years, 100 years. Because what keeps this place special is the lack of Costco. Maui, there is a lot of people fighting but that's because they can. Over here, people can't speak because they work for one work engine. So it's

terrifying. So please understand that, and please, you guys do your homework before you vote.

Ms. Preza: Onto the microphone.

Mr. Palumbo: Oh, Nicholas Palumbo.

Ms. Preza: Thank you. It's just for the record. And, you know, I think it's really good that there will be upcoming community meetings where it's not --. We're not voting on anything today. And this is going to be a process, so you know, if you have friends, whoever has opinions on this, like, I would prefer if more people were involved in voicing their opinions and so that we can all shape a legacy, it's not just planning commission. But thank you for your thoughts.

Mr. Palumbo: For the record, my name is Nick Palumbo. I'm the Lanai representative for MACZAC, Marine and Coastal Zoning Advocacy Council, and I need to learn more about this too. So I'd like to be informed of future meetings and community outreach.

Ms. Aoki: So for that I would say check your planning commission meeting agendas. And we are going to be creating a website. It's not quite up yet. But we also do have an e-mail address. I don't know if you were here when we were telling what the e-mail project is for this project. It's T, 19, rewrite. Capital T, 19, rewrite -- one word -- at Maui County dot gov. So if you have any questions, any concerns, hey when's your next meeting, and so we do that website. That's about the best way.

Ms. Preza: Thank you. And actually I do have a comment. I don't know if for you, Kathleen, or Leilani, but about like making sure that people know about the community meetings. I think, I have concerns about that too actually because I know that you publish in The Maui News when things are happening, but you know, not all Lanai people read the Maui News. So maybe working with Lanai Today to make sure that's published. Because even when I went on the --. So, you know, I know that's happening because I'm on the Commission, like the special meeting. But, I was like okay, the average person, maybe they'll go to the County website and see when, you know, what kind of County events are happening, meetings, commission meetings, and Lanai was not on there for this February one. I'm not sure --. It wasn't on there, and that's why I was concerned that people wouldn't be coming to this meeting. So this is just a heads up for like if we want community participation in this, I think a little extra work to make sure that Lanai people know that's happening, making sure it's on the County website because it wasn't this last month. I don't know if they input it. I looked maybe three weeks ago when they were discussing changing the venue and it wasn't there so I was concerned that people didn't know that this wasn't happening.

Ms. Aoki: Yeah, I don't know who is responsible for updating the County website on that calendar.

Ms. Preza: Okay, but maybe just looking at, in the future, you know.

Ms. Aoki: But I hear you, and I do have a contact. The new person for Lanai Today, so that's who I reached out to for the community meeting that we had on the digital zoning map. I had Kris put a flyer in the senior center. I mean, we will definitely do all that we can to try to engage and let people know about the meetings.

Ms. Preza: Thank you.

Ms. Rhea: And we'll also have some little -- they won't be very big but little e-flyers, you know, that can easily go out by e-mail that you can then forward to anybody. Put it on social media or whatever.

Ms. Preza: Thank you so much. Questions? Sure.

Ms. Green: I'd just like to say one more thing, as I understood from reading this, this is like a four year process, and during that time Commissioners -- I'm leaving the Commission next month. This is my last time. There will be --. I don't know if these positions have been filled or not, but other people will probably be cycling off. So, Nick and other people in the room, or if you know somebody who's really interested in this process, then I encourage you to apply to Maui County to become a commissioner.

Ms. Rhea: And if I might, I would say you're cycling off, but you are still a resident and we still want your input.

Ms. Preza: Thank you. So if there's no other comment, then we'll move along.

2. Ms. Michele McLean, AICP, Planning Director, submitting the 2019 Annual Status Reports on the Implementation of Maui County's Community Plans, the Countywide Policy Plan, and the Maui Island Plan. (K. Aoki)

These Reports are provided to the Lanai Planning Commission for its review, pursuant to Chapter 12, Action 12.06 of the Lanai Community Plan (2016).

Ms. Preza: So Kathleen, I know you folks have to leave, but I'm not sure how long the reports on the --

Ms. Aoki: . . . (Inaudible) . . .

Ms. Preza: Not long? Okay, so we'll move on to Item 2, or B.2. So submitting the annual status reports on the implementation of the Maui County's community plans. Kathleen? I think, so if anyone would like to testify on this item, I would like for her to submit, you know,

explain what's happening first. And then if you have testimony, then we'll open it after her presentation if that's okay.

Ms. Aoki: Okay, hi. So I believe you folks got a copy of the implementation report. Yes, the whole thing. We gave you the whole thing because in your plan it talks about giving you the whole thing, so you got the entire implementation report for the Maui Island --. No, you got it for the --. Yeah, maybe you did. You got it for the Maui Island Plan, the Countywide Policy Plan, and all the community plans. But I'm just going to -- my goal here today was just to talk to you about the Lanai Community Plan. If you want me to talk about the other ones I can, but I don't think that's really necessarily.

So basically if you look at page 40 of 68 for the community plans. So I don't know where that --. It might be towards the back. It might be towards the back of your pack there, on the bottom. It says page 40 of 68, Exhibit-2. Exhibit-2. You got it Caron? It's way towards the back. Okay. So page 42 begins the Lanai Community Plan. That's your section; page 40 to page 51.

And the reason why we're, we're here today is to give you this is like I say your plan actually calls out for us to go over the implementation report every year. So this is the first time. Yay. I don't really have a lot to go over specifically with this. What I can say is that this particular implementation report did change from the previous two -- 16, 17, 18 -- actually three because we added another column called ongoing. It used to be if you looked at the top, it say completed, in progress, and not begun. Those were sort of the red, yellow, green categories that we came up with initially. And last year and the year before at County Council they had questions about well, what's the difference? What is in progress? And at that time the idea of in progress was anything that either had never begun or wasn't completed. So it was the gamut in between. It could be that something is actually in progress. Something is going on. A plan is being created. Or it could have been that at one time or another maybe an action had started to be looked at and for whatever reason it stopped. So the more we talked about it and the more the Council looked at it, they said, you know, there's some things in here, and I told them, there are some things in here that are going to forever be ongoing: support something, encourage something. It's just easier to say you know what let's separate those out from items that are more have a, have an end date to them. So that's why this year you'll see that a lot of things that may have been in progress got shifted over to ongoing.

At the very end on page 51 is all the totals. So you folks have a 152 action items. So if you look 12, eight percent --. The percentages aren't there, but 12 or eight percent have been complete. 60 or 39 percent are in progress. 33 or 22 percent are ongoing. And 47 or 31 percent not begun. I actually look at this as being pretty darn good because if you look that means 69 percent of your action items have been touched, or ongoing, or done. And this is a brand new plan. You know, you guys have the newest plan, the latest plan. Well, one of besides Molokai.

As you know, or may not know, Plan Implementation was created back in 2014, and it's a dedicated division to try to implement our plan. The Planning Department, however, is not responsible for implementing all of these because they, they -- some of these belong to Environmental Management, or the Parks Department, other agencies that Planning is not going to be one to actually do the implementation of the action item.

I have me, I have Carolyn Cortez, and I have GIS staff who you guys met last time, Peter Graves, and that's it. So we do the best we can with what we have. In context there's 1,213 implementing action items for all the plans combined. That's over 1,200. So are they all going to get done? No. Are things that's float to the top going to get done? Hopefully. One thing that happened in here that was in your plan was to amend the SMA boundary which we got done which was amazing so that's in your completed check box. And that felt so good to do.

Right now our focus in Plan Implementation is this Title 19 rewrite. We are working on the adoption of your Lanai Digital Map, and I hope to get that to Council sometime in the next few months. After we do that, I mentioned to you folks the next is Molokai so our focus is will be on that as far as GIS is concerned. We are also doing a customer service -- I'm sorry -- customer satisfaction survey. We've gone out for Request for Proposal to do that for the entire County, so it is -- we do want Lanai, and Molokai, and Maui represented in that satisfaction survey. And with that we can fold in the results into your monitoring report. So your community plan actually has a monitoring report requirement which has not been done yet. We are currently trying to work on a monitoring report for Maui Island Plan, so we got a lot going on and limited resources. But I am here to answer any questions. I know there was testimony from a previous planning commissioner Butch Gima who was very interested in this report. I'm disappointed he's not here today, but if any of you have any questions I'm happy to answer them for you. If you have any questions on any of the other plans too.

Ms. Preza: Thank you. Commissioners, so we're not taking any action on this, just so it's clear. If you folks have any questions or comments. I have a quick question. Sorry, I haven't seen like the table like this before so I'm sorry if this is a dumb question, but in the column that's labeled priority, is there are only like, I mean, on Lanai's one, it's only one or two. Is that --? Could you explain more about like --? I don't really understand.

Ms. Aoki: So when you adopted your community plan, there were two categories. There was a category for priority. So when it got adopted through Council -- I can't tell you the process. I don't know who changed what, but this is what go adopted. So it was either given a priority one or a priority two. I don't know what that means. As far as it being in plan implementation other than one is more important than two. But, the scale of that, I don't know. But it is something that the community wanted in there, the Council wanted in there, and they are continuing to do that with the West Maui Community Plan. So --

Ms. Preza: Sorry.

Ms. Aoki: No, no, no. It's not a dumb question.

Ms. Preza: Yeah, I know, I just asked because in my head you have the same priority. I think one is priority, but then, you know, some the ones haven't become, but then some of the twos are in progress. And I don't know, like on your end if what, you know, is there priority to try to target all the ones first, or is it just kind of whatever?

Ms. Aoki: I mean, it's something we can look at and consider but there is so many other factors, yeah, when you look at what you're going to implement. You have to look at staffing. You have to look at the will of wanting to get it done. You have to look at the finances behind it. So you could have a priority that says build a new airport; that's number one. But if that's going to be \$400 million and we have a priority that number two that says go and change the SMA boundary, and I can go do that and get the support to go that and get it done, that's just going to be worked on. So it helps guide you, but it's not something that, you know, is mandatory.

Ms. Preza: Thank you for the clarification. The other comment I had was particularly on page 43 of 68 which is -- so we were just speaking about -- I think we spoke about affordable housing, lack of affordable housing across Maui County, across Hawaii, but there's a priority one concern to implement or to develop or implement a comprehensive affordable housing plan for Lanai within one year of adoption of the community plan. And so I think that should be looked at because this community plan was four years ago now, and so that has not been, that has not begun and I think it's something that we desperately need here.

Ms. Aoki: So, with that, we can go back to the Department of Housing and Human Concerns and share with them your message, and that is something you would like them --. Whether or not, I can't tell you whether they're going to do it or not, but that's the kind of thing that they want, is you get the feedback, maybe it start rising to top.

Ms. Preza: Thank you so much. We appreciate it. Sometimes we don't know who to reach out to. Commissioners, do you have other comments or questions for Kathleen on this?

Ms. Green: I understand your category of ongoing, and yet when I look at just the very first one, it says establish a Lanai base community coordinator for the County emergency operation. I can understand if that person will change over time. But I'd like to know, have we done something for now? I mean, we could have a hurricane this year. Do we have a coordinator in place or something? Is there some way you could say it's completed and ongoing? In other words you have, you have done it for now, but it's going to be ongoing because that person will leave, and you'll have to do someone else or something. Because the way it says it right now, I have no idea it's ongoing. Do you have somebody there?

Ms. Aoki: My understanding from MEMA is, yes, that they have developed. Because it goes --. The other thing too, sometimes it's hard to rank these because they have four sentences in them. So one might be done, one might be ongoing, this part might not have started. We ran into that how many times and I just said, okay let's go put it, go back in with the in progress.

So you do have quite a few things in here that MEMA is working on. My understanding though I'm part of the group from Planning. There's five of us that are assigned to emergencies so we get called into the management, emergency management agency. And I know that they have said that they have some kind of reach network here on Lanai. Who that is, Caron, I can't tell you. I could ask them and let you know if you want to know more about that. But I hear --. This is a difficult thing to report on because we just sort of have sometimes make our best judgment on what category to put it in. But then be able to provide you the details behind it. And what I told Council, I don't know the status on 1,213 implementing action items. I know some. But if you really want the details, then we need to reach out to the agencies and have them respond.

Ms. Preza: Thank you. Commissioners, are there questions or comments about this document? We can all ask you questions at a future meeting about in case any of you have questions on it specifically. Sorry, I know that, I know that this is a part of, like, different departments . . . (inaudible) . . . so sorry to bombard you but we appreciate it.

Ms. Aoki: We're the messenger. Yeah, and like I said, I'm happy to facilitate. I think that's kind of our role to help facilitate this process. But at the end of the day, it's like I got to tell the agencies, hey, you guys got to go and respond to this because I don't know the details.

Ms. Preza: Thank you so much. So that is item B.2. I am going to suggest that we have a quick break before we move on to Item C, which is the public hearing item. So, maybe we could have a five minute break and then reconvene back here. Okay, thank you.

(The Lanai Planning Commission recessed at 5:40 p.m., and reconvened at 5:50 p.m.)

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

LANAI RESORTS, LLC, doing business as PULAMA LANAI, requesting a Project District Phase 2 Development Approval for construction and operation of the Manele Observatory at the Four Seasons Resort at Manele. The proposed observatory is 25 feet tall with a 20.5-foot diameter and has an opening for stargazing and space for approximately ten guests inside the viewing area. The project is located at 1 Manele Bay Road on a portion of a parcel of land identified as Tax Map Key (2) 4-9-017:001, Manele, Lanai, Hawaii (PH2 2019/0001) (K. Wollenhaupt) (Commissioners: A copy of the application booklet was mailed to you. Please bring this copy to the meeting.)

Ms. Preza: The agenda Item C is public hearing; Lanai Resorts doing business as Pulama Lanai requesting a Project District Phase II Development Approval. And I should disclose that -- and I've done this in previous meetings -- but as a Commissioner I do work with Pulama Lanai under cultural and historic preservation, so I should disclose that I was not involved with the particular application that is before us today. I just want to say that for the record.

So the way that we would like to do this is I see that people have signed up for public testimony. I would like to keep public testimony to three minutes, if possible. So if Leilani could time and she'll let you folks know when you're at two minutes thirty in the interest of making sure that everyone is able to speak and that we don't stay here till 10 o'clock. But the applicant does have a presentation for us, so if anyone needs to testify now because they can't stay. I would actually suggest, you know, if you're able to listen to the presentation first it might answer some questions. And so I will allow public testimony after the presentation. But is there anyone? So actually I'll go through the list right now, of people who signed up, if you would like to testify prior to the presentation. So, Bruce, would you like to testify now or after the presentation? Okay, so if you could speak into the mic. So just for everyone, if you haven't been to a planning commission meeting, if you could just state your name, speak into the microphone. This is just for public record so that everything is documented. Thank you.

Mr. Harvey: Okay, my name is Bruce Harvey. I guess my short thing was that I am for the telescope down there. What I would like to see implemented is I know a lot of time to have -- I know it's not the public school's responsibility, but I would like to see a program so we can train kids in the astronomically and to learn about the telescopes so we don't have to bring in 10 people from the mainland to work the project because we already have housing problems here. So let's use 10 people from the island of Lanai to work that down there instead of having to bring in 10 people from outside. So I don't know how, what kind of educational thing we could work out for astronomy or to train these kids. Because I know -- I mean, a lot of my son's classmates had to leave the island to go look for a decent job. Whereas that would be a decent job and people would be interested in doing that I'm pretty sure. So, that's my little speech right there.

Ms. Preza: Thank you. I'm sorry, I actually forgot to -- thank you Bruce.

Mr. Harvey: Okay.

Ms. Preza: Oh, Commissioner, do you have questions for Bruce at this time? I also forgot to mention if the applicant would like to ask questions of testifiers, would you like to do that? No? Okay, thank you Bruce. Next on the list is Nicholas Palumbo. Would you like to testify now or after the presentation? Okay.

Mr. Palumbo: I'm here because I got an e-mail from Lynn asking me for a letter of support, emphasizing on this telescope being our telescope and my children benefit from it. I have three children here in Lanai & Elementary School. There's a previous meeting about the activity center and the zip lining where the guy did the presentation and expressed how it was about our kids, and our kids haven't been able to go up there. They can if they pay the price, but we can't afford it. I looked at all these letters of support, and I know a lot of these people. Nick Idol, home owner. Mike Carroll, art gallery and cat sanctuary. A lot of these people, homeowners, employees. I don't see any parents here. One name I recognize as a local is Linda Mau.

I can't necessarily say that I oppose to the project and I'll try make this quick because my kids and them benefiting of this, okay. If they do benefit, and if we can get that in writing that would be great. However, I'm not buying it. The reason I'm not buying it is Lesley Kaneshiro, Ed Jensen, Kimberly Frank -- all of the people that moved here in 2012 and talked about the vision, talked about supporting local business, supporting, you know, community based things, they're not around anymore. They made promises. We trusted them. They're gone. Now I see lawyers, I see -- besides Kurt. Kurt's still here. He's a soldier, and I trust him. However, it's not about me. Larry Ellison is 75. It's not about him. It's about true sustainability, true progress, you know. And what happens when Larry Ellison passes away, and this projects, all of these projects are hemorrhaging money, and all of the investors want to close up shop. That's not sustainable for my children. It's not sustainable for our island. So again, I just want to emphasize on the heavy responsibility you folks have.

Also, I want to just put in there with these projects comes, you know, the Koele and Manele, comes a lot of substance abuse. The substance abuse trickles down to the parents, a lot of the women, which trickles down to the children. And I've heard our foster care has gone up 75 percent in 2019.

Ms. Preza: Sorry, if you could stay on topic.

Mr. Palumbo: Okay. Also two of my friends committed suicide. One succeeded and died, and one still alive, on Lanai. And it's all due to substance and development and not being regulated. So, again, you guys have a heavy responsibility. Please be careful. Aloha.

Ms. Preza: Thank you. Commissioners, do you have questions for Nicholas? Okay, next on the list is Tower Vergara. Would you like to testify now or after the presentation? Okay. Thank you. Next we have Michele Weinhouse. After? Okay. I think that's it that we have on the list currently. Is there anyone who would like to testify now who can't stay till after the presentation or --? You can't stay until after the presentation? Okay. Okay, so you're welcome to testify. If you can speak into the microphone, your name, and your testimony.

Ms. Patrice Moynihan: Good evening. Patrice Moynihan, Lanai resident. I've already seen the presentation thanks to Lynn and Pulama. I am in favor, but only if we're all invited, and that we can afford to participate. So very briefly. Thank you.

Ms. Preza: Thank you. Commissioners, any questions for Patrice? Okay. Would anyone else like to testify in the audience at this time, prior to the presentation? Sure.

Ms. Winifred Basques: . . . (Inaudible. Spoke in Hawaiian) . . . No more response?

Ms. Preza: . . . (Inaudible. Spoke in Hawaiian) . . .

Ms. Basques: Okay, my name is Winifred Basques. Talk about the observatory. You know, when they going do it, they going choke Manele. Period. Because they get the observation there. They get conference over there. You get this over there. What's going on? Like the man said, he get plenty "kala" but he cannot take it with him when he leaves to go down there. Okay. The thing is that I am -- excuse me now I going say something -- I am not in favor of having that thing down Manele. Because you know why? Remember now that area, Palawai Basin, is a crater. And if that water comes up boiling, you know what going happen. Halleluiah time. The . . . (inaudible) . . . going all wipe out. Period. I talking about a culture. I talking what it's all about. The land that we live on is our aina. And here comes this big honcho with the "kala". He wants to make everything. Because you know why? He wants to be the first in everything. But remember the man above is more first than him. Mahalo.

Ms. Preza: Thank you Winnie Basques. Commissioners, do you have any questions for her? Okay, thank you. Great, would anyone else like to testify or can we move on to the presentation? Okay, we'll reopen public testimony or we'll continue public testimony after the presentation. I think we have a -- I'm not sure who is presenting.

Mr. Kurt Wollenhaupt: Good evening members of the Lanai Planning Commission. I'm representing the Planning Department, along with Planning Supervisor, Ann Cua. So we'll be able to answer any questions that you may have during this presentation.

I'm sure that you know the reason that we're here. And I wouldn't go into great detail about the project district process unless any of you wish. Just to briefly notate, Project District is Manele. And there's a three phase process by which a project district is established. This one was established by ordinance 1578 all the way back in 1986. It anticipated the housing and anticipated the hotel certainly. And so what we have in the Maui County Code is indeed what the Council passed. It essentially makes the zoning for different areas within the Manele Project District, and that was part one.

Then we have Phase II which you have seen in the past, I believe, on other projects. This then anticipates development of the overall project district. So what we're here tonight for is to review a project within the Manele Project District under the Phase II criteria. This Phase II process is regulated and governed by the Lanai Planning Commission, and they make a decision as to whether it meets the criteria for Phase II. The criteria are relatively minimal for this zoning category which is known as Hotel PDL/1. One of the most important for any buildings, of course, would be the height of the building. The height maximum here is two-stories or 30-feet. You'll be seeing the presentation from Karlynn Fukuda of Munekiyo Hiraga that will go through the details of this building. But one of the key concerns would be, for Phase II review, is the building itself within the parameters of the requirements for setbacks and heights.

The second thing would be is this building, an accessory use for the hotel. And in looking at the different uses, it is indeed a theater, auditorium for star gazing. Otherwise known in this case as the Manele Observatory.

We go into a lot of detail and the analysis in the Hawaii State Plan, and there's been discussion as to the use of this observatory. And it has been the Department's view from the beginning that we certainly do advocate that not only would guests of the hotel be able to use this, but also that it's to be a center for learning, a center for the population of the Lanai Elementary & High School students would, would be represented tonight, would be able to access that.

So I don't have too much more to say because the presentation is going to go into the detail regarding it. And if you have any questions, Ann Cua and myself will be here to answer them. Thank you. My name is Kurt. You've never seen me before.

Ms. Karlynn Fukuda: Before I begin, I'd just like to apologize in advance. I'm a little under the weather, so I might start coughing and I just apologize for that. But good evening Chair and members of the Lanai Planning Commission. My name is Karlynn Fukuda. I apologize to you in the audience too that I have to put my back to you. I don't know where the best place would be to stand. Actually I should stand here. It's probably better. Okay.

But again, good evening Chair and members of the Lanai Planning Commission. My name is Karlynn Fukuda of Munikeyo Hiraga. We are before you tonight regarding the Project District Phase II application for the proposed Lanai Observatory in Manele.

Joining me tonight are Kurt Matsumoto, Lynn McCrory, Keiki-Pua Dancil, and Linda Lileikis of Pulama Lanai, the project's applicant. And Dave Miller of Observatory Solutions, the technical consultant on the project. The project's architect is Architects Hawaii, civil engineering consultant is RM Towill, and archaeology was completed by TS Dye Colleagues and Honua Consulting. We are the planners on the project.

As I mentioned, the proposed project is located on land zoned in the project district by the County of Maui and as such we are before you tonight regarding the Phase II application.

Here's an aerial photo with the approximate location of the proposed observatory shown on the map. The site is located within the existing Four Seasons Resorts Lanai at Manele adjacent to the conference, existing conference center and back of house area. We note that, for reference, the Manele Harbor is located here, Manele Road is located here, and Hulopoe Road is located here, which provides the access driveway into the Four Seasons Resort.

As previously noted the building will be built on a portion of the Four Seasons Resort Lanai property. The project area for the observatory building itself is less than one acre, approximately 0.19 acre. The site is located outside of the special management area, and in early consultation with the Planning Department, there was discussions about the facility which Mr. Wollenhaupt noted qualified as an auditorium use which is a permissible accessory use within the Hotel District in the Project District.

Here we have the existing land use entitlements for the entire site. But as I noted less than one acre of the property would actually be utilized. Here's a photo of the approximate location of the observatory building. And that's the existing conference center that we have there. These photos that you see here are just sample of what the observatory building would look like, both interior and exterior. I do note that on the photo on the right you see that there is a drop down door for the telescope viewing, and that's the same type of, of setup basically that would be used for the Manele observatory as well where there would be the drop down door. It would be about seven and a half feet wide.

At this time I'd like to invite Dave Miller of Observatory Solutions to speak on the next few slides.

Mr. Dave Miller: Good evening everyone. I'm Dave Miller from Observatory Solutions. The pictures that you're looking at right there show the type of telescope that would be installed in the observatory. On the left was a photo that we did from the installation where we're setting up the electronics, and on the right is, just a few hours later, we're actually using the telescope for the first time.

If we look at this area right here, that little circular area you could see right there that is the eye piece that people will use to look through the telescope. The benefit for this type of telescope is that as it points to different objects in the sky, that eye piece always stays at the same height so it provides easy access for people to use the telescope.

These are simulations that I did of the night sky over, at the existing location. So we did daytime photographs of, of the surroundings, and then super imposed the night sky. If we look over here on the left, we can see, looking straight south, you'll be able to see great views over the ocean, of the center of the galaxy, Maui fish hook, the Southern Cross, and other interesting objects.

This is a rendering of the observatory building itself. We'll have floors coming from the ground level up to what is an observatory level floor. This gives easy access for people to stand and look through the telescope. They'll also be able to stand really at the opening of the telescope. It was mentioned earlier, we have a wide shutter opening. So not only can be viewing through the telescope, but you can still look out the dome and see the night sky and the objects that we're looking at.

And then here is the top down view of the observatory setup. We have plenty of floor space for six to ten people, or eight to ten people to move around the telescope. Easy access for viewing. We've also got a desk in there where we will setup the computer for controlling the telescope, and they'll review . . . (inaudible) . . . that can describe, two people, the objects that they're looking at.

Ms. Fukuda: Thank you Dave. So we note that the building will be 20 ½ feet in diameter, and 25 feet tall. So put that in perspective, and it's not of course exactly the same, but we did take

the opportunity to put down a piece of blue painter's tape on the ground. That's measured in front of you at 20 ½ feet, so that kind of gives you an idea of the approximate area of the building that we're looking at. So the blue painter's tape start there, and goes down. And, you know, probably covering up to the, to the window area. And 25 feet tall as Kurt mentioned is two-stories or less in height so.

Use of the facility would be between dusk and 10 p.m., weather permitting. And programs would be conducted by an astronomer or other expert. Additionally, the facility would be open to guests and community members including students through a reservation program. Further, the applicant is willing to commit to up 12 programs a year that would be open to the public or students, or including students I should say, which could be held at the observatory or at other locations. There will be remote viewing capabilities, you know, through the technology that will be utilized for the telescope. So, you know, eight to ten people is not very many people, so through the computer technology they may be able to send that information to say the conference center next door, so that more people could actually participate in the presentation.

The dome is proposed to be painted in a natural color with the opening for star gazing. And has been previously mentioned, there will be standing room for about eight to ten guests. There will be pathways from the existing resort to the building that will be provided along with related improvements such as utility improvements, ADA accessible improvements to provide for access to the, at least the deck, the exterior deck of the observatory. And landscaping, you know, again to replace what may be removed in order to actually construct the observatory.

The proposed project will provide an opportunity to guests and residents to learn more about star gazing, and also potentially have cultural presentations on traditional navigation.

The Planning Department distributed the Project District Phase II application to various State and County agencies for review and comments. A summary of the agencies is noted on page 4 and 5 of your staff report, as well as copies of all comments and responses to them is included in your staff report. No substantive comment were received.

As I previously mentioned, the site is located outside of the Special Management Area. With the archaeological studies that we conducted, no archaeological resources have been identified in the project area. The structure will not exceed the height limit that is designated within the project district. And the height of the structure will be roughly the same. The height of the dome at its highest point will be roughly the same as the intersection of Manele Road and Hulopoe Road. Actually, sorry, I'm going to go back to this one slide and just -- I want -- I forgot to point out here that, you know, the height of the dome too will also be lower than the existing conference center building that's shown in this section here.

There is no water or waste water service proposed for the observatory. There won't be any restrooms in there. Restroom facilities are located in adjacent buildings. And it will not impact

existing drainage conditions on the site. The proposed project will be in compliance with the project district regulations, Maui County Code Title 19 that we just talked about. And will also be in compliance with the use and development regulation standards that are outlined for the Lanai Project District One Manele, Maui County Code, Chapter 19.70.

We are respectfully requesting the Planning Commission's approval of the Project District Phase II application for the proposed Lanai Observatory project in Manele. As we close, I just wanted to point out that this is a shot, a photo of the night sky in the Manele Resort area. You can see the Milky Way and I'm sure there's tons of constellation that I cannot identify for you. But this concludes our presentation and we are available to answer any questions you may have. Thank you very much.

Ms. Preza: Thank you. Sorry, if we could --? I don't know where the light switches are. Okay, thank you Leilani. Sorry, we'll be in the dark for a couple of seconds. So, Commissioners, if it's okay, I'm going to finish out public testimony before we ask questions or comments. Does that sound okay? Great, so we'll start back on the list who didn't testify yet. So Tower, would you like to come up?

Mr. Tower Vergara: Good evening Commissioners. My name is Tower Vergara, and as you can tell from my looks I am currently a high schooler at this school. So after the presentation, after hearing about all this type of observatory stuff, I believe that I am very strong on education in science. At our school we are constantly shown observatories outside of our State such as ones on Maui, Oahu, and like out of the State. And we're always shown this stuff we're not able to be exposed directly. And having an observatory, where we can go inside and actually look at everything that we are always shown and seeing, I think this would be a perfect opportunity. And whenever there's opportunity for science education, I think that we should take it. And, yes, I am all for the observatory and especially if the students such as myself are able to utilize it for educational purposes. And, yeah --

Ms. Preza: Thank you. Commissioners, do you have any questions for Tower. Thank you for participating as a young person in this community. We really appreciate it. We wish more of you. Sorry, I think only Commissioners could ask questions. Maybe you could talk at Tower. I think --. Sorry, I don't think it's a discussion between. Yeah, maybe you could talk to him after because I do want to keep public testimony going. So Michele Winehouse is next on the list.

Ms. Michele Winehouse: Good everybody. My name is Michele Winehouse and I'm a six grade teacher of self-confidence who just happens to use map and science as my vehicle for teaching. This is my fourth year teaching at Lanai High & Elementary. Last year I took two middle school students to the Maui County Regional Science and Engineering Fair. It was the first time in, we think it's 20 years but it could have been ever. This is because they didn't remember Lanai ever participating in a science fair. This year, just two weeks ago I took three more students to the science and engineering fair. And I say that because four out of the five projects were astronomy projects. And I'm not an astronomer. I'm more of a chemist. And so

I just like, oh my gosh, astronomy. I don't know much about astronomy. So I actually called upon Mary Beth Laychak. She runs Mauna Kea Scholars over on Hawaii Island, at the Canada-France Hawaii telescope, and she actually mentored our students.

So did you know that you can the mass of the galaxy? Do you know that the color nebula can tell you how much hydrogen is present or how old a star is? Did you know that the closest black hole to Earth is the V616 monocertotis? It's okay if you don't know this. I didn't either. These were taught to me by my students. These were their topics for their science posters, and I'll be posting three of those posters in the library. So if you want to check those out, I'll probably do that tomorrow. But anyway they -- it seems that my students just have this natural curiosity about the stars and the sky. And this telescope is such an incredible opportunity for these students to learn, to spark that curiosity and that interest in the sciences. We don't have enough graduates graduating from colleges to employ at all of our STEM, Science Technology Engineering and Math, fields. And so giving Lanai students an advantage by having a telescope on the island. And I'm assuming that, you know, students will be allowed to -- will be welcomed in --

Ms. Preza: Sorry Michele, could you address the Commission?

Ms. Winehouse: Oh, I'm sorry. Without any charge, then, then I think that -- and I see, I know you see where I'm going with this, but it would be really advantageous to these students to leave this island with that in their back pocket to make their mark on the world after they graduate. So I just want to say that last year I went to the -- it was a Maui solar observatory open house, and I saw Saturn's rings for the first time. Sorry, I keep doing that. Is that three minutes? And so that, that was the coolest thing, and I would like to give that to my students, so I'm hoping that I could do that through this project.

Ms. Preza: Thank you. Commissioners, do you have any questions for, for Michele? Okay. If not, then would anyone else like to offer public testimony at this time? Andrea?

Dr. Andrea Ippen: Aloha. Andrea Ippen. PhD in Education which I think aligns perfectly with the observatory. I do realize that the observatory will be used for hotel guests and possibly island residents for a form of entertainment. And I think that's amazing because anytime entertainment and education coincide I absolutely support that. The more interested you are in what you're learning even if you don't know that you're learning it's more impactful, more memorable, and it's something that we should absolutely encourage. And then of course the opportunity for students to be able to use this as a specific educational opportunity is something that I don't think our island can afford to pass up. I absolutely support the observatory at Manele. The one thing I would ask is that we can ensure there is either a kamaaina or a Lanai resident discount, but more importantly a very deep discount for students to ensure that they not only have access, but they actually have affordability to reach that access. Thank you.

Ms. Preza: Thank you. Commissioners, do you have any questions for Andrea? No? Alberta, I see your name on the list here, so you can come up and testify.

Ms. Alberta de Jetley: Good evening Commission. I am a star junkie. Growing up here on Lanai, I loved camping down at Manele, and sleeping under the stars, and being able to observe the night sky. Even now wherever there's a meteor show, I'll get my sleeping bag, and I'll go out into the Palawai or I'll go out towards Keamoku or wherever the stars are shining the best, and I'll stay there all night just watching the sky. This observatory is just going to be a fabulous opportunity for our students, and for all of us, to really understand what's above us in the skies. Someone else mentioned that they wondered whether or not Four Seasons would welcome Lanai people to the hotel, to use the observatory. If you look back on Four Seasons history, they have had numerous opportunities for Lanai residents to come down to the hotel, to enjoy free programs, free music opportunities. This is just going to be another outreach thing for them, to share this wonderful facility not just with older people, not just with the rich tourists that come here, but with all of our students. I'm so excited. I can't wait for it to be opened. Thank you. I hope you approve it.

Ms. Preza: Thank you. Okay. Commissioners, do you have any questions for Alberta? Okay, would you like to testify? You can testify.

Ms. Keiki-Pua Dancil: Aloha. Keiki-Pua Dancil. I was just wanting to add one comment that we missed earlier. We are committed to allowing Lanai High School students to come for free, so I just wanted to make sure. That wasn't mentioned earlier.

Ms. Preza: Thank you. Thank you for the clarification. Commissioners, questions or --? Okay. Would anyone else in the audience would like to testify? Sure. I see a hand so I can't see who is raising it. Please say your name and --

Mr. Kainala Morimoto: Can you guys hear me okay? Okay. Hi Commissioners. Good evening. My name is Kainala Morimoto, and I'm currently a student enrolled at Lanai High here. And I guess I would like to preface my testimony by saying that after seeing the presentation I am adamantly in support of the observatory for Manele. Personally I believe that in the past, and currently Pulama Lanai has provided many resources for students here that would otherwise we would not be able to use. And I think that the observatory is no different. After hearing what's been said about Lanai students being able to use the observatory for free and coming down and learning more about star gazing astronomy is definitely a good thing for Lanai students. And I think it's something that would definitely help to energize students about sciences and about space and stuff like that. And myself included, I think that some students, specific students -- I have some specific students in mind that would be very interested in astronomy and stuff like this so...yeah. Thank you.

Ms. Preza: Thank you. Commissioners, do you have any questions for him? Could you turn it off? Thank you. Great. Would anyone else like to offer public testimony at this time? If not, then we'll officially close public testimony. And Commissioners --. Close the public hearing --

pardon me -- we'll officially close public hearing at this time. And Commissioners, if you have questions or comments for the applicant.

Mr. John Delacruz: I have one question to whoever has an answer. The, the viewing with the telescope will be from dusk to 10 p.m. What happens at 10 p.m. that there's no more viewing?

Ms. Fukuda: So Karlynn Fukuda, Munekiyo Hiraga. I'll provide an initial answer and if any from the project team would like to add. I think the initial time was 10 pm just in terms of, you know, keeping in mind it's very quiet of course and so sound can travel. And so 10 o'clock is maybe a normal time for quiet hours to begin, for example. I know though that, that's just the typical, I think, times that they would have because there was a thought that, let's say, there was a special meteor shower that was occurring. You know, that would be possible for the telescope that would be later than 10 p.m. You know, whether there would be that possibility to be able to use that telescope after 10 p.m. But that wouldn't necessarily be the case say on average that it would go past 10 p.m. whenever the observatory is in use. I hope that helps. But does anybody have anything else they'd like to add?

Mr. Delacruz: The company or whoever is developing this observatory is in contact with the University of Hawaii to develop programs or a program to share use with telescope. Do you have any more information on that?

Ms. Lynn McCrory: Lynn McCrory, Pulama Lanai. We are still in the process of developing programs with a number of entities. We just don't have it finalized yet. Part of it is how many should there be? What should they be? Depending also with the night skies and so forth. So the programs will be there, but we don't have them final, and we don't have final on who the partners will be with that. But they have to get it done if you approve the permit.

Ms. Preza: Thank you. Commissioners, other comments or questions? Sure Sherry.

Ms. Sherry Menze: And this was for -- to help -- in reference to Nick Palumbo's comment that he had here about the kids and about the telescope. And Keiki-Pua she really answered that question. Great. But I wanted to refer back to August 18th, 2018 when the zip line was here, and they had also said that the kids could go and that they would do a -- for the kid. This was Eric, I think, with Syrngo. And he said what he was going to do was -- it's been two years now -- and he was going to develop a program for the teachers at school so that they could through what he was telling us. They were doing was that career bonding between the teachers which I think is one of the most important things right now is to be able to do a career bonding, like, maybe with the elementary school and the teacher school. So my reference of that is back to the telescope and our number 11 on this list it had said, you know, that the school or the children 12 times a year will have some kind of interaction with the astronomy. And now that Keiki-Pua said that would be free. How do we ensure that the Syrngo Joe people which hasn't happened will still be doing the career bonding with the teachers? And how do we know that the kids will have this once a month interaction if not with the telescopes with at other locations?

Ms. Fukuda: So I'm going to call on Kurt Matsumoto.

Mr. Kurt Matsumoto: Good evening Commissioners. Kurt Matsumoto from Pulama Lanai. Yes, they did. The school did have a program of the, of the Adventure Center. So, yeah, I don't know how many teachers, but there was a group that went up. They were --. The school outreached to Kyle, and Kyle called me about, and I approved it.

Ms. Menze: Hey, it's done.

Mr. Matsumoto: Yeah.

Ms. Menze: And if they didn't participate in it, that's just the way it is. Thank you very much.

Mr. Matsumoto: Yeah, so, you know, we're committed to do the programs with the school. You saw how excited the students are about having this. And it would be a waste for us to have a facility like this and not have the students participate. And that's the reason why we made the commitment that the students wouldn't be charged to attend.

Ms. Menze: Thank you so much Kurt.

Ms. Preza: Other questions?

Ms. Green: I just had a quick question about the construction. Does the top, does it rotate at all or it's stationary? And it only opens up in that one area.

Mr. Miller: Yeah, so the dome rotates 360 degrees forever in either direction. And then when we're looking at it, there is one picture where they talked about the shutter. There's like two shuttering systems that open up the slot so the telescope can look out. One rolls back, all the way back, so that you have all the way straight up and actually 15 degrees past it. And then the lower shutter opens all the way down. And so you can the horizon to 15 degrees past the zenith, right. And the dome is also -- we control it with the computer, and so it . . . (inaudible) . . . the telescope. So if the telescope moves over here, the dome follows it. And if you're tracking an object up in the sky, because the sky moves throughout the night, the telescope will keep moving, and every once in a while the dome will move just to make that shutter opening stays at the same position as where the telescope is pointed.

Ms. Trevino: Okay, so I think in the presentation they did talk about the color of the dome being a neutral color. And I just want to ensure that it's going to be something that's not too obtrusive because granted I don't know anything about observatories, but when the sun is shining on Haleakala, we can see this shining beam of light coming off an observatory there. So just want to make sure that even if you're using a neutral color there's not going to be any kind of extra, you know, light? Like if it's white. Okay. So that was one thing.

Ms. Linda Lileikis: Hi. My name is Linda Lileikis. We are definitely going to be painting the dome. We're looking at a neutral color. We're trying to find a balance because it can't be too dark. Otherwise the dome starts to absorb heat, and that heat comes into the observatory, it actually distorts the image from the telescope. We know that white doesn't necessarily work here especially with all of the red dirt. So we're trying to find something almost kind of like my cardigan. It's sort of a reddish dirt, but a much more neutral color.

Ms. Trevino: So many people, I just want to remind, which I know you know already, many people are concerned, you know, use by residents, students in particular, affordability and so forth, and I know you're aware of that.

There was mention of capacity to -- for the lack of the correct term -- have external projections, projectioning of what is being seen through the telescope. I'm just wondering if that, that is -- that the capacity of that is only going to be to an area, say, a room or whatever, in the conference center, or if that's a capacity that you can do, like in the school gym if they had projectors up or --. I was just curious about how that --

Mr. Miller: You should be able to get it anywhere. So when we look through the telescope we're using our eyes. We replaces our eyes for remote viewing with, like, a camera, right. And cameras nowadays are hooked up to computers. I operate observatories for people or check on things from where I live in Durango, Colorado, but I can be anywhere. You know, the observatory might be in Arizona. It might be on the east coast. It could even be here on the island. And so as long as you have a network connection to the computer, where what's capturing the images, you can view it. So if you've got network connections to the school or half way around the world, you should be able to access the same images that they would show in the conference center.

Ms. Trevino: Thank you. Because I think that helps people understand the capacity of being able to ---. Because we know there's limit as to personal viewing through the actual telescope versus viewing elsewhere and what that might look like, you know, for people to actually be able to see things.

And then I was just curious because, you know, there's only so many astronomers in the world. And then we talk about having processionalists or, or people who are maybe more knowledgeable in the area of expertise that is needed for, you know, facilitating educational presentations or whatever, you know, just answering questions. So I'm curious as to whether or not that -- we're going to have people who will be here 365 days out of the year, or if that's going to be something that will kind of be based on, you know, the needs of whatever, the use.

Mr. Matsumoto: Kurt Matsumoto. So, yeah, so you know, we don't know what the popularity of this is going to be right now, so we're not sure how many nights a week that we'll operate. But we've been in discussions with different groups in Hawaii. So as you know, Hawaii actually is an astronomy center so there's lots of people that we call upon from the Big Island, Maui,

Oahu that can come over here. And they don't all have to be astronomers to participate in the program. They can be experts in Hawaiian celestial navigation as well and they can create a whole program around that. As Dave mentioned, it's not limited to just showing the Lanai view of the night sky. He can send us views from different parts of the world, so the potential is really big. If we end up partnering with someplace like 'Imiloa Center on the Big Island, we can participate with some of the programs that they create. So, yeah, there's lot of different possibilities. You know, we wouldn't start off with having somebody live here full-time because like I said, we don't know how popular the programs are going to be. We will probably start off with bringing people in like we do with the entertainers on the weekends as an example. And then we'll see and gauge it and grow from there.

Ms. Preza: Thank you. Commissioners, other questions? I have one which is -- so looking at, you know, the recommendation by the Planning Department, and Sherry mentioned number 11 which was educational program shall be offered to local students and the community in relation. This is, also, what you're talking about in terms of events happening at other locations potentially. I feel -- and I think it's great. I think it's great and an opportunity for the students here. I'm wondering -- so would a school trip be counted in that 12? Because my concern is that there are community people who would like to participate so I'm wondering if, you know, so that students and community, that's 12 throughout the year or --?

Mr. Matsumoto: So, you know, for the purposes of testimony we said 12. You can say 12 is a minimum. The school can participate in a lot of different ways. You don't have to actually go down there. We can find a way to actually -- you can record images that can be seen through the telescope and then play them the next day. So say for example there's some special event that we can capture. You can digitally record it, and then you can actually do presentations in the classroom later. So there's lots of different ways the school can participate.

Ms. Preza: Thank you. This is just a comment; it's not really a question. But I think, I think having capacity to show lots of people what's happening would be great. But I also think, like, making sure that people actually have the opportunity to go and visit the actual site. Like, I think, I'm just thinking of like local Lanai people like myself too, you know, I think it would be cool to see pictures of the stars that are taken from the observatory, but I would much prefer seeing the actually observatory down there. So, just to keep in mind in terms of making sure that the community and students actually are engaged. Yeah, I understand it's not always possible to, like, go down and it's a limited capacity, but making sure that that's also a priority. Great. Other, other questions or comments or --? Caron?

Ms. Green: Well I'm kind of sensing that this is going to get approved. But I would also like to talk about conditions okay. So, we've been talking and I think it's really great that the company has offered to give the kids free access to that. I would like to have it as part of the condition if we could, that there be a minimum of 12 opportunities during the year. Maybe they work through the high school to have the students participate in something down, down at the observatory. I would take out "or other locations." But I actually specify down at the

observatory. So I don't know how you all feel about that, but I think that that would be a good condition to have on there.

The only other thing I would say is that you sent this around to a number of different agencies, and they had a few comments. Could their comments also become a part of the conditions? On number ten, exhibit number ten, talking about waste. Getting a permit if, if they end up having, you know, to dispose of any materials in the landfill. And then number 18, had to do with clean water act. When they're doing the grading there's a problem with pollutants, and then the noise control. So, I don't know if you normally put those things when you get responses into the conditions or not.

Ms. Cua: I, I can comment on that definitely because we deal with this with all bodies and commissions. So if a recommendation or a comment comes to the Department from another department that is already a requirement by law we do not put it in because it is not for us to enforce that. They have their own requirements, and they enforce their own requirements. So, like, for example --. First of all, most of the agencies didn't have any comments. But, like if you look, for example, at Department of Health, and we get that typical comment. I remember reading it, but let me find it. Hold on. I think they -- I think they mentioned -- I think I remembered reading a noise permit. Wait, here we go. MPD, yes. Okay. So exhibit 17, for example, they offered two comments, the Department of Health. This is very typical of comments that we receive. National pollutant discharge elimination system permit, and then noise permit is another thing. These are already required.

If this were an SMA Permit, a Special Management Area Permit, we would probably put in the National Pollutant Discharge Elimination System because that's directly germane to the SMA Permit. But again, for the most part, as a practice, if another department has a requirement that they're going to be enforcing whether through a building permit process or a health permit process, we don't normally include those as conditions. We always include -- I shouldn't say always. That's not a good word -- most always we include as conditions -- concerns or comments that an agency has that there is no law to, to pick that up for them to check compliance with. That's normally how...we take those comments.

Could I make one more comment, Chair? I'm sorry. Because you specifically asked about Public Works, so they're going to need to get a building permit to construct the telescope. And so these comments that are coming from Solid Waste Division, those are all things that they're going to look at before they even issue a building permit, so I don't know if that helps.

Mr. Matsumoto: Thank you. Kurt Matsumoto. I would just like to ask that if you specifically state in the condition that we commit to students here from Lanai, Lanai High School, not just students in general. Thank you.

Ms. Preza: Thank you. So I have a question about -- so some people brought up, you know, discounts. I don't know if there's plans to like have discounted rates for community people or if that's something that we should put in. Not put in, but, you know, discuss.

Mr. Matsumoto: Yeah, so there will be two rate structures. One for visitors and then another for Lanai residents. And the Lanai resident rate would be lower than the visitor's rate.

Ms. Preza: Good. It's good to know. I was also going to comment because Caron you were talking about, you know, like making sure that, since we're on Item 11, making sure that Lanai students and also free. Maybe if we could say that, you know, free for, you know, if there's an event happening, free for students and community, so it's not, like -- that might be something to add into number 11.

Or were you folks interested in also saying at least 12 times a year like Kurt said, or are you fine with the 12 times that is in the recommendation? Any thoughts?

Ms. Cua: So if I could make a suggestion. So the Department hasn't officially given their recommendation yet. We have made some changes to proposed condition number 11. So maybe we could, you know, give our recommendations when you're ready for it, when you're ready for it, rather than trying to, trying to come up with things now. We can give you the recommendation and then we can kind of go from there. Like, you know, you want to add more words, take out more words, whatever. How about that? Okay.

Ms. Preza: Okay, so in the future or current, right now?

Ms. Cua: For now. I mean, I think it's good as a practice, you know, your questions and stuff, but when you start discussing the merits or substance of a conditions, it's good if the Department gets it on the record because again remember when you're listening, we're listening.

Ms. Preza: Right.

Ms. Cua: And so we maybe wanting to modify what we're even recommending to you that you're not able to see because we're talking about it as we're hearing what you're hearing.

Ms. Preza: Okay. So are you editing right now that you give us suggestions?

Ms. Cua: We are.

Ms. Preza: Okay.

Ms. Cua: Yeah.

Ms. Trevino: Before we get to that I wanted to ask one more thing about the external projection thing because maybe that will be a part of this. I'm not sure what the normal thing is for that, but assuming there's a fee or some sort of something. Because right now, I think, we're kind of just talking about programs and so forth. I actually am very interested in and pleased that

there's this recording capacity for the physical because meteor showers and whatnot happen when we're all sleeping and what not. I'm not sure what the protocol is normally for a business like this, if that's the right term, as far as do they sell the rights to watching the thing. Is it a web based thing you can access? I understand technology and how obviously now you're saying as long as you've got connection you can get to it. I'm just curious if, if that's something that we might want to address when we're talking about these 12 plus uses in the sense of that --. Because my understanding is an external use is still a use. So I'm just curious if it would look like, say for instance, the community -- maybe there's a community group or the school wants to view this meteor shower, would they make a request for it. Just for some clarity on that because it's almost like you're selling your rights to the view, right?

Mr. Matsumoto: Are you asking if --. So I think if I understand your question, if the school were to project something here that we would count that one of the events. No, I mean, it would be at the site. So 12 events at, in evening, at Manele, at the observatory site.

Ms. Preza: Okay, thank you for the clarification. Because maybe as you folks are editing we could just remove the "other locations" bit maybe that will help clarify.

Ms. Green: Kurt, another question for you. Just as we're talking about this it really comes down to accessibility. Is the community going to be allowed to do it on as available or will there be black periods or is it too early to determine that? You know, how do you envision that going forward?

Mr. Matsumoto: So as you heard the dome is -- has a limited number of people that can go inside. So if, if the program was designed to be in the dome that night you have to take reservations because we're not going to take more than the capacity of the dome. If we decided to create an event that was bigger it would probably be in the conference center and we can increase the capacity at that point. So, it depends on what we're, what we're doing, what we're talking about. I, again, I don't know how popular this is going to be. If there's a big event, a big meteor shower or something that is going to be talked about a lot, I would imagine it's going to attract a lot of people so we're not going to be able to just do 10 people. And, you know, we can have more than one event in the evening. You can do a couple of one-hour programs or more.

So, you know, we're, we're still learning about how we can manage this, and we'll see how popular it is. If it's extremely popular, then yeah why wouldn't we try to create more programs and have the community come down? But like everything else, you know, we, we can't say for sure that we're going to do, you know, more than something because it just depends on how popular it's going to be. And we'll adjust as we see the need to do that. So I think trying to write in to the conditions that you want x-amount of accessibility, I don't know how necessary that is. You know, we're all part of the community here. We don't want to be in a possible where we're excluding. It would be exciting if a lot of people want to come down and look through the telescope and participate in programs. So, I think that we would be happy if there was a huge response and a lot of people want to come down, and we adjust and create

programs for that. You just won't be able to get that many people inside the dome, and that's why in the presentation we called out that it's by reservation. Because if it's going to include access to the dome it has to be controlled. We won't be able to do large audiences inside there.

Ms. Green: Well, Kurt, if I could just finish this discussion. One of the things that happened with the Adventure Center when it first opened, people were told that you couldn't, you couldn't book before -- you could book within 10 week, with two weeks, but you couldn't book any further out. But there was a restriction; I think that got lifted. But I would just suggest that maybe you think about how you want to handle this with regard to community versus hotel guests. Because, you know, you could be having a night when there's going to be a lot of action out there and you've got your hotel guests and, of course, they are probably going to take priority over local residents and how are you going to handle that. So I would just ask that you give that some thought going in. I'm not making it a condition. I'm just saying that this is a potential issue down the road.

Mr. Matsumoto: Sure. Thank you.

Ms. Menze: I have a comment. You know on the nights that, like --. How was I going to say that? Well, is it possible -- and I think that's just what I understood it was -- was it possible on nights on, you know, like you have a meteor show, you could record it, and then you could, you know, send it via e-mail or whatever up to the school. And then they could be able to witness it also by your recording of the night sky. Is that possible? That's possible. I mean, I think that's what --

Ms. Preza: Yeah, that's possible. I think, that's what they were discussing earlier.

Ms. Menze: Dave had talked, David talked about it.

Mr. Matsumoto: So you know, as you know technology requires certain things to be in place. If, if everything is in alignment, yeah, it will be possible. So, like for example, you know, if we have a way to get past a school firewall to do a projection, then sure. You know, it's not --. Yeah, so a long as the technology allows --

Ms. Menze: If the school can accept your technology.

Mr. Matsumoto: Yeah. So as long as the technology allows, then of course we --

Ms. Menze: Very good point.

Ms. Preza: Thank you. Commissioners, do you have other, other discussions, comments, questions? Okay, if not, then are you sharing the Department's recommendation?

Ms. Cua: I think we can start. But then, you know, we haven't really discussed this with the

applicant. We'll start with some language, and then we probably need to have a conversation. You know, in general, the Department is recommending support approval of this project with standard conditions for the most part. Conditions numbered one through ten are pretty much are standard conditions. I want to point out that condition number seven talks about the property being developed in substantial compliance with the representations made to the Commission in obtaining this approval. And this condition requires that the applicant submit to the Department a report, a compliance report, addressing how all of these conditions have been complied with prior to them receiving a certificate of occupancy. So prior to them being able to operate they're going to be required to give us a report that says, that addresses how they've complied with each of these conditions.

So the only real specific condition that we have is that condition number 11. And so we'll start at taking a stab at it again because for a condition to work you need to have the applicant say that, okay, the wording that is there, we know we can comply with it. You don't want to write a condition that they're going to tell you, we don't know if we can comply with that exact wording. Okay, so, you know, from what we've heard, this is our start of the modification. As represented by the applicant, educational programs shall be offered to Lanai School students and the community in relation to the observatory --. Excuse me, let me start again. As represented by the applicant, educational program shall be offered to Lanai School students and the community in relation to the observatory. Period. Programs will be held at the observatory or other locations, and would be offered to the students and the community a minimum of 12 times each year. Additional observatory programs maybe be held as special astronomical events warrant.

So again we start with that, and then I think you would go from there.

Ms. Preza: Thank you so much Ann. Were we discussing potentially taking out "and other locations?" Or are we okay with having the "other locations" as, you know, with the transmitting, you know, to school? Are we okay with that?

Mr. Michael Hopper: I just wanted to clarify a couple of things represented. One was a representations that for students, the use would be free charge. Is that for the 12 events or in general or what is that for just to get clear as far as a condition or representation? Because that was something that was said during public testimony and I just wanted to get that, that clarified.

Mr. Matsumoto: You guys want me to get my 10,000 steps in tonight, yeah. Yeah, just to stipulate it, it does not mean it's limited to the 12 events.

Mr. Hopper: Okay. So either a condition or make it clear that there's a representation that the, that the use would be for students, for Lanai students, would be free of charge. And then -- so you could put that in number 11. And I guess a separate condition maybe or just a representation because that was something said and it would be good to have on the record.

And then the other thing -- the only concern I had with the condition is that if it does say programs will be held at the observatory or other locations. You know, not that that's the intention, but would you be technically in compliance if none of the events happened at the observatory at all because it would be other locations. That would be the only concern is that, that might not be the intention, but technically just for the Commission if you say observatory or other locations, if they just held them all at other locations that would be in technical compliance with the condition. So you could be going on, you know, I don't know if there's a way to modify that or to say, yeah, we trust these are going to be as many as possible at the actual observatory,. Or if that's even a concern because, you know, for the commission. But I just wanted to point that out as your legal advisory that that's sort of -- that's what the condition seems to say...or would allow.

Ms. Green: I think that's an excellent point. I actually marked out "or other conditions" on mine. And kind of would like to take that out. And then my other question that came up when Kurt was speaking was when you say students, you know, what about kids who live here, go off to universities, they're home for the summer. They're a student. So are we -- you know, how are we defining students? Are we going to just make it ones in Lanai High & Elementary School or --?

Mr. Matsumoto: Yeah, we're thinking of the kids that live here. So once they're graduated, they're off the island, or even if they have graduated and they live here, that no longer applies to them. So it's say, 18 and under.

Mr. Delacruz: We could put like an escape clause in there where when we address the numbers. When we say 12, maybe we can say of the 12 at least, at least six will be at the site, meaning the observatory. And then for the at least 12 events, we throw in wording like saying Lanai High School sponsored events.

Ms. Preza: I don't think we need the Lanai High School sponsored events. Because it could be for community too, right, so it doesn't need to be in relation to with the school, like the community events?

Mr. Delacruz: Well, what we're doing with this is we're dealing with the...students who leave Lanai, but they're still Lanaians. Okay.

Ms. Preza: Right, but we're saying --

Mr. Delacruz: . . . (Inaudible. Multiple speakers at one time.) . . .

Ms. Preza: I think, I think the idea is once they're graduated then they're adults and --

Mr. Delacruz: But then they can come in to the Lanai High School sponsored events.

Ms. Preza: Sorry, but we're --. Sorry, so what are you suggesting?

Mr. Delacruz: On the wordage for the 12, the minimum of 12 events, okay, to get in the students who are no longer students, but they're still attending school on the mainland and they come home to visit, they don't have to go down to the observatory alone. They can come in, and come in with a Lanai High School sponsored tour or activity.

Ms. Preza: Oh, so you're saying if they're graduated already, but if they go on an event with the --?

Mr. Delacruz: Yeah, Lanai High School sponsored event.

Ms. Preza: I think, I think that gets confusing, and it's not that big of a place, you know, so I think we should focus on the kids who are still in school here. Because I think we're also forgetting that this section is also saying students and the community. So I mean, there will be opportunities for kids who have graduated to participate in these events. It doesn't need to be, like, exclusive of them, you know.

Mr. Delacruz: Okay, and just one bit of information. There is a deck being built on the outside of the building which allows for additional people to be at the site. And it doesn't take a whole lot of scheduling to rotate people through the, through the building.

Ms. Preza: Thank you.

Ms. Green: Shelly, I'm going to be just a real pain in the neck here, but don't we have home school kids on island?

Ms. Preza: So I don't -- that's why I thinking -- I don't think they suggest that we say Lanai High & Elementary School students. Maybe you don't even say school. I think you meant like school children or like school students. Maybe just Lanai students or --. Right. They didn't, they didn't word it with the elementary and high school.

Ms. Cua: I just said, Lanai school students, and I think that would apply to home school.

Ms. Preza: So school with not the capital s. So just like school students.

Ms. Cua: Not, not capital s. Correct. And I think to take care of the free of charge as represented, I think the Department would propose that as a separate condition because I'm assuming that in condition 11 you still want to keep community in there. But community as I understand it is not free of charge. So, I think the Department would propose that a condition number 12 would be added something to the effect like educational programs offered to Lanai school students shall be free of charge. And that would just take care of the students. And then you can still keep the community in the previous condition, but you don't have to -- we're not dealing with what it's going to cost to them. Unless you feel you want to deal with that.

Ms. Preza: Would --? Since it was said that residents would have a discounted rate. I know we can't --. We're not saying how much or whatever, but discounted. Would that be something that you would like to put into the recommendation or would not advise?

Ms. Cua: I --. Well, I guess we, you know, at this point in time that's going to be the Department's recommendation, and then you can, then you can modify as, as you see fit.

Ms. Preza: I think it's a good idea to put it as a separate, you know, 12, having the no cost for students. I don't know how commissioners feel about if you would like to make sure the discounted rate is put in or said, or we just trust that's what's going to happen.

Mr. Wollenhaupt: We'll try to --. The condition sounds good here, but then it's trying to monitor them, trying to enforcement them. Someone will be on Maui and we'll get a report, well, I was charged, I wasn't charged. And, you know, the monitoring of the conditions is, is just to put them on and then not to be able to monitor them correctly is an ill-advised path that, unfortunately I've seen happen too many times.

Ms. Preza: Thank you for the advice. I think, I think maybe if we could add that separate thing about, at least for students, at no cost. I don't think we need to add in about community residents. Ann, sorry, would you mind re-reading what you have currently for number 11 so we can just --

Ms. Cua: Sure.

Ms. Preza: Thank you.

Ms. Cua: As represented by the applicant, educational programs shall be offered to Lanai school students and the community in relation to the observatory. Programs will be held at the observatory or other locations, and it would be offered to students and the community a minimum of 12 times each year. Additional observatory programs may be held as special astronomical events warrant. And then condition 12, educational programs offered to Lanai school students shall be free of charge. Which one, 12 or 11? The last one?

Educational programs offered to Lanai school students shall be free of charge.

Ms. Preza: Thank you. So since it was said that, should we, should we say under the age 18?

Ms. Cua: We can -- you know, if the Commission -- the Commission can --. This is just our recommendation. So, the Commission can modify this if, you know, if you have your majority as you, as you see fit.

Ms. Preza: Thank you. I think for number 12, I would recommend that we say for ages 18 and under just so, you know, if college kids come back, they might look at it, and be like, I'm a school student, you know. Educational programs?

Ms. Shirley Samonte: But we have seniors that may be 19.

Ms. Preza: Okay, maybe we don't need to put in an age. Maybe we don't need an age. Do we, Commissioners, want to go along with John's suggestion about with, you know, recommending that with at least six of these are taking place at the observatory site? Maybe we could tack that on to the end of prior to the additional observatory programs. Say, at least, a minimum of 12 times a year with at least six of these being held at the observatory? Just because of what our legal counsel said about, you know, . . . (inaudible) . . .

Ms. Samonte: I just wanted to clarify. My understanding from hearing from Kurt was that there's a minimum of 12, I guess, programs that will be at the observatory.

Ms. Preza: Right now in the wording. Right, but so our legal counsel was just saying that with the wording if we say observatory or other locations, like, legally if they're to measure compliance with what we recommend, they could, they could be holding all events not at the site, and they would still be in compliance, you know.

Ms. Samonte: So wouldn't it be -- so would we remove the wording that would say "and all other locations" and just leave it at the observatory?

Ms. Preza: I think that -- or from what I'm hearing from others, we want to leave the "other locations" because we understand that like in terms of capacity if they could send, you know, photos and --

Ms. Samonte: No, I understand that, but then we're talking about the minimum. The minimum of 12 is going to be at the observatory -- period -- and not at any other locations.

Ms. Preza: Do you folks? I see nodding heads.

Ms. Green: I totally agree with you Shirley, especially if it's community and school. So it's not just one. So just take out that wording "or other locations."

Ms. Preza: Because there could be, yeah, additional --. Yeah, I think that might be --. Sure.

Mr. Delacruz: One thing we have to be careful about is who will have the responsibility of defining the event? Who's going to say this will be one of the 12 minimum events? Or this will be one of the blah, blah, blah. We have to be careful with that.

Mr. Hopper: My comment was just if you're going to strike other locations, maybe check with the applicant also to see if that was their original wording if that would be complicated or anything like that. That would require all 12 to be at the observatory. They could do other events outside of the observatory, but at least 12 at the observatory. I don't know if that's possible for them or what their schedule is, but it's usually a good idea to check on something

like that as this is a condition that was based on a representation that was offered by them rather than a mitigating condition to try to mitigate an impact. So just, just suggestion if you want to. It's up to you.

Ms. Preza: Sure. So if the applicant would like to speak on that if that would be reasonable or if that's --. Sorry to make you keep walking.

Mr. Matsumoto: Yeah, I think you all have good intentions, but you can see the problem with creating conditions and with like the Planning Department mentioned, monitoring and the devil's in the detail. So, you know, it's trying to turn a good into a big administrative nightmare.

I'm not sure what you want to ask me at this point. So are you --? I said, we would have at least 12 community activities, and it would be at Manele.

Ms. Preza: I think that answers the question. So it will be at the observatory, or at Manele.

Ms. Cua: So am I hearing that the applicant is okay with striking? I don't, I don't know what that -- I'm sorry, I'm not --. I see you guys nodding, oh, okay that's great, but I don't, I don't know what that means.

Mr. Matsumoto: I don't know what that means either and my attorney left so --

Ms. Preza: You know, personally I feel like if we want to leave other locations. I, I understand this can turn into an administrative nightmare, so I feel like if they're saying that they're going to be holding events, I don't think they're all going to not be at the observatory personally. Yeah, it seem we have a commitment that there will be events at the observatory so I think it's fine.

Ms. Cua: Did, did we get consensus? Did you want to add with at least six of these happening at the observatory?

Ms. Preza: I brought that up because John mentioned it and I think he stepped so I'm --. Caron, how do you feel?

Ms. Green: Well, you don't need that if you take out the clause that says "or other locations." You've now said that you're going to have 12 activities at the observatory during the year for students and the community.

Ms. Cua: Right. So --

Ms. Preza: So you would like to take out "or other locations?"

Ms. Green: Correct. You don't need to have it.

Ms. Preza: Oh, so everyone would like to take out --. I'm not --. Now I'm thinking I'm okay with "or other locations" without having even having to put the stipulation of at least six happening there. But, do all commissioners want to remove "or other locations?"

Ms. Cua: So --. I'm sorry, go ahead.

Ms. Samonte: Well, no, if I understand -- if I understand it right, we're concerned about -- we're concerned about having a minimum of 12...12 visits at the observatory per year. That's our concern is that we'll have a minimum of 12. So if we just removed the 12 visit -- if we just remove the wording that says "and any other location" that would just mean directly the 12 visits at the observatory.

Ms. Preza: Okay. Does everyone feel that way, then maybe we can just do that and not have the additional saying six needs to be there.

Ms. Cua: So you, you need to vote that.

Ms. Preza: Okay. So --

Ms. Cua: So what I'm hearing, what I'm hearing -- so this is, this is not what the Department had presented -- but what I'm hearing that it seems like you have consensus but we don't know is for condition number 11. As represented by the applicant, educational programs shall be offered to Lanai school student and the community in relation to the observatory. Programs will be held at the observatory, at the observatory -- strike the words "or other locations" -- and would be offered to students and the community a minimum of 12 times each year. Additional observatory --. I don't know. Corp Counsel, do we need to say Lanai school students again?

Mr. Hopper: I don't think so if you said it once. You can say it again, though, to be super clear.

Ms. Cua: Okay, I will be clear.

Mr. Hopper: You could ask the applicant if they would be able to accommodate 12 events at the observatory which is the direct question, you said at Manele. I don't know if that meant at the observatory.

Ms. Cua: Right. And that -- and that's exactly what I meant by I wasn't sure what that meant.

Mr. Hopper: If there's an objection on the part of the applicant to doing that --

Ms. Cua: Then we need to talk.

Mr. Hopper: -- it's good to have on the record so we know. If not, and it can be done, then . . .
(inaudible) . . .

Ms. Cua: Right. So that's, so that's basically what I'm hearing what you want, and I think we need to ask the applicant if they can comply with that.

Ms. Fukuda: Okay, I think -- Karlynn Fukuda, Munekiyo Hiraga -- yes, the applicant is fine striking the language "or other locations."

Ms. Preza: Thank you. Okay. So, sorry Ann, just for clarification, are we --? Okay, I do really -- I do want to hear the revised, but when you're saying we need to vote, do we need to vote on that change or are we voting on everything?

Mr. Hopper: I think what staff often does is clarify the recommendation once and for all. So what you can do after that is say motion to approve as recommended by staff, and a second, you can discuss and vote. So if you can get that clarified ahead of time, and then you would do the motion and vote, and just say as recommended by staff. If you want to add conditions after that you can do that. But I think if the staff's recommendation is being, you know, if you're giving a precise recommendation then you can go through get that clarified before you make the first motion if you like.

Ms. Cua: Okay, but, but 11 is actually a combination of the Department's recommendation and as we've heard amendments requested by the Commission. So I thought they were going to need to vote on that condition 11 to add. Anyway. Okay, so I should just read again condition number 11 and 12? Okay, as modified by the --. Okay.

So, what's on the floor right now is a recommendation I guess for approval, from the Department, subject to 12 conditions which has been discussed and language added by the Commission. The two conditions -- the one condition that has been modified is condition number 11 which reads as represented by the applicant, educational programs shall be offered to Lanai school students and the community in relation to the observatory. Programs will be held at the observatory and would be offered to Lanai school students and the community a minimum of 12 times each year. Additional observatory programs may be held as special astronomical events warrant.

Condition number 12 would be a new condition. Educational programs offered to Lanai school students shall be free of charge.

Ms. Preza: Okay, so would anyone --. I would like to entertain a motion to...recommend approval with the modification and the addition to the staff's original recommendation. Would anyone --? No, I can't make the motion; I'm entertaining it.

Ms. Green: I move that we approve that the project with the amendments, the additions that we made to number 11 and 12.

Ms. Preza: Thank you. So we have a motion. Would anyone like to second that motion?

Ms. Menze: I'll second that.

Ms. Preza: We have a second. Is there any further discussion on this before we vote? Okay, we'll take vote. All in favor please raise your hand. One, two, three, four, five, six, so that unanimously passes.

It was moved by Ms. Caron Green, seconded by Ms. Sherry Menze, then unanimously

VOTED: To recommend approval of the department's staff report and recommendation, with the modification and addition, as discussed.

(Assenting: J. Delacruz, C. Green, S. Menze, S. Preza, S. Samonte, C. Trevino)
(Excused: R. Catiel, M. Martin, G. Rabaino)

Ms. Preza: Thank you. Wow, thank you all so much. I see everyone is falling asleep but I appreciate, you know, you all staying, getting through it, and for Kurt walking back and forth ten times. So, that is the end of Item C. Or Item D is the Director's Report. I'm not sure who's presenting. Okay, thank you Ann. Sorry.

D. DIRECTOR'S REPORT

1. Agenda Items for the February 19, 2020 meeting

Ms. Cua: So the only thing on the Director's Report is the agenda items for the February 19th. And you were very clear to us previously that you wanted to focus on the short-term rental issue, so that is going to be what we start with. I don't believe right now we have any other items. We may, but we don't -- I'm not exactly sure, but primarily that night is going to be just to discuss and hopefully get resolution to that issue.

Ms. Preza: Great. Thank you so much.

Ms. Cua: Any questions?

Ms. Preza: Is that -- is that it for our Director's Report.

Ms. Cua: And our, our Deputy Director will be here at that meeting.

E. NEXT REGULAR MEETING DATE: February 19, 2020

F. ADJOURNMENT

Ms. Preza: Okay. Great. So Commissioners, so E is next regular meeting date, our regular third Wednesday of the month, February 19th. So we'll see you on Wednesday. It's not too long for now. And I believe that's it. So we're adjourning at 7:24 p.m. Thank you all for your time.

There being no further discussion brought forward to the Commission, the meeting was adjourned at 7:24 p.m.

Respectfully submitted by,

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

RECORD OF ATTENDANCE

PRESENT:

John Delacruz
Caron Green (from ~4:30 p.m.)
Sherry Menze
Shelly Preza, Chair
Shirley Samonte
Chelsea Trevino, Vice-Chair

ABSENT (A)/EXCUSED (E):

Roxanne Catiel (E)
Mililani Martin (E)
Gerald Rabaino (A)

OTHERS:

Kathleen Aoki, Administrative Planning Officer, Plan Implementation Division
Ann Cua, Senior Planner, Current Planning Division
Kurt Wollenhaupt, Planner, Current Planning Division
Carolyn Cortez, Planner, Plan Implementation Division
Michael Hopper, Deputy Corporation Counsel