

**LANA‘I PLANNING COMMISSION  
REGULAR MEETING  
AUGUST 18, 2021**

**A. CALL TO ORDER**

The regular meeting of the Lanai Planning Commission (Commission) was called to order by Ms. Shelly Preza, Chair, at approximately 5:01 p.m., Wednesday, August 18, 2021, online via BlueJeans Meeting No. 793 302 600.

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

Ms. Shelly Preza: I believe we have quorum now, but we're calling to order at 5:01 p.m., and just --. So if, Commissioners, I'm going to say your name, if you can just let me know when you're here, that would be great, so we can make sure we do have quorum. So Sally Kaye?

Ms. Sally Kaye: Here.

Ms. Preza: Thank you. Zane de la Cruz?

Mr. Zane de la Cruz: Present.

Ms. Preza: Thank you. Sherry Menze?

Ms. Sherry Menze: Here.

Ms. Preza: Thank you. Natalie Ropa?

Ms. Natalie Ropa: Here.

Ms. Preza: Great. And then Chelsea? Chelsea, are you here? She might be coming on a little later. Lisa, are you here? She said she might not be. And then just confirming that John and Shirley are not here. Okay. We have bare quorum today so we can get started.

Before we get started I'm going to just kind of read off if anyone is new here that hasn't come to a Commission meeting. If you would like to take -- to provide testimony, public testimony will be taken when each agenda item is discussed, and testimony will be limited to a maximum of three minutes. I'll call on testifiers to offer their testimony when Leilani lets me know that there are people who have signed up. But I see that everyone has muted their audio and video in the meantime so that's great. And if you would like to testify you can sign up via the chat directly to Leilani, and she'll keep a list of who would like to testify. And if could let her know what agenda item that would be helpful too. And then after we go through any testifiers via the video, we'll be asking anyone who is calling in via a phone if they would like to testify. And Commissioners shouldn't be contacted by the chat function because we're not going to be checking that.

So with that, before we get started on agenda item B, Richelle mentioned to me that perhaps we might want to switch the agenda around in case there are people present who are just

here for the action item as opposed to our orientation. So if it's okay with everyone, like with the County and if there are representatives present for the action item, agenda D, I'm going to have -- I would like to switch that with Item C and have that first so that in case anyone doesn't want to stick around for our Commission orientation then they can, they can hop off. Does that sound okay with everyone? Anyone not okay with that? Okay, great. So with that, we'll move onto B which is introduction of our new commission member, Zane de la Cruz. I'm not sure, Jordan, if someone has something to read or it's just kind of a say hello to Zane?

## **B. INTRODUCTION OF NEW MEMBER – ZANE DE LA CRUZ**

Mr. Jordan Hart: No. Just to – just to say hello, and I'm not sure if Zane wanted to say a few words or so.

Ms. Preza: Up to you, Zane, if you want to introduce yourself that would be great.

Mr. de la Cruz: Yeah. My name is Zane de la Cruz. You know, grew up on island, and, yeah, I am excited to participate in our little local democracy.

## **D. DIRECTOR'S REPORT**

- 1. MS. MICHELE C. MCLEAN, AICP, Planning Director transmitting the following request pursuant to the provisions of Section 19.45.060, Maui County Code, relating to Project District Amendments and Revision:**

**LANAI RESORTS, LLC, a Hawaii limited liability company, doing business as PULAMA LANAI, requesting review of revisions of the previously approved Phase II site plan for the Manele Amphitheater located in the Manele Project District at TMK (2) 4-9-017:001, Manele, Island of Lanai (PH2 2020/0001) (K. Wollenhaupt)**

**The Director has determined that the proposed revisions are non-substantive changes from the approved site plan for the Manele Amphitheater. The Commission shall acknowledge receipt of the request. The Commission may act to waive its review of the proposed non-substantive revisions in the Phase II Project District request and allow the Director to approve, or review and take action on the request.**

Ms. Preza: Okay. Happy to have you on our Commission with us so thanks very much. So with that, we'll move on to Item D, and then we'll follow up with Item C. But Item D is Michele McLean transmitting the following request pursuant to the provisions of Section 19.45.060, Maui County Code, relating to Project District Amendments and Revision. We had this in our

packet. So I'm not sure if Jordan if you have recommendations for us or if there's any kind of presentation.

Mr. Hart: Excuse me. I apologize Chair, I'm having technical difficulties. We have Kurt Wollenhaupt is our planner. If he wanted to do some introductory remarks otherwise --. I'll have Kurt speak first.

Mr. Kurt Wollenhaupt: Good morning members of the Lanai Planning Commission. This is Kurt from the Planning Department. And this evening, we have a revisit of the project which you approved on June 17<sup>th</sup> and a full Phase II Project District review. As the members know -- perhaps our new member may not be as familiar -- the project is located in a Project District, at the Manele Project District. There was a Phase I that outlines the entire organization of the district. But as new buildings such as the Manele Amphitheater comes into fruition a Phase II with a public hearing is required. So on June 17<sup>th</sup>, the members heard a public hearing with review and discussion of the proposed Manele Amphitheater which passed by majority vote with 13 conditions which are outlined in the packet that was given to you. Consequently, the Director on September 14<sup>th</sup> was able to issue a Phase III which allows the building permit to move forward. As with any large project, however, there can be revisions. Unlike on Maui County such small revisions are simply approved by the Director and we move forward. However, the Maui County Code 19.45.060 on amendment and revision has a different procedure on the Islands of Molokai and Lanai. If the Director reviews these revisions and believes they are non-substantive which the Director does believe in this case, the Director normally can just approve them. However, on Lanai, the Director notifies the Commission of these non-substantive changes and requests their waive of review allowing the Director to make the decisions to move forward with the approved Phase II and subsequently the Phase III.

So our recommendation this evening would be that the Maui Department of Planning, recommends to the members of the Planning Commission of Lanai to waive the review of the Phase II and allow the Director to issue the Phase II Project District approval, of what we believe are non-substantive revisions to the Manele Amphitheater. And the consultants of Munekiyo and Hiraga, as well as the representatives of Pulama Lanai will present these changes and then there will be an opportunity for discussion. Thank you.

Ms. Preza: Thanks Kurt. I also wanted to say --. Sorry before you proceed Tessa, I was just going to say if anyone is here to testify, then we'll open public testimony after the presentation and prior to our discussion. Thank you. Go ahead.

Ms. Tessa Munekiyo Ng: Thank you very much Chair and Kurt. If it's okay I'll go ahead and share my screen. Are you all able to see my power point presentation? Good evening Chair and members of the Lanai Planning Commission. My name is Tessa Munekiyo Ng from Munekiyo Hiraga. And we're here today with Pulama Lanai to discuss non-substantive modifications to the approved Manele Amphitheater. Here, on the meeting tonight from

Pulama Lanai is Keiki-Pua Dancil, Senior Vice-President of Government Affairs Strategic Planning.

The Manele Amphitheater will create a first-class amphitheater on Lanai, and will support operations at the Four Seasons Resort Lanai at Manele, as well as community events and organizations such as the Lanai Academy of Performing Arts. Kurt provided you a brief history. We -- we'll share that on the screen here today. As Kurt mentioned that on June 17<sup>th</sup>, the Commission approved the Project District Phase II approval for the amphitheater. And following that, in September of last year, the Planning Department approved the Project District Phase III approval. Pulama Lanai has been working on the design for the amphitheater and has come up with a few non-substantive revisions to the Phase II and Phase III plans. These non-substantive modifications reduce impervious surfaces, increase opportunities for customization and improves ADA accessibility, all without changing the use, size, or capacity of the amphitheater.

As Kurt mentioned Maui County Code 19.45.060 allows for the Director to approve non-substantive revisions to preliminary Phase II site plans provided that on the islands of Lanai and Molokai, the Director shall notify the Commission of these non-substantive revisions.

So the reason we're here tonight is to respectfully request that the Lanai Planning Commission waive review of the Project District Phase II amendment request, and allow the Director to issue the approval.

I think many of you are familiar with the amphitheater, but I'll just briefly go over some background. This is a map of the location. It's in Manele. And on the right-hand side you can see, outlined in red is the parcel, parcel 2-4-9-017-001. This is the Four Seasons Resort Lanai parcel owned by Pulama Lanai. And the amphitheater site itself is outlined in white. It's approximately 4.2 acres at the corner of Manele Road and Hulopoe Drive. Access will be off of Hulopoe Drive.

Next, I'll share with you the approved site plan. So it's 600 feet open-air amphitheater. You can see the seating here in middle, tiering down to the stage below. There are two comfort station buildings; one on each side. And at the bottom of the amphitheater site, there is, there was a proposed performance support building. There's also some off-site parking, off-street parking and related improvements.

In terms of use of the amphitheater, the proposal that was approved include up to four large community events a year, as well as, two Lanai Academy of Performing Arts events annually, along with smaller resort events such as hula performances on a regular basis.

At this time I'll go into some of the modifications that are being proposed. On the first set of modifications have to do with reduction in the buildings and impervious surfaces at the amphitheater site. First of all the elevated stage platform will be replaced with at grade natural stage and this will accommodate portable staging facilities and equipment, and allow for a

customization of staging needs for each performer. A below grade utility box has been added in the vicinity of the stage. This relocates the utility box that was located below the elevated stage to a below ground location. Secondly, the performer's support building is proposed to be moved. Instead, Pulama Lanai will coordinate custom support options for performers. And this may consist of temporary tents or trailers, in combination with the use of suite and conference facilities at the Four Seasons.

So the chart that's shown on the slide compares the initial -- the proposed square footage with the approved square footage. So the tan bars are the approved square footage of the building, and the teal bars are the proposed square footage. I forgot to mention with the removal of the performer's support building, the utility rooms have been relocated to the comfort station. So you can see here, two comfort stations, each initially proposed at 800 square feet, and they're now going to be just slight larger, 834 square feet, and that's to accommodate the utility room that was in the performance support building. The support building was initially proposed at just over 1,500 square feet. That's going down to zero. So there's going to be a net reduction in 47 -- by 47 percent in terms of building square footage. The approved building square footage was 3,154 square feet, and that's going down to 1,668 square feet.

Next, I'll speak about some of the changes that are being proposed for the comfort station. The plan on the left is the approved comfort station, and the plan on the right is the proposed comfort station. And I'll just note that these two plans are not at the same scale so it may look like the proposed comfort station is significantly larger than the approved comfort station. But as we've just talked about in the previous slide, the comfort station each increase only by 34 square feet to accommodate the utility room. So the comfort stations are adding trellises on each side. Hopefully you're able to see it. It's a light-gray. Shown in light gray here. And this will allow for enhance lighting and security. In addition, the configuration of the comfort station within the building has been modified to provide greater privacy for each restroom stall. But the number of restroom stalls remain the same. And again, there's a utility room added on each comfort station.

The other modifications at the site include modification to the amphitheater seating and walkways to improve ADA accessibility. The amphitheater seating has also been shifted 15 feet mauka. And finally, there's been some modification of retaining walls, including the removal of the retaining wall behind the performance support building.

So the plan shown here on the left of the slide is the proposed modified site plan. Again, here's the seating in the middle. You can see the two comfort stations, one on each side, and you can see the trellises that are now shown with those comfort stations. The stage, the elevated stage platform, which was originally proposed here has been replaced with that natural at grade stage. And the performer's support building which is located in this location has been . . . (inaudible) . . .

With the modification of the site plan to reduce impervious surfaces, areas that were previously proposed for buildings or hardscape will now be landscaped. And as such, the landscape plan has been modified to ensure that there is no increase in water demand. The water demand that was approved as part of the original amphitheater approval remains the same. And this the proposed modified landscape plan.

Just to summarize the modifications are non-substantive in nature. The project area remains the same. There's no change to the overall size, capacity or use of the amphitheater. It's still a 600-foot amphitheater. There's no proposed increase in number of events at the amphitheater. It does not create any additional demands for water or wastewater infrastructure, nor does it change the traffic pattern associated with the amphitheater. For these reasons we're respectfully requesting the Lanai Planning Commission waive review of the Project District Phase II Amendment request and allow the Planning Director to issue the approval. That concludes our presentation this evening, and we're happy to answer any questions. Thank you very much.

Ms. Preza: Thank you so much for the presentation. Commissioners, before we get to our discussion and if you have any questions, I'm going to open up public testimony. Leilani, has anyone requested to testify on this item?

Ms. Ramoran-Quemado: Thank you, Chair. No one has signed up to testify.

Ms. Preza: Okay. Well, I'll open it up if anyone present would like to testify calling in via BlueJeans, feel free to unmute yourself. If not, I don't see anyone calling in via phone, but I'll just say if anyone is calling in via phone you if can also speak up at this time. Okay, if not, then I'll close public testimony on this agenda item. And commissioners, if you have, you know, it's time for our discussion, if you folks have questions for the presenter, for the County, now is the time to discuss.

Ms. Kaye: Shelly?

Ms. Preza: Sally, go ahead.

Ms. Kaye: Yes, I have one question and an observation. I had not seen this before so if for some reason the Commission -- I guess this is for Jordan -- if the Commission would decide not to waive, then what, what, what happens? What does it mean to take action?

Mr. Hart: So, thank you Chair. If the Commission decides not waive, then the Commission would be the body that reviews the proposed amendments to the project and would reach a conclusion on those proposed amendments.

Ms. Kaye: There wouldn't be any additional information provided. I mean, what we've got is what's there, right?

Mr. Hart: Okay, so, so you could say that you don't feel like you have enough information as well and decide to make a decision at a different meeting. But it all depends on, you know, what you choose to do, or which way you want to go with it.

Ms. Kaye: Okay, then the other comment I'd want to make is the very first page of the letter from Munekiyo has this approved from the Maui Planning Commission, not Lanai. And I'm glad that it was part of the slide that was just presented. It was on page-9. It was in the packet, but they're not numbered. There's a reference on that slide-9 that Tessa just showed that you, that makes an observation that this was, quote, approved water use, June 2020. That's not what happened. June 2020, this was reviewed. I went back and looked at the minutes, and questions were asked about the projected usage, there was discussion, and a condition was imposed to meter it but it's not accurate to say that this was an approved water use because that's not what happened at the meeting. So I don't know what -- whether that should just get removed from the presentation or what.

Ms. Munekiyo Ng: If I could respond if that's okay.

Ms. Preza: Sure, go ahead.

Ms. Munekiyo Ng: Yeah, thank you very much for, first of all, for the correction to our letter. I apologize for the oversight on that. You know, we certainly did intend to say Lanai Planning Commission, so apologies for that. But in terms of the water, perhaps our terminology is not exactly, I guess, what, what was intended. But, you know, I think what we're trying to communicate is we're not, the project, with these modifications, the project would not be increasing any water demands, you know. So that's really what it was intended to say and if, you know, we should say it in a different way, we're happy to accept that. But really there's no change in the water demand resulting from these modifications. The landscape plan has been adjusted to accommodate the areas that needed to be -- that has been removed from hardscape or buildings to adjust to ensure no increase in water demand so thank you for that.

Ms. Preza: Thanks Tessa for the clarification. So just to clarify, though, that it's still, it's still will be metered, right? I think that's what Sally was saying we had ask for it to be metered . . . (inaudible) . . .

Ms. Munekiyo Ng: Yes, that's correct, and so you know, a condition of the Phase II approval was for quarterly water reports to be provided. And I see that Keiki-Pua is also available. But the applicant is committed to continuing with that.

Ms. Preza: Thank you. Yes, Keiki-Pua.

Dr. Keiki-Pua Dancil: Aloha. Mahalo, Chair. So the construction at the end of March, and we did install a meter there. So our first quarter of metering, the construction site -- right now it is still construction site -- has concluded at the end of June. And we are in the process of internally reviewing the quarterly report and we will be submitting it to the Planning

Department and subsequently passed on to you, the Lanai Planning Commission, for presentation probably at the next – probably, if not September -- October's meeting.

Ms. Preza: Thank you. Great.

Ms. Kaye: Okay, Shelly, I just need to add to that -- this is for the record. The reason that I wanted to point out this disparity on what actually happened is because in four or five years this piece of paper will still exist and the next planning commission that's not purvey to this discussion will look at this language and say, oh, that was the amount that was approved. And I just think that that kind of inaccuracy should be corrected.

Ms. Preza: Thanks Sally. So, I mean, now that this meeting is being recorded, it's officially on the record, so are you okay with that now? That they do want to go back and look that it's been stated that it was an official approval of a certain amount of water?

Ms. Kaye: Well, I don't know if it's appropriate to actually just remove that. That is -- they projected 15,000 if I recall, and I think it's . . . (inaudible) . . . that it's going down if they're so careful with. It's just that it just wasn't an approved water use, so I just think that language should get taken out.

Ms. Preza: Sally, which, sorry, which document are you looking at? There was, there were a lot of papers in this so I want to make sure we're looking at the same thing.

Ms. Kaye: Yeah, I'm sorry. If you look at the green page. I'm sorry it's not numbered so it's kind of halfway through the packet that we got. But it was on slide nine that Tessa showed.

Ms. Preza: So maybe it would be sufficient --. I'm sorry, I see Keiki-Pua raising her hand. But before I get to you I was going to say maybe it would be sufficient just to, like, remove that from the presentation and their submittals to the Planning Department.

Ms. Kaye: Yes. That would be perfect.

Ms. Preza: Would that --. Keiki-Pua, was that what you were going to say?

Dr. Dancil: For the record, we actually did show this slide last June, and that was the allocation that we represented at the time of the proposed water use. It was 12,488 was what we represented during the meeting last June, and that was represented during our presentation in June of 2020.

Ms. Kaye: And if you read the minutes you will see that Joy Gannon made it very clear multiple times that there wasn't any allocation for this project that that was the wrong terminology to use that this was proposed and it fit within the Water Use and Development Plan, but it's just erroneous to say it was approved in June because it was not actually, like, part of the approval.



Ms. Preza: Perhaps we could just ask them to change it to, like, estimated water use and then we did approve the overall Phase II Plan of which that was a part. So, maybe just for the record that could just be of note for everyone.

Ms. Kaye: Okay, perfect.

Ms. Preza: Perfect. Thank you. Great. Commissioners, other questions or discussion? I personally feel like the proposed changes that they're showing to us they aren't, they aren't substantive enough for us to want take on this amendment review, and I think, I'm personally okay with letting the County proceed. But, how do others feel?

Ms. Ropa: I feel the same, Shelly.

Ms. Preza: So, if there's no further discussion, if someone would like to make a motion to proceed with waiving review on our part?

Ms. Kaye: I move that we waive review.

Ms. Preza: Thank you. Does anyone second?

Ms. Ropa: I'll second.

Ms. Menze: I'll second.

Ms. Preza: Sorry, I heard Sherry, Sherry first. So Sally moves, Sherry seconds, is there any further discussion on this? If not then we'll go to a vote and I'm just going to call out your names individually and just let me know how you vote. Sorry, I should also disclose that I work for Pulama Lanai, but I'm not directly involved with this project. My department was involved with some of the archaeological monitoring, but I believe that has been completed. But, just to disclose that on record. Great. So, Sally?

Ms. Kaye: Aye.

Ms. Preza: Thank you. Sherry?

Ms. Menze: Aye.

Ms. Preza: Natalie?

Ms. Ropa: Aye.

Ms. Preza: I see Chelsea's here now.

Ms. Chelsea Trevino: Aye.

Ms. Preza: Thank you. Zane?

Mr. Z. de la Cruz: Aye.

**It was moved by Ms. Sally Kaye, seconded by Ms. Sherry Menze, then unanimously**

**VOTED: To waive review.**  
(Assenting: Z. de la Cruz, S. Kaye, S. Menze, S. Preza, N. Ropa, C. Trevino)  
(Excused: J. Delacruz, E. Grove, S. Samonte)

Ms. Preza: Thank you. And I also vote yes, so it passes unanimously. Thank you everyone, and thank you for the representatives for being here to answer our questions.

So with that we'll go back to our Item C, which is orientation workshop number one. So thanks for letting us switch this around. So if there's anyone tuning in from the public this is just kind of our annual workshop for the Planning Commission to understand our roles and responsibilities, and the rules that we have to operate within. So, yeah, I guess, we'll move on to that, Item C. I believe Richelle is presenting.

Ms. Thomson: Thank you. I just wanted to check to make sure that you didn't want to cover the remaining items in D. There's open applications and the STRH and B&B changes and things.

**2. Open Lanai Applications Report as distributed by the Planning Department with the August 18, 2021 agenda.**

Ms. Preza: Apologies. Actually, yeah, perhaps let's do that so we don't have to go back to it later. Sorry. Thanks for pointing that out.

Ms. Thomson: No problem.

Ms. Preza: Item D.2. is open applications which we get every month. Do Commissioners have any questions on that? I don't --. Is there any public testimony on that?

Ms. Ramoran-Quemado: I don't have anyone signed up to testify.

**3. Status of Maui County Council's review of proposed amendments to Chapters 19.64 and 19.65 relating to B&B and STRH procedures for Lanai (PSLU-68).**

Ms. Preza: Okay, thanks. So we'll move on from D.2. to D.3. which is status of Maui County Council's review of proposed amendments to Chapters 19.64 and 19.65 relating to the B&B and STRH procedures for Lanai. Jordan?

Mr. Hart: Chair, thank you. Yeah, thank you. So as I understand it, this is identified as PSLU 69 and it is tentatively scheduled for Monday, August 30<sup>th</sup> at 1:00 p.m.

Ms. Preza: Thank you. So that is when they're going to be --

Mr. Hart: Well, I'm sorry. Yeah, yeah, and that's a rescheduled date.

Ms. Preza: Okay.

Mr. Hart: Sorry. It's rescheduled -- sorry, I was reading. It was a little confusing email -- it's rescheduled different from the normally scheduled 9:00 a.m. meeting.

Ms. Preza: Okay, on August 30<sup>th</sup> you said.

Mr. Hart: August 30<sup>th</sup>, 1:30 p.m.

Ms. Preza: Okay, thank you. So perhaps we could have, and in case we're not able to make it, we could have this update on our September agenda since they'll have met about it.

Mr. Hart: As far as discussing the, the outcome, yes, that's fine.

Ms. Preza: Okay, thank you Jordan. Great, any questions on that?

Ms. Kaye: Yeah, I do.

Ms. Preza; Go ahead.

Ms. Kaye: Yeah, Jordan, doesn't the moratorium end in September? Aren't they trying to get this -- I'm not sure why it's been pushed out again.

Mr. Hart: I'll need to check dates on that. I'm -- I have that in my emails. Let me pull that up and check in a little later in the meeting I can tell you guys.

Ms. Preza: Okay, we can circle back to this before we end, if that's okay, so you have time to look. And Item D.4. is agenda items for September 15<sup>th</sup>. I'm not sure, Leilani, if there's anything on that right now.

#### **4. Agenda Items for the September 15, 2021.**

Ms. Ramoran-Quemado: Actually, it looks like it's going to be a full agenda. There's a bill for ordinance, a workshop -- the annual workshop, water workshop that Lanai Water Company did last year as well as Pulama. Excuse me, Water Company and CWRM -- sorry. And then there's a draft EA, requesting for comments on the proposed Koele Project District Amendments.

Ms. Preza: Thank you, Leilani. Sorry, Kurt, did you want to say something?

Mr. Wollenhaupt: Yes, here, hi, hi. Can you see, this large two volume set, this is the proposed Environmental Assessment and application for the agenda. So now we're back to a question we're constantly are asking, who would like to receive a hard copy and who is fine with a digitally copy, or it will also be posted online, on our website, on September 8<sup>th</sup>. So we're really trying to move to a digital world. We appreciate the commissioners who wish to have hard copy, but it's quite a lot to reproduce, Leilani has to march it across the way. So, if anyone -- we just, we need a number of who really wishes to have a hard copy. If we can get that tonight, then that will help us out.

Ms. Preza: Thank you. Commissioners, can we just either chat Leilani or email her during the meeting or after the meeting.

Mr. Wollenhaupt: Do whatever, whatever is best.

Ms. Preza: Okay. Commissioners, if you could just try to remember to --. And Leilani, maybe you could also email the entire Commission since some of them are missing, and they can, we can all respond to you individually.

Ms. Ramoran-Quemado: I'll do that after the meeting.

Ms. Preza: Thank you. Okay, great. Thanks. So we're finishing up D, we'll circle back to the, the STRH procedures at the end, but we'll move back to C, so Richelle, you can take it away.

## **C. ORIENTATION WORKSHOP NO. 1**

- 1. Lanai Planning Commission's Roles and Responsibilities**
- 2. The Sunshine Law (Chapter 92, Hawaii Revised Statutes)**
- 3. Ethics**
- 4. Contested Cases**
- 5. Property Rights**
- 6. Rational Nexus and Rough Proportionality**

Ms. Thomson: Okay, thank you. And I'll share screen in just a minute, but if any of you have questions, please feel free to, you know, to interrupt also especially for Zane. If you have any questions and you want to just talk over any parts of this, or if you -- this is an open invitation

to any of the members -- if you have questions on materials that are coming up on an agenda and you just want to understand something better or ask questions, don't hesitate to reach out to me. I'm happy to speak with any of you to give background or, you know, answer questions.

Ms. Preza: Thanks, Richelle. I'm sorry, I should also point out for any members that Richelle is our Corporation Counsel, so she's a good person to ask questions.

Ms. Thomson: Thank you.

Ms. Preza: Yeah, you know, she provides us advice, so thank you, Richelle.

Ms. Thomson: Thank you. And thanks for the introduction. I forgot to do that too. So I'm going to share my screen, and like I said, please feel free to interrupt me and ask questions. So can everybody see -- it's an opening slide with Lanai Planning Commission, Lanai Planning Commission on there? Great.

So regulatory, regulatory authority in general, so basically it's building blocks. So the Lanai Planning Commission's authority comes from the Maui County Code and the Maui County Charter which traces back up State law and then also to the State Constitution. What these don't have is what's called home rule, you know, exclusive home rule. You still have to govern ourselves in compliance with the legislatures, the general laws that affect the State, on a statewide level. And this is just what I was I talking about with the kind of hierarchy of authority. So where our, the Lanai Planning Commission rules and where your authority comes from is through the County Code, the Charter, Hawaii Revised Statutes, the Constitution, and US Constitution.

One of the pieces of this pyramid that's going undergoing analysis right now is the Maui County Charter. So, every ten years the Charter Commission meets. They actually meet tomorrow morning at nine if anyone's interested. And they discuss all of the current articles in the Maui County Charter and go through and look at things with a fresh eye to see what needs to be updated, added, deleted, all of that stuff. So it's a, it's a very intensive process. There are some changes that the Charter Commission is discussing that would relate to the powers and duties of the planning commissions themselves. So it is good to, you know, kind of keep an eye on that if that's an interest to you. Their agendas are published the same way that yours are. You can also sign up for, you know, email notifications of agenda. So they're kind of just getting started in the last few sessions with the real bulk of their work which is going through all those sections of the Charter.

So, the -- and this comes from the Charter. So the Maui County Department of Planning, it actually includes all three planning commissions as well as the Board of Variances and Appeals. The Planning Director, Michele McLean, is the Chief Planning Officer, and she's the advisor to the Mayor, the Council, and the planning commissions. Also, the Directors of Public Works, Environmental Management, and Water, under the Charter, they're ex-officio non-

voting members of the commissions. Basically what that means is that you have the ability to tap into their expertise and ask them questions so they also can be valuable resources depending on what applications you're going through and analyzing.

So these are -- this is directly from the current Maui County Charter, the planning commissions, these are your overarching job duties. You advise the Mayor, Council and the Planning Director. You review the General Plan, and also the Community Plans. Right now the West Maui Community Plan is the current one that's being basically getting to the last stages. Lanai completed their community plan review a couple of years ago. As you're going to do next, it sounds like next, next agenda, next month is going to be a pretty full agenda as Leilani said. And you'll be reviewing, sounds like a land use ordinance, a proposal for change to the Maui County Code. You'll also take public hearings and then you transmit your recommendations to Council when Council is the final decision maker on those rules.

Under State law, the planning commissions are the authority related to the coastal zone management. And that's -- you review -- we refer to that as SMA, the Special Management Area, because the entire coastal region of, of each island. And so the Lanai Planning Commission is the authority, the final decision maker with regard to activities and uses within the SMA.

You can adopt rules which we have rules for your procedures, your SMA rules, and things like that. And you have under the Charter, other powers and duties as provided by law. It's just kind of a catchall but occasionally the Council will assign the planning commissions, you know, other duties as provided by law.

Getting a little bit further into your job description, you conduct contested cases. So these are an exercise of adjudicatory functions. What that means is that you're basically the judge and jury on certain types of permits. SMA Permits are the big one. Project District Phase II which it sounds like you're getting into a project district amendment with the Koele Project District. And so that, the first stage of that review is consideration of the Draft Environmental Assessment. So that will be, that will be an interesting thing to go through at the next -- it will probably take, I would assume that the whole thing will take maybe a year potentially.

You also hold meetings subject to the sunshine law. So certain types of agenda items are, we refer them to as sunshine law agenda items, where, you know, the public has the opportunity to testify. At tonight's, tonight's meeting we -- the decision to waive or not waive the review of the Project District II modification, that's a sunshine law item. So, you know, the public, the Chair, you know, offer the public the right to testify. They can submit their views in writing or oral testimony.

I'm just going to go a little bit more into contested cases. So these contested cases are a -- it's a quasi-judicial proceeding in which the rights and duties of the privileges are required by law. So there's some law says that this matter must go to the planning commission, and after a hearing, make a decision on it. So you're the final deciding authority. And a party can appeal

your decision to the Circuit Court. So they can appeal your decision directly to the Circuit Court if they're unhappy with the decision, or they feel that it might stretch, you know, the jurisdiction, your jurisdiction under the law, things like that.

The contested case requirements, you have to provide -- and these are legal requirements -- you have to give the party's notice. It's usually 15 days in advance of the hearing. There are public hearing notices that are a little bit bigger, 30 days-notice for publishing a public hearing notice. You have to allow them to submit evidence. The parties get to cross examine each other witnesses and submit rebuttal evidence. And the party who initiates the proceedings has the burden of proof. They have the duty to prove to you, as well as the duty to provide evidence to substantiate their, their condition. And, and the standard of proof that you apply is the preponderance of the evidence which means more likely than not. More than 50 percent.

The Commission, when you're doing, when you're going through a contested case it's more of a formal proceeding, you know. So you need to consider the entire record, which means all of the evidence presented to you by the parties and the witness statements, you judge the credibility of both the written evidence and of testimony of the witness. And then at the end of, the end of the whole proceeding, the body renders their decision which is memorialized in the written decision and order. And this is one thing that I'll, I'll remind you of, you know, as we go through these is, you know, be sure that you look through the record to state the facts on which you're making those decisions because those facts that they're memorialized in the decision and order. And the reason that's important is that if a judge is reviewing your, your decision, they want to know how did you get there? You know, what facts did you rely on? What law did you rely on? And did you apply the law to the facts correctly?

I won't go through all of these slides in detail, but this is, you know, what is involved in an agency record. So these are all of the things that are part of your record. And the part in bold down here at the bottom, it's important to not go outside of the record, meaning, do your own investigations on the side or talk to witness, you know, on your own time. And the reason for that is that the other members wouldn't have -- they wouldn't have that same information to be available to them. But also, and more importantly, the parties don't have the opportunity to question that witness and to perhaps provide a different point of view or rebuttal evidence. It's also grounds for overturning a decision, and it happens. You know, there's case law on, you know, parties went outside of the record to consult with, say a professor at UH about some topic, and that was part of how they got to their decision. And that was a little bit of an error. But that's, that's the reason that we caution against doing that. And this is just what I was saying about going outside of the record. Here are some examples of that.

Judicial review, so if a, if a party appeals, the judge would review the record. And they review not only your decision and order, but the materials that makeup the agency's record. And a judge can either affirm your decision, they can remand it with instructions for further proceedings which that's probably I would say the most common outcome, or they would reverse or modify the decision. They can basically make a new decision based on, on that

record. So they could reverse or modify your decision. They don't have to send it back. And the reason they would reverse or modify would be some of these on the slide. So it's, you know, a violation of the constitutional statutory provisions, it exceeds your authority, unlawful procedure, or it was an error, or characterized by an abuse of discretion, or arbitrary. You know, those are some of the types of --. This is what a judge would look at and if any of these are found he may, he or she, may use that to reverse or modify your decision or send it back.

So every action of the commission whether it's a sunshine law matters or contested case matters, it has its own set of rules that you follow. And most of you are, you know, . . . (inaudible) . . . You really have a good feel for it. And you'll all be able to help Zane, you know, as he goes through and start getting his feet into this. I think it's fascinating and, you know, I really do love my part of helping the boards and commissions, you know, make good sound decisions and understand the law that they're applying. I think it's a wonderful community service that all of you are doing and I really appreciate it.

One of the, one the -- and this is like a legal pitfall but you'll hear that's an illegal taking. What that means is that -- and it's usually by way of permit conditions in a context of planning commission decisions. So a taking can basically you're forcing one of the parties that comes before you to bear a public burden that's in excess of the impacts of what they're proposing to do. A way to avoid it is to -- there's a couple of different tests or, you know, formulas for getting to a correct result. You want to look for an essential nexus which means a connection between the effects of the, of the land use proposal and your permit condition. So what you want to do as you go through the decision making is you identify the anticipated effects and you don't have to create these on your own. The parties should be providing that information to you, and you can ask for more information if you don't have enough information to make your decisions. And in crafting your permit conditions you look to mitigating the effects of those, of the land use. So you look to the effects and then you try to mitigate them with conditions that apply to that.

And this is just one of the, one of the big cases. It's Nollan and Dolan. So Nollan is one and Dolan is another one of these kinds of cases that you look to the, you know, help you stay within the line. So Dolan that case really talks about rough proportionality. And that means that the condition can't be excessive. It needs to be proportional to the impacts of, of the land use being requested. But it has to be connected under Nollan, and then proportional to effects under Dolan.

Make an unconstitutional condition, this is you know one of the land use kind of appointed error that may come up every now and then, and we try to help you stay far of it. As a, as an example, so the objectives and policies of the Coastal Zone Management Act or the CZMA, this is the projects that involve the special management area right around the coast. Those interests are protected by SMA Permits. The CZMA objectives and policies are listed in the State law, and they include some of these, these types of objectives and policies listed.



It is -- you don't have to grant every permit that comes before you. Some of them, you know, can be denied. It's a -- you have to, you know, get to that bar. Usually you try to analyze it and find conditions that can be imposed to mitigate or lessen the effects. They never completely take them away, but you want to, you know, put your, the conditions on to help mitigate effects. But, there are times when a development, you know, just can't, they can't get there. So where there's a lack of mitigation measures or if those measures do not achieve consistency with the CZMA, and you can deny a permit. And of course, you want to make all of your findings, you know, on the record so that if and when it's challenged, a judge would look at that as say, well, I see how they got there and they applied the law correctly. And again, this is the Nollan Dolan test down here. And so the conditions have to relate to the law you're applying, and then they need to be proportional.

So these are kind of examples of types of permit conditions related to SMA Permits. You know, provision of beach access. You know, these are things that you can require of, of applicants for projects that are located in the SMA. If there are known archaeological sites, you know, you can require them to be protected. Protection of life and property from coastal hazards that has to do with, you know, citing and recognition of, you know, certain geographic areas that need to be not built upon or built too close to . . . (inaudible) . . . Same with setbacks. Also preserving coastal views. On Lanai, you don't have a highway that runs around the circumference of the island. But on Maui, you can think of like the South Kihei Road or other coastal highways, and often the SMA line is set at those roads. So part of when, like, the Maui Planning Commission is looking at an SMA Permit for something that's between the highway and the coast, one of the things they do is they can pose conditions that preserve the view, so view corridors from that highway down to the coast. We also look to, you know, mitigate artificial lighting, you know, to preserve and protect wildlife.

Just a little bit about the sunshine law. So contested cases are one type of matter, and then the sunshine law, the sunshine law are sort of other agenda type items. One of the things, you know, will come up next time is the consideration of an, you know, ordinance change. The final decision will be the Maui County Council. But for you that's a -- there will probably be a public hearing, and you'll offer your report and recommendations to the Council. That's a sunshine law matter and so you'll take testimony on it, and moving forward your, your report, up to Council for their final action.

So the full purpose of having open meetings including meetings by BlueJeans is to allow the public the time to come and tell you what they think about your, you know, your agenda items and offer their suggestions. And it helps to involve the public, you know, in government processes. Interestingly, you know, the State Legislature, which created the sunshine law exempted itself from it. So I always kind of find that interesting. The counties do have to comply and all of our board and commissions do too.

And like I said, you know, the sunshine law meetings, every meeting is open to the public. They have the legal right to submit their testimony, you know, in writing or orally on any agenda item. And you can set a reasonable time limit. Usually that's three minutes, but it can

be, you know, another, another time limit. The main thing is that everybody has an equal opportunity to think. As you know, you make decision by majority vote. So it takes five, five members one way or the other to vote either for or against, take any action. It's take five, a minimum of five.

The sunshine law has, you know, certain requirements about communications between members. So, you know, not more than two of you should gather outside of a meeting to discuss board business. Board business means anything that you have jurisdiction over whether it's, you know, just advisory or whether you're a final decision maker. Really what I say is, you know, just try to avoid discussing board business with each other outside of a meeting even if you think it's only two because there's -- you live on a small island and it's very easy, you know, for one board member to talk to another, and then one of you talks to another, and so that would violate the sunshine law. Basically this, the second little arrow, this is, you know, what you can't do in person, you also can't do by, you know, email or social media and that kind of a thing.

Discussing board business with outside parties, generally that doesn't apply. That's not the same in the contested case context. That would not be advisable. But in terms of your sunshine law, agenda items discussing those with other members of the public, not boards, is, it's not a sunshine law violation.

I don't recall the Lanai Planning Commission putting together a permitted investigative group. But they're also called Temporary Investigative Groups (TIG). But you can do that. Say if you were looking at -- I'll just, you know, pick the STRH cap as a topic. You could set up a TIG, of two to four commissioners to go out and study, you know, how many --. I know I'm picking on a topic that's already been decided, but so how many short-term rental homes is ideal? Where should they be located? I know that one of the things that we went around and around about is, you know, what is a definition of a block? For notice purposes, the same kind of radius notice purpose that's okay on Maui, kind of doesn't fit too well on Lanai. You know, those kinds of things. And you can give this small group a task and they would go out to gather the information. They don't have to do that in their public meeting setting. They would come back to the body as a whole to make their report and recommendations. The -- and this is just kind of a requirement of the sunshine law -- it takes a minimum of three meetings. So one meeting to set up a task. One meeting to hear from the investigative group when they have their findings. And then a third meeting to take any action on it. And that's so that the public has sufficient time to, you know, have notice of what, what the TIG's findings were, and then offer their thoughts before you make your final decision.

So permitted interactions, the Commission can assign two to four members, but less than quorum to present, discuss, or negotiate any conditions that you as a commission had formally adopted at another meeting. So for example, Jordan, you know, let you know that the Council is going to be reviewing the proposed amendments to the STRH chapters, and the B&B chapter. If you wish to you could, you know, discuss and send, you know, two to four

members to represent the Commission's viewpoints in a formal fashion. So that's just an example.

And one of the things is that you as Commissioners you also have obviously the individual rights as public citizens to testify on matters before other bodies. The reason that I put this second a little . . . (inaudible) . . . is that when you're testifying, you know, I would say, you know, my name is Richelle Thomson, I'm here testifying on whatever agenda item it is and testifying as an individual and not as an employee of the Department of Corp Counsel. So that, you know, the body knows I'm just here on my own, my own time, these are my own thoughts, and not, you know, not in my role as a County employee or not as a role as a Commissioner in your case.

Ms. Preza: Richelle, I have a quick question on that.

Ms. Thomson: Sure.

Ms. Preza: So I understand like testifying on behalf of yourself, but if say they're discussing something that maybe came before the Commission, are we allowed to like reference back, oh we had this discussion at -- even though you're not in it like an official capacity, as like on behalf of the Commission. Are we still able to kind of reference back like two commission discussions that were public?

Ms. Thomson: Yeah. You know, I think that it's -- the only thing that you'd want to stay away from is, is saying, you know, oh well the Commission, you know, has adopted this one view point, you know. And if they have, they have, you know, you would just be reporting that fact. But, yeah, I think it's, you know, it would be too difficult to completely, you know, discount where, where your information is coming from and why you're saying things that you are.

Ms. Preza: Thanks.

Ms. Thomson: This is another type of permitted interaction so say at tonight's meeting only four commissioners were actually able to make, but you know that you have a presentation scheduled -- like the water workshop which, you know, it's such a great workshop that I hope everybody will attend it. I've seen it several times and it's one of my -- I always learn things you know from the water workshop. But say only four of you were able to make it, those presenters can still present. You can still ask questions. Testifiers can also, you know, offer their testimony. But you would stay away from deliberation and any decision making because there's quorum is not present. So, it's -- the -- it's basically a meeting that is canceled because you don't have quorum, but you're able to take testimony and presentations so that the public and the presenters will haven't waste their time. When the -- when you would have your next meeting those, the four, whoever is there would need to report to the body as a whole, you know, what happened, here's the presentations, the testimony? You know, was -- five people showed up and two we're in favor and four was against, that kind of a thing.

So attendance at other meetings. So up to four can attend, you know, information meetings or four presentation that do relate to your board business that relate to matters that will come before you or are before you. You can participate in discussions. And what you want to steer away from is making any commitment to vote in a certain way. And then just like with the last one, any members that attend need to present back to the full, to the full body what was discussed at this other meeting that related to that board business.

Executive meetings, these are when a meeting is closed to the public. So usually it's to, so that all of us can go into either a separate room, when we're meeting in person, or a separate BlueJeans link, called an executive session. And that's so that we can have a frank discussion, usually about, you know, legal matters, permit conditions, you know, are things – you know is this a permit condition that's too far out? Does it fit within the law? What are our liabilities, you know, that kind of thing? That does take a two-thirds vote of the members present so -- and it has to be more than quorum. More than five to go into -- more than five, but it's two-thirds of the members present, so you would just have to do the math if that comes up.

What happens if the sunshine law is violated? The decision might be voided by a Court. We could get an injunction preventing an execution of, of one of your decisions. You could become guilty of a misdemeanor. Or, you could be removed from office. Those are what happens when astray of the sunshine law. It doesn't happen often.

So Robert's Rules of Order; those are simply Parliamentary Rules of Procedure. And Chair Preza is a terrific chair. That's why they tabbed you to come back again for round two. You control the flow and order of the meeting. It's important for the chair to know the rules and procedure and the law. And the chair really directs the meeting, so, you know, when we're meeting -- BlueJeans a little bit different -- but you still, you know, obtain the chair's permission to speak. And that's so that she can make sure that every member has an opportunity and that not one or two members end up dominating a conversation. So that's, you know, why the members, you know, they'll seek the chair's approval to speak.

Motions are made and seconded. Once they're made and seconded they actually belong to the body as a whole. So they no longer belong to the maker of the motion, they belong to the body. And then debate and discussion can take place. Under your rules, a silent or refusal to vote, unless you're disqualified because of a conflict of interest, that would be considered a vote in the affirmative, whatever the motion is.

And this is what I was saying. So once a motion has been made and seconded, it's not the property of the maker of the motion, but it's the property of the commission itself. So any amendment whether it's, you know, friendly -- you'll hear this in some bodies, you know, I'd like to make a friendly amendment. Well, it didn't matter it's friendly or unfriendly, it's just a plain amendment and --. So the way that it goes in terms of how you act on it is you act on the amendment first. So an amendment is made and seconded, discuss it, you vote on it, and

then you go back to the main motion either as amended or not amended. Vote on the amendment.

And these are just, you know, kind of housekeeping reminders especially when you have something as gigantic as like that Draft EA. Try to go through the meeting materials ahead of time. It will help out a lot. I use, you know, sticky tabs and I know, these are very careful. And if you do read, if you do read the applications you can really -- I know I can tell when some of my, you know, other board members when they haven't been able to read the materials before they get to the meeting. And then it's, you know, it's really hard to follow especially if you're dealing with something a little bit more complicated.

And then just a few more tips. You know, try to remain fair and impartial. Sometimes you won't like applicants. You know, you just, like I said, it's a small community so there might be an applicant that wants to do something and they're requesting permission under the law. So you have to try to remain fair and impartial, and treat everybody, you know, the same. Apply the laws of the facts. The reason also -- let me back up -- the reason to try to remain fair and impartial is that and we had this with one of the, one of the other commissions. One of the members made statements, you know, in the record, that the court, the reviewing judge saw it as biased, and so, you know, that's grounds for, you know, returning, returning a matter to you and so it takes a ton of time and you know, you basically have to go through the whole record again, so it's a big drain on resources. So, not only because it's the right thing to do, but it's the right thing to do for all of your fellow commissioners too, so they don't have to hear it all again.

And again, and especially in contested case matters, try not to do your own investigations. We can't, you know, take facts out of our hands and know because you live in a community. But, in terms of doing your own investigations of a matter that's coming before you try not to do that. If you do need more information, you know, ask at a meeting so that the other members have a benefit of the answers that you need to get.

And just a little bit on ethics. This is from the Maui County Charter. Basically don't accept big gifts or money. The Charter says it's a prohibition to engage in business transactions or activities, or have a financial interest that's compatible with your duties, or that might impair your judgement. And failure to disclose a financial interest or vote on a matter affected by such interest can be a violation of the code of ethics.

This is the conflict of interest provision in your own administrative rules. So when a conflict of interest or an ethical question is raised by anyone regarding any member of the Commission -- and this would be about a matter before you, not just a random thing -- the member should make a full disclosure. You know, for example, you know, a job conflict, like the chair did tonight, you know, with disclosing that she did, her company did some work on the archaeological impacts of the, of the amphitheater area project. But that was no longer -- it wasn't a current project and any involvement was in the past. But that was, you know, that's the right thing to do is just to disclose that on the record so they don't question about that.

For ongoing, ongoing interest, you know, and I know that this comes up probably on Lanai more than, you know, other areas. An employer-employee relationship is a financial interest, and as the chair did tonight, you know, disclose that. There are -- there's an old 2004 Board of Ethics opinion regarding at that time it was a Castle & Cooke employee. It doesn't -- who, you know, who was also on the planning commission. So an employer-employee relationship doesn't automatically disqualify you. It's still, you know, there's still nuances there. It depends on, you know, obviously if it's a construction project where your construction company is one of the, you know, bidders on it or are working directly on that, you want to disclose that. And I think that would probably be a pretty, it would probably be a pretty clear item that you would want not participate in the discussion and not vote. But you'd want to say that on the record so that there's, you know, no question about the participation.

The other thing that you can seek the Board of Ethics opinion, and it's actually really easy to do that. You know, you really just write a letter to the Board of Ethics describing your situation and asking them give you their opinion. Which they do and it doesn't -- they only meet once a month also, so, you know, it might take a couple of months to get an opinion back. But they, they -- that's their job. And once you have that opinion, if you act in accordance with the opinion then you can know that you're sticking on the right side of the Code of Ethics.

These are challenge and penalties. So if a complaint, you know, is filed by someone who believes, you know, that we violated the Code of Ethics, a commissioner could be fined or removed, removed from the Commission. But that has not come up in any of the boards that, that I have sat on. But it could, you know, so that's another reason that if you do have questions, you can always seek the Board of Ethics opinion. If you have questions about that stuff, you know, you can talk to me about it. I'm happy to, you know, just be a sounding board on that. And that is the end of my spiel.

I'll stop sharing. Thanks for listening to me. I know that's a -- there's a lot of slides there, but like I said, if you have any questions, you know, it's a lot of, it's a lot of information especially for Zane, it's just a big dump of information there, but I'm happy to talk about any parts of this. All of that makes a lot more sense, you know, once you start really getting into the meat of applications and, you know, just kind of going through it and it all starts to fit into place.

Ms. Preza: Thanks so much, Richelle. And I appreciate, like, the annual review, like this orientation because I feel like it helps to refresh it for everyone, so thanks so much for putting that together. And I think we all have the slide deck also. Leilani sent it to us so we can always reference back to it, and so thank you. And thank you for all your help and guidance throughout the year too. We appreciate it.

Ms. Thomson: Thank you.

Ms. Preza: Great. So commissioners, do you have any questions at this time? Great, if not-- Sorry, I wasn't sure I was supposed to open public testimony, but, yeah, do I have to open-?

Ms. Thomson: Yeah, it's technically a sunshine law item, but I haven't had anybody wanted to talk about it.

Ms. Preza: Okay. Well, I'll open public testimony briefly, but Leilani, has anyone, you know, wanting to sign up to testify?

Ms. Ramoran-Quemado: No, Chair, no one signed up to testify.

Ms. Preza: Sounds good. I didn't think so, but, so I'll close public testimony. And with that, before we adjourn, I'll just circle --. And thank you so much Richelle for your presentation again. So we'll circle back to D.3. which was I think there was a question that Jordan was going to looking into regarding the STRH procedures and the moratorium. Jordan, if you're back here?

Mr. Hart: Regarding the procedures -- I need a clarification -- what was the question on procedures?

Ms. Preza: Sorry, Sally, if you can refresh my mind. I think you had asked a question about if the moratorium -- if they're to get done before the moratorium ends in September, and then you said you were going to look for something and --

Mr. Hart: Okay. So the date. The date was the question that had been asked. So the, the ordinance took effect on September 26<sup>th</sup>, and it's for one-year. And so the moratorium would technically end on September 26<sup>th</sup> of this year. I'll paste that ordinance in the chat there. And then there was kind of a question of what happens as far as why they're scheduling it now. So just to -- some time line issues. It was basically transmitted in February 24<sup>th</sup> to Council, and they were basically addressing issues and then they were in budget basically until June 16<sup>th</sup> roughly. And then they've been taking up a couple of items that have been on the agenda before this item was transmitted. They did take on the STRH caps on July 1<sup>st</sup>, and then there was a couple of items that were really pressing that happened after that. But it looks like, for the tentative schedule, they have almost two full months to get it resolved from tentative schedule date to the end of the...moratorium. And, and I think that the last update I had given staff had conveyed that it was the chair's, of the PSLU Committee's intention to basically try to juggle some of the other items that she had on her agenda before the actual moratorium came to, and what happened.

Sorry about the confusion earlier. My systems have been crashing. So I was reading one email on my phone emails, and then I couldn't pull up my desk top emails to go back to the older updates . . . (inaudible) . . .

**E. NEXT REGULAR MEETING DATE: September 15, 2021**

**F. ADJOURNMENT**

Ms. Preza: No worries at all. No, thank you, for following us back up with the update. And, yeah, no worries, everyone has their, you know, technical difficulties. Like days, I feel like I have them once in a while so no problem. Great, any other questions on that Commissioners? Okay, if not then we've completed all of the items on agenda D. And our next regular meeting date is September 15<sup>th</sup>, 2021. So, yeah, Leilani will send out the agenda a week prior as usual with our packet. And with that, we'll adjourn at 6:19 p.m.

There being no further discussion brought forward to the Commission, the meeting was adjourned at 6:19 p.m.

Respectfully submitted by,

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

**RECORD OF ATTENDANCE**

**PRESENT:**

Zane de la Cruz  
Sally Kaye, Vice-Chair  
Sherry Menze  
Shelly Preza, Chair  
Natalie Ropa  
Chelsea Trevino

**EXCUSED:**

John de la Cruz  
Elisabeth Grove  
Shirley Samonte

**OTHERS:**

Jordan Hart, Planning Deputy Director  
Kurt Wollenhaupt, Staff Planner  
Richelle Thomson, First Deputy, Corporation Counsel